

# Title 9 SUBDIVISION AND DEVELOPMENT

## Chapter 1 SUBDIVISION AND DEVELOPMENT PROVISIONS<sup>1</sup>

### 9.1.01: SHORT TITLE:

This title may be cited and referred to as the *SUBDIVISION AND DEVELOPMENT ORDINANCE FOR THE CITY OF McCALL*. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### 9.1.02: AUTHORITY, PURPOSE AND GENERAL PROVISIONS:

- (A) **Statutory Authority:** These regulations are authorized by title 50, chapter 13 of the Idaho Code; title 67 of the Idaho Code; and article XII, section 1, "General Laws For Cities And Towns", of the Idaho constitution, as amended or subsequently codified.
- (B) **Purpose And Intent:** The purpose and intent of this title is to promote the health, safety, convenience and general welfare of the population of the city and area of city impact; help assure the orderly development of the city consistent with applicable policies and plans adopted by the council through the proper subdivision of land and street layout; and clarify and make more useful the public records in the office of the recorder.
- (C) **Design Provisions; Orderly Development Of City:** These regulations are declared reasonable and necessary to accomplish the above purposes. They are designed, among other things, to achieve well laid out streets and building sites in accordance with proposed uses and adapted to the terrain and natural setting, to conserve the natural beauty of the city and area of city impact, to provide safe access, adequate drainage and utilities for the proposed sites, to facilitate and reduce ambiguity in the transfer of real property and in general to provide for the orderly development of the city and area of city impact.
- (D) **Implementation Of Comprehensive Plan:** This title is intended to implement the comprehensive plan of the city of McCall.
- (E) **Planned Unit Development Required:** A proposed subdivision with land area equal to or larger than the areas shown in table 9.1.02 of this subsection shall require the submittal of a planned unit development proposal in accordance with the appropriate section of title III, [chapter 10](#), "Planned Unit Development", of this code. (Ord. 822, 2-23-2006, eff. 3-16-2006)

TABLE 9.1.02

Zone	Area (Acres)
RR	40
RE	20
R1	5
R4	4

R8	4
R16	3
CBD	2
CC	2
NC	2
CV	2
I	2

(Ord. 866, 2-12-2009)

If, in the judgment of the commission, there is an attempt to subdivide a property which is subject to the above provision, and is under one ownership, or is considered to be under the control of one entity, and the proposed subdivision obviously is designed so as to thwart the above provision, then the commission shall declare that the entire property shall only be subdivided under the provisions of title III, [chapter 10](#), "Planned Unit Development", of this code.

(F) Area Of City Impact, County Authority: For subdivisions located within the area of city impact, the responsible public agency is the Valley County board of commissioners.

(G) Political Subdivisions Of State; Mitigation: No subdivision shall be approved which affects the ability of a political subdivision of the state, including school districts, to deliver services without compromising quality or service delivery to current residents or imposing substantial additional costs upon current residents, unless the subdivider provides for the mitigation of the effects of subdivision. Such mitigation may include, but in not limited to, the following:

1. Provision of on site or off site street or intersection improvements.
2. Provision of other off site improvements.
3. Dedications and/or public improvements on property frontages.
4. Dedication of provision of parks or green space.
5. Provision of public service facilities.
6. Construction of flood control canals or devices.
7. Provisions for ongoing maintenance.

(H) Area Development Plan; Site Criteria: When an owner of contiguous parcels proposes to subdivide any portion of the contiguous parcels, an area development plan shall be submitted and approved. The commission and council shall evaluate the following basic site criteria and make appropriate findings of fact regarding the area development plan.

1. Streets, whether public or private, provide an interconnected system and shall be adequate to accommodate anticipated vehicular and pedestrian traffic and to meet the requirements of its functional classification.
2. Nonvehicular circulation routes provide safe pedestrianways and bicycleways and provide an interconnected system to streets, parks and green space, public lands, or other destinations.
3. Water main lines and sewer main lines are designed in the most effective layout feasible and meeting the applicable standards.
4. Other utilities, including power, telephone, and cable, are designed in the most effective layout feasible.
5. Park land is most appropriately located on the contiguous parcels.
6. Grading and drainage are appropriate to the contiguous parcels.

7. Development avoids easements and hazardous or sensitive natural resource areas.

The commission or council may require that any or all contiguous parcels be included in the subdivision. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### 9.1.03: AFFECTED LANDS:

This title applies to all land within the boundaries of the city of McCall, and to all land within the boundaries of the city of McCall area of city impact, both of which areas are commonly referred to together in this title as the "planning jurisdiction", including any lands that may become part of the city of McCall or of the impact area. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### 9.1.04: AREA OF CITY IMPACT IDENTIFIED:

The land and water areas included within the boundaries set out in the most recent city and county ordinances fixing the same boundary of the city of McCall area of city impact, is the area of city impact referred to in this title and to which, along with lands in the city proper, this title applies. Copies of a map of the impact area shall be on file for use and examination by the public in the office of the city clerk; the current such map is labeled:

*McCall, Idaho  
Area Of City Impact*

(Ord. 822, 2-23-2006, eff. 3-16-2006)

### 9.1.05: SCOPE:

(A) Submission Of Plat Required: It is unlawful to make a "subdivision" of land as defined by this title<sup>2</sup>, or to set apart land for any public street, road, alley or any part thereof, until a plat thereof is submitted to and approved by the city.

(B) Exceptions (Record Of Survey Approved For Zoning):

1. Eligibility For Record Of Survey Procedure: To be eligible for processing under subsection (B)2 of this section, an application for approval of a plat or survey must be signed by all owners and determined by the administrator to meet one or more of the standards set out in this subsection (B)1:

- (a) No lot or parcel which would be created by the plat or survey is less than forty (40) acres in extent; or
- (b) A single, existing lot of record is being divided into not more than four (4) lots other than as part of an evident marketing program of greater extent, each lot or parcel within the proposed plat or survey clearly meets the lot size regulations of the applicable zone, and the McCall area comprehensive plan, and each lot or parcel within the proposed survey either meets lot street frontage, width and depth requirements of the applicable zone or is no less conforming in each such regard than is the single, existing lot of record; or
- (c) Two (2) or more lots of record are being combined; or
- (d) Two (2) or more lots of record are shown, and lots are being combined and/or divided in such fashion that the lot sizes would be proper were the land the subject of a formal subdivision of no greater extent, and each lot or parcel within the proposed survey either meets lot street frontage, width and depth requirements of the applicable zone or is no less conforming in each such regard than are the lots of record; or
- (e) The proposed plat or survey implements a judicial decision in a probate, partition, or quiet title action, which decision decrees

the setting off of individual lots or parcels to individual parties to or beneficiaries of the action, and every lot or parcel within the proposed plat or survey meets applicable zoning and the applicable comprehensive plan; provided, that the administrator need not recognize for these purposes a partition or quiet title action to which the city was not made a party and which the administrator concludes in the administrator's discretion was maintained to evade these regulations; or

- (f) The proposed plat or survey is coextensive with and only further defines (including combining) one or more existing, contiguous lots of record, and each such lot of record was both of record and in several ownerships from any contiguous other lot of record on March 16, 2006; or
- (g) The proposal is an amended plat which amends an existing final plat of record so as to make one or more minor adjustments in lot boundaries reflecting final construction of roads or amenities, the number and configuration of lots is unchanged, and there are no significant land use planning considerations not addressed as of the time of such final plat; or
- (h) Except that no lot may be redivided to undo a previous combination of lots except by application in accordance with [chapter 2](#) of this title; or
- (i) A lot line adjustment between two (2) or more existing adjacent parcels, provided:
  - (1) No additional parcels or building sites have been created, and
  - (2) The adjustment does not create the potential to further divide either of the two (2) parcels into more parcels than would have been otherwise possible, and
  - (3) There are no resulting violations of this title or title III of this code.
- (j) Land conveyed to or from a public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such a public utility for right of way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. (Ord. 822, 2-23-2006, eff. 3-16-2006)

## 2. Record Of Survey Procedure:

- (a) Application: The surveyor or the owner shall apply for approval to proceed under this record of survey procedure. The application shall disclose the name and address of the owner, disclose the property in question, state the alleged purpose of the proposed survey, and either be accompanied by a preliminary survey or a drawing depicting the layout of the proposed survey in the context of the existing lots or tracts to which the survey or the purpose of the survey relates. (For example, if a survey is for the purpose of splitting an intervening lot between adjoiners, the application shall depict the land included in all 3 existing lots showing the new lot line in question, and the configuration of each of the 2 resulting lots.) The depiction may be based on record information, and not newly surveyed, but must be clearly depicted so a proper recordation may be filed and accepted by the county. The record of survey shall be tied to two (2) McCall modified grid control point network (MMGCPN) control points. Information including bearing, distance and point name shall be provided. Digital data shall be provided according to the digital data submittal standards policy. (Ord. 899, 5-24-2012)
- (b) Review: The administrator shall review the proposed survey and determine whether the application qualifies for record of survey procedure.
- (c) Application Does Not Qualify: If the administrator determines that the proposed survey does not qualify for this procedure, the administrator shall give written notice of that determination to the surveyor and the owner, stating the reason(s), and advising the owner that the owner should either correct the deficiencies or proceed to formal platting. If the owner modifies the plan of survey to conform to the requirements of this title, the administrator may proceed under subsection (B)2(d) of this section; otherwise, an application for a formal plat must be filed before any further proceedings can be conducted. However, if the owner proceeds to create a record of survey without corrections to the plan of the survey, it shall bear the following certificate:

*This record of survey has not been approved by the City of McCall with respect to its compliance with McCall City Code. It may constitute an illegal subdivision. A building permit may be refused with respect to any individual lot shown on this record of survey.*

- (d) Application Qualifies: If the administrator determines that the application qualifies for record of survey procedure, the administrator may thereafter waive the application of some or all provisions of this chapter. However, the following three (3) conditions cannot be waived:
  - (1) Name, and evidence of ownership; and
  - (2) The preparation and recording of a record of survey pursuant to Idaho Code; and
  - (3) The preparation, execution, and securing of the performance of an agreement in form and scope similar to a development

agreement, which addresses necessary improvements. (Ord. 822, 2-23-2006, eff. 3-16-2006)

- (e) Approval Certificate: Following commission approval of use of the procedure, the administrator shall notify the surveyor to proceed with the record of survey. Such survey shall be prepared with a signature line for the city clerk and the following certificate:

*This record of survey has been reviewed and approved by the City of McCall with respect to its compliance with the Subdivision and Development Ordinance and exemption from formal platting; an individual lot shown on this record of survey shall be considered a single lot for purposes of City ordinances. If this record of survey combines lots shown on a plat or survey of record, the separate sale of such former separate lots will constitute an illegal subdivision under the McCall City Code.*

(Ord. 899, 5-24-2012)

- (f) Compliance: A surveyor who has complied with this section does not violate this title by recording an unapproved record of survey when required by state law to do so. (Ord. 822, 2-23-2006, eff. 3-16-2006)

- (g) Approval Period: The final plat shall be filed with the county recorder by the applicant within eighteen (18) months after written approval by the commission. Otherwise, such approval shall become null and void. (Ord. 899, 5-24-2012)

- (C) Application Of Planning And Zoning Regulations: Wherever applicable, requirements herein also are delineated in title III, "Planning And Zoning", of this code. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.1.06: COMPLIANCE WITH CITY COMPREHENSIVE PLAN:**

To carry out the purpose of these regulations, all subdivisions of land, records of survey, and all dedications and vacations of streets must comply with the McCall area comprehensive plan as adopted by the council and with the current zone as defined in title III of this code. (Ord. 822, 2-23-2006, eff. 3-16-2006)

## **Chapter 2 SUBDIVISIONS PLATS AND PROCEDURES**

### **9.2.01: PREAPPLICATION REVIEW:**

Prior to filing a preliminary plat and application for approval of the preliminary plat, the applicant shall submit generalized plans and data and discuss the proposed application with the commission at a work session (not a public hearing). Such discussions should cover the general objectives of the subdivision, platting procedures and requirements. Said discussions are advisory in nature and not binding. The minutes of the work session shall constitute the city's record of comments. Preapplication reviews for subdivisions shall follow the procedural steps in section [3.15.02](#) of this code. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.2.02: PRELIMINARY PLAT REQUIRED:**

- (A) Filing Of Application: Following the preapplication review process in section [9.2.01](#) of this chapter, and within one year from the commission work session, the applicant may file an application for preliminary subdivision. The application shall not be deemed accepted for filing, nor the time limits hereinafter set out for action commence to run, until the preliminary plat and all supplementary material required in this chapter have been received by the administrator. When all required material has been received and deemed complete, the administrator shall sign and date the application.

- (B) Application Review: The administrator shall indicate on the application form the names of those city or county officials, departments, bodies or agencies that have legal jurisdiction to review the application in matters affecting the health, safety or welfare of the area. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### 9.2.03: CONTENTS OF PRELIMINARY PLAT APPLICATION:

The preliminary plat application shall comply with these regulations and shall have the following form and content:

- (A) Name Of Proposed Subdivision: When a proposed subdivision is an extension of an existing subdivision and both subdivisions are under the same ownership, the same name may be used to identify the additional subdivision, except that two (2) or more subdivisions shall be distinguished from each other by the addition of a number in sequence. Block numbers in the additional subdivision shall not duplicate those in any other subdivision of the same name except the blocks themselves may expand. Otherwise, the proposed name shall not duplicate or resemble the name of another subdivision in the city or county.
- (B) Existing Title Status To Tract: The applicant shall attach to one copy of the application, for the commission file only, a statement setting forth:
1. Over the signature of a title officer licensed to do business in Valley County:
    - (a) The names and addresses of the owners of record;
    - (b) The record nature of the interest of each in the development;
    - (c) A copy of any existing easement or deed restriction of record applicable to the tract; and
    - (d) A notation of the nature of any other lien or encumbrance of record.
  2. The zoning classification applicable to the tract, including existing and proposed land use.
  3. The total acreage of the tract and such adjacent lands under the same ownership.
  4. Any unrecorded matter known to the applicant that would have been disclosed under subsection (B)1 of this section, if it had been of record.
- (C) Existing Physical Conditions Of Tract And Vicinity: The applicant shall attach to the preliminary application a statement and maps describing the existing physical characteristics of the tract and vicinity with respect to:
1. Terrain.
  2. Type of soil.
  3. Location and direction of flow of all watercourses, permanent or intermittent, on the tract and abutting properties.
  4. The possibilities of the tract being subject to inundation of storm water overflow and the approximate high water elevation; if within an area of special flood hazard, a map of the area taken from any applicable FIRM<sup>1</sup>.
  5. Any significant natural features such as rock outcroppings, marshes or wooded areas; a "marsh", for these purposes, includes any wetland as defined by the army corps of engineers regulations.
  6. The location of existing sewers, water mains, culverts, drain pipes, and electric conduits or telephone lines proposed to service the property to be subdivided.
  7. The location of adjacent streets or existing structures that might affect the proposed improvement program.
  8. Existing easements by use such as, but not limited to, roads, driveways, buried or overhead utilities, and drainage.

- (D) Building Program: The applicant shall indicate the type of subdivision intended. For example: single-family, condominium, or commercial.
- (E) Proposed Street, Utility Or Other Off Site Improvements: The applicant shall attach to the application an explanation of the program to make the required improvements and indicate other improvements proposed in connection with the proposed subdivision which shall address:
1. Street dedication and standards of improvements.
  2. Irrigation, drainage, and snow storage.
  3. Proposed sources of potable and fire flow water, whether public, water associations, or individual wells.
  4. Proposed methods of disposing of sanitary waste by public systems or individual disposal, and refuse by landfill service.
  5. Proposed source of electric power, gas, telephone service and cable television.
  6. Any additional corrective or improvement programs.
- (F) Development Program: The applicant shall submit information pertaining to the development program, including proposed stages of development and the program for the installation of off site improvements, the number of lots, typical width and depth of lots, typical lot areas, linear feet of street average, street length per lot, percentage of area in street, and maximum street gradient.
- (G) Property Description: Legal description of subject property.
- (H) General Description Of Area: A vicinity map showing streets, adjoining subdivisions, creeks, rivers, or water containments, and other data sufficient to locate the proposed subdivision and show its relation to the community, as well as a general description of the location of the plat, shall be submitted.
- (I) Signatures: Signatures of applicant and of the administrator, the date of acceptance of the application and a notation that filing fees have been paid shall be placed on the form.
- (J) Defined Plat: "Preliminary plat" as defined in subsection [9.2.04](#) of this chapter. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.2.04: CONTENTS OF PRELIMINARY PLAT:**

The preliminary plat shall include the information listed below, which may be submitted on multiple drawings:

- (A) Mapped Information: All mapped information shall be prepared in a neat and legible manner in accordance with title 50, chapter 13 of the Idaho Code. All map data must be submitted in scale but need not be based upon an actual ground survey, except that the exterior tract dimensions and boundaries must be based on a recorded survey made by a registered professional land surveyor.
- (B) Contiguous Lands And Owners: The preliminary plat shall show all contiguous land owned by the same owner or by a related owner; two (2) owners are "related", for purposes of this subsection, if one owner has an interest in land in which the other owner

also has an interest. Lands which the owner does not wish to subdivide or resubdivide shall be depicted according to their existing platted configurations; if not platted, they shall either be shown by their description of record, or be denoted "unsubdivided tract" plus a letter, e.g., "unsubdivided tract A".

- (C) Applicant And Surveyor Information: The name(s), address(es) and phone number(s) of the applicant(s) and land surveyor shall be noted.
- (D) Information On Maps: All maps containing data shall contain the name of the person or firm responsible for the drawing together with the date drawn and a drawing number in order that further reference to information contained and responsibility for same may be easily identified.
- (E) Name Of Plat Or Subdivision; Easements Shown: The name of the proposed plat, subdivision or dedication, shall be shown including an appropriate identification clearly stating that the map is a preliminary plat. The plat shall show easement(s) to be granted.
- (F) Drawing Date, Other Information: The drawing date, scale, true north point and section, township and range shall be shown.
- (G) Drawing Scale, Other Requirements: The preliminary plat shall be drawn to a scale adequate to show detail in a clearly legible fashion, including all information required such as street centerlines, boundary lines and ties to monuments, etc., and all other drawings required such as engineering data and contour maps. Aerial photographs, in color, are preferred, overlain with the subdivision boundaries, proposed streets, lots and open space.
- (H) Improvements: Proposed improvements to be shown shall include, but not be limited to:
1. The location, grade, centering radius and arc length of curves, pavement and right of way width and name of all streets. Typical sections of all streets shall be shown.
  2. The location and radius of all curb returns and cul-de-sacs.
  3. The angle of intersecting streets if such angle deviates from a right angle more than four degrees (4°).
  4. The approximate lot layout and the approximate dimensions of each lot and of each building site. Engineering data shall show the approximate finished grading of each lot, the preliminary design of all grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale and the number of each lot.
  5. Proposed recreation sites, trails and parks for private or public use.
  6. Proposed common areas to be dedicated to public open space;
  7. The location and size of sanitary sewers, water mains or storm drains, including:
    - (a) A general layout showing the proposed location and approximate sizes and grade of sewer lines, catch basins, pumps, and other drainage and sewerage structures. Proposed slopes and approximate elevations shall be indicated.
    - (b) A general layout showing the proposed location and approximate size and grade of water distribution systems, pipes and valves and fire hydrants.
    - (c) If these improvements are not to be installed at the time of platting and subdivision, easements on the plat and other provisions shall be provided, as required by the director of public works or Payette Lakes water and sewer district, whichever may be applicable.
- (I) Street Names; Numbering Of Lots: Proposed street names and the numbering of lots, together with the layout of proposed street



right of way lines, lot lines, alley and easement lines, including all approximate dimensions and any and all proposed street extensions shall be shown.

- (J) Streets And Public Ways; Other Features: The location, width and names of all existing or platted streets or other public ways within or adjacent to the proposed development and other important features, such as the general outline of power lines, telephone lines, municipal boundaries, including area of city impact, and section lines, shall be shown.
- (K) Wetlands And Watercourses: The location, dimensions, and description of all wetlands and watercourses (permanent or intermittent).
- (L) Adjacent Plats Or Subdivisions: The tract designation of the immediate adjacent plats, subdivisions, or dedications as shown in the files of the Valley County recorder, if any.
- (M) Zone Boundary Lines: Zone boundary lines, if any are interior to or abut the plat, shall be shown; if no lines are applicable, the zone in which the plat is located shall be shown in a note.
- (N) Yard Setbacks: The minimum setbacks for front yards, side yards, side streets, and the rear yards of buildings to be placed on the property shall be noted.
- (O) Parcels Of Land For Public Use: All parcels of land or interest therein intended to be dedicated or temporarily reserved for public use or to be reserved in the deeds for the common use of property owners of the subdivision and the purpose, condition, or limitations of such reservations shall be indicated. In residential plats, all parcels lawfully intended for other than residential use shall be indicated by hatching and appropriate labeling.
- (P) Phased Development: If the applicant plans a phased development of the area contained in the preliminary plat, the respective areas of development shall be designated and shown on the preliminary plat as to area and priority of development.
- (Q) Percolation Test; Water Table Data: Preliminary percolation test and water table data required by the health department in order to approve each lot for individual sanitary waste disposal.
- (R) Elevations: The elevations of all corner points on the boundaries of the proposed plat, subdivision, or dedication.
- (S) Topography: Existing topography of the proposed site and at least one hundred feet (100') beyond its boundary, including, but not limited to:
1. Existing contours at two foot (2') intervals if the existing ground slope is less than ten percent (10%) and five feet (5') intervals for existing ground slopes equal to or greater than ten percent (10%).
  2. The approximate location and outline of existing structures identified by type. Buildings to be removed shall be so marked.
  3. The approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each watercourse.
- (T) Drainage Courses; Irrigation Facilities: Inclusion on topographical drawings of the course, distance, and dimensions of the

rerouting of drainage courses and irrigation facilities as well as documentary evidence of consent to rerouting by all interested land owners affected and having rights to and in such facilities.

- (U) PUD, Restrictive Covenants: For all subdivisions that are planned unit developments, per subsection [9.1.02\(E\)](#) of this title, the applicant shall submit proposed restrictive covenants, in outline form, as are required to ensure continuing conformance with the standards set forth in this title, including, but not limited to, building setback lines. The covenants shall also include other conditions or restrictions that shall be applied to the subdivision, including, at least, architectural or design controls, organization of a homeowners' association, assessments, various homeowners' committees, draft articles of incorporation and bylaws of the homeowners' association and easements.
- (V) Other Information: Such other information as may be required by the city. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.2.041: OTHER REQUIREMENTS:**

The administrator may waive any of the foregoing preliminary subdivision plat requirements whenever he or she finds that the type of subdivision is such as not to necessitate compliance with these requirements or that other circumstances justify such waiver. The administrator may require other such drawings, data or other information as deemed necessary. The burden of providing a complete application is on the applicant. The administrator may supplement information for use during the commission's review. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.2.05: FEES:**

Every plat filed with the administrator for review and approval shall be accompanied by a receipt from the city clerk for the payment of a filing fee in the amount set by the council. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.2.06: REVIEW AND ACTION, PRELIMINARY PLAT:**

- (A) Submission Of Application; Supplementary Materials: Fifteen (15) copies of the application, primary plat, and supplementary material specified shall be submitted, plus additional copies (specified by the city) as are required for referral to those agencies having jurisdiction or advisory interest over the proposed subdivision. A complete application must be received at least seventy five (75) days prior to the public hearing. Supplementary material shall include:
1. Eleven inch by seventeen inch (11" x 17") reductions.
  2. Electronic files of drawings in a format specified by the city. (Ord. 866, 2-12-2009)
- (B) Time Limit On Recommendations: If no written recommendations are received by the commission from any department or agency hereinafter referred to within thirty (30) days from the date that said applications and preliminary drawings were sent to such department or agency by the administrator, then in such event, the commission, at its option, may assume that such department or agency did approve the preliminary application or plat.
- (C) Additional Materials Submitted; Meeting Continued: If the applicant submits additional, or revised, materials for consideration by the commission after the notice for a public meeting has been posted, then the meeting may be continued to a future, renoted date.

(D) Copies Referred To Officials, Agencies: Officials, departments and agencies to which the administrator may refer copies of the preliminary application and plat include the following:

1. Fire chief of the McCall fire protection district.
2. McCall-Donnelly superintendent of schools.
3. Idaho transportation department.
4. Utility companies.
5. Payette Lakes recreational water and sewer district.
6. Idaho department of lands.
7. Valley County central district health.
8. Director of public works.
9. Other agencies, committees, or groups as deemed necessary by the administrator.

(E) Commission Action: The commission shall review and approve, approve conditionally, recommend approval to the city council (or board), recommend approval to the city council (or board) with conditions, disapprove or table the preliminary plat for additional information. An application for preliminary plat which is accompanied by an application for annexation, rezoning, and/or planned unit development of the same property or a portion thereof shall be subject to recommendation for approval to city council (or board), recommendation for approval to the city council (or board) with conditions, disapproval, or tabling. All other preliminary plat applications shall be reviewed and approved, approved conditionally, disapproved or tabled. Approval or conditional approval of the preliminary plat by the commission shall be approval by the city (or county). If tabled, the application shall come before the commission at a date set in the motion to table the application. The action to table may not be appealed. In approving, recommending approval, conditionally approving, or recommending conditional approval of the tentative map, the commission shall find that the proposed subdivision, together with provisions for its design and improvements, is consistent with applicable general or specific plans as specified in title III of this code, this title, and the comprehensive plan. Upon the commission's recommendation for approval or disapproval, the application and plat, together with a complete copy of the commission's findings and report of action, shall be delivered to the council (or board). The commission shall deny approval of the preliminary plat if it makes any of the following findings:

1. The proposed plat is not consistent with applicable general and specific plans as specified in title III of this code, or this title, or the comprehensive plan.
2. The design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
3. The site is not physically suitable for the type of development.
4. The site is not physically suitable for the proposed density of development.
5. The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure wildlife or their habitat.
6. The design of the subdivision or the type of improvement is likely to cause serious public health problems.
7. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the city (or county) may approve a plat if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.
8. The proposed subdivision is not in compliance with all other ordinances or laws of the city and/or county.

(F) Commission Specifications: The action taken by the commission shall specify:

1. The comprehensive plan provisions, ordinances and standards used in evaluating the application.
2. The reasons for denial, or approval, including conditions of approval.
3. A recommendation of approval and/or a second public hearing before the council (or county board).

(G) Council (Or County Board) Action: The council (or county board) shall review any recommendation for approval or recommendation for approval with conditions received from the commission and either approve the action or recommend that the commission consider changes in the plat or conditions of approval. Such review, if any, shall occur within forty five (45) days (or 60 days if a second public hearing is recommended) following approval by the commission of findings and conclusions related to the commission recommendation. Otherwise, the council (or county board) will act only on appeal of the actions to the commission in accordance with title III, [chapter 15](#), "Procedures, Appeals And Action", of this code. Approval of the preliminary plat by the council (or the board) is approval by the city (or county).

(H) Plat Approval Authorizes Final Plat Processing: Preliminary plat approval constitutes authorization for the applicant to proceed with preparation of the final plat and with engineering plans and specifications for public improvements. Approval is valid for eighteen (18) months from the date of commission or council (or county board) action, at which date a final plat must have been submitted for approval.

(I) Phased Developments: Application for development of a proposed subdivision in phases may be made if the subdivision is to include fifteen (15) or more lots, parcels or sites, or more than ten (10) units of a multi-family dwelling unit development. Applicants requesting phased subdivisions shall enter into a phasing agreement with the city. Any phasing agreements shall be approved and executed by the council (or board) and the applicant on or before the preliminary plat approval by the council (or board). (Ord. 822, 2-23-2006, eff. 3-16-2006)

1. In the event that the development of the proposed subdivision approved in preliminary plat form is to be completed in more than one phase, the applicant may file and obtain certification of the acceptance of successive final plats for continuous segments of the preliminary area without reapplication for preliminary plat approval; provided, that the application for final plat approvals are submitted in successive intervals of not more than thirteen (13) months each, or pursuant to an approved phasing plan; and provided, that development standards adopted by the city subsequent to preliminary approval are followed. (Ord. 883, 11-4-2010)
2. All items in each phase shall be completed, or financially assured for completion, before commission approval will be given for any subsequent phases.

(J) Action Noted On Plat: The action of the commission or council (or board) shall be noted on two (2) copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the applicant and one copy shall be retained for the files of the commission.

(K) Major Changes; Second Public Hearing: When conditional approval of the preliminary plat requires major changes, the commission may provide that a second public hearing be held to permit the public an opportunity to review and comment on the changes. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.2.07: FINAL PLAT:**

(A) Filing Of Final Plat: After the approval or conditional approval of the preliminary plat, the applicant may cause the total parcel or any part thereof to be surveyed and a final plat prepared in accordance with the approved preliminary plat. The applicant shall submit to the administrator the following:

1. Fifteen (15) copies of the final plat (3 copies full size and 12 copies reduced to 11 x 17 inches).

2. Three (3) copies of the final engineering construction drawings for streets, water, sewer, sidewalks, drainage, and other public improvements.
3. The final plat must be submitted to the commission within eighteen (18) months from the date of approval of the preliminary plat by the commission unless an extension of time is applied for and granted by the commission or unless otherwise allowed for with a phasing agreement. Failure to comply will result in the loss of approval of the preliminary plat.
4. Electronic files in a form specified by the city.

(B) Phased Developments:

1. Filing of final plat(s) on phased developments after the eighteen (18) month deadline may be subject to modifications or changes, since the applicant's failure to meet the time limit would result in a loss of entitlement to proceed based solely on their preliminary plat. (Ord. 822, 2-23-2006, eff. 3-16-2006)
2. In all cases of phased development, the submittal of final plats must be complete within seven (7) years from the date of approval of the preliminary plat by the council. However, at its discretion, the council may approve three (3) year extensions to this deadline. (Ord. 883, 11-4-2010)

(C) Contents: The final plat shall include and be in accordance with all items required under title 50, chapter 13 of the Idaho Code and shall include the following:

1. An application for approval of final plat.
2. Proof of current ownership of the real property included in the proposed final plat.
3. Such other information as the administrator or city council (or county board) may deem necessary to establish whether or not all proper parties have signed and/or approved final plat.
4. Conformance with the approved preliminary plat and meeting all requirements and conditions thereof.
5. Conformance with all current requirements and provisions of this title.
6. Acceptable engineering practices and local standards.
7. Building sites on each lot adjusted to setback requirements.
8. A detailed landscaping plan if required by the commission as specified at the preliminary plat hearing.
9. Boundaries of flood prone or environmentally sensitive areas to be protected, including wetlands and watercourses.
10. The book, page, and recorder's instrument number of the covenants governing the subdivision shall be noted and shown on the plat.
11. Portions of the subdivision reserved for utility, irrigation, drainage, and all other classes of easements shall be clearly shown and identified.
12. For subdivisions that include covenants per subsection [9.2.04\(U\)](#) of this chapter as part of the preliminary plat approved, the applicant shall submit in final form any covenants or conditions that shall be applied to the subdivision, including, at least, architectural or design standards, organization of a homeowners' association, assessments, various homeowners' committees, easements, and a legal description of the property. Also to be submitted, if required, are the final bylaws and articles of incorporation of the homeowners' association. To be included on the final plat are notes attesting to the documents submitted per this subsection.
13. Dedications of streets, rights of way, easements, parks and/or open space, and public trails or paths.
14. Land becomes dedicated for purposes of title immediately upon the recording of an approved final plat showing the dedication. For purposes of street maintenance, or for purposes of a deed dedicating the land, dedication is effective only when accepted by the council (or board) as a public dedication, either by the passage of a city ordinance or by entry of a resolution of approval in the official minute book of the official meetings of the council (or board). The offer of dedication heretofore made in a final plat may be accepted at any time after the plat becomes final.

15. Boundaries of the tract to be subdivided shall be fully balanced and closed showing bearings and distances. Linear curves for street centerlines and property lines shall include radii, central angle, arc length, points of tangency, long chord length and bearing, and tangent length.
16. The exterior boundary of the subdivision shall be tied to not less than two (2) recognized county or city survey monuments.
17. The size of each lot shall be shown in acres only for lots of one or more acres in size, and in both square feet and acres if the lot is less than one acre in size.
18. All plat notes required by the commission and/or the council (or board) shall be shown on the face of the plat. (Ord. 822, 2-23-2006, eff. 3-16-2006)
19. Plat boundary shall be tied to two (2) McCall modified grid control point network (MMGCPN) control points. Information including bearing, distance and point name shall be provided.
20. Digital data shall be provided according to the digital data submittal standards policy. (Ord. 899, 5-24-2012)

(D) Procedure For Approval Of Final Plat:

1. Review By Administrator:

- (a) Acceptance: Upon receipt of the final plat, and compliance with all other requirements as provided herein, the administrator shall certify the application as complete and shall affix the date of acceptance thereon.
  - (b) Resubmission 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 material change in the final plat than from which was approved as a preliminary plat or conditions which have not been met, the administrator may require that the final plat be submitted to the commission and council (or board) in the same manner as required in the preliminary plat process.
  - (c) Submission To Commission: Within forty five (45) days (or 60 days, if a public hearing, in the opinion of the commission, is required) of receipt of the final plat, the commission shall review the plat for compliance with the decisions made upon the review of the preliminary plat, PUD development plan, subdivision and other agreements subsequent thereto, and if in order, shall recommend approval of the plat by motion and transmit the final plat to the council (or board).
  - (d) Submission To Council (Or Board): Upon determination by the commission that the final plat is in compliance with the preliminary plat and that all conditional requirements have been met, the administrator shall place the final plat on the council (or board) agenda within forty five (45) days from the date that the final plat has been recommended for approval by the commission.
2. Agency Review: The administrator may transmit one copy of the final plat, and other documents submitted, for review and recommendation to the departments and agencies as deemed necessary to ensure compliance with the preliminary approval and/or conditions of preliminary approval. Such agency review may 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.
3. Council (Or Board) Action: The administrator's report and the final plat, together with the development agreement, shall be placed on the council (or board) agenda for its approval. The council (or board) shall consider the final plat for approval at its next regular meeting after the meeting at which it receives the plat prepared in accordance with this chapter. The council (or board) shall have approved any development agreement before approving the final plat.

The council (or board) shall consider the comments from concerned departments and agencies to arrive at a decision on the final plat. The city council (or board) shall approve, approve conditionally, disapprove or table to a date certain and request additional information to be provided within thirty (30) days of the date of the first regular meeting at which the final plat is considered. An extension of time may be granted by the administrator to permit preparation of additional work not previously considered. A copy of the approved plat shall be filed with the administrator. Upon granting or denying the final plat, the city council (or county board) shall specify:

- (a) The ordinance and standards used in evaluating the application.
- (b) The reasons for approval or denial.
- (c) The actions, if any, that the applicant could take to obtain approval.
- (d) If the final plat and development agreement, if any, are approved by the council (or board), it shall instruct the city manager to execute the agreement on behalf of the city.

4. Omission Of Information: In the event it is determined that the applicant has omitted significant information, if such information is publicly known and available, regarding adjacent properties (see subsection [9.2.04\(J\)](#) of this chapter) from the preliminary or the final plat, the commission or council (or board) may elect to reopen the public hearing for reconsideration of the plat in order to determine if a change in plat is justified or desirable. Such determination must be disclosed by the city no later than one year after approval of the final plat. (Ord. 822, 2-23-2006, eff. 3-16-2006)

(E) Financial Guarantees: With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the provision of a surety acceptable to the city clerk in the amount of one hundred twenty five percent (125%) of infrastructure improvements (including landscaping and erosion control) filed in the form of a cash deposit, certified check, irrevocable bank letter of credit, or performance bond at the time of the final plat approval with the required development agreement.

Infrastructure construction or site disturbance generally should not begin until the final plat is recorded with the respective development and financial guarantees. If the applicant proposes to perform infrastructure work or site work prior to final plat recordation, then the applicant shall submit a plan for administrative review and approval which includes the following:

1. The nature and scope of the proposed work;
2. The estimated cost of the proposed work;
3. The schedule for commencement and completion of the proposed work; and
4. The means of financing the proposed work.

The administrator shall review the application and document any additional conditions required to issue the administrative approval for infrastructure improvements. Conditions shall be designed to mitigate the impacts on public interests in the case of the noncompletion of the proposed work. (Ord. 866, 2-12-2009)

(F) Approval Period: The final plat shall be filed with the county recorder by the applicant within eighteen (18) months after written approval by the city council (or board). Otherwise, such approval shall become null and void unless the applicant, prior to said filing date, applies for an extension and such extension is granted by the city council (or board).

(G) Time Period Expiration: In the event the time period for approval of any final plat has expired, the preliminary plat approval shall also become null and void.

(H) Required Certificates: The following certifications and signatures shall be included on the final plat prior to recording by the county recorder:

1. Certification and signature of the chairman of the planning and zoning commission and the council (or board) verifying that the subdivision has been approved.
2. Certification and signatures of the city clerk and city engineer verifying that the subdivision meets the requirements of the city and has been approved by the council (or board).
3. Certification of the sanitation restriction on the face of the plat in accordance with the provisions of section 50-1326, Idaho Code.
4. Other certification as may be required by other city, county, or state personnel.

(I) Record Of Final Plat: Upon approval of the final plat by the city council (or board), the applicant's prepayment of recording fees, posting of surety bond or other acceptable guarantee and the inclusion of those certifications and signatures on the final plat as set forth in subsection (H) of this section, the applicant shall furnish proof to the administrator that the final plat has been recorded, including two (2) copies of the final plat, plus an electronic copy.

(J) Further Subdivision After Final Plat Approval: Further subdivision of a property after final plat approval is not permitted, except by

resubmission of another subdivision application.

(K) Final Plat Amendment: A final plat may be amended, at the discretion of the commission, when minor changes to the plat may be required as a result of actions by a government body. A notice of plat revision is required, but a public hearing is not required. Final approval by the council (or board) is required. (Ord. 822, 2-23-2006, eff. 3-16-2006)

## **9.2.08: CONDOMINIUM DEVELOPMENT:**

### **9.2.081: CONDITIONAL USE PERMIT REQUIRED:**

Every condominium project, except in the R16 zone, requires a conditional use permit application and shall be subject to all conditional use procedures. In addition, all city code provisions relating to plats, recording, subdivisions and zoning shall apply to condominium developments. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.2.082: CONDOMINIUM PROPERTY ACT:**

A condominium shall be developed in accordance with section 55-101B, Idaho Code, the condominium property act, as amended. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.2.083: BYLAWS:**

The developer of a condominium project shall submit with the preliminary plat application, as required by this title, a copy of the proposed bylaws and condominium declarations of the proposed development. These documents shall adequately provide for the control (including billing where applicable) and maintenance of all common utilities, common area, recreational facilities, and open space. Prior to final plat approval, the developer shall submit to the city a copy of the final bylaws and condominium declarations which shall be approved by the council (or board) and filed with the county recorder, including the instrument(s)/number(s) under which each document was recorded. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.2.084: GARAGES:**

In residential zones, all garages shall be designated on the preliminary and final plats and on all deeds as part of the particular condominium units. Detached garages may be platted on separate sublots; provided, that the ownership of detached garages is tied to specific condominium units on the condominium plat and in any owner's documents, and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the condominium project. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.2.085: PARKING, OVERFLOW AND STORAGE:**

Condominium projects in residential zones shall provide overflow parking and enclosed storage for guests and for the use of owners with snowmobile trailers or boat trailers. Condominium projects shall provide a minimum of two (2) parking spaces per residential unit and one parking space, in addition to that required by this section, of no less than ten feet by twenty feet (10' x 20') dimension, for every two (2) units within the development. In some cases, this additional parking may be utilized for snow storage in the winters. In all



other zones, the association bylaws shall state that the storage of anything other than licensed motor vehicles in parking spaces is prohibited. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.2.086: CONVERSION:**

The conversion by subdivision of existing units into condominiums shall not be subject to section [9.3.10](#), "Parks", of this title. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.2.09: TOWNHOUSES:**

#### **9.2.091: CONDITIONAL USE PERMIT REQUIRED:**

All townhouse projects, except in the R16 zone, require the submittal of a conditional use permit, and shall be subject to all conditional use procedures. In addition, all townhouse projects shall be subject to all other provisions of this title and title III of this code, and to all other rules and regulations of the city and other government entities having jurisdiction, as applicable.

Townhouse sublots shall have a minimum area equal to that of the perimeter of each individual townhouse unit, and an additional area three feet (3') in width adjacent to any opening, measured at the foundation. Said sublots shall not be buildable for structures other than a townhouse unit as defined herein. Platting of sublots shall follow the procedures set forth in this title and other applicable code provisions in effect. All other detached and/or accessory buildings are prohibited. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.2.092: AGREEMENTS:**

The applicant for a townhouse development shall submit with the preliminary plat application and all other information required herein a copy of the proposed party wall agreement and the proposed document(s) creating an association of owners of the proposed townhouse sublots, which shall adequately provide for the control (including billing where applicable) and maintenance of all common utilities, commonly held facilities, garages, parking and/or open spaces. Prior to final plat approval, the applicant shall submit to the city a final copy of said party wall agreement and any other such documents and shall record said documents prior to recordation of the plat, which plat shall reflect the recording instrument numbers thereupon. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.2.093: GARAGES:**

In residential zones, all garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sublots; provided, that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents, and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.2.094: PARKING, OVERFLOW AND STORAGE:**

Residential townhouse projects in residential zones shall provide overflow parking and enclosed storage for guests and for the use of owners with snowmobile trailers or boat trailers. Townhouse projects shall provide a minimum of two (2) parking spaces per residential unit and one parking space, in addition to that required by this title, of no less than ten feet by twenty feet (10' x 20') dimension, for

every two (2) units within the development. In some cases, this additional parking may be utilized for snow storage in the winters. In all other zones, the association bylaws shall state that the storage of anything other than licensed motor vehicles in parking spaces is prohibited. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.2.095: EXPIRATION:**

Townhouse developments which have received final plat approval shall have a period of three (3) years from the date of final plat approval by the council (or board) to obtain a building permit. Developments which have not received a building permit shall be null and void and the plats associated therewith shall be vacated by the council (or board). If a development is to be phased, construction of the second and succeeding phases shall be contingent upon completion of the preceding phase, unless the requirement is waived by the council (or board). Further, if construction of any townhouse development or phase of any development ceases or is not diligently pursued for a period of three (3) years without the prior consent of the council (or board), that portion of the plat pertinent to the undeveloped portion of the development shall be vacated. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.2.096: CONVERSION:**

The conversion by subdivision of existing units into townhouses shall not be subject to section [9.3.10](#), "Parks", of this title. (Ord. 822, 2-23-2006, eff. 3-16-2006)

## **Chapter 3 SUBDIVISION DESIGN STANDARDS**

#### **9.3.01: GENERAL STANDARDS AND PURPOSE:**

- (A) Subdivisions shall conform to the standards of the adopted comprehensive plan, the zoning regulations of the city, and other ordinances and regulations of the city. Higher standards of development which are officially adopted by other local, state and federal jurisdictions shall prevail over those set forth herein in accordance with prevailing laws and agreements.
- (B) The overall purpose of this chapter is to promote the safety, general health, welfare and livability of the community and future residents. This includes prohibiting or conditioning development and subdivisions that, through the provisions of this chapter and other applicable regulations, are determined to include lands unsuitable for development. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.3.02: BLOCKS:**

The length, widths and shapes of blocks shall be determined with due regard to:

- (A) Adequate building sites suitable for the type of use contemplated, including the zoning requirements as to lot size and dimensions, shall be provided.
- (B) Blocks should have sufficient width to provide for two (2) tiers of lots; exceptions require commission approval when shown to be the only practical or possible arrangement.

- (C) The needs for convenient access, circulation, control and safety of pedestrians and vehicular traffic shall be met. The number of intersecting streets with designated arterial roads shall be held to a minimum.
- (D) The limitations and opportunities of topography shall be recognized.
- (E) Block lengths shall be between three hundred feet (300') and seven hundred fifty feet (750'), with a recommended distance of five hundred feet (500'), provided block lengths may be a greater, or lesser, length upon showing of cause or to conform to major existing terrain features. The block lengths are controlled to provide for adequate connectivity, convenient pedestrian circulation, access, and to control traffic rates. Alternative, traffic calming measures of an approved type may be a part of street design. Generally, smaller block lengths should be used in more pedestrian oriented and/or mixed use settings and projects.
- (F) Three-way intersections shall only be permitted where most appropriate or where no other configurations are possible. A minimum distance of one hundred fifty feet (150'), measured from centerlines, shall separate any two (2), three-way intersections. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.3.03: LOTS:**

- (A) The lot size, width, depth, shape, orientation, and the minimum building setback lines shall conform to applicable zoning and be appropriate for the location of the subdivision and for the type of development and use contemplated. Every lot shall abut upon a street, except for those lots which abut upon a common driveway which then abuts upon a street. Corner lots for residential use shall have extra width to permit building setbacks from and orientation to both streets.
- (B) Double frontage and reverse frontage lots shall be avoided, except where essential to provide separation of residential development from collector streets or to overcome specific disadvantages of topography and orientation. A screening easement at least ten feet (10') wide parallel to the lot line and across which there shall be no right of access shall be provided along the line of a collector street or other easily incompatible use. Common space provided must be landscaped. See subsection [9.6.02\(N\)](#) of this title.
- (C) Side lot lines shall be within twenty degrees (20°) of right angles or radial to street lines, with exceptions possible for unusual topography or vegetation.
- (D) The applicant, upon request by the administrator, shall provide the following information or such portion thereof as the administrator deems necessary.
1. Data setting forth the highest known water tables for the proposed subdivision and for the property lying downgrade and contiguous to subject subdivision.
  2. A geological analysis addressing the suitability of the subsurface of the land for the proposed development.
  3. The location of all existing or proposed irrigation ditches, streams (permanent or intermittent), drainage ditches, or known underground watercourses.
- (E) If, upon consideration of the information provided in subsection (D) of this section, it is determined that by reason of the factual situation and circumstances concerning the subdivision in question, the health, safety and welfare of the inhabitants of the subdivision and the aquifers and streams in question would not suffer from pollution, the commission may approve minimum lot

sizes for areas within the plat in accordance with the applicable minimum or minimum average lot sizes in the applicable zone.

- (F) Unbuildable lots shall not be platted as lots. Platted areas that are not buildable shall be noted as such and designated as "parcels" on the plat. Open space parcels or tracts shall be clearly designated as such on the plat.
- (G) At the direction of the commission, the applicant will arrange for fronting of lots onto a street (public or private) in an adjacent subdivision, if such direction results in an overall improvement in the arrangement of lots.
- (H) Flag lots are acceptable with the pole width of thirty feet (30') minimum; no more than two (2) lots may be created with one lot fronting onto a street and the second created via a flag lot with pole access.
- (I) Lots platted which abut on either emergency access streets or alleys shall not have the street address from either. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.3.04: STREETS:**

- (A) The arrangement, character, extent, width, grade, profile, location, and other specifications of all streets shall conform to adopted standards and policies, and shall be considered in their relation to existing and planned streets, topographic conditions, to public convenience or safety, and in their appropriate relation to the proposed uses of the land to be served by such streets<sup>1</sup>. The minimum street right of way width in the city shall be sixty feet (60') for minor streets, seventy feet (70') for collector streets, and eighty feet (80') for arterial streets, whether public or private. A lesser width for some private streets may be permitted. However, street right of way widths within the impact area shall not be less than seventy feet (70') or as specified by the county. The commission will decide which streets will become arterial or collector after considering adopted master plans, the comprehensive plan, and applicable provisions of this title and title III of this code. The right of way for collector and arterial streets shall not be private property, but must be dedicated; where the actual collector or arterial use of the right of way is in the judgment of the commission not a near-term use, the commission may authorize interim construction as a private roadway without public maintenance for a term not to exceed three (3) years.
- (B) All streets and alleys within any subdivision shall be dedicated for public use.
- (C) The arrangement of streets in a subdivision shall either:
  - 1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
  - 2. Conform to a plan for the neighborhood approved or adopted by the council to meet a particular situation where topographic or other conditions make continuance of or conformance to existing streets impracticable.
- (D) Where a subdivision abuts or contains an existing or proposed arterial street, the city may require marginal access streets, frontage streets, shared driveways, reverse frontage streets, or similar treatment necessary for adequate protection of residential properties.
- (E) Where a subdivision borders on or contains a railroad right of way or limited access highway right of way, the city may require a street approximately parallel to and on each side of such right of way, at a distance suitable for the appropriate use of the intervening land.

- (F) Reserve strips controlling access to streets shall be prohibited except where their control is placed in the city under conditions approved by the council.
- (G) Street layout shall conform to the most advantageous development of adjoining areas and the entire neighborhood, and shall provide for the following:
1. Adequate access to adjoining lands to facilitate future subdivisions of such land.
  2. Appropriate contribution to the incremental creation of a connected network of streets and circulation within the city and impact area.
  3. Implementation of the comprehensive plan.
  4. Streets intersecting at right angles, or as nearly as possible. Where possible, four-way intersections shall be used.
  5. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the council finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. In all other instances where a half street is adjacent to an undeveloped tract, the other half of the street shall be platted within such tract.
  6. No street names shall be used which will duplicate or be confused with the names of existing streets in any town or county area. Street names shall be subject to the approval of the administrator. Street names, where the street continues across an intersection, shall normally be continuous.
  7. If street trees are required by the commission to be installed, the minimum standard shall be of two inch (2") caliper, forty feet (40') to sixty feet (60') apart. Trees or shrubs placed within twenty five feet (25') of a street corner shall not obstruct clear vision of and across the corner between three feet (3') and eight feet (8') above the ground level of the traveled way. Tree species are subject to the approval of the city arborist.
  8. Cul-de-sacs and other discontinuous streets shall generally be avoided in favor of a connected network.
  9. Cul-de-sac streets, designed to be permanent, shall not be longer than nine hundred feet (900') when measured from the intersection line of the cross street to the center of the cul-de-sac, and shall be provided with a turnaround with a right of way diameter of at least one hundred twenty feet (120') and a paved roadway of at least ninety feet (90'). Cul-de-sac streets shall be private streets, to be maintained by the owners of the subdivision. The city may require pedestrian accessways connecting cul-de-sac streets to adjacent streets, rights of way, or open space. (See section [9.6.05](#) of this title.)
  10. Emergency access streets, which are designed to alleviate excessively long cul-de-sac streets (or other conditions), require the approval of the commission and shall be private streets. The minimum right of way shall be forty feet (40').
- (H) Property lines at street intersections shall be rounded with a radius of twenty feet (20') or a greater radius where the city may deem it necessary.
- (I) Street jogs with centerline offsets of less than one hundred twenty five feet (125') shall be avoided.
- (J) A tangent of at least one hundred feet (100') shall be introduced between reverse curves on arterial and collector streets.
- (K) Subdivisions or planned unit developments in excess of five (5) acres or twenty five (25) residential units must have at least two (2) points of access to public roads outside the subdivision, if possible, for purposes of public safety and access by emergency vehicles. Where through roads are not possible, the developer shall provide stubbed out roads to the boundary of the subdivision or development at points established by the city. Preferably, the two (2) points of access will be located on opposite, or different, sides of the subdivision.

- (L) In the event an existing subdivision has only one point of access to an outside public street, then any future contiguous subdivision, whether by the same developer or a different developer, must provide for at least one additional point of access. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.3.05: ALLEYS:**

- (A) Alleys shall be provided in commercial, business park and industrial zones, and may be provided in other zones, except that the council may approve other types of service access for off street loading, unloading and parking consistent with and adequate for the uses proposed. (Ord. 885, 3-24-2011)
- (B) The width of an alley shall be not less than twenty feet (20').
- (C) Alley intersections and sharp changes in alignment shall be avoided, and where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- (D) Dead end alleys exceeding one hundred fifty feet (150') in length shall be avoided where possible; but, if unavoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the fire chief and city staff.
- (E) All infrastructure to be installed underground shall, where possible, be installed in the platted alleys. (Ord. 822, 2-23-2006, eff. 3-16-2006)
- (F) Where alleys are not provided, easements of not less than ten feet (10') in width may be required on each side of all rear and/or side lot lines (total width equals 20 feet) where necessary for wires, conduits, storm or sanitary sewers, gas and water lines. Easements of greater width may be required along lot lines, across lots, or along boundaries, where necessary for surface drainage or for the extension of utilities. Digital data shall be provided according to the digital data submittal standards policy. (Ord. 899, 5-24-2012)

### **9.3.06: EASEMENTS:**

- (A) Easements shall be provided for utilities inside the front lot line with a minimum width of twelve feet (12'), subject to the right of access, and elsewhere as and where considered necessary by the utility providers and approved by the council. Digital data shall be provided according to the digital data submittal standards policy. (Ord. 899, 5-24-2012)
- (B) Where a subdivision is traversed by a watercourse, drainageway, channel or stream there shall be provided a stormwater easement or drainage right of way which substantially conforms to the lines of such watercourse, and such further width or construction, or both, as will be adequate for that purpose. The commission may require additional setbacks from watercourses, applicable not only to buildings, but also to any disturbance of the stream banks and edge habitats.
- (C) Provisions for adequate snow storage and drainage shall be made by the applicant in accordance with the drainage management guidelines as adopted by the city of McCall, and amended. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.3.07: PEDESTRIAN AND BICYCLE PATHWAYS AND GREENBELTS:**

- (A) Pedestrian and bicycle crosswalks, not less than ten feet (10') wide, may be required by the commission where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation and other community facilities, and shall be constructed in accordance with the standards and specifications adopted by the city. (Ord. 822, 2-23-2006, eff. 3-16-2006)
- (B) Pedestrian and bicycle paths, where identified on an adopted plan or when required to ensure public transportation and circulation, shall be within dedicated easements, fifteen foot (15') minimum width, and shall be constructed in accordance with the standards and specifications adopted by the city. Digital data for easements shall be provided according to the digital data submittal standards policy. See the McCall area pathways master plan. If recommended by the commission, the easement may be shared with easements for city owned utilities. (Ord. 899, 5-24-2012)
- (C) Greenbelts are required along floodplains and permanent streams as indicated on the McCall area pathways master plan. The greenbelt area shall be a minimum of twenty five feet (25') wide and fully accessible to the public from interior lots and adjacent public roads or paths. For new developments along the North Fork of the Payette River, a seventy five foot (75') riparian easement shall be dedicated, as measured from the high water mark, upon which no permanent structure shall be built, in order to protect the natural vegetation and prevent riverbank erosion. Removal of live vegetation within the riparian easement is prohibited, except for the removal of hazardous trees, approved by the city arborist. Pruning of trees within the riparian easement is permitted to alleviate danger from wildfire. The riparian easement shall be fenced off during any construction on the property. (Ord. 898, 5-10-2012)
- (D) Pedestrian accessways may be required to connect a dead end or cul-de-sac street to another street, right of way, or open space. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.3.08: SNOW STORAGE AND DRAINAGE EASEMENTS:**

- (A) Drainage Management Guidelines: The city has adopted drainage management guidelines to protect water quality in both Payette Lake, the North Fork of the Payette River, and other permanent streams. Those guidelines, as amended periodically, prescribe design criteria that shall govern the sizing and configuration of drainage structures, the location of easements, and design flows.
- (B) Snow Storage Areas: Wherever public parking, public or private streets, or other uses requiring the removal of snow are identified, the developer shall provide specific site locations protected for the storage of snow and the consequences of meltwater. If an off site location is identified, developer shall provide evidence of perpetual commitment, to be so designated on the plat, to allow the storage of snow. Snow storage areas shall be not less than thirty three percent (33%) of parking, sidewalk, and driveway areas. This area shall not be designated between any property line and setback line.
- (C) Owner Responsibility: It shall be the duty of the owner, or the representative of the owner or owners, of each parcel or real property within the city to clear off snow, and maintain free from snow, sufficient space on such real property as is necessary to meet the off street parking requirements, pedestrian and bike paths and transit facilities, for such parcel and structures thereon, as provided in section [3.8.06](#) of this code.
- (D) Parked Vehicles Impeding Snow Removal: Vehicles which are parked on any public street which impede the removal of snow from the driving surface by city crews are subject to removal and impoundment by the city.
- (E) Construction Plan: Developers shall provide a copy of a construction plan which is prepared in accordance with EPA's NPDES general permit for stormwater discharge from construction activity for all construction activity affecting more than one acre.

**(F) Disposal Of Snow On City Streets:**

1. It is unlawful for any person, firm or entity to dispose of snow on any city street. It is also unlawful to push snow across or onto any street for the purpose of disposing of the snow on other properties unless owned by the same.
2. The phrase "dispose of snow" includes blowing, pushing, ramping, shoving or otherwise depositing snow on city streets. (Ord. 822, 2-23-2006, eff. 3-16-2006)

**9.3.09: MONUMENTS:**

Monuments shall be set in accordance with section 50-1303, Idaho Code. Monuments shall be placed at all section and quarter corners, and elsewhere as required by the city. All monuments located in paved streets, alleys or sidewalks will be encased in protective boxes approved by the city. For each subdivision phase or development, any portion of which is located within a regulated floodplain, one elevation monument setting forth the elevation and datum shall be located within a monument box and shall be filed as a corner perpetuation record as well as identified on record drawings. The location of this monument shall be approved by the city. (Ord. 822, 2-23-2006, eff. 3-16-2006)

**9.3.10: PARKS:****9.3.101: LOCAL GOVERNING BODY POWERS:**

The McCall parks board shall review and make a recommendation to the commission and city council regarding each application for subdivision or development of nine (9) residential units or more. Such recommendation will be based on compatibility with the McCall parks master plan (called "master plan" herein) and the recreation section of the comprehensive plan, and compliance with the provisions of this title. (Ord. 822, 2-23-2006, eff. 3-16-2006)

**9.3.102: CONTRIBUTION:**

- (A) The applicant for each residential subdivision or planned unit development, or any part thereof, consisting of nine (9) or more dwelling units, without regard to the number of phases within the subdivision, shall set aside or acquire land area within, adjacent to, or in the general vicinity of the subdivision for parks. Parks shall be within the city of McCall or the impact area. Parks shall be set aside in accordance with the following formula:

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

"P" is the parks contribution in acres

"N" is the number of single-family lots, townhouse sublots, or condominium units contained within the plat. Where multi-family lots are being platted with no fixed number of units, "N" is maximum number of residential units possible within the subdivision based on current zoning regulations. For example, for a subdivision with one hundred (100) platted lots, the total area of parks to be dedicated would be: 2.77 acres.

- (B) Where a parcel of land is owned or otherwise controlled, in any manner, directly or indirectly:

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



or trust(s); or

2. By different individuals or entities, including, but not limited to, corporations, partnerships, limited liability companies or trusts where:
  - (a) Such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies); or
  - (b) The same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent, stockholder, director, member, officer or trustee of the entity(ies); or
  - (c) Multiple subdivisions of said parcel that cumulatively result in nine (9) or more dwelling units.

These cases are subject to the provisions of this title, and shall provide the required improvements subject to the required standards at or before the platting or development of nine (9) or more dwelling units.

3. Wetlands, if designated in accordance with federal laws, are not to be included in calculation of land to meet this requirement. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.3.103: REQUIRED IMPROVEMENTS:**

Improvements for parks shall be based on size and be considered either a community (between 0.1 acre and 1 acre), or a neighborhood park (between 1 and 10 acres).

- (A) Community Park: Minimum improvements: finished grading and ground cover, trees and shrubs, picnic table, trash container(s), park bench(es). All parks shall provide an average of fifteen (15) trees per acre, of which at least fifteen percent (15%) shall be of four inch (4") caliper or greater. A maximum of fifty percent (50%) of any single tree species may be used.
- (B) Neighborhood Park: Minimum improvements: finished grading and ground cover, large grassy areas, trees and shrubs, sheltered picnic table(s), trash container(s), park bench(es), parking as required by ordinance, and one or more of the following: play structure, restrooms, an athletic field, trails, hard surface multiple use court (tennis or basketball courts), or gardens that demonstrate conservation principles. All parks shall provide an average of fifteen (15) trees per acre, of which at least fifteen percent (15%) shall be of four inch (4") caliper or greater. A maximum of fifty (50) of any single tree species may be used. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.3.104: STANDARDS:**

Land proposed to be dedicated for recreation purposes shall meet identified needs and standards contained within the McCall parks master plan (called "master plan" herein). All parks, green space, and trails shall meet the following criteria for development, location and size (unless terrain, existing vegetation, wetland, or similar conditions exist that prohibit meeting 1 or more of the criteria):

- (A) Shall provide safe and convenient access, including ADA standards.
- (B) Shall not be gated so as to restrict access.
- (C) Shall not be configured in such a manner that will create a perception of intruding on private space.

- (D) Shall be configured in size, shape, topography and improvements to be functional for the intended users.
- (E) Shall not create undue negative impact on adjacent properties and shall be buffered from conflicting land uses.
- (F) Shall not create undue demands on city services.
- (G) Shall require low maintenance, or provide for maintenance or a maintenance endowment, or provide for transfer to city ownership.
- (H) Shall not conflict with the use or planned use depicted in the master plan.
- (I) Shall be connected, wherever possible, in a useful manner to other recreation opportunities. Preserved green space within proposed developments shall be designed to be contiguous and interconnecting with adjacent green space (both existing and potential future space). (Ord. 822, 2-23-2006, eff. 3-16-2006)
- (J) The following criteria for connections shall be met:
1. The applicant shall define a meaningful pedestrian circulation system for each development, which connects to the major trail system, parks, schools, shopping areas and community assets. Subdividers shall install such sidewalks and trails as required by ordinance and according to city standards. No park dedication credit will be given for pedestrian improvements required by ordinance.
  2. The applicant shall construct and pave all trails through and abutting their developments. Such trail improvements shall be undertaken at the same time as other public improvements are installed within the development (i.e., grading with site grading and paving with street or parking lot paving). Deviation from this timing requirement may be allowed only when deemed beneficial for the project. Park dedication credit will be given for trails and pedestrian improvements identified in the McCall area pathways master plan.
  3. The city may permit easements to be granted by developers for trail corridors identified in the McCall area pathways master plan, thereby allowing the developer to include the land area in the determination of setbacks and building density on the site. In such cases, park dedication credit will not be given. (Ord. 898, 5-10-2012)
- (K) Shall have installed necessary irrigation system(s) to be specified by the parks board, using either well water or city water.
- (L) Detailed plans, including landscaping and amenities shall be approved by the city prior to the commencement of construction. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.3.105: DEDICATION CREDIT:**

To be eligible for park dedication credit, land dedicated must be located on slopes less than twenty five degrees (25°), and must be located outside of drainways, floodways and wetland areas. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.3.106: DEDICATION AND MAINTENANCE:**

All park land shall be dedicated to the city of McCall upon completion, unless otherwise allowed by the city council upon recommendation by the parks board. Parks shall be guaranteed and maintained by the developer for a period of two (2) years after which the city will assume responsibility for maintenance. Any privately owned and maintained park or recreation space (by the future residents or business owners of the subdivision) must meet the following:

- (A) Land area shall not be occupied by nonrecreational buildings and shall be available for the use of all the residents or employees of the proposed subdivision.
- (B) The use of the private green space shall be restricted for park, playground, trail green space or recreational purposes by recorded covenants which run with the land in favor of the future owners of the property within the tract and which cannot be modified without the consent of the city council.
- (C) The proposed private green space shall be reasonably adaptable for use for such purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the private green space land.
- (D) The facilities proposed for such purposes are in accordance with the provisions of the recreational element of the comprehensive plan.
- (E) The private ownership and maintenance of the green space shall be adequately provided for by written agreement.
- (F) Public and private green space for park or recreation purposes shall be complementary to one another, and the use of private facilities should not be exclusive to the homeowners, residents, or employees of the development only. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.3.107: IN LIEU CONTRIBUTIONS:**

After receiving a recommendation by the parks board, the city council may, at their discretion, approve and accept voluntary cash contributions in lieu of park land dedication and park improvements, which contributions must be segregated by the city and not used for any other purpose other than the acquisition of park land and/or park improvements. The fee structure for cash contributions for acquisition of park land shall be the appraised value of the required land area at the time of the application. The appraisal shall be submitted by a mutually agreed upon appraiser whose services are paid by the applicant. The fee structure for park improvements, including all costs of acquisition, construction and all related costs, shall be based upon the estimated costs of an approved project provided by a qualified contractor and/or vendor. (Ord. 822, 2-23-2006, eff. 3-16-2006)

## **Chapter 4**

# **MOBILE HOMES, MOBILE HOME PARKS AND RECREATIONAL VEHICLE PARKS**

### **9.4.01: PURPOSE:**

This chapter establishes minimum standards and requirements for the occupation of mobile homes, as well as for the construction of mobile home parks and recreational vehicle parks, as they relate to adjacent land uses and the general purposes set forth in the

zoning and subdivision ordinances. (Ord. 822, 2-23-2006, eff. 8-16-2006)

#### **9.4.02: EXCEPTIONS:**

- (A) Applications: A petition may be filed requesting an exception to any portion of the standards of design or required improvements of this chapter. The petition shall be filed with the commission and shall state fully the grounds for the request.
- (B) Commission: The commission may approve an exception to any portion of the standards of design or required improvements, set forth herein where the applicant can show that: 1) due to topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provisions; and 2) the granting of the exception will not be detrimental to the public welfare nor injurious to other property in the vicinity. The reasons for granting any exception shall be stated in writing in the minutes of the commission.
- (C) Appeal: A decision of the commission may be appealed by the petitioner or other interested party to the council within fifteen (15) calendar days of the decision. The appeal shall be written and filed with the zoning administrator, who shall notify the appellant of the hearing date scheduled by the council. If an appeal is not submitted within fifteen (15) calendar days, the decision shall be conclusive and no further right of appeal shall exist. (Ord. 822, 2-23-2006, eff. 8-16-2006)

#### **9.4.03: MOBILE HOMES PROHIBITED ON INDIVIDUAL LOTS OUTSIDE PARKS:**

- (A) Prohibition: Mobile homes are prohibited on individual lots outside of mobile home parks.
- (B) RV As Permanent Dwelling: Nothing within these regulations shall be construed to allow a recreational vehicle as a permanent dwelling.
- (C) Manufactured Homes: Manufactured homes on permanent foundations are subject to the regulations for single-family residences and are further defined in [chapter 5](#) of this title.
- (D) Single Building Site: No person shall maintain two (2) or more occupied mobile homes on a single legal building site other than in a mobile home park. (Ord. 822, 2-23-2006, eff. 8-16-2006)

#### **9.4.04: PARKING OR STORAGE OF RECREATIONAL VEHICLES OR MOBILE HOMES:**

- (A) Unlawful Parking: It is unlawful for any person to park any recreational vehicle or mobile home, occupied or unoccupied, on any street, alley, or highway or other public place, or on any tract of land owned by any person, except as provided in this chapter.
- (B) Exceptions:
1. Emergency or temporary stopping or parking for not more than four (4) hours and subject to any other limitations.

2. The storage of any unoccupied and uninhabited recreational vehicle or mobile home not exceeding eight feet (8') in width shall be permitted in the rear yard of any premises; provided, that it does not extend into any setback area, nor shall it be connected to water, sewer, electricity or gas and that such storage is not in conflict with any other section or regulation. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.4.05: OTHER MOBILE HOME/MANUFACTURED UNITS:**

- (A) Security Unit: A mobile home or manufactured unit used as residential quarters for watchmen or caretakers and located on the premises of an industrial or business establishment in any zone except R1, R4, R8, and R16 residential zones may be permitted by conditional use permit approved by the commission, provided the sanitary regulations of the city are met. The unit shall be registered with the building official or his authorized representative within thirty (30) days of the effective date of the conditional use permit and shall be subject to annual inspection by the building official. Discontinuance of residential use of any such mobile home for thirty (30) days on the lot where originally permitted or any change of ownership shall result in voidance of the permit.
- (B) Use Of Mobile Homes And Other Manufactured Units At Construction Sites: A commercial coach, mobile home, recreational vehicle or other licensed vehicle used for office purposes or the temporary housing of tools, equipment, etc., during the duration of construction shall be conditionally permitted in any zone. (Ord. 822, 2-23-2006, eff. 3-16-2006)
- (C) Use Of Mobile Home Or Commercial Coach As Temporary Office: A mobile home or commercial coach may be used for a temporary office in commercial, business park and industrial zones by conditional use permit granted by the commission. The unit must be connected to the city water and sewer systems, if restroom facilities are provided. A building permit must be obtained prior to installation. (Ord. 885, 3-24-2011)
- (D) Commercial Coach For Temporary Classroom:
1. A commercial coach or unit specially designed for classroom purposes may be used as a temporary classroom for schools in any zone where schools are permitted. The unit must be connected to the city water and sewer systems if restroom facilities are provided. A building permit must be obtained prior to installation.
  2. Temporary classroom units which are moved periodically from school to school and are not considered permanent must obtain a building permit and are subject to site location approval by the building official. (Ord. 822, 2-23-2006, eff. 3-16-2006)
- (E) Mobile Home/Commercial Coach As Portable Lab: A specially equipped mobile home or commercial coach may be used for portable laboratory purposes in the R1, R4, R8, and R16 zones and commercial, business park and industrial zones subject to approval of a conditional use permit by the commission. (Ord. 885, 3-24-2011)

#### **9.4.06: PERMITS AND INSPECTION:**

##### **(A) Building Permits:**

1. Prior to occupancy of any mobile home upon real property in the city, the property owner shall obtain a building permit. The fee for such installation permit is established by resolution of the council and includes the cost of inspection by the building official.
2. Said permit shall be valid until removal of the mobile home from the property.
3. A building permit shall not be transferable from one location to another, but may be transferable from one person to another for the same mobile home in the same location.

4. When an approved mobile home installation for which a fee has been paid is replaced by its owner with a mobile home using the same connections, the permit fee for replacement shall be the same as a new installation.
5. Upon issuance of a building permit for the installation of a mobile home, a decal indicating approval of the mobile home shall be placed on the unit by the building official so as to be visible from the street, unless otherwise screened from view.

(B) Temporary Use Permits:

1. Fees, Restrictions: A fee set by the council for a temporary use permit for a mobile home or recreational vehicle not to exceed forty five (45) days in any twelve (12) month period may be used by the building official to allow the use of one or more units upon a parcel of land of single ownership. Any such temporary permit shall not, other than permitting a smaller area requirement, vary or alter the provisions of this title. No public hearing shall be required for the issuance of such temporary use permit. The intent of this section is to allow friends, relatives and bona fide visitors to place and use their mobile homes or recreational vehicles for a limited period of time under circumstances which would otherwise be prohibited by this title. No permit shall be required of friends, relatives or bona fide visitors staying two (2) weeks or less and not using plumbing or electrical connections to the mobile home or recreational vehicle.
2. Emergency Permits: When a true emergency condition exists (example: fire or flood), a mobile home may be used for temporary living quarters for a period of time not to exceed sixty (60) days. Documentation of the emergency condition must be submitted with an application for an emergency permit. Said permit may at the time be issued by the building official when an extended emergency exists. (Ord. 822, 2-23-2006, eff. 8-16-2006)

## **9.4.07: MOBILE HOME PARK DEVELOPMENT STANDARDS AND PROCEDURES:**

### **9.4.071: GENERAL CONDITIONS AND LIMITATIONS:**

(A) Land Area: The minimum land area necessary to establish a mobile home park shall be two (2) acres.

(B) Density:

1. Density shall not exceed eight (8) mobile homes per gross acre. If it is determined by the commission that a street widening or terminating dedication is necessary, the amount of land dedicated shall be subtracted from the gross site area when calculating the proposed density.
2. When a mobile home park is located adjacent to a waterway, gross site area shall not include property behind the edge of the bank or the right of way access to the waterway. When waterways are fenced, property behind the fence shall not be included as a part of gross site area.

(C) Yard Requirements:

1. The setback required in each instance shall be a line parallel to and measured at right angles from the front, side or rear property line. The front and rear building setback lines shall extend the full width of the property. No building, structure or mobile home shall be located so that any part extends into the area between the building setback line and the property line. Fences and signs may be placed within the aforementioned area as an exception to this subsection.
2. Mobile homes and other structures within mobile home parks shall be set back at least ten feet (10') from any interior property line. The setback from any abutting public street right of way shall be at least twenty feet (20') from the property line.
3. In any required yard through which there is vehicle access between a public or private parking area and a street, no fence, wall, hedge, or other vegetation shall be permitted which materially impedes vision from a public sidewalk to vehicles backing from said parking area(s) across the public sidewalk.

- (D) **Boundary Development:** An ornamental sight obscuring fence or wall of not less than five feet (5') nor more than six feet (6') in height, and/or earthen berm not more than three feet (3') in height together with evergreen planting is required to surround the mobile home park in instances where the commission decides such requirement will enhance the successful operation of the park and the surrounding area, and/or secure safety of residents. Such fence, wall, berm, or planting may be placed up to the property line if adequate vision clearance for entrances and exits is maintained.
- (E) **Parking Requirements:**
1. There shall be two (2) vehicle parking spaces at least nine by twenty feet (9 x 20') for each mobile home space, with clear and unobstructed access to an accessway. Any parking space in the accessway shall not fulfill this requirement.
  2. Guest parking shall be provided on a mobile home park parking site (but not in the required accessway if said accessway has less than 34 feet of surfaced roadway) at the rate of one space for each mobile home space.
- (F) **Access To Public Street:** A mobile home park must have two (2) points of access to a public street or streets having not less than sixty feet (60') of right of way width. Each park shall have not less than sixty feet (60') of frontage on a public street, except as authorized by the commission. No mobile home space shall be located in such a manner that a public street must be used to maneuver the mobile home into that space.
- (G) **Emergency Sanitation Facilities:** Each mobile home park shall be provided, for emergency purposes, with the sanitation facilities as prescribed by state law.
- (H) **Service Buildings:** Service buildings which house sanitation facilities shall be permanent structures, complying with all applicable city and state statutes regulating building, electrical installations and plumbing and sanitation systems.
- (I) **Structures:** Structures located on any mobile home space shall be limited to a storage building, ramada, garage or carport. These structures may be combined as one structure. No structural additions shall be built onto or become a part of any mobile home, and no mobile home shall support any building in any manner. The words "structural addition" shall not be construed to exclude the construction of an awning or patio cover adjacent to a mobile home. All structures shall be of a material, size, color and pattern so as to be compatible with the mobile home to which they are associated.
- (J) **Skirting:** Skirting of mobile homes is required within thirty (30) days of installation. (Ord. 822, 2-23-2006, eff. 8-16-2006)

#### **9.4.072: ZONING APPROVAL REQUIRED FOR NEW MOBILE HOME PARK OR EXPANSION:**

No building permit shall be issued for the construction of a new mobile home park or expansion of an existing park within the city limits until the proposed location is approved by the commission and a conditional use permit for a mobile home park development is granted following a public hearing held in accordance with the procedures set forth in title III, [chapter 15](#) "Procedures, Appeals And Action", of this code. Such showing shall be made in accordance with the following procedures:

- (A) **Plot Plan Required:** The application for a conditional use permit to construct a new mobile home park or to expand an existing mobile home park shall be accompanied by four (4) copies of the plot plan of the proposed park. The plot plan should show the general layout of the entire mobile home park, and should be drawn to a scale not smaller than one inch representing forty feet (1" = 40'). The following information is required on the plot plan:
1. Name of the person who prepared the plan.

2. Name of the mobile home park and address.
3. Scale and north point of plan.
4. Vicinity map showing relationship of the mobile home park to adjacent properties.
5. Boundaries and dimensions of the mobile home park.
6. Location and dimensions of each mobile home space and a designation of each space by number or letter combination.
7. Location and dimensions of each existing or proposed building.
8. Location and width of accessways.
9. Location and width of walkways.
10. Location of each lighting fixture for lighting the mobile home spaces and grounds.
11. Location of recreation areas and buildings, and area of recreation space in square feet.
12. Location and type of landscaping plantings, fence, wall or combination of any of these or other screening materials.
13. Location of point where mobile home park water and sewer system connects with the public system.
14. Location of available fire hydrants and irrigation.
15. Enlarged plot plan of a typical mobile home space, showing location of the patio, parking, sidewalk, utility connections and landscaping.

(B) Detailed Plans: In addition to the plot plan, detailed plans are required showing:

1. New structures.
2. Water and sewer systems.
3. Electrical systems.
4. Road, sidewalk and patio construction.
5. Parking location and layout.
6. Drainage system and snow storage.
7. Recreation area improvements.

(C) Conditions Of Permit: A conditional use permit shall be subject to the plans and other conditions upon the basis of which it was granted.

(D) Noncompliance: In the event of failure to comply with the plans and/or other conditions of the conditional use permit, the commission may, after notice and hearing, revoke the conditional use permit.

(E) Permitted Uses Within Park: No building, structure or land within the boundaries of a mobile home park shall be used for any purpose except the following:

1. Mobile homes for residential use only, together with the normal accessory uses to residential living such as patio slab, carport or garage and a storage or washroom building.
2. Private and public utilities.



3. Community recreation facilities, including swimming pools.
4. A fixed residence for the use of a caretaker or a manager responsible for maintaining the operation. (Ord. 822, 2-23-2006, eff. 8-16-2006)

#### **9.4.073: SITE REQUIREMENTS:**

The following shall be considered the minimum site requirements for a new mobile home park or the expansion of an existing mobile home park:

- (A) Accessways: At least two (2) accessways shall connect each mobile home space to public right of way and shall be a minimum of thirty four feet (34') in width. Where the entrance accessway is divided by a median planting strip, the minimum width shall be fifty feet (50') and each side shall then be one way.
- (B) Recreation Area: A minimum of two hundred (200) square feet of recreation area shall be provided for each mobile home space. The recreation area may be in one or more locations in the park. At least one recreation area shall have a minimum size of five hundred (500) square feet and be of a shape that will make it usable for its intended purpose.
- (C) Electricity:
1. Installation of meter bases to serve each mobile home shall comply with provisions of the state electrical code.
  2. An electrical permit must be obtained from the state for inspection of any placement or replacement of mobile homes in the park.
- (D) Sewage Disposal:
1. All plumbing in the mobile home park must connect to the public sewer system and shall comply with the most current version of the international plumbing code.
  2. Each mobile home space shall be provided with at least a three inch (3") sewer connection. Said connection shall be provided with suitable fittings, so that a watertight connection can be made between the mobile home drain and sewer connection. Such individual mobile home connections shall be so constructed that they can be closed when not linked to a mobile home, and shall be trapped in such a manner as to maintain them in an odor free condition.
  3. Sewer connection fees for each mobile home space will be that amount established by resolution of the city council.
  4. A plumbing permit must be obtained from the state for inspection of the placement or replacement of each mobile home in the park.
- (E) Water Supply: An accessible, adequate, safe and potable supply of water shall be furnished in each mobile home park, capable of furnishing a minimum of five (5) gallons per minute per mobile home space. All water piping shall be constructed and maintained in accordance with state of Idaho regulations for public drinking water systems.
1. Individual water service connections which are provided for direct use by mobile homes shall be so constructed that they will not be damaged by the parking of such homes. The mobile home park water system shall be adequate to provide thirty five (35) pounds per square inch of pressure at all mobile home connections.
  2. Fees for connecting to the city water system will be that amount established by resolution of the city council.
- (F) Hydrants: Hydrants will be installed in accordance with the international fire code. An adequate water supply of at least three

hundred (300) gallons per minute shall be provided.

(G) Building Permit: Construction or alteration of a mobile home park requires a permit from the building department.

(H) Setbacks: Setbacks from adjacent developments or properties shall be in accordance with the setback requirements of those properties. (Ord. 822, 2-23-2006, eff. 8-16-2006)

#### **9.4.074: MOBILE HOME SPACE REQUIREMENTS:**

The minimum mobile home space requirements for a new mobile home park or expansion of an existing mobile home park are as follows:

(A) Mobile homes up to and including fourteen foot (14') single wides shall be placed on lots not less than forty feet (40') wide with not less than four thousand (4,000) square feet of space. Doublewides and expansion mobile homes shall be placed on lots not less than fifty feet (50') wide with not less than five thousand (5,000) square feet of space.

(B) Minimum space requirements between mobile homes.

1. End to end, fifteen feet (15').
2. Side to side, fifteen feet (15').
3. No detached accessory structure may be located closer than three feet (3') from the rear or side lot line or any lot line abutting a property line or another mobile home lot.

(C) Each mobile home space shall be provided with a patio or deck having a minimum area of one hundred forty (140) square feet (minimum width of 7 feet and minimum length of 20 feet), which shall be constructed adjacent to and parallel with each mobile home parking space. (Ord. 822, 2-23-2006, eff. 8-16-2006)

#### **9.4.075: IMPROVEMENT REQUIREMENTS:**

(A) Roadways And Sidewalks: Roadways within an accessway shall be constructed to the city's standard for residential or local street construction and sidewalks shall be paved with a crushed rock base and asphalt, concrete, or similar surfacing according to structural specifications established by the city.

(B) Surfaced Width Of Roadways: Minimum surfaced width of the roadway within an accessway shall be twenty four feet (24') if no on street parking is allowed and thirty four feet (34') if parking is allowed on one side. The first fifty feet (50') of the accessway measured from the street shall be surfaced to a width of thirty four feet (34') and shall be connected to an existing street in accordance with plans approved by the city.

(C) Public Streets Adjacent To Park: Any unimproved public street adjacent to a new mobile home park must be improved by the developer with curb, gutter, and pavement to city standard. At a minimum, the city may accept a width of one-half ( $1/2$ ) plus eight feet (8') of roadway.

- (D) Patios: Patios shall be paved with concrete or other suitable hard surfaced materials.
- (E) Lighting: All accessways and walkways within the park shall be lighted at night to provide a minimum of one and one-half (1<sup>1/2</sup>) foot-candles of illumination but shall be otherwise in accordance with of title III, [chapter 14](#), "Outdoor Lighting", of this code.
- (F) Underground Wires To Light Poles: Wires for service to light poles and mobile home spaces shall be underground.
- (G) Drainage: The mobile home park shall be well drained. Provisions for drainage shall be made in accordance with the McCall drainage management guidelines and as approved by the city.
- (H) Recreation Areas: Recreation areas shall be suitably improved and maintained for recreational purposes and shall be appropriate for the planned number of residents of the park.
- (I) Storage Area: A fenced storage area shall be provided by each mobile home park for the storage of accessory items such as boats, recreational vehicles, campers and related equipment owned by the park residents. Such items shall be stored in the storage area and not be parked beside the mobile home. Said storage area shall contain a minimum of sixty (60) square feet per mobile home space. (Ord. 822, 2-23-2006, eff. 8-16-2006)

#### **9.4.08: RECREATIONAL VEHICLE PARKS:**

- (A) Zoning: Recreational vehicle parks are permitted in all residential and commercial zones, except the CBD zone, with a conditional use permit.
- (B) Permit Required: A planned unit development permit (see title III, [chapter 10](#), "Planned Unit Development", of this code) will be required for the development of any recreational vehicle park with an area of two (2) acres, or greater.
- (C) Application For Permit: To obtain a permit for construction of a recreational vehicle park, the applicant shall:
1. Submit an application with two (2) sets of plans and specifications to the city for review by the building official and other departments to check compliance with applicable laws or ordinances. If a conditional use permit is required, the application will be accompanied by a nonrefundable fee to be established by resolution of the city council and the matter scheduled before the commission for public hearing.
  2. The material submitted shall include a plot plan and building plans and specifications for all buildings, improvements and facilities, such as electrical, plumbing, gas and sewerage system to be constructed within the park. If the building official is satisfied that the proposal, as submitted, or subject to corrections, meets the requirements as set forth in this chapter, he shall then issue the permit to the applicant based upon the true valuation of construction.
  3. A permit issued under the provisions of this chapter may be revoked or suspended whenever the permit is issued on the basis of incorrect information supplied or in violation of any ordinance or regulation or any of the provisions of this chapter. Said suspension or revocation shall be in writing and the permit may be reinstated upon correction of the problem within an established period of time.

(D) Development Standards: The following minimum standards shall apply to the development of a recreational vehicle park:

1. Landscaping And Screening: The park boundaries shall be reasonably screened whether by barriers or ornamental fences, walls, trees, shrubs, or open spaces, to assure reasonable integration with adjoining land usages and to assure health, safety and quiet enjoyment of the area.
2. Play Areas: Recreation and children's play area shall be provided in a ratio of two hundred (200) square feet per space and consist of a well kept lawn with shade trees.
3. Occupant Improvements: Any space occupant shall not be permitted to erect, install or place any structure or facility upon the space.
4. Waste Disposal: Waste disposal facilities for recreational vehicles shall be provided in an isolated, screened service area in a manner and method acceptable to the building official and/or health officer.
5. Access: All spaces shall abut upon a road right of way not less than thirty four feet (34') in width which shall have unobstructed access to a public street or highway. Dead end roadways shall provide adequate vehicle turning space or a cul-de-sac with not less than a fifty foot (50') radius, exclusive of parking. All roads shall have an approved surface at least twenty four feet (24') wide.
6. Utilities: All utilities shall be underground.
7. RV Spaces: Minimum requirements for each RV space:
  - (a) Dimensions: Forty feet (40') wide (minimum) with two thousand five hundred (2,500) square feet of area.
  - (b) Parking Area: One off street, paved parking area not less than nine by twenty feet (9 x 20') or, in lieu of off street parking, a thirty four foot (34') paved roadway.
  - (c) Minimum Yards: Front, ten feet (10'); side and rear, five feet (5').
  - (d) Patio: Masonry or concrete patio, one hundred (100) square feet.
  - (e) Hydrant: One frostproof exterior potable water supply hydrant.
  - (f) Pull through design spaces are strongly recommended for the majority of the spaces in the park.
8. Central Facilities:
  - (a) Adequate space for clothes drying and adjoining laundry facilities.
  - (b) Sufficient supply of pure, healthful drinking water, and not less than one water outlet for each recreational vehicle. There shall be no common drinking vessel. An abundant supply of hot water for bathing, washing, and laundry facilities is to be provided at all times.
  - (c) Flush toilets in conveniently located buildings, well lighted, ventilated with screened openings and constructed of moistureproof materials permitting satisfactory cleaning. Floors made with concrete or similar materials, slightly pitched to floor drain. (Ord. 822, 2-23-2006, eff. 8-16-2006)

#### **9.4.09: VIOLATIONS AND PENALTIES:**

Any person or corporation, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the requirements thereof shall be guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding three hundred dollars (\$300.00), or by both. Each week's continued violation shall constitute a separate additional violation. (Ord. 822, 2-23-2006, eff. 8-16-2006)

#### **9.4.10: NONCONFORMING MOBILE HOMES:**

A mobile home which has been placed upon an individual lot and maintained prior to March 16, 2006, shall be a legal nonconforming use. Such mobile home shall not be relocated within the city or area of city impact without conforming to all applicable provisions contained herein. Likewise, a nonconforming mobile home shall not be replaced for any reason, including damage due to weather or other factor, with another nonconforming mobile home, even if new, larger, or otherwise different. (Ord. 822, 2-23-2006, eff. 8-16-2006)

## **Chapter 5**

# **MANUFACTURED HOME REGULATIONS**

### **9.5.01: PURPOSE:**

This chapter establishes the minimum standards for the location and approval of manufactured housing as permanent dwelling units on individual lots zoned for single-family residential uses. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.5.02: DEFINITIONS:**

As used in this chapter, unless the context otherwise requires:

**ACCESSORY STRUCTURE:** A structure attached to or located adjacent to a manufactured home, such as awnings, carports, garages, porches, or steps.

**FOUNDATION FASCIA:** A weather resistant material surrounding the entire perimeter of a manufactured home which completely encloses the space between the exterior wall of the manufactured home and the ground.

**MANUFACTURED HOME:** A structure constructed according to HUD/FHA mobile home construction and safety standards and section 39-4105(10), Idaho Code, which is designed to be used as a permanent residential dwelling.

**PERMANENTLY AFFIXED:** A manufactured home which has been installed on a permanent foundation per the Idaho manufactured homes standards. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.5.03: DEVELOPMENT STANDARDS:**

The use of a manufactured home as a permanent residential dwelling on a parcel of land shall be permitted in any zoning district of title III of this code which permits a single-family site built dwelling, except for lands falling within an area defined as an "historic district" under section 67-4607, Idaho Code, provided the following standards are met:

- (A) **Size:** The manufactured home is multi-sectional with a minimum width of twenty feet (20') and a minimum enclosed floor space of not less than one thousand (1,000) square feet.
  
- (B) **Foundation:** The manufactured home is placed on a foundation per the Idaho manufactured homes standards.
  
- (C) **Pitched Roof:** Manufactured homes shall have pitched roofs with a minimum slope of a nominal three feet (3') in height for each twelve feet (12') in width.

(D) Siding And Roofing Material: The manufactured home has exterior siding and roofing materials which in color, material, and appearance are generally similar to the exterior siding and roofing material commonly used on residential dwellings within the community, or which are comparable to the predominant materials used on surrounding dwellings.

(E) Other Requirements: For other local single-family building requirements, see titles II and III of this code.

(F) Garage: Provision on the property shall be made for the future addition of a garage to replace an approved parking area. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.5.04: ACCESSORY STRUCTURES:**

Accessory structures to manufactured housing shall be constructed in compliance with any applicable code adopted by the city. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.5.05: ADMINISTRATION AND ENFORCEMENT:**

(A) Application: Application shall be made to the building official on a building permit application form. The completed application shall include all information necessary to determine conformity with required development standards of this chapter. The applicant shall also attach to the application:

1. A plot plan showing existing conditions and the proposed location of the home and other improvements at a scale of at least one inch equals twenty feet (1" = 20').
2. A copy of any additional manufacture's instructions not covered by the Idaho manufactured homes standards.
3. Other local single-family building requirements.

(B) Certificates And Inspection:

1. The applicant shall sign the completed application certifying the manufactured home meets the required development standards of this chapter and that site development will be in accordance with said standards and the plot plan submitted. The applicant shall also certify that once the manufactured house is permanently affixed, the applicant will declare the house as real property for taxation purposes in accordance with section 63-304 of the Idaho Code.
2. Following application and plot plan approval by the building official, the building official shall issue a building permit for the footings and foundation for the attachment of the manufactured home; and the building official shall verify, in writing, that all development standards have been met as certified by the applicant. The home may then be attached to the foundation in accordance with city codes for permanent utility connections and other building requirements.
3. Prior to occupancy, a final inspection shall be made to assure proper attachment of the home to the foundation. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.5.06: NONCONFORMING MANUFACTURED HOMES:**

A manufactured home which has been placed upon an individual lot and maintained prior March 16, 2006 shall be a legal nonconforming use. Such a manufactured home shall not be relocated within the city or area of city impact without conforming to all applicable provisions contained herein. Likewise, another nonconforming manufactured home may not replace one which has been

moved or has suffered unrecoverable damage. (Ord. 822, 2-23-2006, eff. 3-16-2006)

## Chapter 6

# SUBDIVISION AND DEVELOPMENT IMPROVEMENT REQUIREMENTS

### 9.6.01: DESIGN STANDARDS:

The following design standards shall be incorporated in any plat, subdivision, development or dedication, and each of the requirements hereinafter set forth shall be considered mandatory unless the particular provision indicates to the contrary.

- (A) Subdivisions Unsuitable For Development: In order to promote the safety, general health, welfare and livability of the community and future residents, the city may find that certain portions of the subdivision are unsuitable for development because of risk of flooding, poor drainage, steep slopes, rock formations, or other features, and shall not be developed unless adequate methods approved by the city are planned for overcoming these conditions.
- (B) Construction Standards Adopted: The city of McCall hereby adopts specifications and details of the latest edition of the "Idaho Standards For Public Works Construction", or as amended by resolution, as standards for construction. These standards are augmented by general addenda, approved by resolution of the council as necessary, to ensure uniform material selection and construction practice for those items specific to the city of McCall and area of city impact.
- (C) PUD; Density Transfers And Bonuses: Density transfers and density bonuses may be approved through a planned unit development in accordance with title III, [chapter 10](#) of this code, and the applicable provisions of this title.
- (D) Expenditure Of Public Funds: Nothing in this title shall ever be construed to require the city to expend public funds not budgeted and appropriated for any subdivision improvement. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### 9.6.02: IMPROVEMENT REQUIREMENTS:

- (A) Streets: All streets in the subdivision must be platted and developed with a width, alignment, and improvements such that the street is adequate to accommodate existing and anticipated vehicular and pedestrian traffic and meets city standards for the appropriate functional classification. Streets shall be aligned in such a manner as to provide through and efficient access from and to adjacent developments and properties and shall provide for the integration of the proposed streets with the existing pattern. Streets shall be aligned consistent with the comprehensive plan and applicable master plans.
1. Installation: Street, utility and requisite on site and off site improvements, as hereinafter listed, shall be installed in each new subdivision at the subdivider's expense, or their later installation at subdivider's expense as provided for in the development agreement.
  2. City Acceptance: The city shall not accept the dedication of any public rights of way, any easements shown on the plat, or any appurtenant facilities lying therein which are not improved, or construction thereof guaranteed in accordance with the provisions of this title, or with policies, standards, designs and specifications set forth in the road and street specifications adopted by the city, county, or state.
  3. Paving And Dedication: The subdivider shall construct paved streets in residential, commercial, business park or industrial subdivisions. All streets and alleys within any subdivision shall be dedicated for public use. (Ord. 885, 3-24-2011)
  4. Design Plans: Design plans for street construction and subdivision drainage shall be submitted to and approved by the city prior

- to construction. Subgrade construction must be approved before placing subbase course and subbase course approved before placing base course<sup>1</sup>. Digital data shall be provided according to the digital data submittal standards policy. (Ord. 899, 5-24-2012)
5. Clearing Rights Of Way: The right of way beyond the limits of fill and back slopes shall be cleared to the extent and not beyond the extent required by the city upon request of the subdivider for direction, having regard for the safety of the traveling public and the appearance of the city.
  6. Materials Standards And Construction: The latest edition of "Idaho Standards For Public Works Construction" shall govern materials used in the streets and their placement.
  7. Street Design: Street design shall be in accordance with the most current version of the applicable American Association Of State Highway And Transportation Officials (AASHTO), the federal highways administration (FHWA), and the transportation research board (TRB) guidelines. Designers are specifically directed to the following manuals: a "Policy On Geometric Design Of Highways And Streets" (AASHTO), the "Manual On Uniform Traffic Control Devices" (FHWA), and the "Highway Capacity Manual" (TRB).
  8. Street Grade: The maximum permitted grade is six percent (6%). Grade may exceed six percent (6%), where necessary, by one percent (1%) (total 7 percent) for no more than three hundred feet (300') or two percent (2%) (total 8 percent) for no more than one hundred fifty feet (150'). Grades of up to ten percent (10%) may be permitted where the city and the fire chief are satisfied by reason of site topography and soils that a reasonable lesser grade alternative does not exist. No street may be artificially elevated over an underpass location merely to permit a private underpass.
  9. Snow Storage Easement: A snow storage easement of ten feet (10') shall be provided on both sides of any street with a right of way less than standard.
- (B) Street Name Signs: The developer shall provide and install all street name signs at all intersections per city standards. (Ord. 822, 2-23-2006, eff. 3-16-2006)
- (C) Street Lighting: Street lighting shall be placed at all intersections with arterial streets and within industrial, business park and commercial zones. Streetlights in residential areas are required at intersections with collector or arterial streets. All street lighting is to be in accordance with title III, [chapter 14](#), "Outdoor Lighting", of this code. (Ord. 885, 3-24-2011)
- (D) Sidewalks: Sidewalks shall be provided with all new development or major exterior remodeling in the commercial zones, the CV zone and the residential R16 zone, and constructed to city standards. Where sidewalks or curb and gutter are constructed, a corresponding stormwater conveyance and treatment plan shall be required. The city has the authority to require sidewalks in any zone in which the subject property is along a route that leads to a pedestrian oriented destination (e.g., schools, parks, community centers, corner stores, etc.). All sidewalks shall accommodate anticipated pedestrian traffic, include street trees where required by the commission, be constructed per city standards and allow for impaired access. See the "City Of McCall Design Guidelines".
- (E) Drainage Facilities: Appropriate natural, storm, and melt water drainage and treatment facilities shall be provided, to include provisions for natural, storm and melt water drainage and treatment within street rights of way and other drainages on and through the property. Drainage facilities shall be constructed in accordance with best management practices under state and federal storm and melt water regulatory programs to which the city is subject, with the McCall drainage management guidelines and with other city plans in these regards. Off site improvements necessary for interconnection may be required of the developer as a condition of plat approval, or platting and development may be postponed until others provide such improvements.
- (F) Water Supply: Connection to city water system is required for all developments within the city. The extension of water lines shall be at the developer's expense and shall have the capacity and placement necessary to serve property beyond the development. If the city requires a larger water main to accommodate future development than the size of the line required for the subdivision or development, the developer shall install the larger line size required by the city. Four inch (4") blowoffs for water lines shall be required at the terminus of all dead end water lines unless a standard fire hydrant is available, in which case a tee and valve shall terminate the line<sup>2</sup>. Water systems shall be designed in accordance with the "Ten State Standards"<sup>3</sup>.



- (G) Area Of City Impact; Domestic Water Source: Developments within the area of city impact must provide for a domestic water source approved by Central district health.
- (H) Sanitary Sewer: Connection to the city sewer system is required for all developments within the city. Connection to the Payette Lakes recreational water and sewer district sewer system is allowed for developments in the area of city impact or beyond or by special permission of the city. The extension of sewer lines shall be at the developer's expense and shall have the capacity and placement necessary to serve property beyond the development. If the city requires a larger sewer main or increased lift station capacity to accommodate future development than the size of the line required for the subdivision or development, the developer shall install the larger line and/or lift station required by the city<sup>4</sup>. Sanitary sewer systems shall be designed in accordance with the "Ten State Standards"<sup>5</sup>.
- (I) Individual Septic Systems: Where lot size and soil conditions are appropriate, and where connection to an existing sanitary sewer system is deemed unreasonable by the commission, a development may install individual septic systems with the approval of Central district health. However, the development must anticipate future conditions and recognize a possible need for connecting to either the city or the Payette Lakes recreational water and sewer district facilities.
- (J) Underground Dry Lines: The city may require the installation of dry water or sewer lines when the land being subdivided is in whole or pertinent part within that area identified as to be annexed to the city by the then current comprehensive plan, and is shown as to be provided with water or sewer, as the case may be, in adopted water or sewer master plans either within the city or the area of city impact. (Ord. 822, 2-23-2006, eff. 3-16-2006)
- (K) Paved Pathways: Paved pathways shall be required where shown on an approved park or path plan (see the McCall area pathways master plan) or where deemed necessary by the administrator or commission to provide for safe and convenient access for students and the general public. Pathways shall be designed in accordance with the most current AASHTO guide for the development of bicycle facilities. Bicycle paths shall be a minimum of ten feet (10') of paved surface over six inches (6") of three-fourths inch ( $3/4$ " ) minus compacted gravel, separated from an adjacent street by a minimum of six feet (6'). Reduced width surface and separation will be considered if terrain or other conditions exist which could preclude the standard. Signs and bollards to prevent vehicular access shall be installed at path intersection with all streets. (Ord. 898, 5-10-2012)
- (L) Underground Power And Telephone: All power and telephone lines within the development must be buried, except transmission lines of such voltage as to make burial impractical in the opinion of the city based upon competent advice.
- (M) Underground Cable Requirement; Exception: Underground cable television service is required except where waived by the administrator because the property is too remote from existing service or planned expansions of service.
- (N) Landscaping: A landscaping plan is required which depicts ground cover, trees, shrubs, and other landscaping, and which provides for permanent irrigation. The plan shall be required for common areas, street dedications, and other dedications where natural vegetation was excavated, covered or otherwise disturbed during construction. Landscaped areas shall include fill and cut slopes. Homeowners' associations, where formed, shall be responsible for maintenance of vegetation and irrigation systems within common areas, street dedications, and other dedications. Vegetation within drainageways shall be designed to improve appearance, hold down dust, and to cleanse, but not obstruct, drainage, consistent with best management practices outlined in state and federal storm and meltwater programs to which the city is subject, and consistent with the McCall drainage management guidelines, and other city programs in these regards, all as established to the satisfaction of the city. See appendix B, on file in the office of the city clerk, for a plant listing.
- (O) Buffers: In order to enhance the rural and natural environment, buffers a minimum of five feet (5') in width shall be incorporated in the landscaping plan for all developments in all residential zones at the boundaries of subdivisions. These buffers will use natural features, including vegetation and terrain elements, which are common in the area. The buffers can also be designed to provide for

area for the storage of snow or rain runoff. The intended purpose, however, is to provide some natural screening of the developed properties so as to soften the sightlines of residents and visitors when viewing the natural surroundings. The buffers shall be designed so that at plant maturity the total buffering width will be five (5) to ten feet (10') with a height of at least ten feet (10').

(P) Irrigation Wells: Irrigation wells are allowed if the irrigation system meets the requirements for cross connection control established by the state of Idaho, where any occupied structure on the irrigated property is connected to city water, and the city receives payment for water connection.

(Q) Drainage: Drainage must be provided.

1. Surface drainage shall be provided where a storm sewer is not present, according to the following standards and consistent with the best management practices described in the McCall drainage management guidelines. If flowing water is generally present, then standards shall be as directed by the city with an eye to both high water and risks of winter glaciations.

(a) Street side ditches shall drain to cross drains; the size of both is subject to approval by the city.

(b) Cross drains at intersections shall be set back ten feet (10') from the property line or located as approved by the city.

(c) Driveway approach culverts shall be not less than fifteen inches (15") in diameter.

2. A storm sewer may be employed where connection is possible to a properly sized storm sewer facility with appropriate treatment capability within three hundred feet (300'). If an existing facility is not available or is not capable of adequate treatment, stormwater shall be retained and treated on site before discharging at rates not to exceed predevelopment flows.

(R) Building Numbers Required: All principal dwelling units or buildings shall have house or building numbers not less than four inches (4") tall, of a color contrasting with the color of the background and visible by day and night from the street at the point of driveway or other access from the street, or directly in front of the building.

(S) Perimeter Walls, Gates And Berms: The city of McCall shall not approve any residential subdivision application that includes any type of perimeter wall or gate that restricts pedestrian or native animal or vehicular access to the subdivision, when traveling on approved rights of way. This regulation does not prohibit fences on or around individual residential lots. The city also does not permit any perimeter landscaped berm more than three feet (3') higher than the previously existing (original) grade. (Ord. 822, 2-23-2006, eff. 3-16-2006)

(T) Perimeter Fencing: Perimeter fencing is fencing which encloses a property with more than two (2) residential units. Perimeter fencing which surrounds, or substantially surrounds, a residential subdivision shall be primarily constructed of natural materials, such as log poles or split rails. Perimeter fencing for residential developments shall have periodic openings to allow for the movement of larger wild animals, such as deer and elk, and shall be constructed so that the height of the top rail is no more than forty two inches (42") above grade and the minimum gap between the bottom rail and grade is fifteen inches (15"). Perimeter fencing proposed for a residential development is subject to the approval of the commission either as a part of the proposed subdivision or requested via a conditional use permit. Fencing, including gates, enclosing industrial, business park and commercial developments, or units within industrial and business park zones, shall require a conditional use permit. Perimeter fencing in zones CC, CBD, BP and I is not permitted except as a screen abutting residential properties and when conditionally approved to provide security for hazardous materials or operations. (Ord. 885, 3-24-2011)

### **9.6.03: DRIVEWAYS, RESIDENTIAL:**

(A) Driveway Design:

1. The maximum grade permitted is fifteen percent (15%) where a private driveway abuts a public or private street but must include a three foot (3') wide landing to the street with a maximum grade of six percent (6%).

2. Driveways may provide access to not more than two (2) residential dwelling units for lots equal to, or greater than, ten thousand (10,000) square feet in area. For lots less than ten thousand (10,000) square feet in area, driveways may access not more than five (5) residential dwelling units. Such driveways are limited to a maximum length of one hundred feet (100') and are subject to design review.
3. Driveways shall be constructed with an all weather surface (asphalt, concrete, crushed gravel, etc.) and shall have the following minimum roadway widths:
  - Accessing one residential unit: Twelve feet (12').
  - Accessing two (2) residential units: Sixteen feet (16').
4. Driveways longer than one hundred fifty feet (150') must have a turnaround area, and fire lane signage must be provided as approved by the fire chief.
5. No part of the required fire lane width of any driveway in a multi-family development may be utilized for parking. Driveways shall not be named.

(B) Shared Driveways: The number of driveway intersections with streets should be minimized through the use of shared driveways with adjoining uses where feasible. The city may require the use of shared driveways for traffic safety and access management purposes in accordance with the following standards:

1. Driveways accessing more than one residential dwelling unit shall be maintained by an owners' association or in accordance with a plat note.
2. The area designated for a driveway serving more than one dwelling unit shall be platted as a separate parcel or as a dedicated driveway easement. Easements and parcels shall clearly indicate the beneficiary of the easement or parcel and that the property is unbuildable except for ingress/egress, utilities or as otherwise specified on the plat.
3. Shared driveways or frontage streets may be required to consolidate access onto a collector or arterial street. (Ord. 822, 2-23-2006, eff. 3-16-2006)
4. Access easements (for the benefit of affected properties) must be a condition of land use or development approval and should be recorded for all shared driveways. Digital data for easements shall be provided according to the digital data submittal standards policy. (Ord. 899, 5-24-2012)
5. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, or similar conditions) prevent extending the driveway with reciprocal access in the future. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.6.04: DRAINAGE PLAN REQUIREMENTS:**

(A) Drainage Report Required:

1. A drainage plan and report prepared by a registered professional engineer is required for all new subdivisions, and for building permits for commercial construction, or multi-family developments within the planning jurisdiction.
2. This section is intended to define the basic criteria for drainage plans which shall be subject to review and evaluation by the city. Supplemental information may be requested. The design of drainage and treatment facilities to handle development drainage and storm and meltwater cannot be efficiently covered by a set of rigid requirements. Each development and designer may have unique solutions to their specific development project's needs. This section therefore outlines the elements to be considered during planning and design to promote consistency in natural, storm and meltwater drainage and treatment system design and evaluation.
3. Failure to provide required information will result in delays in processing applications and, in appropriate cases, rejection of those applications by the administrator.

(B) Content Of Report: A drainage and treatment plan and report must address each of the following areas furnishing all requested information. Submittals not providing the required information will be returned without review.

1. Basin Characteristics:

- (a) Project site.
- (b) Upstream contributing area.
- (c) Combined drainage areas.
- (d) Physical characteristics.
- (e) Existing drainage facilities impacted by the proposed development on the site and downstream of the development.
- (f) Existing treatment facilities.

2. Hydrological analysis of the project site and total drainage area (including upstream tributary areas). Minimum design frequencies shall be based upon tables 9.6.04A and 9.6.04B in this section. Rainfall intensities shall be based upon figure 9.6.04 in this section. The report shall show all calculations, assumptions, and methods.

(C) Drainage Plan: A drainage and treatment plan shall be developed in accordance with the requirements herein and the McCall drainage management guidelines.

TABLE 9.6.04A  
MINIMUM DESIGN STORM FREQUENCY  
FOR CONVEYANCE SYSTEM

Storm water conveyance systems shall be designed using the 10-year design storm frequency, with the following exceptions:

Land Use Zone	Design Storm Frequency
Any drainage crossing a roadway	25
Slopes in excess of 12 percent	25
Major structures, such as bridges	100
Where an existing, primary storm conveyance runs through a property (a primary storm conveyance is defined as a channel, ditch, or pipe with a drainage area of 10 acres or larger)	100
Where an existing, secondary storm conveyance runs through a property (a secondary storm conveyance is defined as a channel, ditch or pipe with a drainage area from 3 to 10 acres)	25

Note: The minimum pipe size that will be accepted by the city of McCall for new conveyances will be 15 inches in diameter.

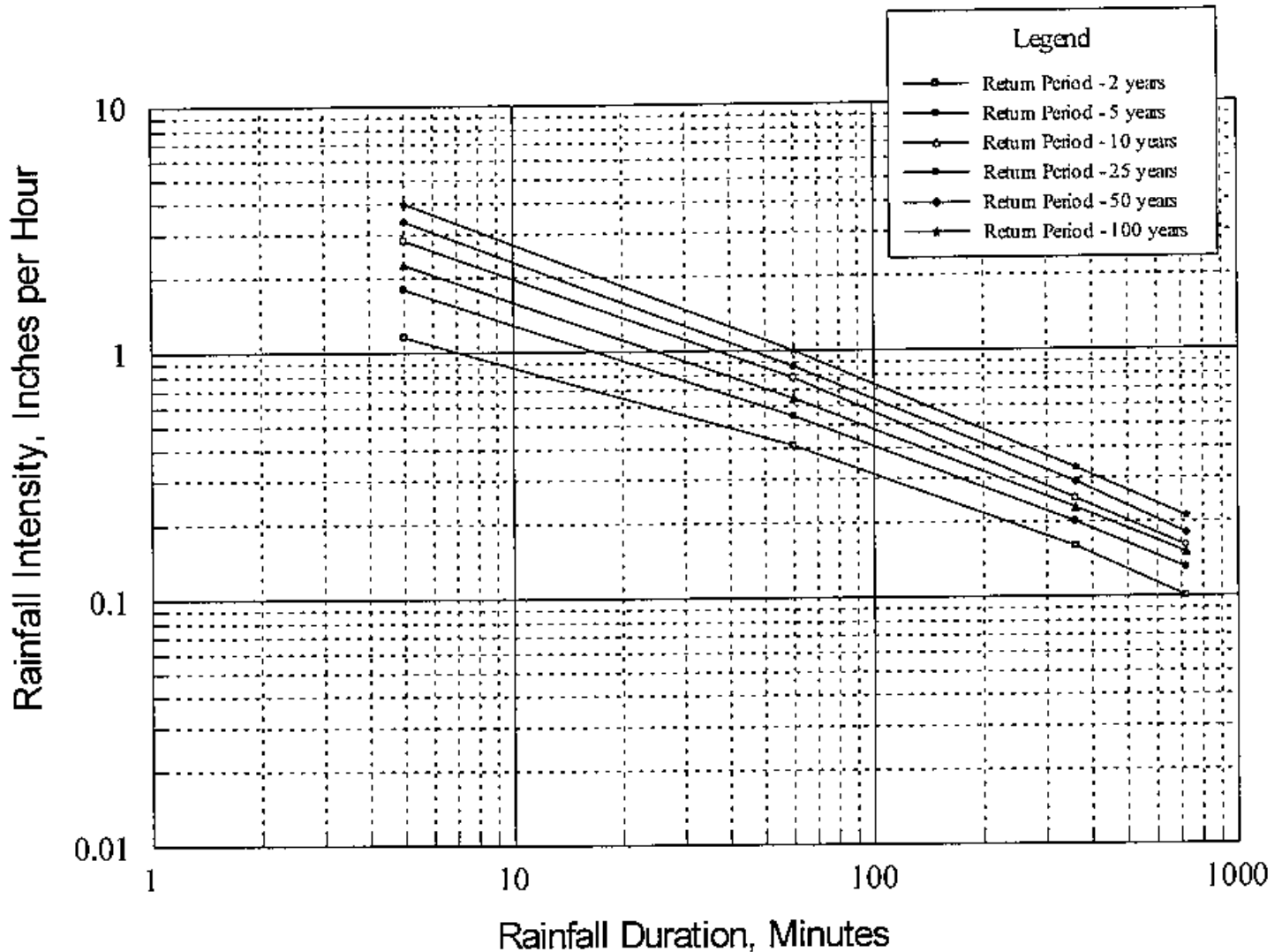
TABLE 9.6.04B  
MINIMUM DESIGN STORM FREQUENCY  
FOR RETENTION SYSTEMS

All land improvement activities which contain from 2 to 5 acres of total site area or from 5,000 to 15,000 square feet of proposed impervious surface	Must detain the 2-year 24 hour design storm
All land improvement activities which contain greater than 5 acres of total site area or greater than 15,000 square feet of proposed impervious surface	Must detain, on site, the increase in runoff that is estimated will be caused by the proposed project for the 10-year 24 hour storm

Note: Emergency spillways must be designed for the 100-year design storm.

Figure 9.6.04

RAINFALL INTENSITIES



1. Drainage Control And Treatment Facilities:

(a) The plan shall include drainage and treatment plan showing all proposed facilities.

(b) Final design submittal shall show detailed information of all proposed drainage and treatment facilities and improvements.

2. Downstream Impacts: Downstream impacts, if any.

3. Operation And Maintenance: A description of operation and maintenance requirements must be included in the drainage and treatment plan and report. Items to be discussed include access, maintenance procedures, safety procedures, operation and control procedures, ownership, and any unique elements of the system. (Ord. 822, 2-23-2006, eff. 3-16-2006)

**9.6.05: PRIVATE STREETS:**

- (A) Private Streets Discouraged: Private streets are discouraged, and cause must be shown for their approval. The commission and council will decide in every case which streets, if any, are to be private. Normally, these will only be emergency access streets, cul-de-sac streets and streets to serve a maximum of ten (10) residential dwelling units, in which case the street is essentially an extended two-way driveway.
- (B) Cul-De-Sac Streets: Cul-de-sac streets shall be allowed only if connectivity is not possible due to surrounding topography or existing platted development. A street right of way extended into unplatted areas shall not be considered a dead end or cul-de-sac street.
- (C) Dedication: Private streets shall be dedicated to the public, devoted to public use, but the question of opening it as a public street or for public maintenance rests in the sound discretion of the council with respect to lands at the time inside the city limits, and the board with respect to lands at the time in the impact area.
- (D) Construction:
1. Private streets shall be built to city standards or better with respect to structural material and section.
  2. Private streets shall be built with an all weather and all season surface not less than twenty feet (20') wide.
  3. Private streets shall be built in accordance with the international fire code, and along alignment and grades approved to handle the largest and heaviest equipment available to the city and McCall rural fire district.
  4. Private streets shall have adequate and unencumbered ten foot (10') wide snow storage easements on both sides of the street, or an accessible dedicated snow storage easement representing not less than twenty five percent (25%) of the improved area of the private street.
  5. Private streets, wherever possible, shall provide interconnection with other streets, subdivisions or other developments. (Ord. 822, 2-23-2006, eff. 3-16-2006)
  6. In no case shall a gate be placed across private or public streets, except in:
    - (a) Those cases where the street serves no more than two (2) residential units, or where, under the current zoning designation for the property, it could be developed or subdivided for no more than two (2) residential units; or
    - (b) Those cases where a perimeter fence is approved for an industrial, business park or commercial development (see subsection [9.6.02\(T\)](#) of this chapter). (Ord. 885, 3-24-2011)
- (E) Responsibility, Enforcement, Penalty: Development documentation, including at least both a plat and covenants, shall make plain that:
1. Police, fire, ambulance, and other emergency services and public or private utilities have full access to private streets exactly as if they were public.
  2. The owners' association shall maintain a full roadway width free of accumulation of snow and free of parked vehicles.
  3. In the event of the failure of the association to comply in a timely manner with subsection (E)2 of this section, the city may clear snow and tow parked vehicles either with its own crews and equipment, or with specially hired crews and equipment.
  4. In the event of either or both such city actions, the association shall be liable to the city in the amount of the cost to the city of doing the work, plus a civil penalty of the greater of:
    - (a) One thousand dollars (\$1,000.00); or
    - (b) Twenty percent (20%) of the total cost for doing the work.
  5. The area designated for private streets shall be platted as a separate, unbuildable, parcel or as a dedicated access easement. When a private street is platted as an easement, a building envelope may be required in order to provide for adequate building setback.

(F) Access And Maintenance Requirements: Provisions shall be made for the future maintenance of and access to private streets as follows:

1. A plan and schedule for the future repair and maintenance of the private street and drainage facilities for the period of the expected lifetime thereof and a cost estimate therefor prepared by a licensed engineer in the state, together with a proposed method for funding the same, including, but not limited to, the creation and maintenance of a reserve fund for that purpose, shall be submitted to the city for review and approval prior to execution of the final plat by the city. The reserve fund is to be held and disbursed by the owners' association for the express purpose of street maintenance within the subdivision.
2. The location of the private street shall be clearly depicted on the face of the plat which shall:
  - (a) Act to convey to each lot owner within the subdivision to be served by the private street the perpetual right of ingress and egress over the described private street;
  - (b) Provide that such perpetual easement shall run with the land; and
  - (c) Provide that the restrictive covenant for maintenance of the private street cannot be modified and the owners' association or other entity cannot be dissolved without the express consent of the city.
3. Private street names shall not end with the word "Road", "Boulevard", "Avenue" or "Street".
4. Subdivisions with private streets shall provide three (3) additional parking spaces per dwelling unit for guest and/or overflow parking. These spaces may be located:
  - (a) Within the residential lot;
  - (b) Parallel spaces within the street parcel or easement adjacent to the travel lanes;
  - (c) In a designated guest parking area; or
  - (d) A combination thereof.

Guest/overflow parking spaces are in addition to the minimum number of parking spaces required pursuant to section [3.8.06](#) of this code. No part of any guest/overflow parking spaces shall be utilized for snow storage.

(G) Council Order To Repair And Maintain Roads: The council may, in the reasonable exercise of its discretion, order the owners or the entity responsible for the maintenance of any private street approved in accordance with the provisions of this section to undertake such repair and maintenance activities as it may determine is necessary to protect the public health, safety, or welfare and make such expenditures from the funds reserved therefor. In the event that such owners or entities have exhausted a reserve fund for maintenance and the city determines that repairs are required, then the city may proceed with such repairs and debit the owners or entities for the entire costs involved. The owners or responsible entities shall, as a condition of approval of any such private street, be deemed to have agreed to comply with any such order and to reimburse the city all of its costs, including attorney fees, incurred in obtaining or enforcing any such order. Any order entered by the council pursuant to this subsection may be enforced by a court of competent jurisdiction, and the city shall be entitled to recover its costs and attorney fees incurred in connection herewith. (Ord. 822, 2-23-2006, eff. 3-16-2006)

## 9.6.06: DEVELOPMENT AGREEMENTS:

All provisions of this section, and sections [9.6.07](#), 9.6.08, 9.6.09 and [9.6.10](#) of this chapter are mandatory, and may not be altered by a development agreement. The obligations contained in these four (4) sections shall be enforceable by methods of enforcement of ordinances, as well as under the law respecting contracts; the doctrine of election of remedies shall have no application.

In addition to the objectives outlined in [chapter 1](#) of this title, provisions to allow the city and developers to enter into development agreements are included in these subdivision regulations to achieve the following purposes:

(A) To assure the city and the applicant that the development will be of greater community benefit and that, in turn for providing

needed facilities, improvements or services, the applicant will be able to plan for and proceed with development.

- (B) To provide a procedure whereby developers of large scale and/or multi-use projects may continue with the development of such projects in accordance with the rules, regulations and policies of the city as such existed at the time the development agreement was adopted, notwithstanding subsequent changes in such rules, regulations, and policies which may occur during the time frame of the development agreement subject to and in compliance with conditions of approval.
- (C) To enable the city to more accurately plan and budget for necessary public improvements in full confidence that development will proceed in a timely and phased manner in accordance with the provisions of the development agreement.
- (D) To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic costs of development. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.6.061: GENERAL REQUIREMENTS:**

- (A) **Qualifications Of Applicant:** Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal interest in the real property which is the subject of the agreement. Applicant also includes an authorized agent.
- (B) **Development Plan Required:** An application for a development agreement shall include and be accompanied by a development plan for the entire property.
- (C) **Application To Planning Department:** An application for a development agreement shall be made to the planning department on a form provided for that purpose.
- (D) **Acceptance Of Application:** Acceptance of an application for a development agreement is subject to the approval of the council. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.6.062: PREAPPLICATION PROCEDURE:**

Prior to submitting an application for a development agreement, the applicant should hold preliminary consultations with the planning department. The purpose of these preliminary consultations is to provide the applicant information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys or other data. Such preliminary consultations should be relative to the proposed development plan and other material which expresses the relationship between the various land uses and the development concepts to be employed; the density or intensity of development; the types of uses to be permitted and any conditions prerequisite to development, such as required use permits and subdivision maps; the size of buildings proposed for development; the provisions for dedication or reservation of land for public purposes; and the construction timing and estimated costs of needed public improvements. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.6.063: DEVELOPMENT PLAN:**



An application for a development agreement shall be made to the administrator and shall be accompanied by a development plan consisting of maps, plans, reports, development and performance standards, schematic drawings which conform to the zoning requirements of the project site, and such other documents deemed necessary by the administrator. Before a final plat for a subdivision is either approved or recorded, the subdivider shall enter into a subdivision agreement with the city in accordance with this section 9.6.06. Such agreement shall run as their interests may appear to the benefit of the city, the county, the state of Idaho, the McCall fire protection district, and the Payette Lakes water and sewer district, and/or any other governmental entity that is relevant at the time, according to the location of the property, the nature of the improvements, and the respective jurisdiction of each of those entities.

(A) Detailed Plan: The development plan shall be sufficiently detailed to show all intended uses and their location on the property.

(B) Required Information: The development agreement may include, but need not be limited to, the following provisions:

1. The type and character of buildings or structures, including the size, height and design of all proposed buildings and the number of dwelling units per gross acre proposed for each residential area;
2. A statement of the standards of population density for the various proposed residential land uses;
3. The general location of school sites, recreational areas and other public and quasi-public sites and the approximate area of each;
4. The general location of all arterial and collector streets, all transit systems, and all trails systems coordinated with the transportation and circulation element of the town general plan;
5. A topographic map and conceptual grading plan of the property;
6. A preliminary report and overall plan describing proposed provisions for storm drainage, sewage disposal, water supply, fire protection and such other public improvements and utilities as the city may require;
7. A designation of the public and private improvements required to be constructed;
8. The construction and inspection requirements of the entity for which or in whose interest the improvements are constructed or by which standards prescribed for them are enforced;
9. The time schedule for completing the improvements;
10. The required guaranty;
11. A schedule for any payments required under this chapter;
12. The allocation, if any, of costs between the city and the subdivider for required public improvements;
13. The warranty required;
14. The consent of the developer for the ownership of public improvements to vest in the city upon final acceptance by the city; and
15. A warranty that the developer has title to the land within the plat and the authority to execute the development agreement. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.6.064: SCHEDULE OF DEVELOPMENT:**

(A) A development agreement shall contain a specific time schedule which sets forth a program for the phasing of construction, when construction is to begin and the proposed financing and timing for the installation or construction of public improvements.

(B) A development agreement shall require the applicant to proceed with construction within the time period specified by the council

and as incorporated into the agreement. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.6.065: LENGTH OF TIME OF AGREEMENT:**

The maximum time period for a development agreement shall be seven (7) years unless the council makes specific findings that exceptional circumstances exist to justify a longer period of time; provided, however, that the maximum period of time shall be twenty (20) years. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.6.066: FINDINGS:**

The planning commission shall review an application for a development agreement and shall forward a recommendation to the council based upon the findings enumerated below. The council shall make the following findings before approving a development agreement:

- (A) That the agreement is consistent with the goals, policies, general land uses and programs specified in the general plan for the city.
- (B) That the agreement and accompanying development plan are compatible with the uses authorized in, and the performance and development standards prescribed for, the zone classification in which the subject property is located.
- (C) That the agreement is in conformity with and will promote public convenience, the general welfare and good land use and development practices.
- (D) The development agreement shall be shown to be of greater benefit to the community than development without such agreement. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.6.067: GUARANTEE REQUIRED:**

(A) Guarantee Of Completion Of Public Improvements:

1. Guarantee: To assure the installation of required public improvements which are not accepted at the time the final plat is filed, the development agreement shall require the developer to guarantee the completion of all such improvements by one or more of the methods specified below. The means of a guarantee may be changed during the guarantee period through a written modification of the agreement. The amount of the guarantee shall be determined on the basis of the developer's cost estimates supported by engineering estimates. The guarantee shall remain in effect until final acceptance of the public improvements and the posting of an acceptable security for the warranty period. The guarantee shall run as their interests may appear to the benefit of the city, the county, the McCall rural fire district, including the emergency medical service, and the Payette Lakes recreation water and sewer district, and/or other governmental entity, as the same may be relevant at the time, according to the location of the property, the nature of the improvements, and the respective jurisdiction of each of those entities.
2. Cost Estimates: The city's cost estimate provided for in this chapter shall state the estimated cost of completion for each required public improvement. Cost estimates for each required public improvement must be approved by the administrator.

(B) Methods Of Public Improvement Guarantee: The development agreement shall include one or more of the following methods to guarantee the construction of required public improvements and substantial private amenities material to the approval of the

development; the actual documents also must be acceptable to the city attorney and city treasurer:

1. **Performance Bond:** The developer may elect to provide a surety bond from a company authorized to do such business in the state of Idaho. The bond shall be in an amount equal to one hundred fifty percent (150%) of the estimated cost of all unaccepted public improvements. The bond shall be payable to the city in the event that any required public improvements are not finally accepted in accordance with the provisions of this title and shall be posted by no person other than the developer.
2. **Deposit In Escrow:** The developer may elect to deposit a cash sum equal to one hundred twenty five percent (125%) of the estimated cost of all unaccepted public improvements either with the city or in escrow with a responsible financial institution authorized to do such business in Idaho. In the case of an escrow account, the developer shall file with the city an escrow agreement which includes the following terms:
  - (a) Funds of the escrow account shall be held in trust until released by the city and may not be used or pledged by the subdivider as security in any manner during that period other than as provided in this subsection (B)2(a). The funds may be used for payment of improvements as made, except that the escrow holder shall withhold from disbursement so much of the funds as is estimated by the city to be necessary to complete the construction and installation of such improvements, plus an overrun allowance as provided above.
  - (b) In the case of the failure of the developer to complete any improvement within the required time period, the institution shall immediately make all funds in such account available to the city for use in the completion of those improvements.
3. **Letter Of Credit:** The developer may elect to provide from a bank or other responsible financial institution authorized to do such business in Idaho an irrevocable letter of credit. Such letter shall be filed with the city and shall certify the following:
  - (a) That the creditor irrevocably guarantees funds in an amount equal to one hundred twenty five percent (125%) of the estimated cost of all unaccepted public improvements; and
  - (b) That in the case of the failure of the developer to complete any improvement within the required time period, the creditor shall pay to the city immediately and without further action such funds as are estimated to be necessary to complete the construction and installation of such improvements up to the limit of credit stated in the letter. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.6.068: HEARINGS AND FEES:**

- (A) An application for a development agreement or an amendment to same shall be subject to the same administrative procedures required for amendments to this title.
- (B) All direct costs of processing, reviewing, reporting, hearing and acting upon an application for a development agreement shall be borne by the applicant. These costs shall be prepaid to the city whether the agreement is approved, approved in modified form or denied by the council. An initial deposit shall be required by the city based upon an estimate of the municipal costs associated with processing, including preapplication meetings. The city shall then charge its expenses against the deposit. If the funds deposited are insufficient to cover the city's costs, work on the development agreement shall cease until adequate funds are deposited and/or city expenditures are fully reimbursed. Adequate notice shall be given to the applicant when insufficient funds are remaining to process the application. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.6.069: ANNUAL REVIEW:**

A development agreement shall include provisions requiring a review by the city, on an annual basis, of the terms of the agreement and compliance thereto. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.6.070: APPROVAL:**

City council approval shall be required to enter into all development agreements. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.6.07: NOTICE OF CONSTRUCTION:**

The developer shall give the city seven (7) days' advance notice of commencement of construction of each of the improvements to be dedicated to the public and secure a permit from the city for such work. No underground construction shall be covered without written approval of the director or administrator. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.6.08: MAINTENANCE DURING CONSTRUCTION:**

A written construction plan shall be prepared and submitted for approval by the city for all construction projects within the city or the area of city impact. A more detailed plan may be required for larger projects as specified by the action of the commission. A developer and all contractors working at the site shall take care to maintain the construction site and access roads in a manner protective of the public and surrounding property owners or residents. The plan shall address the following elements:

(A) Traffic Control Signing: The plan shall describe the traffic control signing required, if any.

(B) Construction Sign: A four by four foot (4 x 4') sign shall be constructed at the main entrance or on the major frontage street of the development advising the public of the name of the development, the name and phone number of both the general contractor and developer, and a twenty four (24) hour emergency number. See title III, [chapter 9](#), "Signs", of this code.

(C) Notification Of Damage To Infrastructure: Within twenty four (24) hours of notification by the city, repair and protect damaged service lines to prevent inflow, sedimentation, or other damage to the city's infrastructure. Service shall not be left in a damaged condition until service is restored to the property under construction.

(D) Repair Of Streets: Within forty eight (48) hours of notification by the city, potholes in asphalt or gravel streets shall be filled and compacted with like material.

(E) Final Repairs And Cleaning: Within seventy two (72) hours of notification by the city:

1. Cuts in asphalt shall be patched and rolled. Temporary patches may be approved if requested in writing with a permanent patch date given.
2. Paved areas shall be cleaned to remove dirt, mud, gravel, concrete and all other debris.
3. Sediment and debris shall be removed from any catch basin, valley drain, gutter, or sand and grease trap to prevent further flow into any receiving stream.

(F) Erosion And Sedimentation Control Plan: Submit an erosion and sedimentation control plan to the city for review two (2) weeks prior to the beginning of construction. The plan shall have addressed periodic maintenance and response to precipitation events. If precipitation events create a situation requiring mud or snow removal, the city shall review the project site to define appropriate measures and time lines for maintenance activities.

- (G) Hours Of Operation: Equipment operation shall be limited to the hours of six o'clock (6:00) A.M. to ten o'clock (10:00) P.M. If construction is within one thousand feet (1,000') of a residential area, equipment operation shall be limited to the hours of seven thirty o'clock (7:30) A.M. to ten o'clock (10:00) P.M., and auxiliary construction lighting shall be limited to one hour before and after daylight, unless otherwise approved by the administrator. On Sunday, the hours of operation are limited to nine o'clock (9:00) A.M. to six o'clock (6:00) P.M. Hours of operation may be extended with the approval of the city depending on natural events or other concerns which may require continuous operation.
- (H) Parking: Construction vehicle parking may be restricted at construction sites so as to not block reasonable public and safety vehicle access along the street and sidewalks.
- (I) Deliveries: Deliveries of construction materials and supplies, including concrete, may be regulated as to time (hours of operation, but not to exceed the hours of subsection (G) of this section), and routing.
- (J) Temporary Fencing: Orange safety fencing or other fencing materials shall be installed and maintained to prevent inappropriate pedestrian traffic from access to adjacent construction activity and to prevent damage to adjacent vegetation.
- (K) Access: Access to private property shall be maintained. In the event that access must be cut off, notification shall be given to affected property owners forty eight (48) hours in advance explaining the construction and the time access will be restored. Access shall be restored no later than four thirty o'clock (4:30) P.M. each night and shall remain open until eight thirty o'clock (8:30) A.M. each morning.
- (L) Grading And Excavation: Because of the truck hauling involved in grading and excavation, restrictions on trucking routes as well as the hours of operation may be necessary to mitigate the adverse impacts from such operations.
- (M) Control Of Dust And Mud: Sediment control structures, basins, silt fences, catch basin filters and other items contained in EPA pollution prevention plans or in any sediment control plan shall be maintained at all times. A program for the control of dust or other airborne debris shall be required. Provisions must be made to prevent the tracking of mud onto streets, and it will be required to remove any such mud daily. Placing gravel on egress and ingress areas of sites is a method to control mud and dust problems.
- (N) Storage On Public Streets: No equipment or materials shall be left parked or stored in public rights of way without traffic control devices in place, including signage and flashing lights, in accordance with the manual on uniform traffic control devices, as amended. Equipment or materials which may impede traffic flow on a public right of way shall be removed or relocated within four (4) hours.
- (O) Stockpiling And Staging: In order to reduce the number of delivery trips to construction sites, the stockpiling of materials is required, with consideration of the space available on the property for stockpiling.
- (P) Sanitary Facility: An approved and regularly serviced temporary sanitary facility shall be in place for use by contractor personnel. The number and location of facilities shall be appropriate to the site and the number of workers.
- (Q) Trash Management: Construction sites shall provide adequate storage and a program for regular trash removal. Construction bins are encouraged on sites with adequate room for separation of materials. Burning of scrap wood or other materials on site is not permitted, except in an approved container and with a current burning permit, if required.

- (R) Temporary Lighting: An approved lighting plan must be obtained from the administrator if any exterior, temporary lighting is necessary for construction.
- (S) Dogs: Dogs are prohibited at active construction sites unless under strict leash control at all times.
- (T) Area Restoration: In the event that the developer, builder or their contractors fail to protect and clean streets or public ways, including adjacent private property as is necessary to provide safe, unimpeded access to the public, the city may hire equipment, staff, or an outside contractor to restore the area. The direct cost for all associated work, along with the costs for staff time, consultants and attorney fees, if any, shall be paid for by the developer. (Ord. 822, 2-23-2006, eff. 3-16-2006)
- (U) Protection And Restoration: Provide protection to all intermittent watercourses or streams and wetlands and return any disturbed areas to their original state. (Ord. 866, 2-12-2009)

### **9.6.09: INSPECTION AND INITIATION OF WARRANTY PERIOD:**

- (A) The owner and/or developer shall retain a full time licensed professional engineer or licensed construction manager who shall supervise the construction inspection and certify that all improvements were constructed in accordance with the approved drawings and city standards.
- (B) A three (3) year warranty period for public infrastructure constructed and accepted for maintenance by the city shall commence when a final walkover is conducted and written acceptance of the utilities by the city is completed. Final walkover and acceptance shall include the following items:
1. Inspection of utility systems and review of test data furnished by the developer.
  2. Review of site cleanliness and serviceability of street and drainage system.
  3. Evidence that lot or property pins are in place. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.6.10: CONSTRUCTION DRAWINGS AND AS BUILT INFORMATION:**

A full set of as built (record) drawings of all improvements intended for public use and maintenance, including, but not limited to, water and sewer lines, and including also private and public streets, shall be furnished to the city for the permanent records of the city within sixty (60) days of completion of the construction. (Ord. 822, 2-23-2006, eff. 3-16-2006)

Such drawings shall take the form of regular construction drawings at one hundred (100) scale with detail at ten (10) scale. In addition, a digital file according to the digital data submittal standards policy, written to an appropriate media, in AutoCAD® compatible format (or other electronic format specified by the city) containing all drawing information, shall accompany the drawings. The warranty period for utilities, streets and other improvements shall not begin until as built are delivered and acknowledged by the city. (Ord. 899, 5-24-2012)

## **Chapter 7 SPECIAL SUBDIVISION AND DEVELOPMENT PROVISIONS**

**9.7.01: PURPOSE:**

The purpose of this chapter is to identify various types of developments that normally pose special concerns to the city when reviewing and acting upon subdivision requests. This chapter outlines the plan submittal requirements and design standards that shall be taken into consideration when acting on special developments. (Ord. 822, 2-23-2006, eff. 3-16-2006)

**9.7.02: APPLICABILITY:**

The provisions of this chapter apply to all permits and approvals regulated by this title and title III of this code. They are in addition to the provisions of those titles. (Ord. 822, 2-23-2006, eff. 3-16-2006)

**9.7.03: HILLSIDE SUBDIVISIONS:****9.7.031: PRESERVATION OF NATURAL FEATURES:**

The following list of natural features shall be protected in order to preserve, retain, enhance and promote the existing and future appearance of the community.

- (A) Skyline and ridge tops;
- (B) Rolling grassy landforms, including knolls, ridges and meadows;
- (C) Tree and shrub masses, grass, wildflowers and topsoil;
- (D) Rock outcroppings;
- (E) Streambeds, draws and drainage swales, especially where unique tree and plant forms occur; and
- (F) Characteristic vistas and scenic panoramas.

When necessary to protect the above natural features, the commission may require dedication of land or recordation of a conservation easement to protect such resources. (Ord. 822, 2-23-2006, eff. 3-16-2006)

**9.7.032: VEGETATION AND REVEGETATION:**

- (A) The developer shall submit a slope stabilization and revegetation plan which shall include a complete description of the existing vegetation, the vegetation to be removed and the method of disposal, the vegetation to be planted and slope stabilization

measures to be installed. The plan shall include an analysis of the environmental effects of such operations, including the effects on slope stability, soil erosion, water quality and fish and wildlife.

- (B) Vegetation sufficient to stabilize the soil shall be established on all disturbed areas as each stage of grading is completed. Areas not contained within lot boundaries shall be protected with perennial vegetal cover. After all construction is completed, efforts shall be made to plant those species that tend to recover from fire damage and do not contribute to a rapid rate of fire spread.
- (C) The developer shall be fully responsible for any destruction of native vegetation proposed for retention. He shall carry the responsibility both for his own employees and for all subcontractors from the first day of construction until the notice of completion is filed. The developer shall be responsible for replacing such destroyed vegetation. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.7.033: CUTS, FILLS AND GRADING:**

- (A) Planning: Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts; fills; alterations of topography, streams, drainage channels; and disruption of soils or vegetation. Fill within the floodplain shall comply with the requirements of the [chapter 8](#) of this title.
- (B) Preliminary Soil Report: A preliminary soil report prepared by a qualified engineer may be required by the city as part of the preliminary plat application.
- (C) Preliminary Grading Plan; Required Information: A preliminary grading plan prepared by a civil engineer may be required by the commission and/or the council as part of the preliminary plat application, to contain the following information:
1. Proposed contours at a maximum of two foot (2') contour intervals; cut and fill banks in pad elevations;
  2. Areas where trees and/or natural vegetation will be preserved;
  3. Location of all street and utility improvements including driveways to building envelopes; and
  4. Any other information which may reasonably be required by the administrator, commission, and/or council.
- (D) Design Standards: The proposed subdivision shall conform to the following design standards:
1. Grading shall be designed to blend with natural land forms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways.
  2. Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology shall be allocated for open space for the benefit of future property owners within the subdivision.
  3. Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the applicant for revegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction, including temporary irrigation for a sufficient period to establish perennial vegetation. Until such time as said vegetation has been installed and established, the applicant shall maintain and protect all disturbed surfaces from erosion.
  4. Where cuts, fills, or other excavation are necessary, the following development standards shall apply:
    - (a) Fill areas for structures or roads shall be prepared by removing all organic material detrimental to proper compaction for soil stability.
    - (b) Fill for structures or roads shall be compacted as specified in the ISPWCs<sup>1</sup> and in accordance with any special provisions specified by a soils report developed by a qualified engineer.



- (c) Cut slopes shall be no steeper than two horizontal to one vertical (2:1) and this steep only when adequate revegetation and stability can be shown to be met. Subsurface drainage shall be provided as necessary for stability.
- (d) Fill slopes shall be no steeper than three horizontal to one vertical (3:1). Neither cut nor fill slopes shall be located on natural slopes of three to one (3:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top of existing or planned cut slope.
- (e) Tops and toes of cut and fill slopes shall be set back from structures and property lines as necessary to accommodate drainage features and drainage structures. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.7.034: DEVELOPMENT EVALUATION:**

- (A) All development proposals shall take into account and shall be judged by the way in which land use planning, soil mechanics, engineering geology, hydrology, civil engineering, environmental and civil design, architectural and landscape design are applied in hillside areas, including but not limited to:
1. Planning on development to fit the topography, slope steepness, soils, geology, hydrology and other conditions existing on the proposed site;
  2. Orientations of development on the site so that grading and other site preparation is kept to an absolute minimum;
  3. Shaping of essential grading to blend with natural land forms and to minimize the necessity of padding and/or terracing of building sites;
  4. Division of large tracts into smaller workable units on which construction can be completed within one construction season so that large areas are not left bare and exposed during the winter-spring runoff period;
  5. Completing of paving as rapidly as possible after grading;
  6. Allocation of areas not well suited for development because of soil, geology, or hydrology limitations for open space and recreation uses;
  7. Minimizing the disruption of existing plant and animal life; and
  8. Consideration of the view from and of the hills.
- (B) Areas having soil, geology or hydrology hazards as documented in an evaluation prepared by a professional as outlined in section [9.7.04](#) of this chapter shall not be developed unless it is shown that:
1. Their limitations can be overcome.
  2. That hazard to life or property will not exist.
  3. That the safety, use or stability of a public way or drainage channel is not jeopardized.
  4. That the natural environment is not subjected to undue impact.
  5. Lots with building sites with a slope steepness greater than twenty percent (20%) require a geotechnical analysis prior to issuance of a building permit.
  6. Areas of a development with building sites with average slope steepness greater than thirty five percent (35%) will require an engineering analysis and report of all site preparation, foundations, and construction. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.7.04: ENGINEERING REPORTS:**

The developer shall retain a professional geologist(s), professional engineer(s), or other professional(s) as needed, to prepare a physical site evaluation report to be submitted with the preliminary plat or preliminary development plan containing the following information:

- (A) The report shall include an adequate description of the site geology, soils, topography, hydrology, and seismic setting to support an evaluation of their influence on the proposed development with recommendations for appropriate remedial action.
- (B) The report shall include a description of the rock and soil type(s), their distribution, their physical and engineering properties; including, where applicable, settlement or swell potential, bearing strength, slope stability, and susceptibility to erosion or seismic hazards.
- (C) The report shall include the hydrologic conditions unique to the site, the maximum height and grade of existing slopes, the recommended maximum height and grade of permanent constructed slopes, and any specified soil compaction, materials selection, soils stabilization, grading criteria, setbacks, or foundation and drainage requirements that are necessary to maintain safety to the public and property as well as to minimize environmental damage.
- (D) The report shall delineate any special areas to be avoided or requiring specific treatment in site development, earthworks or construction for reasons of safety or natural aesthetic value including the considerations of section [9.7.03](#) of this chapter.
- (E) The report shall include a description of prevalent plant species, including location and description of old growth forest or trees used as animal or bird sanctuary. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.7.05: LARGE SCALE SUBDIVISIONS:**

Due to the impact that a large scale development (any development which requires a planned unit development process) would have on public utilities and services, the developer shall submit the following information along with the preliminary plat:

- (A) Identification of all public services that would be provided to the development including, but not limited to, fire protection, police protection, central water, central sewer, road construction, parks and open space, recreation, maintenance, schools and solid waste collection;
- (B) Estimate of the public service costs, or required expansion in these services, to provide adequate service to the development;
- (C) Estimate of the tax revenue as applied to the several taxing agencies that will be generated from the development; and
- (D) Suggested public means for financing the services for the development if the costs for the public services would not be offset by tax revenue received from the development where such tax revenue is collected over a period of at least ten (10) years but less than twenty (20) years. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.7.06: ENVIRONMENTAL AND AESTHETICS:**

All development shall:

- (A) Be designed to take advantage of natural settings, preserving natural features such as streamside environments, intermittent watercourses or streams, wetlands, and vegetation.
- (B) Have cluster parking where feasible, and minimize the number and width of driveways and access roads to avoid tree removal. (Ord. 866, 2-12-2009)
- (C) Locate parking along sides or in back of commercial, business park or industrial buildings. (Ord. 885, 3-24-2011)
- (D) Have roofing of nonreflective materials and be fire resistant; use of wood shingles of any type is discouraged.
- (E) Avoid development in wildfire prone areas. Site homes and arrange landscaping in a manner so as to maximize wildfire defensible space and allow access to firefighting equipment and personnel. (Ord. 866, 2-12-2009)

#### **9.7.07: CEMETERY SUBDIVISIONS:**

- (A) Submission Of Proposed Function: The developer of any cemetery subdivision shall provide the commission with written documentation that will sufficiently explain the functions of the proposed cemetery for either human or animal remains.
- (B) Compliance With State Law: The developer of any cemetery subdivision shall submit a written statement that has been prepared by an attorney that adequately assumes the compliance of the proposed cemetery with the procedural management requirements that are outlined in title 27, "cemeteries and crematoriums", Idaho Code. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.7.08: SUBDIVISION OR DEVELOPMENT WITHIN AREA OF CRITICAL CONCERN:**

- (A) Designation Of Areas Of Critical Concern: Hazardous or unique areas may be designated as an area of critical concern by the city council or by the state of Idaho. Special consideration shall be given to any proposed development within, or contiguous with, an area of critical concern to assure that the development is necessary and desirable and in the public interest in view of the existing unique conditions. Hazardous or unique areas that may have been designated as areas of critical concern are as follows:
  - 1. Earthquake fault zone location.
  - 2. Unstable soils.
  - 3. Unique animal life.
  - 4. Unique plant life or major stands of locally important species.
  - 5. Scenic areas.
  - 6. Protect significant historical areas or structures, and sacred or prehistoric sites.
  - 7. Lakes, wetlands, permanent or intermittent streams.

8. Floodplain.
9. Center city (central business district).
10. Areas within the area of city impact but outside city boundaries.

- (B) Environmental Assessment Plan: The commission may require that the developer prepare and submit an environmental assessment along with the preliminary plat application for any development that is proposed within an area of critical concern if it is apparent that the development will have, or may have, a serious impact on any one of those areas.
- (C) Preparation By Team Of Professionals: The content of the environmental assessment shall be prepared by an interdisciplinary team of professionals. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.7.09: OTHER PROVISIONS APPLICABLE TO ALL SUBDIVISIONS AND DEVELOPMENTS:**

The following sections [9.7.091](#) through [9.7.0911](#) provide a list of development provisions which the applicant should use as a guide in preparing the proposal; the commission will evaluate the proposal by considering each of these provisions as they relate to the location and size of the development<sup>2</sup>. See also title III, [chapter 16](#), "Design Review", of this code and the McCall design guidelines. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.7.091: PUBLIC PLACES:**

- (A) Provide and incorporate common areas within clusters of homes.
- (B) Create public places appropriately sized for the community and within walking distance of all citizens.
- (C) Reserve sufficient space within the core of each neighborhood for at least several public community facilities.
- (D) Concentrate community facilities around public "squares" at the intersection of community pathways or streets. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.7.092: STREETS AND ACCESS:**

- (A) Orient streets in such a manner as to take advantage of the solar heat and light provided by the sun during winter months.
- (B) For the long winters in McCall, provide adequate street rights of way for maximum sunlight penetration and to preserve distant views and create a sense of spaciousness.

- (C) Establish a connected fabric of streets that respect topographical constraints without resorting to dead ends.
- (D) Encourage planting of street trees to create shade canopies of sidewalks and public streets.
- (E) Construct streets in such a manner so as to take advantage of distant views. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.7.093: PUBLIC REALM:**

- (A) Create an intimate relationship between buildings and the street by placing buildings close to the public right of way.
- (B) Consider the orientation of buildings relative to public space to take advantage of the noontime sun.
- (C) Ensure appropriately scaled, quasi-public space between public streets and residential structures.
- (D) Encourage outdoor seating on sidewalks and courtyards. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.7.094: COMMUNITY:**

- (A) Provide diverse housing opportunities, including primary housing.
- (B) Build neighborhoods, not just subdivisions, with street and pedestrian connections, common open space, and limitations upon gates and fencing. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.7.095: ENVIRONMENTAL:**

- (A) The applicant is responsible for the identification and the proper treatment or removal of noxious weed infestations before significant infrastructure work commences. These costly infestations are easily transported to other areas by construction vehicles.
- (B) Maintain agricultural land in close proximity to city dwellers.
- (C) Collect and conserve water through simple and ingenious methods and incorporate them into the design of buildings and neighborhoods.
- (D) Provide native, draught resistant, trees, shrubs, ground cover, and grasses, or provide and maintain landscaping, so as to cover all

areas not actually used for structures, drives, walks, usable yard, improved off street parking, or lawful open storage. All developments submitted for action by the commission shall provide a site plan which describes the intended landscaping, either retention of natural features or the placement of new materials, whether vegetation, rocks, gravel, etc. See appendix B, on file in the office of the city clerk.

- (E) Wetland and riparian areas: Development in these sensitive areas must take into account applicable federal regulations and guidelines. All structures should be placed so as to have minimal impact, both visually and structurally on these areas. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.7.096: RURAL SETTLEMENT:**

- (A) Salvage and replant native plants that lie in the path of development.
- (B) Protect significant geological features such as rock outcroppings.
- (C) Cluster development in a manner so as to maximize environmentally significant, unfragmented open space.
- (D) Protect wildlife habitat and enhance wildlife movement corridors in a manner that allows for continued free movement of the broadest possible variety of species.
- (E) Restrict development of steep slopes (greater than 35 percent) and in geologically hazardous areas.
- (F) Construct the narrowest streets possible, consistent with other considerations. Minimize impacts on vegetation, natural drainage patterns and minimize the need for "cut and fill". (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.7.097: CULTURE/COMMUNITY:**

- (A) Preserve and integrate historic ranching or farming operations through sensitive home placement, conservation easements, and other means.
- (B) Ensure that new development respects and complements the existing agricultural land use through the use of approved fencing, setbacks, and overall placement of structures.
- (C) Preserve significant historical buildings.
- (D) Integrate historical buildings in new development.

(E) Protect sacred sites to preserve people's spiritual roots and their connection to the past. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.7.098: VISUAL:**

(A) Identify and preserve unique views.

(B) Minimize exotic landscaping, the size of building footprints, and the amount of impervious surface devoted to roadways.

(C) Where vegetation of the natural landscape is sparse, limit additional landscape plantings, except for native plants.

(D) Where natural vegetation or topography does not allow for "hiding" development, locate structures such that they are subordinate to the horizon and significant view sheds.

(E) Cluster developments in a manner so as to maximize visually significant open space.

(F) Nestle structures below ridgelines and with the folds of hills.

(G) Avoid or mitigate ridge top "skylining" that alters the natural land profiles with built structures.

(H) Minimize visual clutter within scenic corridors.

(I) Design buildings on hillsides to follow the natural terrain in a manner that minimizes earth disturbance.

(J) Preserve and protect significant foreground views along scenic corridors.

(K) Avoid fencing altogether to allow the landscape to flow uninterrupted. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.7.099: ARCHITECTURE AND DESIGN:**

(A) Design buildings that mimic the profiles of the natural landscape.

(B) Limit the majority of buildings to two (2) stories; taller buildings should be exceptional and reserved for cultural, civic or community housing purposes.

- (C) Avoid building large, monolithic structures. Buildings should comprise a complex of smaller buildings or sections.
- (D) Limit the size of residential buildings relative to lot size.
- (E) Arrange roofs so that each distinct roof corresponds to an identifiable entity in the building.
- (F) Build arcades at the edge of buildings to provide shelter from sun and rain.
- (G) Vary roof pitches, lines, shapes, etc.
- (H) In designing a complex, leave room for organic future growth.
- (I) In pedestrian oriented areas, encourage narrow storefronts with large display windows. (Ord. 822, 2-23-2006, eff. 3-16-2006)

**9.7.0910: SITE DESIGN:**

- (A) Avoid nonnative vegetation and turf landscaping. Maintain existing vegetation and minimize land disturbance and lot grading.
- (B) Limit the size of secondary buildings, including garages. (Ord. 822, 2-23-2006, eff. 3-16-2006)

**9.7.0911: OTHER ELEMENTS:**

- (A) Construct fences of historical, or natural, materials that are unobtrusive.
- (B) Construct fences that are wildlife friendly.
- (C) Restrict or shield lighting so as to preserve the night sky.
- (D) Avoid large entryway signs and monumentation; allow the natural landscape to dominate. (Ord. 822, 2-23-2006, eff. 3-16-2006)

## Chapter 8 FLOOD CONTROL REGULATIONS (OVERLAY)



**9.8.01: PURPOSE:**

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed, and to adopt regulations required under the federal flood insurance program. Therefore, nothing in this chapter shall be deemed to permit a land use or structure prohibited by another chapter of this title. Such purpose includes:

- (A) To protect human life and health;
- (B) To minimize expenditure of public money and costly flood control projects;
- (C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) To minimize prolonged business interruptions;
- (E) To minimize damage to public facilities and utilities such as water mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- (F) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so to minimize future flood blight areas;
- (G) To ensure that potential buyers are notified that property is in an area of special flood hazard;
- (H) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
- (I) To establish a flood hazard zone, which shall be an overlay zone. (Ord. 822, 2-23-2006, eff. 3-16-2006)

**9.8.02: ADOPTION OF FLOOD INSURANCE AND FLOOD INSURANCE STUDY:**

The city hereby adopts by reference the flood insurance rate maps and flood insurance study as compiled by the federal emergency management agency, for the city, the effective date of which is April 17, 1989, as well as flood insurance rate map (FIRM) no. 160220 0304A compiled for Valley County insofar as it relates to lands and waters since annexed by and within the city limits of the city of McCall, and copies of which are available for public review at the office of the city clerk, city hall, city of McCall. (Ord. 822, 2-23-2006, eff. 3-16-2006)

**9.8.03: DEFINITIONS:**

Unless specifically defined below, words or phrases used in this chapter shall have the meanings they have in common usage and be

construed to give this chapter its most reasonable application. The definitions below apply to this chapter and to [title III, chapter 7](#), "Special Districts", of this code, but to said chapter 7 only to the extent expressly stated in that chapter.

**AREA OF SPECIAL FLOOD HAZARD:** The land in the floodplain within a community subject to a one percent (1%) or greater chance of flood in any given year. Designation on maps always includes the letters A or V.

**BASE FLOOD:** The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood". Designation on maps always includes the letters A or V.

**DEVELOPMENT:** Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

**FLOOD INSURANCE:** The official report provided by the federal administration that includes profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

**FLOOD INSURANCE RATE MAP (FIRM):** The official map on which the federal insurance administration has delineated both the areas of special flood hazard and the risk of premium zones applicable to the community.

**FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (A) The overflow of inland or tidal waters; and/or
- (B) The unusual and rapid accumulation of runoff of surface waters from any source.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').

**LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

**MANUFACTURED HOME:** For purposes of this chapter, a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

**NEW CONSTRUCTION:** Structures for which the "start of construction" commenced on or after April 13, 1989.

**START OF CONSTRUCTION:** Includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavating; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**STRUCTURE:** For purposes of this chapter, a walled and roofed building, including a gas or liquid storage tank, that is principally above the ground.

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- (A) Before the improvement or repair is started; or
- (B) If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.8.04: GENERAL PROVISIONS:**

- (A) **Lands To Which Chapter Applies:** This chapter shall apply to all areas of special flood hazard within the corporate limits of the city. Should it ever be held by a court of competent jurisdiction that laws of the type of which this chapter is one, are properly a creature of power to plan and to zone, and that the equivalent ordinance of Valley County is thus inapplicable to the impact area, then this chapter shall also apply to the impact area and be deemed to have so applied since March 24, 1994, and within such impact area, the official report used by Valley County shall be utilized in administering this chapter in the impact area.
- (B) **Basis For Establishing Areas Of Special Flood Hazard:** The areas of special flood hazard identified by the federal insurance study for McCall, Idaho, dated April 17, 1989, with accompanying flood insurance maps is hereby adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at the office of the city clerk, City Hall, 216 Park Street, P.O. Box 1065, McCall, Idaho 83638. Should the city annex lands not shown in such report, but shown in a similar report prepared for use by Valley County, then such report used for Valley County shall be used in the administration of this chapter. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.8.05: ADMINISTRATION:**

- (A) **Development Permit Required:** A development permit shall be obtained before construction or development begins within any area of special flood hazard. The permit shall be for all structures, including manufactured homes, as defined in the definitions in section [9.8.03](#) of this chapter, and for all development including fill and other activities, also as defined in the definitions in section [9.8.03](#) of this chapter.
- (B) **Designation Of Office Of City Manager As Administrator:** The city manager or the city manager's designee is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.
- (C) **Duties And Responsibilities Of Administrator:** Duties of the administrator shall include, but not be limited to:
1. **Permit Review:**
    - (a) Review all development permits to determine that the permit requirements of this chapter have been satisfied.
    - (b) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
    - (c) Review all development permits to determine if the proposed development is located in the floodway. If proposed development is located in the floodway, assure that the encroachment provisions of subsection [9.8.06\(C\)](#)1 of this chapter are met.
  2. **Use Of Other Base Flood Data:** When base flood elevation data has not been provided in accordance with subsection [9.8.04\(B\)](#), "Basis For Establishing Areas Of Special Flood Hazard", of this chapter, the administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer subsection [9.8.06\(C\)](#), "Floodways", of this chapter.
  3. **Information To Be Obtained And Maintained:**
    - (a) Where base flood elevation is provided through the flood insurance study or required as in subsection (C)2 of this section, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
    - (b) For all new or substantially improved flood improved structures:
      - (1) Verify and record the actual elevation (in relation to mean sea level); and

(2) Maintain the permits required in subsection (C)1 of this section.

(c) Maintain for public inspection all records pertaining to the provisions of this chapter.

4. Alteration Of Watercourses:

(a) Notify adjacent communities and the Idaho department of water resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the federal insurance administration.

(b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. Interpretation Of FIRM Boundaries: Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted or denied consistent with the standards of section 60.6 of the rules and regulations of the national flood insurance program. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### 9.8.06: PROVISIONS FOR FLOOD HAZARD REDUCTION:

(A) General Standards: In all areas of special flood hazard, the following standards are required:

1. Anchoring:

(a) All new construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure.

(b) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over the top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation In Flood Hazard Areas" guidebook for additional techniques).

2. Construction Materials And Methods:

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize damage.

(c) Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Utilities:

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(b) New and replacement sanitary systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems in floodwaters.

(c) On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision Proposal:

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(d) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain twenty (20) or more lots or five (5) or more acres (whichever is less).

5. Review Of Building Permits: Where elevation data is not available either through the flood insurance study or from another authoritative source per subsection [9.8.05\(C\)2](#) of this chapter, applications of building permits will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet (2') above grade in these zones may result in higher insurance rates.

(B) Specific Standards: In all areas of special flood hazard where base flood elevation data has been provided as set forth in subsection [9.8.04\(B\)](#), "Basis For Establishing Areas Of Special Flood Hazard" or subsection [9.8.05\(C\)2](#), "Use Of Other Base Flood Data", of this chapter, the following provisions are required:

1. Residential Construction:

(a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of two feet (2') above base flood elevation.

(b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(1) A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all opening shall be no higher than one foot (1') above grade.

(3) Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

2. Nonresidential Construction: New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum of one foot (1') above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in subsection [9.8.05\(C\)3\(b\)](#) of this chapter.

(d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (A)1(b) of this section.

(e) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the floodproofed level (e.g., a building constructed to the base flood level will be rated as 1 foot below that level).

3. Manufactured Homes: All manufactured homes to be placed or substantially improved within FIRM zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is a minimum of two feet (2') above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (A)1(b) of this section.

(C) Floodways: Located within areas of special flood hazard established in subsection [9.8.04\(B\)](#) of this chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If subsection (C)1 of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section. (Ord. 822, 2-23-2006, eff. 3-16-2006)

## Chapter 9 ADMINISTRATION AND ENFORCEMENT

### 9.9.01: RELEASE OF SECURITY; WARRANTY:

(A) Release Of Security: The city shall release the obligation for performance guarantees for each public improvement upon final acceptance of the improvement and upon the posting of adequate security for warranty.

(B) Warranty:

1. The applicant shall warrant and guarantee that required public improvements constructed under the agreement will remain in good condition and meet operating needs for three (3) years, commencing with final acceptance of each improvement. Such warranty includes defects in design, workmanship, materials and any damage to improvements caused by the applicant. The warranty shall not include cleaning, snow removal, ditching, grading, dust control, or similar maintenance, except as inherently the responsibility of the landowner in an area or on a street where such services are not provided by the public. The warranty applies to only those improvements that are dedicated to the public, or accepted by the city of McCall, such as public streets, water and sewer systems, parks, etc.
2. The applicant shall furnish the city with a corporate bond, cash deposit or letter of credit in an amount equal to five percent (5%) of the total construction cost of all public improvements. Responsibility and authority for identifying the necessary repairs or reconstruction shall rest with the city. Any additional cost for repair or reconstruction, including administrative costs to the city, that exceed five percent (5%) shall be borne by the applicant.
3. Within thirty (30) days (or reasonable extension, at the sole discretion of the public works director) of notification by the city of the need for repair or reconstruction, the applicant shall correct the deficiencies to the satisfaction of the city. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### 9.9.02: AMENDMENTS:

The city council may, from time to time, amend, supplement or repeal the regulations and provisions of this title upon recommendation from the commission in the following manner:

- (A) Commission Hearing; Recommendations: The commission, prior to recommending an amendment, supplement, or repeal of this title, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Following the commission hearing, if the commission makes a material change in this title other than that published for the present hearing, further notice and hearing shall be provided before the commission forwards its recommendation to the council. A record of the hearings, findings made and actions taken shall be maintained.
- (B) Council Action: The city council, upon recommendation of the commission, prior to adopting an amendment, supplement or repeal of this title, may conduct a hearing using the same notice and hearing procedures as the commission. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.9.03: VACATIONS AND DEDICATIONS:**

(A) Application For Vacation Or Dedication: Any property owner desiring to vacate an existing subdivision, public right of way or easement shall complete and file an application with the administrator. 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 a recorded subdivision.

(B) Administrative Action:

1. Action By Administrator: Upon receipt of the completed application, the administrator shall affix the date of application acceptance thereon, shall place the application on the agenda for consideration at the next regular meeting of the commission which is held not less than forty five (45) days after the date of acceptance.
2. Recommendation By Commission: The commission shall review the request and all agency responses and, within forty five (45) days of the meeting at which the issue was on the agenda, shall make a recommendation to the council for approval, conditional approval or denial.

(C) Action By Council:

1. Vacations: 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 city shall provide adjacent property owners with a quit claim deed for the vacated rights of way in such proportions as are prescribed by law.
2. Dedications: When considering an application for dedication, 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 city a deed describing and conveying such lands to be recorded with the county recorder.
3. Decision: The city shall review the request and all agency responses and commission recommendation and, within forty five (45) days of the meeting at which the issue was on the agenda, either approve, conditionally approve or deny the request.

(D) Dedication Of Streets: Within a proposed subdivision, arterial and collector streets, as specified by the commission or any other adopted traffic circulation plan, shall be dedicated to the public in all cases. All other streets also shall be dedicated to public use. (Ord. 822, 2-23-2006, eff. 3-16-2006)

### **9.9.04: ENFORCEMENT AND PENALTIES:**

(A) Enforcement:

1. No final subdivision plat required by this title or the Idaho Code shall be admitted to the public land records of Valley County or recorded by the county recorder until such subdivision plat has received final approval of the city council.
2. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this title until the final plat has received the approval by the city council.
3. No permits for construction of any structure shall be issued on any parcel or lot until it has been determined such parcel or lot meets the requirements of this title.
4. The city attorney, or Valley County prosecuting attorney, shall, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of this title.

(B) Violations And Penalties: Violations of any of the provisions of this title or failure to comply with any of its requirements shall constitute a misdemeanor, and is punishable as provided in [title III, chapter 17](#) of this code. Each day such violation continues shall be considered a separate offense. The landowner, tenant, subdivider, builder, developer, public official or any other person who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense. Nothing herein shall prevent the city 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 title or of the Idaho Code. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.9.05: AMENDED PLATS:**

In the event a plat of a subdivision has been recorded and substantial changes are proposed which change the subdivision materially, the portion of the subdivision in which these changes are proposed must be approved and the prior plat vacated in accordance with the regulations set forth in this title. Any change in street location will require an amended plat for that portion of the plat that is affected. Unless the administrator, in the administrator's sole discretion, finds that the proposed changes materially alter the nature and character of the subdivision, amended plats are subject to the procedure as set forth in section [9.1.05](#) of this title. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.9.06: EXCEPTIONS MAY BE MADE TO AVOID HARDSHIP:**

Whenever the tract to be subdivided is, in the opinion of the commission and the council, of such unusual shape or size, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this title would result in real difficulties and substantial hardships or injustices, the city council, in the course of a properly noticed public meeting, may vary or modify such requirements by an official entry in the minutes of the city council proceedings so that the developer is allowed to develop the property in a reasonable manner, but so, at the same time, the public welfare and interests of the city and surrounding area are protected and the general intent and spirit of this title and the comprehensive plan are preserved. As used in this section, the phrase "real difficulties and substantial hardships or injustices" shall apply only to situations where strict application of the requirements of this title will deny to the developer the reasonable and beneficial use of the property in question, and not in situations where the developer establishes only that exceptions will allow a more financially feasible or profitable subdivision. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.9.07: PROCEDURES, APPEALS AND ACTION:**

See the provisions of [title III, chapter 15](#) of this code. (Ord. 822, 2-23-2006, eff. 3-16-2006)

#### **9.9.08: SEVERABILITY:**

If any section, subsection, sentence, clause or phrase of this title is for any reason held to be unconstitutional, or unenforceable for any reason, such holding shall not affect the validity of the remaining portions of this title. The city council hereby declares that they would have passed the ordinance which created this title and each section, subsection, sentence, clause and phrase thereof separately and irrespective of the fact that any one or more of the other sections, subsections, sentences, clauses or phrases be unconstitutional or unenforceable. (Ord. 822, 2-23-2006, eff. 3-16-2006)