

ORDINANCE NO. 40

AN ORDINANCE AMENDING ORDINANCE NO. 31, ADOPTED ON OCTOBER 5, 1999, THE SAME BEING THE SUBDIVISION ORDINANCE OF THE CITY OF STAR, IDAHO, TO PROVIDE ADDITIONAL DEFINITIONS; TO MAKE TECHNICAL CORRECTIONS; TO ELIMINATE REFERENCE TO TEMPORARY CULDESACS; TO REQUIRE STREET WIDTHS ADEQUATE FOR PARKING ON BOTH SIDES OF THE STREET; PROVIDING FOR OTHER AMENDMENTS AND CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Mayor and Council of the City of Star heretofore, on October 5, 1999, following notice and hearing as provided by law, duly adopted Ordinance No. 31, the Land Subdivision Ordinance of the City of Star; and

WHEREAS, the Mayor and Council have conducted an ongoing review of Ordinance No. 31 and have determined that a number of corrections and technical amendments are required; and

WHEREAS, the Mayor and Council have conducted a public hearing pursuant to public notice as provided by law upon the proposed amendments to the Land Subdivision Ordinance of the City of Star.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF STAR, Ada County, Idaho, as follows:

Section 1: That Section 1 of Ordinance No. 31, adopted on October 5, 1999, be, and is hereby, amended to read as follows:

The following regulations are hereby adopted as the Land Subdivision Ordinance of the City of Star:

**CHAPTER 1  
GENERAL SUBDIVISION PROVISIONS**

SECTION:

- 1-1: Short Title
- 1-2: Authority
- 1-3: Purpose
- 1-4: Jurisdiction
- 1-5: Interpretation
- 1-6: Rules and Definitions

1-1: SHORT TITLE:

This Ordinance shall be known and may be cited as the "Subdivision Ordinance of the City of Star, Idaho".

1-2: AUTHORITY:

These regulations are authorized by title 50, chapter 13 (regulations pertaining to Plats and Vacations) of the Idaho Code; title 67, chapter 65 (regulations pertaining to Local Land Use Planning) of the Idaho Code; and article 12, section 2 of the Idaho Constitution, as amended or subsequently codified.

1-3: PURPOSE:

The purpose of these regulations is to promote the public health, safety and general welfare, and to provide for:

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

1-4: JURISDICTION:

- A. The regulations codified in this Ordinance shall apply to all subdivisions within the corporate limits of the City or within the Area of City Impact as established by ordinance as adopted by the City and Ada County under the requirements of § 50-1306, Idaho Code (regulations pertaining to property within an Area of City Impact) and §67-6526, Idaho Code (regulations pertaining to Areas of City Impact), as amended, including the following:
  - 1. The dividing of any lot, tract or parcel of land into two (2) or more tracts, lots or parcels for transfer of ownership or building construction or development;

2. The dedication of any street or alley through or along any tract of land;
  3. Any division or resubdivision of a lot or parcel into sublots except as provided in subsection B of this Section; and
  4. Any lot split as provided in section 2-8 of this ordinance.
- B. The regulations codified in this ordinance shall not apply to any of the following:
1. A readjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width or depth of each building site below the minimum prescribed by any City ordinance or any covenant pertaining to said plat nor create any new lots. A Record of Survey Plat that conforms to Idaho Code Title 55, Chapter 19 (regulations pertaining to Recording of surveys) shall be required for any readjustment of lot lines. Such Record of Survey shall be filed both with the Ada County Recorder and the City of Star. The following shall be included on the Record of Survey Plat: Certificate of Owners and Acknowledgment, Certificate of Surveyor, Certificate of City Engineer and Certificate of the Ada County Recorder. The Record of Survey plat shall also contain the original lot line(s), the new lot lines, the square footage of the adjusted lots, correct street names, all existing building(s) to be delineated and dimensioned, a note giving the zone standard in effect for the area or as specifically approved. The readjustment of lot line(s) shall not reduce the building site below the minimum prescribed by any City Ordinance or as specifically approved, nor violate setback requirements. The plat shall also contain all existing easements of record. Accompanying the plat shall be a new property description of each adjusted lot. New property pins shall be set for each adjusted lot. The City Engineer shall verify compliance with this section prior to certification.
  2. A division of land into parcels of five (5) acres or more designated to be used solely for agricultural purposes, and which does not involve any new street dedication other than dedications widening existing streets. Agricultural divisions are provided only for agricultural uses only and do not provide buildable lots. Agricultural divisions

must receive administrative approval prior to recording the Record of Survey.

3. An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property thereunder. Provided however, that any development of any lands divided as a result of the settlement of an estate of a dependent or a court decree for the distribution of property shall conform to all requirements of this Ordinance.
  4. A subdivision of land for purposes of a cemetery.
  5. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code.
  6. Widening of existing streets to conform to the Comprehensive Plan.
  7. Acquisition of street rights of way by a public agency in conformance with the Comprehensive Plan, and Area of Impact Agreement.
- C. All subdivisions as herein defined must be accepted by the Ada County Highway District prior to recording, as required by Idaho Code, and shall be submitted/transmitted to the Ada County Highway District for review and compliance with their policies and standards.

1-5: INTERPRETATION:

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

1-6: RULES AND DEFINITIONS:

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

- A. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual;
- B. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular;

- C. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement and the word "should" is a preferred requirement;
- D. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied";
- E. The masculine shall include the feminine.

As used in this Ordinance, the following words and terms shall have the meanings ascribed to them in this Section:

ACHD: The Ada County Highway District, which owns and controls all public roadways and alleys in Ada County, excluding state and federal highways.

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

ADT: Average daily traffic.

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

BLOCK: The land surrounded by streets and other rights-of-way, other than an alley, or land which is designated as a block on any recorded subdivision plat.

BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

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

BUILDING SITE: An area proposed or provided and improved by grading, filling, excavation or other means for erecting pads for buildings.

Building Lot: A Parcel of land legally divided and approved which is of such dimensions as to comply with the minimum requirements of this ordinance and the zoning ordinance for area and width and depth where applicable in the zone in which it is located, and having frontage on a public street or approved private road.

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

CITY: The City of Star, Idaho.

CITY COUNCIL: The City Council of the City of Star, Idaho.

CITY ENGINEER: Any registered professional engineer appointed by the City to accomplish the objectives of this Ordinance.

COMPASS: The Community Planning Association of Southwest Idaho, a nonprofit planning association.

COMPREHENSIVE PLAN: The Plan for the City of Star, Ada County, Idaho consisting of the goals, objectives, policies, maps and the components or elements which are adopted by the Council. The Plan shall serve as a guide for development.

CONDOMINIUM: An undivided interest in common in real property, in an interest or interest in real property, or in any combination thereof, together with a separate interests in real property, that is not a subdivision.

COUNTY RECORDER: The office of the Ada County Recorder.

COVENANT: A written promise or pledge between the homeowner and homeowner's association.

CUL-DE-SAC: A public street connected to another street at one end only and provided with a turnaround space at its terminus. The standards for the design of the turnaround are determined by Ada County Highway District.

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

DEDICATION: The setting apart of land or interests in land for use by the public by the recording of a plat. Dedicated land becomes public upon recording.

DEVELOPER: Authorized agent(s) of a subdivider or the subdivider himself.

DEVELOPMENT: Any man-made 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.

DWELLING UNIT: Any structure, or portion thereof, providing independent living facilities for one family, including provisions for living, sleeping, eating, cooking, and sanitation.

EASEMENT: A right of use, falling short of ownership, and usually for a certain stated purpose, as defined by Idaho Code § 50-1301 (state law pertaining to definitions for Plats and Vacations).

ENGINEER: Any person who is licensed in the State of Idaho to practice professional engineering.

FLOODPLAIN: The relatively flat area or low land adjoining the channel of a river, stream, lake or other body of water which has been or may be covered by water of a flood of one hundred (100) year frequency, as determined by the most recent FIRM map. The floodplain includes the channel, floodway or floodway fringe, as established pursuant to engineering practices of the U.S. Army Corps of Engineers, as follows:

- a. Channel: A natural or artificial watercourse of perceptible extent, with definite bend and banks to confine and conduct continuously or periodically flowing water.
- b. Flood: The temporary inundation of land adjacent to and inundated by overflow from a river, stream, lake or other body of water.
- c. Flood of One Hundred (100) Year Frequency: A flood magnitude which has a one percent (1%) chance of being equaled or exceeded in any given year.
- d. 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').
- e. Floodway Fringe: That part of the floodplain which is beyond the flood way. Such areas include those portions of the floodplain which will be inundated by a flood of one hundred (100) year frequency.

GOVERNING BODY: The City Council of the City of Star, Idaho.

GREENBELT: A landscaped area intended for public use and wildlife habitat.

HIGHWAY: A street designated as a highway by an appropriate County, State, or Federal agency.

HILLSIDE SUBDIVISION: Any subdivision or portion thereof, having an average slope of ten percent (10%) or more.

IMPROVEMENT: Any alteration to the land or other physical construction associated with subdivision and building site developments.

LARGE-SCALE DEVELOPMENT: A subdivision, the size of which consists of fifty (50) or more lots or dwelling units.

LOOP: A minor street in which both terminal points are on the same street of origin.

LOT: A parcel of land intended as a unit for transfer of ownership and development of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private road, and may consist of:

- a. A single lot or record;
- b. A combination of complete lots of record , or of portions of lots of record; or
- c. A portion of a recorded subdivision intended as a unit for transfer of ownership or for development.

LOT AREA: The area of any lot shall be determined exclusive of street, highway, alley, road or rights of way of record.

LOT TYPES: As used in these regulations, lot types are as follows:

- a. Corner Lot: A lot located at the intersections of two (2) or more streets;
- b. Interior Lot: A lot other than a corner lot with frontage on only one street;
- c. Through Lot: A lot with frontage on more than one street other than a corner lot; and
- d. Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

MANUFACTURED HOME: A structure, constructed according to HUD/FHA mobile home construction and safety standards and as defined by Idaho Code § 39-4105 (regulations pertaining to the Idaho Building code Advisory Act) or which has been rehabilitated in compliance with Idaho Code § 44-2503 (mobile home rehabilitation requirements).

MOBILE HOME: Means a structure similar to a manufactured home, but built to a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).

MONUMENT: Any permanent marker either of concrete, galvanized iron pipe or iron or steel rods, used to identify any tract, parcel, lot or street lines, as specified in Idaho Code §50-1303 (regulations pertaining to survey stakes and monuments for Plats and Vacations).

OPEN SPACE: A common area platted as a separate lot, or an area dedicated to and accepted by the City, substantially open to the sky. A portion of a development which remains predominately undeveloped and may include natural resource areas, prime agricultural land, garden plots, greenways and recreation areas.

ORIGINAL PARCEL OF LAND: An original lot or tract as recorded on any plat of record on file in the office of the County Recorder, or any unplatted contiguous parcel of land held in one ownership as of November 15, 1983.

OWNER: An individual, firm, association, syndicate, partnership or corporation having legal title in the land to be subdivided.

PARCEL: A tract of unplatted land in single ownership, considered a unit for purposes of development.

PARTIAL RIGHT OF WAY: A dedicated right of way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.

PERFORMANCE BOND: An amount of money or other negotiable security paid by the subdivider or his surety to the City Clerk which guarantees that the subdivider will perform all actions required by the governing body regarding an approved plat, and provides that if the subdivider defaults and fails to comply with the provisions of an approved plat, the subdivider or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approved plat.

PLANNED UNIT DEVELOPMENT: A subdivision designed as a combination of residential, commercial and industrial uses or any combination thereof planned for a tract of land to be developed as a unit under single ownership or control, which is developed for the purpose of selling individual lots or estates, whether fronting on private or public streets.

PLAT: The drawing, map or plan of a subdivision, cemetery, townsite or other tract of land or a replatting of such including certifications, descriptions and approvals including the following:

- a. Preliminary Plat: The first formal presentation by drawings of a proposed subdivision; and
- b. Final Plat: The final and formal presentation by drawings of an approved subdivision development, the original and one copy of which is filed with the County Clerk and Recorder.

PUBLIC HIGHWAY AGENCY: The state transportation department, county highway district or other public agency with jurisdiction over public highway systems and public rights of way.

PUBLIC LAND SURVEY CORNER: Any land survey corner actually established and monumented in an original survey or resurvey used as a basis of legal description for issuing a patent

for the land to a private person from the United States government.

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

RIGHT OF WAY: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features required by topography or treatment such as grade separation, landscaped area, viaducts and bridges.

SANITARY RESTRICTION: The requirement that no building or shelter which will require a water supply facility or a sewage disposal facility for people using the premises where such building or shelter is located shall be erected until written approval is first obtained from the Idaho Department of Health administrator or delegate approving plans and specifications either for public water and/or sewage facilities, or individual parcel water and/or sewage facilities.

STANDARD SPECIFICATIONS: The specifications as specified in this Ordinance or as officially adopted by the City.

STATE: The State of Idaho.

STREET: Any street, avenue, boulevard, road, lane, parkway, viaduct, easement for access, or other way which is an existing state, county, or municipal roadway; or a street shown in a plat heretofore approved pursuant to law, or approved by official action and includes the land between street lines, whether improved or unimproved and may be comprised of pavement, shoulders, gutters, sidewalks, parking areas, and other areas within the right-of-way.

Street also means a thoroughfare which has been dedicated or granted to the public and accepted by proper public authority, or a thoroughfare not less than 50 feet wide which has been made public by right of use and which affords the principal access to the abutting property, and/or provides vehicular circulation.

a. Local Street: The primary function of a local street is to serve abutting property. A local street is a street intended to provide access to lots and to serve the needs of a neighborhood. Normally, abutting property will have free access to the street and ADT will typically be less than 1,000 but may reach 2,000 in some situations.

b. Residential Collector Street: The primary function of a residential collector street is to intercept

traffic from local street and minor numbers of abutting parcels, and carry that traffic to a collector or arterial street. A residential collector is less than 1,300 feet long and typically has ADT less than 2,000, except within 500-feet of its connection to the collector or arterial street.

- c. Collector Street: Collector streets are designated by the Long Range Transportation Plan prepared by the COMPASS, and are shown on the official map of the Long Range Transportation Plan. The primary function of a collector street is to intercept traffic from the local street system and carry that traffic to the nearest arterial street. A secondary function is to serve abutting property. Access will be limited or controlled. Collector streets may also be designated as bicycle and bus routes. ADT should be less than 7,500 in residential areas, but may be greater in areas of non-residential use.
- d. Arterial Street: Arterial streets are so designated by the Long Range Transportation Plan prepared by COMPASS, and are shown on the official map of the Long Range Transportation Plan. The primary function of an arterial street is to carry through traffic. A secondary function is to provide service to abutting property. Direct lot access will be severely restricted. Arterial streets may also be designated as bicycle and bus routes.
- e. Section Line Road: Section line roads are future transportation corridors. They will ultimately function as collector or arterial streets. Direct lot access to these roads will be restricted. Additional right-of-way and pavement widening will be required, and left turn bays may be required when new streets intersect section line roads.
- f. Dead End Street: Dead end street means a street connecting to another street at one end only and not having provisions for vehicular turnaround at its terminus.
- g. Street, Loop: "Loop street" means a minor street that forms a loop and returns to the same street from which it originated. A street forming a connection between two (2) other streets is not considered a loop.
- h. Street, Partial: "Partial street" means a dedicated right of way that provides only a portion of the required street width.

i. Private Road: "Private road" means a road within a subdivision plat that is not dedicated to the public and not a part of a public highway system.

j. Public Street: A street, road thoroughfare, alley, highway or bridge under the jurisdiction of a public highway agency.

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

SUBDIVISION: The result of an act of dividing an original lot, tract or parcel of land into two (2) or more parts for the purpose of transfer of ownership or development, which shall also include the dedication of a public street and the addition to or creation of a cemetery. Subdivisions shall be divided into "minor subdivisions", "major subdivisions" and "large-scale developments", as those terms are defined in this Section. However, this Ordinance shall not apply to any divisions of land as provided in Section 1-4(B) of this ordinance.

SUBDIVISION, MAJOR: Any subdivision not able to qualify as a minor subdivision, including but not limited to subdivision of two (2) or more lots, or any size subdivision requiring any new street or extension of the local government facilities, or the creation of any public improvements.

SUBDIVISION, MINOR: Any subdivision containing not more than ten (10) lots where streets or roads are in compliance with ACHD and ITD requirements, the extension of Municipal facilities, or the creation of any public improvements comply with applicable agencies and districts requirements; and the minor subdivision is not adversely affecting the remainder of the parcel or adjoining property; and not in conflict with any provision or portion of the Comprehensive Plan, Official Zoning Map, Zoning Ordinance, or this Ordinance.

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

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

VARIANCE: A relief from the standards as set forth in this Ordinance and as enabled by Idaho Code §67-6516 (state law

pertaining to plat and vacation variance definitions, applications , notices and hearings).

VICINITY MAP: A drawing which sets forth by dimensions or other means the relationship of the proposed developments to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

ZONING MAP: The map incorporated into the Star City Zoning Ordinance designating the use district zones.

ZONING ORDINANCE: The City of Star Zoning Ordinance.

## **CHAPTER 2 SUBDIVISION PLATS AND PROCEDURES**

### SECTION:

- 2-1: Application for Subdivision Approval Generally
- 2-2: Pre-Application Procedure
- 2-3: Preliminary Plat
- 2-4: Final Plat
- 2-5: Fees
- 2-6: Record of Lot, Plat Approval
- 2-7: Sale of Lot, Plat to be Recorded
- 2-8: Lot Splits

#### 2-1: APPLICATION FOR SUBDIVISION APPROVAL GENERALLY:

Any person desiring to create a subdivision as herein defined shall submit all necessary applications to the City Clerk.

#### 2-2: PRE-APPLICATION PROCEDURE:

- A. Submission of Pre-Application: The subdivider may submit a pre-application to enable the Zoning Administrator to review and comment on the proposed subdivision.
- B. Sketch Plan: The pre-application shall include at least one copy of a sketch plan. The sketch plan shall include the entire developmental scheme of the proposed subdivision, in schematic form, and including the following:
  - 1. The general layout and approximate dimension of streets, blocks and lots in sketch form;
  - 2. The existing conditions and characteristics of the land on and adjacent to the proposed subdivision site; and
  - 3. The areas set aside for schools, parks and other public facilities.

C. Action by the Zoning Administrator: The Zoning Administrator shall notify the subdivider within fifteen (15) days from the date of receipt of an acceptable pre-application as to the general conformance or nonconformance of the proposal with this Ordinance, shall provide the necessary forms and checklists and shall comment on the following:

1. Compliance of the proposed development with existing local or State governmental goals and objectives or comprehensive plans;
2. Determination if additional special permits or ordinance conflicts such as rezone, special development permit or variance, are needed and the manner of coordinating such permits;
3. Consideration of any unique environmental features or hazardous concerns that may be directly or indirectly associated with the subject property such as areas that have been designated by the State of Idaho as areas of critical environmental concern, unique plant or animal life, floodplain, airport flight pattern and the like; and
4. Consideration of other local and State governmental agencies that the subdivider should contact before preparing a preliminary plat.

2-3: PRELIMINARY PLAT:

- A. Filing of Preliminary Plat Application and Data: The subdivider shall file with the City Clerk a complete subdivision application form and preliminary plat data as required in this Ordinance.
- B. Combining Preliminary and Final Plat in Minor Subdivisions: The applicant may request that the subdivision application be processed as both a preliminary and final plat if all the following exist:
  1. The proposed subdivision does not exceed ten (10) lots;
  2. Street dedication or street widening shall comply with ACHD and ITD;
  3. No major special development considerations are involved such as development in an area of critical concern;
  4. All required information for both preliminary and final plat is complete and in an acceptable form; and
  5. The proposed subdivision is not in conflict with the Comprehensive Plan or any provision of the Zoning Ordinance of the City.

A request to combine both preliminary plat and final plat into one application shall be acted upon by the Council.

C. Required Information and Data:

1. The contents of the preliminary plat and related information shall be in such a form as stipulated by the City Council; however, any additional maps or data deemed necessary by the Zoning Administrator may also be required.
2. The subdivider shall submit to the Zoning Administrator at least the following:
  - a. Eight (8) sets of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated. Each copy of the preliminary plat shall be on good quality paper, shall have the dimensions of not less than twenty four inches by thirty six inches (24" x 36"), shall be drawn to a scale of not less than one inch to one hundred feet (1" = 100'), shall show the drafting date, and shall indicate thereon, by arrow, the generally northerly direction;
  - b. Eight (8) sets of preliminary engineering plans (not meant to be cross-sections or detailed designs) for streets, water, sewers, sidewalks and other required public improvements; however, such engineering plans shall contain sufficient information and detail to make a determination as to conformance of the proposed improvements to applicable regulations, ordinances and standards;
  - c. Five (5) site grading and drainage plans indicating the existing and proposed grading relative to soil removal, fill work, retainage, soil stabilization, erosion control on the site adjacent terrain, and streets. On-site grading and drainage shall be designed so as to maximize land use benefits, minimize off-site impacts, and provide for slope and soil stabilization to prevent erosion. The plans shall also include existing and proposed storm drainageways, canals, floodways and flood plains. Plans for maintenance of all stormwater conveyances shall be included;
  - d. Eight (8) site landscaping plans indicating the location, height, and materials of walls, fences, hedges and screen plantings to ensure harmony with adjacent development and provide screening methods to conceal outdoor storage areas, trash receptacles, service areas, truck loading areas, utility buildings and other unsightly developments. The site landscaping shall minimize impact on adjacent properties through proper use of screening with sound and sight buffers. The landscaping plans shall contain the location and type of new plantings, with due regard to preservation of specimen and landmark

trees, and to the maintenance of plants. Further, the proposed design, use and maintenance of open spaces, landscaped areas and parks shall be included in the plans;

- e. A written application requesting approval of the preliminary plan; and
- f. Appropriate information that sufficiently details the proposed development within any special development area such as an area of critical concern, planned unit development, cemetery, mobile home, large-scale development, hazardous and unique areas of development.

3. The following shall be submitted separately:

- a. The name of the proposed subdivision;
- b. The name, address and telephone numbers of the subdivider or subdividers and the engineer or surveyor who prepared the plat;
- c. If the subdivider is not the property owner, a notarized statement from the property owner authorizing project representation;
- d. Printed labels with the name and address of all adjoining owners of property and residents within three hundred feet (300') of the external boundaries of the land being considered, whether or not bisected by a public right of way, as shown on record in the County Assessor's office;
- e. The legal description of the subdivision;
- f. The statement of the intended use of the proposed subdivision, such as residential single-family, two-family and multiple housing, commercial, industrial, recreational or agricultural and a designation of any sites proposed for parks, playgrounds, schools, churches or other public uses;
- g. A map of the entire area scheduled for development if the proposed subdivision is a portion of a larger holding intended for subsequent development. A map shall be submitted showing the location of existing buildings, water bodies or courses and the location of currently dedicated streets at the point where they adjoin and/or are immediately adjacent; provided, that actual measured distances shall not be required;
- h. A vicinity map showing the relationship of the proposed plat to the surrounding area (1/2-mile radius, scale option);
- i. The land use and existing zoning of the proposed subdivision and the adjacent land;
- j. Streets, street names, rights of way and roadway widths, including adjoining streets or roadways;

- k. Lot lines and blocks showing the dimensions and numbers of each;
- l. Contour lines, shown at two foot (2') intervals referenced to an established bench mark, including location and elevation;
- m. A site report as required by the appropriate health district where individual wells or septic tanks are proposed;
- n. Any proposed or existing utilities, including, but not limited to, storm and sanitary sewers, irrigation laterals, ditches, drainages, bridges, culverts, water mains, fire hydrants and their respective profiles;
- o. Any dedications to the public and/or easements, together with a statement of location, dimensions and purpose of such;
- p. Any additional required information for special developments as specified in Chapter 5 of this Ordinance; and
- q. A statement as to whether or not a variance, as specified in Section 6-3 of this Ordinance, will be requested with respect to any provision of this Ordinance describing the particular provision, the variance requested and the reasons therefor.

D. Procedure for Approval Of Preliminary Plat:

1. Administrative Review:

- a. Certification: Upon receipt of the preliminary plat and all other required data as provided for herein, the Zoning Administrator shall certify the application as complete and shall affix the date of application acceptance thereon. Such certification does not imply approval of the plat application. The City Clerk shall schedule a public hearing before the City Council, which hearing shall be held within forty five (45) days of the date of certification of a complete application.
- b. Review by Other Agencies: The Zoning Administrator shall refer the preliminary plat and application to as many governmental agencies as deemed necessary, notifying such agencies that any response on the proposed project must be received by the City Clerk. Such agencies may include the following:
  - (1) Other governing bodies having joint jurisdiction;
  - (2) The appropriate utility companies, fire district, Central District Health, Idaho Department of Health, irrigation companies or districts and drainage districts;
  - (3) ACHD
  - (4) The superintendent of the school district; and

(5) Other agencies having an interest in the proposed subdivision.

2. Public Notice: The City Clerk shall provide notice in accordance with the requirements of Section 10.8 of the Star Zoning Ordinance.

3. Action By Council:

a. Council's Findings: In determining the acceptance of a proposed subdivision, the Council shall consider the objectives of this Ordinance and at least the following:

- (1) The conformance of the subdivision with the Comprehensive Development Plan and this ordinance;
- (2) The availability of public services to accommodate the proposed development;
- (3) The continuity of the proposed development with the capital improvement program;
- (4) The public financial capability of supporting services for the proposed development; and
- (5) The other health, safety and environmental problems that may be brought to the Council's attention.

b. Action On Preliminary Plat: The Council may recommend approval, conditional approval, disapproval or tabling for a period not to exceed forty five (45) days. Such action shall occur within forty five (45) days of the date of the regular meeting at which the plat is first considered by the Council. This time frame may be extended upon consent of both parties. The action, and the reasons for such action shall be stated in writing by the City Clerk and forwarded to the applicant. Upon granting or denying a preliminary plat, the Council shall specify:

- (1) The ordinance and standards used in evaluating the application;
- (2) The reasons for recommending approval or denial; and
- (3) The actions if any, that the applicant could take to obtain approval of the preliminary plat.

c. Action On Combined Preliminary And Final Plat: The Council may recommend that the combined application be approved, approved conditionally or disapproved.

E. Approval Period:

1. Failure to file with and obtain the certification of the acceptance of the final plat application by the City Clerk within one year after action by the City Council shall cause all approvals of said preliminary

plat to be null and void, unless an extension of time is applied for by the subdivider and granted by the City Council.

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

F. Modifications to the Preliminary Plat: Any modifications to the preliminary plat shall be resubmitted to the Ada County Highway District for review and approval.

#### 2-4: FINAL PLAT:

A. Filing Of Final Plat: After the approval or conditional approval of the preliminary plat, the subdivider may cause the total parcel or any part thereof to be surveyed and a final plat prepared in substantial compliance with the approved preliminary plat. The subdivider shall submit to the City Clerk the following:

1. Six (6) copies of the final plat; and
2. Four (4) copies of the final engineering construction drawings for streets, water, sewers, sidewalks and other public improvements.

B. Contents: The final plat shall include and be in compliance with all items required under title 50, chapter 13 (Municipal Corporations - Plats and Vacations) of the Idaho Code and shall be prepared in accordance with the specifications set forth in Idaho Code §50-1304 (specifications pertaining to the essentials of plats). The final plat shall include at least the following:

1. A written application for approval of such final plat as stipulated by the City Council;
2. Written approval of the subdivision name from Ada County;
3. Proof of current ownership of the real property included in the proposed final plat;
4. Six (6) blue line copies of the final plat and one (1) (11 x 17);
5. Two (2) blue line copies of the approved preliminary plat and one (1) (11 x 17);
6. Four (4) copy of final engineering construction drawings showing streets, sidewalks, water, sewer, street lights, drainage improvements and other public improvements;
7. Conformance with the approved preliminary plat and meeting all requirements or conditions thereof;
8. Conformance with all requirements and provisions of this Ordinance;

9. Acceptable engineering practices and local standards;
10. Four (4) blue line copies of landscape plan and eight (8) (11 x 17) copies; and
11. Such other information as the Zoning Administrator or City Council may deem necessary to establish whether or not all proper parties have signed and/or approved said final plat.

C. Procedure for Approval of Final Plat:

1. Review:

- a. Acceptance: Upon receipt of the final plat, and compliance with all other requirements as provided for herein, the Zoning Administrator shall certify the application as complete and shall affix the date of acceptance thereon. Such certification does not imply approval of the plat application.
  - b. Resubmission of Final Plat: The Zoning Administrator shall review the final plat for substantial compliance with the approved or conditionally approved preliminary plat. If the Zoning Administrator determines that there is substantial difference in the final plat than that which was approved as a preliminary plat or conditions which have not been met, the Zoning Administrator may require that:
    - (1.) the applicant complete the final plat in accordance with the preliminary plat or;
    - (2.) the final plat be submitted to the City Council as a revised preliminary plat.
  - c. Submission to the City Council: Upon the determination that the final plat is in compliance with the preliminary plat and all conditional requirements have been met, the City Clerk shall place the final plat on the City Council agenda within forty five (45) days from the date that an acceptable final plat application was received and acknowledged by the City Clerk.
2. Agency Review: The Zoning Administrator may transmit one copy of the final plat, or other documents submitted, for review and recommendation to the agencies as s/he deems necessary to insure compliance with the preliminary approval and/or conditions of preliminary approval. Such agency review shall also include the construction standards of improvements, compliance with health standards, and the cost estimate for all improvements.

3. City Council Action: The City Council, at its next meeting, shall consider the staff report, findings and comments from concerned persons and agencies to arrive at a decision on the final plat. The City Council shall approve, approve conditionally, disapprove or table the final plat for additional information within forty five (45) days of the date of the first regular meeting at which the plat is considered. A copy of the approved plat shall be filed at City Hall. Upon granting or denying the final plat, the City Council shall specify:
  - a. The ordinance and standards used in evaluating the application;
  - b. The reasons for approval or denial; and
  - c. The actions, if any, that the applicant could take to obtain a permit.
  
- D. Conditional Approval of Final Plat: With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on compliance with Section 4-2-2 Guarantee of Improvement.
  
- E. Approval Period: The final plat shall be filed with the County Recorder within one year after written approval by the City Council. Otherwise such approval shall become null and void unless the subdivider, prior to said expiration date, applies for an extension of time and such extension is granted by the City Council.
  
- F. 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 City Clerk and the City Engineer verifying that the subdivision meets the requirements of the City Ordinances and has been accepted by the City Council;
  2. Certification of the sanitation restriction on the face of the plat in accordance with the provisions of Idaho Code §50-1326 (state law requiring all plats to bear a sanitary restriction and requiring submission of plans and specifications of water and sewer to the State Department of Health and Welfare);
  3. Certification that roadways and drainage plans meet the requirements of the Ada County Highway District and/or Idaho Transportation Department;
  4. County surveyor's certification and signature;
  5. Certification, acknowledgement, and signature of the Owner; and
  6. Certification and signature of the professional land surveyor in responsible charge of the plat.
  
- G. Record of Final Plat: Upon approval of the final plat by the City Council, the subdivider'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 F of this Section, the subdivider shall furnish one (1) copy (11 x 17) and one (1) copy (8 ½ x 11) of the recorded final plat to the Zoning Administrator.

2-5: FEES:

At the time of submission of an application for a preliminary plat and application for a final plat, a fee, as established in the official fee schedule of the City, shall be paid. There shall be no additional fee for the combining of the preliminary and final plats and there shall be no fee for a pre-application.

2-6: RECORD OF LOT, PLAT APPROVAL:

No final plat shall be filed with County Recorder or infrastructure improvements made on the property until the plat has been acted upon and approved by the City Council.

2-7: SALE OF LOT, PLAT TO BE RECORDED:

- A. No lots shall be sold until the plat has been recorded in the office of the County Recorder.
- B. No building permits will be approved until the subdivider furnishes proof to the Zoning Administrator that the final plat has been recorded and that applicable impact fees have been paid to the Ada County Highway District.
- C. No lots shall be sold until the streets, subdivision signs, street signs, street lights, and infrastructure is completed.

2-8: LOT SPLITS:

An original parcel of land may be divided one time into not more than two (2) lots, parcels, or sites for the purpose of transfer of ownership or development using the following application process and procedures:

- A. Application: An application for lot split on a form provided by the City Clerk shall be submitted to the Zoning Administrator and shall contain, at a minimum, the following information:
  - 1. Name, address, and telephone number of the applicant;
  - 2. Legal description of property and proof of ownership or agency;
  - 3. Description of existing use;

4. Zoning district;
  5. Description of lots after proposed lot split;
  6. Description of proposed use; and
  7. Documentation of the permission of the owner of the parcel to be split.
- B. Procedure: Prior to approving an application under this Section 2-8, the Zoning Administrator shall make the following findings:
1. The minimum requirements under the City Ordinance for dimensional standards for the base zone;
  2. The proposed lot split is in conformity with the Comprehensive Plan;
  3. The proposed lot split is in the public interest and will not adversely impact adjoining property interests;
  4. The proposed lot split meets all sanitary requirements, and;
  5. The proposed lot split is recorded on a record of survey and deed.
- C. Notice: Within ten (10) days after a decision has been rendered, the City Clerk shall provide the applicant with written notice of the action on the request.

**CHAPTER 3  
DESIGN STANDARDS**

SECTION:

- 3-1: Minimum Standards Required
- 3-2: Streets And Alleys
  - 3-2-1: Location
  - 3-2-2: Street Widths
  - 3-2-3: Intersections
  - 3-2-4: Street Names
  - 3-2-5: Private roads
- 3-3: Blocks
- 3-4: Lots
- 3-5: Easements
- 3-6: Planting Strips And Reserve Strips
- 3-7: Public Sites And Open Spaces

3-1: MINIMUM STANDARDS REQUIRED:

All plats submitted pursuant to the provisions of this Ordinance, and all subdivisions, improvements and facilities done, constructed or made in accordance with said provisions shall comply with the minimum public street design standards set forth in this Chapter; provided, however, that any higher standards adopted by any highway district, the Idaho Transportation Department or health agency shall prevail over those set forth herein.

3-2: STREETS AND ALLEYS:  
3-2-1: LOCATION:

Street and road location shall conform to the following standards:

- A. Street Location And Arrangements: When an official street plan or comprehensive development plan has been adopted, subdivision streets shall conform to such plans.
- B. Minor Streets: Minor streets shall be so arranged as to discourage their use by through traffic.
- C. Stub Streets: Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be such that said streets extend to the boundary line of the tract to make provisions for the future extension of said streets into adjacent areas. A reserve strip may be required and held in public ownership.
- D. Relation To Topography: Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and acceptable gradients.
- E. Public Alleys: Public alleys may be provided in multiple dwelling or commercial subdivisions unless other provisions are made for service access and off-street loading and parking. Dead-end public alleys shall be prohibited in all cases.
- F. Frontage Roads: Where a subdivision abuts or contains an arterial street, it shall be required that there be frontage roads approximately parallel to and on each side of such arterial street; or, such other treatment as is necessary for the adequate protection of residential properties and to separate through traffic from local traffic.
- G. Cul-de-sac Streets: All Cul-de-sac streets shall terminate in a circular turnaround and shall meet the Star Fire District requirements for access.
  - 1. Alternative types of turnarounds for cul-de-sacs which will provide access to less than thirteen (13) dwelling units may be permitted by the City Council if approved by the Fire District and the highway district having jurisdiction.
  - 2. In zoning districts which prohibit densities greater than one dwelling unit per two (2) acres, cul-de-sacs may be permitted by the City Council if approved by the Fire District and the highway district having jurisdiction. No more than twenty (20) dwelling units shall be permitted on said cul-de-sac.
- H. Private roads: Private roads may be permitted in accordance with the provisions of Section 3-2-5 of this Chapter.

I. Driveways: Driveways providing access to no more than two (2) dwelling units shall be allowed within any subdivision.

3-2-2: STREET WIDTHS:

A. Street and road right-of-way widths, grade, alignment, and so forth, shall conform to the major street plan of the highway district having jurisdiction and shall be approved by the highway district and/or other agency having jurisdiction.

B. Notwithstanding subsection A of this Section, access from a frontage road onto an arterial street shall be limited to one thousand five hundred feet (1,500') between points.

C. All streets shall be of adequate width to accommodate vehicle parking on both sides.

3-2-3: INTERSECTIONS:

Intersections shall conform to the following standards:

A. Angle of Intersection: Angles of street and driveway intersections shall be approved by the highway district having jurisdiction.

B. Sight Triangles: Minimum clear sight distance at all street and driveway intersections shall meet the City Zoning Ordinance and shall be approved by the highway district having jurisdiction.

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

3-2-4: STREET NAMES:

The naming of streets shall conform to the following standards:

A. A street name shall not duplicate any existing street name within the County except where a new street is a continuation of an existing street. Street names that may be spelled differently but sound the same as existing street names shall not be used. All street names must be approved by the Ada County Street Name Committee.

B. All new streets shall be named as follows:

1. Streets having a predominately north-south direction shall be named "avenue", except for section line streets which shall be named "road";

2. Streets having a predominately east-west direction shall be named "street", except for section line streets which shall be named "road";
3. Meandering streets having a predominately north-south direction shall be named "way";
4. Meandering streets having a predominately east-west direction shall be named "drive";
5. Cul-de-sacs having a predominately north-south direction shall be named "place"; and
6. Cul-de-sacs having a predominately east-west direction shall be named "court".

3-2-5: PRIVATE ROADS:

Private roads may be permitted, subject to the following:

- A. General Standards: Private roads may be permitted if the Council determines that the private road is in compliance with each of the following standards:
  1. Unique or special circumstances exist with respect to the proposed use, design, location, topography, or other features of the development or its surroundings such that private roads will serve to enhance the overall development;
  2. The private road provides safe and effective movement of both vehicular and pedestrian traffic;
  3. The private road provides adequate access for service and emergency vehicles;
  4. The private road does not adversely affect access or good transportation planning to adjacent property and to the area travel networks;
  5. The private road does not landlock adjacent property due to topography or parcel layout;
  6. Other than to provide emergency access, the private road does not connect one public street to another, encouraging travel through the development served by the private road;
  7. The use or alignment of the private road does not interfere with the continuity of public streets; and
  8. An appropriate mechanism has been established for the repair and maintenance of the private road, including provisions for the funding thereof.
- B. Construction And Design Standards: Private roads shall conform to the following construction and design requirements:
  1. All private road construction shall be in accordance with Ada County Highway District's structural standards for streets, including base course and asphaltic concrete mat thickness utilizing the appropriate traffic index and shall further be in accordance with Ada County Highway District's

intersection design and drainage requirements, or as may be recommended by the City Engineer and approved by the City Council, with the following exceptions to the ACHD structural standards, if recommended by the City Engineer and approved by the City Council:

- a. Private roads accessing less than eleven (11) but more than two (2) dwelling units, in zoning districts which prohibit densities greater than one dwelling unit per two (2) acres shall have a minimum base course consisting of six inches (6") of compacted 3/4 minus crushed gravel with a minimum of two and one-half inches (2 1/2") of asphalt concrete; or
  - b. Private roads accessing two (2) or less dwelling units, in zoning districts which prohibit densities greater than one dwelling unit per two (2) acres, shall have a minimum roadway surface consisting of six inches (6") of compacted 3/4 minus crushed gravel with no asphalt concrete required, except as may be required at the public road intersection, by the highway district having jurisdiction.
2. Except as may be otherwise set forth in this Section, private roads shall meet such design and dimensional requirements as the Council may determine are appropriate considering the proposed use and the site upon which the private roads are to be placed, including, in the discretion of the Council, provisions for sidewalks, curbs, and gutters; provided, however, that all private roads shall contain paved travel lanes a minimum of twelve feet (12') in width (except as noted herein) and shall otherwise provide for the safe, convenient and effective movement of both vehicular and pedestrian traffic. Travel lanes for private roads accessing less than eleven (11) but more than two (2) dwelling units shall be paved a minimum of ten feet (10') in width (20 feet minimum total road width). Travel lanes for private roads accessing two (2) or less dwelling units shall not be required to be paved and shall be a minimum of ten feet (10') in width (20 feet minimum total road width).
  3. The design engineer shall identify on the construction drawings for the review and approval by the City Engineer, all traffic signs needed for the project, including, but not limited to, designated parking and no parking areas, speed, stop, and such other signs as are required for safe pedestrian and vehicle travel.
  4. All private roads shall, during the progress of construction, be inspected and tested, at the

expense of the owner or developer, by a qualified inspector in order to ensure compliance with the construction and design standards set forth in this Section, the construction drawings as prepared by the registered professional engineer, and good engineering and construction practices. Reports of such inspections and tests shall be submitted, together with a certification of such compliance, for the review and approval by the City Engineer. An informational copy of the report shall be provided to ACHD.

5. All private roads shall originate in a public right of way and terminate at one of the following approved turnaround areas:
  - a. A cul-de-sac in which islands may be designed subject to the approval of the Fire District and provided further that proper maintenance of the island is provided for; and
  - b. A hammerhead/tee type turnaround or as may be otherwise approved by the Fire District.
6. Unless expressly provided, none of the provisions of Chapters 3 and 4 of this Ordinance shall be applicable to private roads. Notwithstanding the foregoing, and the provisions of Sections 3-2-4 and 4-1-4 of this Ordinance shall be applicable to private roads.
7. The design of all private roads, and related storm drainage facilities, shall be prepared by a licensed professional engineer in the State of Idaho in substantial conformance with engineering and design standards in effect at the time of preparation of the design. Construction drawings, together with a certification of such conformity, shall be submitted for the review and approval by the City Engineer. No part of this Section shall be construed as allowing a private road that is not in conformance with current engineering and design standards.
8. All private roads shall be located on a designated 50-foot wide easement.
9. The applicant shall provide a plan to Ada County Highway District showing how the private road grade meets the public road.
10. Street name and stop signs shall be required for the private road. The signs may be obtained from the Ada County Highway District at the expense of the developer. Verification of the correct, approved name of the road is required.

11. There will be no assurances that private roads will be accepted as public roads if such a request is made in the future. Substantial redesign and reconstruction costs may be necessary in order to qualify the road for public ownership and maintenance as determined by Ada County Highway District.
  12. The applicant is responsible for all construction certifications by a third party. As built drawings of the private road and a construction certification report shall be submitted to the City.
- C. Access And Maintenance Requirements: Provisions shall be made for the future maintenance of and access to private roads as follows:
1. A plan for repair and maintenance of the private road and all drainage facilities for the expected lifetime thereof and a cost estimate prepared by a licensed professional engineer in the State of Idaho, together with a proposed method for funding the same, including, but not limited to, the creation and maintenance of a reserve fund, shall be submitted to the City Council for review and approval prior to execution of the final plat by the City Clerk and City Engineer.
  2. The location of the private road shall be clearly depicted on the face of the plat and notes shall be included 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 road the perpetual right of ingress and egress over the described private road;
    - b. Provide that such perpetual easement shall run with the land; and
    - c. Provide that the restrictive covenant for maintenance of the private road cannot be modified and the homeowners'/property owners' association or other entity cannot be dissolved without the express consent of the City Council.
  3. A restrictive covenant for repair and maintenance of the private road, recorded at the time of recording the plat, shall be provided to the Zoning Administrator. The covenant shall create a homeowners'/property owners' association or substantially similar entity and make provision for the perpetual maintenance of the private road in accordance with the approved plan as provided for in

subsection C1 of this Section. Said restrictive covenant shall also provide that the said covenant shall run with the land and that the said covenant cannot be modified and that the homeowners'/property owners' association or other entity cannot be dissolved without the express consent of the City Council. The said restrictive covenant shall be reviewed and approved by the City Attorney prior to certification and signing of the final plat by the City Engineer.

4. The Council may, in the reasonable exercise of its discretion, order the owners or the entity responsible for the maintenance of any private road 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 as may be required thereby; and the owner or responsible entity shall, as a condition of approval of any such private road, 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. A court of competent jurisdiction may enforce any order entered by the Council pursuant to this subsection and the City shall be entitled to recover its costs and attorney fees incurred in connection therewith.

3-3: BLOCKS:

Every block shall be so designed as to provide two (2) tiers of lots, except where lots back onto an arterial street, natural feature or subdivision boundary. Blocks shall not be less than five hundred feet (500') long in all cases.

3-4: LOTS:

Lots shall conform to the following standards:

- A. Zoning: Lots within any subdivision shall comply in all respects with the official height and area regulations as set forth in Section 2.4 City of Star Zoning Ordinance.
- B. Future Arrangements: Where parcels of land are subdivided into unusually large lots (such as when large lots are approved for septic tanks), the parcels shall be divided, where feasible, so as to allow for future re-subdividing into smaller parcels. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks. Whenever such future subdividing or lot splitting is contemplated, the resubdivision plan

thereof shall be approved by the City Council prior to taking of such action.

- C. Sufficient Area For Septic Tank: Where individual septic tanks have been authorized, sufficient area shall be provided for a replacement sewage disposal system. Further, the replacement sewage disposal system area shall be excluded from the buildable area of the lot.

3-5: EASEMENTS:

- A. Unobstructed utility easements shall be provided along front lot lines, rear lot lines and side lot lines when deemed necessary. Total easement width shall not be less than ten feet (10').
- B. Unobstructed drainageway easements shall be provided as required by the City Council.
- C. All natural drainage courses shall be left undisturbed or be improved in a manner which will improve the hydraulics and ease of maintenance of the channel.

3-6: PLANTING STRIPS AND RESERVE STRIPS:

Planting strips and reserve strips shall conform to the following standards:

- A. Planting Strips/Buffer Areas: Planting strips/buffer areas shall be required to be placed next to incompatible features such as highways, railroads, commercial or industrial uses to screen the view from residential properties and to provide noise mitigation for those residents. Such planting strips/buffer areas shall be a minimum of ten feet (10') wide unless a greater width is required within Section 11.5.10 of the City of Star Zoning Ordinance. The landscape strip/buffer area shall not be a part of the normal street right of way and shall comply with all landscape/buffer area requirements within Section 11.5.10 of the City of Star Zoning Ordinance
- B. Reserve Strip:
  - 1. Private Reserve Strips: Privately held reserve strips access to streets shall be prohibited.
  - 2. Public Reserve Strips: A reserve may be required to be placed along half streets which are within the subdivision boundaries and shall be deemed to be dedicated in fee simple to the Ada County Highway District for future street widening. The width of such public reserve strip shall be determined by Ada County Highway District.

C. Maintenance:

1. All required landscaping shall be maintained in a healthy growing condition by the subdivider or subdivider's representative until a homeowners' association is established and becomes responsible for maintenance of all landscaping. This includes the maintenance of street trees and/or other landscape materials within or abutting the public rights of way. The subdivider shall be responsible for the removal, and replacement of any unhealthy or dead plant material immediately or as the planting season permits. The subdivider or subdivider's representative shall maintain all irrigation systems to ensure proper operation and water conservation.

3-7: PUBLIC SITES AND OPEN SPACES:

Public sites and open spaces shall conform to the following standards:

- A. Public Uses: Where it is determined by the Zoning Administrator that a proposed park, playground, school or other public use is located in whole or in part within a proposed subdivision, the City Council shall notify the appropriate public agency concerning the land proposed to be acquired. Within thirty (30) days of the date of notice, the public agency may request the governing body to suspend consideration on the subdivision for sixty (60) days, after which time, the City Council shall resume consideration of the subdivision.
- B. Natural Features: Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourses, historic spots and similar irreplaceable assets) shall be preserved in the design of the subdivision.
- C. Special Development: In the case of planned unit developments and large-scale developments, the City Council may require sufficient public and/or private park or open space facilities of acceptable size, location and site characteristics that may be suitable for the proposed development.

Open Spaces: The minimum percentage of the gross area that must be set aside for open spaces in new subdivisions shall be in accordance with the following:

Zoning District	Open Space Requirement
R1 - R2	0%

R3	5%
R4 - R6	10%
R8 or more	15%

This open space is above and beyond any space required for building lots, structures, streets, or parking lots. Open space may include areas designed for greenbelts, parks, or storm water retention facilities.

Open space used for storm water retention or irrigation facilities, or combined, shall not exceed 50% of the minimum open space requirements.

## CHAPTER 4 REQUIRED IMPROVEMENTS

### SECTION:

- 4-1: Improvements Required
  - 4-1-1: Survey Stakes and Monuments
  - 4-1-2: Streets and Alleys
  - 4-1-3: Curbs and Gutters
  - 4-1-4: Street Signs
  - 4-1-5: Street Lights
  - 4-1-6: Sidewalks and Pedestrian Walkways
  - 4-1-7: Bicycle Pathways
  - 4-1-8: Underground Utilities
  - 4-1-9: Water Supply and Sewer Systems
  - 4-1-10: Storm Drainage, Flood Controls
  - 4-1-11: Fire Hydrants and Water Mains
  - 4-1-12: Greenbelt Areas, Landscape Screening
- 4-2: Construction of Improvements
  - 4-2-1: Construction Plans
  - 4-2-2: Guarantee of Improvements
  - 4-2-3: Inspections
  - 4-2-4: Failure to Complete Public Improvement Construction

### 4-1: IMPROVEMENTS REQUIRED:

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

#### 4-1-1: SURVEY STAKES AND MONUMENTS:

Monuments shall be set in accordance with Idaho Code §50-1303 (regulations pertaining to the accuracy of all survey stakes and monuments).

#### 4-1-2: STREETS AND ALLEYS:

All public streets and alleys shall be constructed in accordance with the standards and specifications adopted by the Ada County Highway District.

4-1-3: CURBS AND GUTTERS:

All curbs and gutters shall be in accordance with the standards and specifications adopted by the Ada County Highway District or the Idaho Transportation Department.

Driveways, Curb Cuts: All driveway openings and curbs shall be as specified by the Ada County Highway District or the Idaho Transportation Department.

4-1-4: STREET SIGNS:

Street name signs shall be installed in the appropriate locations at each street intersection in accordance with Ada County standards.

4-1-5: STREET LIGHTS:

All subdividers within the City limits and within the area of City impact shall be required to install, at the subdividers' expense, street lights in accordance with City requirements at locations designated by the City Engineer, or his/her representative. After installation, street lights will be inspected by the City Engineer. Any inoperable lights shall be repaired and reinspected. Street lights shall be maintained by and at the expense of the subdivider or subdivider's representative until a homeowners' association is established and becomes responsible for street light maintenance. The City shall have the right, but shall be under no duty, to pay the cost of maintenance and power and assume ownership of street lights within the City limits.

4-1-6: SIDEWALKS AND PEDESTRIAN WALKWAYS:

- A. Sidewalks shall be required on both sides of the street or as approved by the governing agency.
- B. Pedestrian walkways, when required, shall have easements at least ten feet (10') in width and include a paved walk at least five feet (5') in width. Council may approve alternate surface options including but not limited to paver-brick, grass-crete, concrete, compacted ¼" gravel, bark, and perma-plank.
- C. Pedestrian walkways shall be located in permanent easements within lots or in common lots.

- D. Sidewalks and crosswalks shall be constructed in accordance with the standards and specifications of the Ada County Highway District.

4-1-7: BICYCLE PATHWAYS:

A bicycle pathway may be provided within all subdivisions as part of the public right of way or separate easement, as may be specified by the City Council. Bicycle pathways shall be located in separate lots or in common lots.

4-1-8: UNDERGROUND UTILITIES:

Underground utilities are required.

4-1-9: WATER SUPPLY AND SEWER SYSTEMS:

- A. All water and sewer plans shall be submitted to the Star Sewer and Water District for review and approval.
- B. All public water supply or sewer systems shall be constructed in accordance with the Star Sewer and Water District plans and specifications.
- C. All water and sewer plans, standards, and specifications shall be submitted to the Idaho Department of Health and Welfare or its authorized agent in accordance with the provisions of Idaho Code §50-1326 (state requirement that plans and specifications for all water and sewer systems be submitted to the State Department of Health and Welfare) and Star Sewer and Water District, for approval.
- D. For any new subdivision to be provided with public water system and containing more than four residential lots, shall be provided with a pressurized irrigation system, unless a waiver is approved by the City Council.  
The following requirements shall apply to the pressurized irrigation system:

1. The system shall not be connected to potable water;
2. The system shall be designed by a registered professional engineer licensed in the State of Idaho;
3. The system shall be a piped delivery, operating at a minimum pressure of forty five (45) pounds per square inch (PSI);
4. The system shall deliver to each destination point a minimum fifteen (15) gallons per minute (GPM) at 45 PSI;

5. Mainline distribution piping diameter shall be a minimum of three (3) inches;
  6. The system shall be equipped with approved anti-siphon valves; and
  7. All irrigation bibs shall be clearly labeled with the words "Non-potable water. For irrigation only".
- E. Irrigation system maintenance and operation shall be provided by the irrigation district or canal company in which the subdivision lies, a municipal irrigation district, or by the formation of another entity capable of operating and maintaining a pressurized irrigation system. Subdivider's shall provide written assurance that provisions have been made for ownership, operation, and maintenance of the irrigation system prior to approval by the City Council.
- F. The requirement for installation of a pressurized irrigation system may be waived by the City Council when the subdivider has established that any of the following situations exist:
1. A sufficient surface irrigation water right does not exist for the property. This must be documented in writing by the appropriate irrigation district or canal company and the Idaho Department of Water Resources and shall be submitted with the preliminary plat. The waiver shall be granted only for that portion of the subdivision which can not be served;
  2. Existing surface water right cannot be delivered to the property by the irrigation district or canal company due to delivery capacity or scheduling. The Zoning Administrator may require the installation of the pressurized irrigation system if water rights may be available within two (2) years. This must be documented in writing by the appropriate irrigation district or canal company;
  3. The requirement to provide a pressurized irrigation system may be waived if the City Council finds that due to the specific circumstances, the cost of obtaining water rights, re-establishing water rights or developing the system would impose an undue economic hardship on the developer. For purposes of this section an undue economic hardship shall consist of showing that the cost per lot to develop the system would be 25% higher than the cost per lot for providing a system to subdivisions of similar size and density constructed in the City within the previous two years or that the cost per lot of the system would exceed 5% of the expected per lot market value of the development.
  4. If waiver is granted by the City Council, compliance with Idaho Code §31-3805 (regulations requiring

delivery of irrigation water rights in subdivisions) is still required.

4-1-10: STORM DRAINAGE, FLOOD CONTROLS:

- A. An adequate storm drainage system shall be required in all subdivisions. The Ada County Highway District shall establish the requirements for each particular subdivision and construction shall follow the specifications and procedures established by said Ada County Highway District.
- B. Interceptor ditches shall be established above all cut/fill slopes, and the intercepted water conveyed to a stable channel or natural drainageway with adequate capacity.
- C. Curb, gutter and pavement design shall be such that water on roadways is prevented from flowing off the roadway.
- D. Natural drainageways shall be riprapped or otherwise stabilized below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.
- E. Runoff from areas of concentrated impervious cover (for example, roofs, driveways and roads) shall be collected and transported to a natural drainage with sufficient capacity to accept the discharge without undue erosion.
- F. Waste material from construction, including soil and other solid materials, shall not be deposited within the one hundred (100) year Floodplain.
- G. Drainageways or hydraulic structures in major waterways (defined as draining a basin area of ten [10] acres or more) shall be designed for the one hundred (100) year flood or to accommodate the runoff projected in the Soil Conservation Service Hydrology Guide for Residential Development of the Boise Front, whichever is greater. In minor waterways (defined as draining a basic area of less than ten [10] acres), such structures shall be designed for the fifty (50) year flood or to accommodate the runoff projected in the Soil Conservation Service Hydrology Guide for Residential Development of the Boise Front, whichever is greater.
- H. Sediment catchment ponds shall be constructed and maintained downstream from each development, unless sediment retention facilities are otherwise provided. Any facility used shall provide for the removal of

surface debris and contaminants, as well as sediment retention.

- I. The overall drainage system shall be completed and made operational at the earliest possible time during construction.
- J. Alterations of major drainageways shall be prohibited except for approved road crossings and drainage structures.
- K. Natural or improved open channel drainageways shall be preserved or provided for in waterways; except, that at road crossings, conduits may be permitted.
- L. The City reserves the right to require installation of hydrologic measuring devices in drainageways within any development at public expense.

4-1-11: FIRE HYDRANTS AND WATER MAINS:

Adequate fire protection shall be required in accordance with the Star Fire District and Star Sewer and Water District standards.

4-1-12: GREENBELT AREAS, LANDSCAPE SCREENING:

Greenbelts or landscaping screening may be required for the protection of residential properties from adjacent major arterial streets, waterways, railroad rights of way or other features. Subdivision plats shall show the location of all greenbelt and landscaped areas. Greenbelts shall be located in separate lots or common lots.

4-2: CONSTRUCTION OF IMPROVEMENTS:

#### 4-2-1: CONSTRUCTION PLANS:

It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by a licensed engineer in the State of Idaho, a complete set of construction plans, including profiles, cross-section, specifications and other supporting data, for all required public streets, utilities and other facilities. Such construction plans shall be based on preliminary plans, which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies and all construction plans shall be prepared in accordance with the public agencies' standards or specifications.

#### 4-2-2: GUARANTEE OF IMPROVEMENTS:

In lieu of the actual installation of required public improvements before filing of the final plat, the City Clerk may permit the subdivider to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of any other agency responsible for the administration, operation and maintenance of the applicable public improvement.

- A. Performance Bond: The bond shall be in an amount equal to one hundred twenty percent (120%) of the total estimated cost for completing construction of the specific public improvements, as estimated by the City Engineer and approved by the Zoning Administrator and City Clerk, and shall be with a surety company authorized to do business in the State of Idaho, acceptable to the City Council.
- B. The term length in which the bond is in force shall be for a period to be specified by the City Clerk for the specific public improvement.
- C. Said bond shall accrue to the City covering construction, operation and maintenance of the specific public improvement. The escrow agreement shall be drawn and furnished to the City Clerk by the developer
- D. Cash Deposit, Certified Check, or Irrevocable Bank Letter of Credit: A cash deposit, certified check, or an irrevocable bank letter of credit, acceptable by the City Clerk, shall be deposited with an escrow agent or trust company with a dollar value equal to one hundred twenty percent (120%) of the estimated cost of construction for the specific public improvement, as estimated by the City Engineer and Zoning Administrator approved by the City Clerk.

- E. The escrow time for the cash deposit, certified check, or irrevocable bank letter of credit shall be for a period to be specified by the City Clerk.
  
- F. Financial Guarantee Arrangements: In lieu of the actual installation of required public improvements before filing of the final plat, the Clerk may permit the developer to provide a financial guarantee of performance in one or a combination of the following arrangements. No lots may be sold within the subdivision until improvements are guaranteed.
  - 1. Surety Bond:
    - a. Irrevocable bank letter of credit, of such surety acceptable by the City, shall be deposited with an escrow agent or trust company
  
    - b. Dollar Value: The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, shall be equal to one hundred twenty (120%) percent of the total estimated cost of Accrual: The bond shall accrue to the City covering construction, operation and maintenance of the specific public improvements;
  
    - c. Amount: The bond shall be in an amount equal to one hundred twenty percent (120%) of the total estimated cost for completing construction of the specific public improvement, as estimated by the applicant's engineer and reviewed and approved by the City Engineer, Zoning Administrator and Clerk;
  
    - d. Term Length: The term length in which the bond is in force shall be for a period to be specified by the City Engineer for the specific public improvements and as stated in the public improvements agreement;
  
    - e. Bonding for Surety Company: The bond shall be with a surety company authorized to do business in the State of Idaho, acceptable to the Clerk; and
  
    - f. The escrow agreement shall be drawn in a form approved by the Clerk.
  
  - 2. Cash Deposits, Certified Check, or Irrevocable Bank Letter of Credit.

- a. Treasurer, Escrow Agent or Trust Company: A cash deposit, certified check, for the construction of the specific public improvements, as estimated by the applicant's engineer and reviewed and approved by the City Engineer, Zoning Administrator and Clerk;
  - b. Escrow time for the cash deposit, certified check, or irrevocable bank letter of credit, shall be for a period to be specified by the City; and as stated in the public improvements agreement;
  - c. Progressive Payment: In the case of cash deposits or certified checks, an agreement between the City and the developer may provide for progressive payments out of the cash deposit or reduction of the certified check, or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvements, in accordance with a previously entered into agreement.
3. Other Forms of Security: The City Clerk may accept an alternate form of security proposed by the developer as long as such form is found valid and will cover one hundred twenty percent (120%) of the estimated costs of improvements.
4. Conditional Approval of Final Plat: With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:
  - a. The construction of improvements required by this ordinance shall have been completed by the developer and approved by the City Engineer and Zoning Administrator; or
  - b. Surety acceptable to the City shall have been filed in the form of a cash deposit, certified check, an irrevocable bank letter of credit or surety bond.
5. Inspection of Public Improvements Under Construction: Before approving a final plat and construction plans and specifications for public improvements, an agreement between the developer and the City shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans. Such agreement shall require that the developer shall provide for the inspection through a non-related third party, provide weekly construction reports and provide

copies of all test data, and any other data required by the City Engineer.

6. Penalty in Case of Failure to Complete the Construction of a Public Improvement: In the event the developer shall, in any case, fail to complete such work within the period of time as required by the conditions of the guarantee for the completion of public improvements, the City or any other person with proper standing may proceed to have such work completed. In order to accomplish this, the City or other persons shall pay for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit, which the developer may deposit in lieu of a surety bond or may take such steps as may be necessary to require performance by the bonding or surety company and as included in a written agreement between the City and the developer; provided neither the City nor any person shall be required to pay or spend more than the amount of the bond and/or other deposit.
  
- G. Prior to the acceptance by the City of any improvement installed by the developer, three sets of as-built plans and specifications for all improvements shall be submitted on computer disk in a CAD and/or ASCII file, two hard copy sets of which shall be certified and signed by the engineer preparing such plans, shall be filed with the City Clerk.
  
- H. Within fifteen (15) working days after the City accepts the completion of improvements, the completion of which is guaranteed by a surety bond or other guarantee as provided for in subsection F of this section and the filing of the as-built plans as provided in subsection G of this section, the City engineer shall certify the completion and acceptance of said improvements in writing with an established checklist to include at a minimum review by the sewer, water, streets and public safety departments and shall transmit a copy of such certification to both the City Clerk and to the developer. The City Clerk shall thereafter release said surety bond or other guarantee upon application by the developer.

#### 4-2-3: INSPECTIONS:

Before approving a final plat, and construction plans and specifications for public improvements, an agreement between the subdivider and the City Council shall be made to provide for construction inspection, by appropriate agency, for conformity to the submitted plans.

#### 4-2-4: FAILURE TO COMPLETE PUBLIC IMPROVEMENT CONSTRUCTION:

In the event the subdivider shall, in any case, fail to complete such work within the period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the City Council to proceed to have such work completed. In order to accomplish this, the City Council shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit, which the subdivider may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company, and as included in a written agreement between the City Council and the subdivider.

### **CHAPTER 5 SPECIAL DEVELOPMENT SUBDIVISIONS**

#### SECTION:

- 5-1: Purpose and Summary of Provisions
- 5-2: Supplementary Provisions
- 5-3: Planned Unit and Condominium Subdivisions
  - 5-3-1: Application of Provisions
  - 5-3-2: Site Development Plan
  - 5-3-3: Site and Structure Requirements
  - 5-3-4: Control During Development, Time Limit
- 5-4: Large-Scale Development Subdivisions, Required Information
- 5-5: Cemetery Subdivisions
- 5-6: Subdivision Within a Flood Hazard
- 5-7: Preservation of Natural Features
- 5-8: Grading Plans
- 5-9: Vegetation and Revegetation
- 5-10: Maintenance Required
- 5-11: Underground Utilities

#### 5-1: PURPOSE AND SUMMARY OF PROVISIONS:

The purpose of this Chapter is to identify various types of developments that normally pose special concerns to the elected officials 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.

5-2: SUPPLEMENTARY PROVISIONS:

The provisions of this Chapter are in addition to the plan requirements, design standards and improvement standards that are required by Chapters 2, 3, and 4 of this Ordinance.

5-3: PLANNED UNIT AND CONDOMINIUM SUBDIVISIONS:

5-3-1: APPLICATION OF PROVISIONS:

In addition to the requirements of this Chapter, planned unit and condominium developments shall also be subject to requirements set forth in the City of Star Zoning Ordinance.

5-3-2: SITE DEVELOPMENT PLAN:

The developer shall provide a colored rendering to adequate scale to show the completed development that will include at least the following:

- A. Architectural style and building design;
- B. Building materials and color;
- C. Landscaping;
- D. Screening;
- E. Garbage areas;
- F. Parking; and
- G. Open space.

5-3-3: SITE AND STRUCTURE REQUIREMENTS:

- A. Minimum Area: A planned unit development shall contain an area as specified in the City of Star Zoning Ordinance.
- B. Private roads: Private roads may be permitted pursuant to the provisions of Section 3-2-5 of this Ordinance.
- C. Storage Areas: Storage areas shall be provided for the anticipated needs of boats, campers and trailers. For typical residential development, one adequate space shall be provided for every two (2) living units. This may be reduced by the City Council if there is a showing that the needs of a particular development are less.
- D. Parking Spaces: One additional parking space beyond that which is required by the City of Star Zoning Ordinance may be required for every three (3) dwelling units to accommodate visitor parking.
- E. Maintenance Building: A maintenance building shall be provided of such size and in such location as is suitable for the service needs that are necessary for the repair and maintenance of all common areas.
- F. Open Space: The location of open space shall be appropriate to the development and shall be of such

shape and area to be usable and convenient to the residents of the development.

5-3-4: CONTROL DURING DEVELOPMENT, TIME LIMIT:

Single ownership or control during development shall be required and a time limit may be imposed to guarantee the development is built and constructed as planned.

5-4: LARGE-SCALE DEVELOPMENT SUBDIVISIONS, REQUIRED INFORMATION:

Due to the impact that a large-scale development would have on public utilities and services, the developer shall submit the following information along with the preliminary plat:

- 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 to provide adequate service to the development;
- C. Estimate of the tax revenue that will be generated from the development; and
- D. Suggested public means of financing the services for the development if the cost for the public services would not be offset by tax revenue received from the development.

5-5: CEMETERY SUBDIVISIONS:

- A. Submission Of Proposed Function: The developer of any cemetery subdivision shall provide the City Clerk 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 assures the compliance of the proposed cemetery with the procedural management requirements that are outlined in title 27, Idaho Code (regulations pertaining to cemeteries and crematoriums).

5-6: SUBDIVISION WITHIN A FLOOD HAZARD:

Subdivisions entirely or partially located within the floodplain or floodway shall be in accordance with the current City of Star Floodplain Ordinance.

5-7: PRESERVATION OF NATURAL FEATURES:

- A. In order to preserve, retain, enhance and promote the existing and future appearance, natural topographic features, qualities and resources of areas, all development plans shall be required to submit a Natural Features Map. The Natural Features Map shall include information and mapping of all items stipulated by the City Council and defined on the application.
  
- B. All development proposals shall take into account and shall be judged by land use planning, soil mechanics, engineering geology, hydrology, civil engineering, environmental and civil design, architectural and landscape. The evaluation shall include, but not be limited to:
  - 1. Planning on development to fit the topography, soils, geology, hydrology and other conditions existing on the proposed site;
  - 2. Orientation of development on the site so that grading and other site preparation is kept to an absolute minimum;
  - 3. Shaping of essential grading to blend with natural land forms and to minimize the necessity of padding and/or terracing of building sites;
  - 4. Division of large tracts into smaller workable units on which construction can be completed within one construction season so that large areas are not left bare and exposed during the winter-spring runoff period;
  - 5. Completion 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 and disruption of existing plant and animal life; and
  - 8. Consideration of the view from, and of, the hills.
  
- C. Areas having soil, geologic or hydrologic hazards shall not be developed unless it is shown that:
  - 1. The 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; and
  - 4. That the natural environment is not subjected to undue impact.
  
- D. The developer shall retain a professional engineer(s) to obtain the following information:

1. Soils Report: A soils engineering report shall be submitted with the preliminary plat. This report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures and opinions and recommendations covering the adequacy of sites to be developed.
2. Geology Report: A geology report shall be submitted with the preliminary plat. This report shall include an adequate description of site geology and an evaluation of the relationship between the proposed development and the underlying geology and recommendations for remedial remedies. A professional geologist registered in the State of Idaho shall complete the investigation and subsequent report.
3. Hydrology Report: A hydrology report shall be submitted with the preliminary plat. This report shall include an adequate description of the hydrology, conclusions and recommendations regarding the effect of hydrologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed.

5-8: GRADING PLANS:

- A. Preliminary Grading Plan: A preliminary grading plan shall be submitted with each preliminary plat proposal and shall include the following information:
  1. Approximate limiting dimensions, evaluations or finish contours to be achieved by the grading, including all cut and fill slopes, proposed drainage channels and related construction;
  2. Preliminary plans and approximate locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed; and
  3. A description of methods to be employed in disposing of soil and other material that is removed from the grading site, including the location of the disposal site.
- B. Final Grading Plan: A final grading plan shall be submitted with each final plat and shall include the following information:
  1. Limiting dimensions, evaluations or finish contours to be achieved by the grading including all proposed cut and fill slopes and proposed drainage channels and related construction;

2. Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed; and
3. A schedule showing when each stage of the project will be completed, including the total area of soil surface which is to be disturbed during each stage together with estimated starting and completion dates. In no event shall the existing natural vegetative ground cover be destroyed, removed or disturbed more than fifteen (15) days prior to grading.

C. Soils:

1. Fill areas shall be prepared by removing organic material such as vegetation and rubbish, and any other material which is determined by the soils engineer to be detrimental to proper compaction or otherwise not conducive to stability. No rock or similar irreducible material with a maximum dimension greater than eight inches (8") shall be used as fill material in fills that are intended to provide structural strength.
2. Fills shall be compacted to at least ninety five percent (95%) of maximum density, as determined by AASHTO99 and ASTM D698.
3. Cut slopes shall be no steeper than two- (2) horizontal to one vertical. Subsurface drainage shall be provided as necessary for stability.
4. Fill slopes shall be no steeper than two- (2) horizontal to one vertical and shall not be located on natural slopes two to one (2:1) or steeper, or where fill slopes toes out within twelve feet (12') horizontally of the top of an existing or planned cut slope.
5. Tops and toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3') plus one-fifth (1/5) of the height of the cut or fill but need not exceed a horizontal distance of ten feet (10'). Tops and toes of cut and fill slopes shall be set back from structures a distance of six feet (6') plus one-fifth (1/5) the height of the cut or fill, but need not exceed ten feet (10').
6. The maximum horizontal distance of disturbed soil surfaces shall not exceed seventy-five feet (75').

D. Roadways:

1. Road alignments should follow natural terrain and no unnecessary cuts or fills shall be allowed in order to create additional lots or building sites.

2. One-way streets shall be permitted and encouraged where appropriate for the terrain and where public safety would not be jeopardized. Minimum width shall be seventeen feet (17') between the backs and curbs.
3. The width of the graded section shall extend three feet (3') beyond the curb back or edge of pavement on both the cut and fill sides of the roadway. If sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus one foot (1') beyond the curb back.
4. Standard six-inch (6") vertical curb and gutter shall be installed along both sides of all paved roadways.

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

5-9: 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.

5-10: MAINTENANCE REQUIRED:

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

5-11: UNDERGROUND UTILITIES:

All new service utilities shall be placed underground.

**CHAPTER 6  
SUBDIVISION ADMINISTRATION AND ENFORCEMENT**

SECTION:

- 6-1: Administration
- 6-2: Vacations and Dedications
- 6-3: Variances
- 6-4: Amendments
- 6-5: Enforcement And Penalties

6-1: ADMINISTRATION:

The Mayor and Council shall appoint a Zoning Administrator to carry out the provisions as herein specified. The Zoning Administrator shall receive and process all subdivision applications.

6-2: VACATIONS AND DEDICATIONS:

A. Petition For Vacation Or Dedication: Any property owner desiring to vacate an existing subdivision, public right of way or easement shall complete and file a petition with the City Clerk. 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 Zoning Administrator: Upon receipt of the completed petition, the City Clerk shall affix the date of petition acceptance thereon, shall place the petition on the agenda for consideration at the next regular meeting of the Council which is held not more than forty five (45) days after the date of acceptance.

2. Action By Council:

- a. Vacations: When considering a petition for vacation procedures, the City Council shall establish a date for a public hearing and give such public notice as required by law. The City Council may approve, deny or modify the petition. Whenever public rights of way or lands are vacated, the City Council shall provide adjacent property owners with a quit claim deed for the vacated rights of way in such proportions as are prescribed by law.
- b. Dedications: When considering a petition for dedication procedures, the City 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 Council a deed describing and conveying such lands to be recorded with the County Recorder.
- c. Decision: The Council shall review the request and all agency responses and recommendations, 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.

C. Dedication Of Streets: Within a proposed subdivision, arterial and collector streets shall be dedicated to the public in all cases. In general all other streets also shall be dedicated to public use.

6-3: VARIANCES:

- A. Purpose: The City Council may consider a variance from the provisions of this Ordinance on a finding that undue hardship results from the strict compliance with specific provisions or requirements hereof or that application of such provisions or requirements is impracticable.
- B. Standards For Variances: No variance shall be favorably acted upon by the City Council unless there is a finding, as a result of a public hearing, that all of the following exist:
  - 1. That there are such special circumstances or conditions affecting the property that the strict application of the provisions of this Ordinance would clearly be impracticable or unreasonable. In such cases, the subdivider shall first state his

- reasons in writing as to the specific provision or requirement involved;
2. That strict compliance with the requirements of this Ordinance would result in extraordinary hardship to the subdivider because of unusual topography, other physical conditions or other such conditions which are not self-inflicted, or that these conditions would result in inhibiting the achievement of the objectives of this Ordinance;
  3. That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated;
  4. That such variance will not violate the provisions of the Idaho Code; and
  5. That such variance will not have the effect of nullifying the interest and purpose of this Ordinance and the Comprehensive Plan.

6-4: AMENDMENTS:

The City Council may, from time to time, amend, supplement or repeal the regulations and provisions of this Ordinance in the following manner:

- A. The City Council, prior to considering an amendment, supplement or repeal of this Ordinance, shall conduct at least one public hearing using the same notice and hearing procedures as required for a preliminary plat.
- B. The Council shall amend, supplement or repeal this Ordinance within forty five (45) days of the public hearing.

6-5: ENFORCEMENT AND PENALTIES:

A. Enforcement:

1. No subdivision plat required by this Ordinance or the Idaho Code shall be admitted to the public land records of Ada 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 Ordinance 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 Ordinance.

4. The City Attorney shall, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of this Ordinance.

B. Violations And Penalties: Violations of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor, and be punishable as provided in Section 10.9 of the Zoning Ordinance. Each day such violation continues shall be considered a separate offense. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense. Nothing herein contained 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 Ordinance or of the Idaho Code.

Section 2: This ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, shall be published once in the official newspaper of the City and shall take effect and be in force immediately upon its passage, approval, and publication.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2000.

CITY OF STAR  
Ada County, Idaho

By: \_\_\_\_\_  
Gussie O'Connor, Mayor

ATTEST:

\_\_\_\_\_  
Cathy Lambert, City Clerk