

## **Chapter 27 SUBDIVISIONS**

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### **10-27-1: GENERAL SUBDIVISION POLICY, JURISDICTION STATEMENT AND ADMINISTRATIVE AUTHORITY:**

- A. Establishment and Enforcement: Establishment, interpretation, application and enforcement of the land division regulations found in this chapter by the city of Nampa and its authorized personnel is sanctioned by Idaho Code title 50, chapter 13 and title 67, chapter 65, and article 12, section 2 of the Idaho constitution, as amended or subsequently codified. These standards or regulations shall apply to all land contained within the limits of the city of Nampa as presently constituted or as may be subsequently incorporated. They also shall apply to the area of city impact per agreement with the county, and shall be in force as allowed according to the city of Nampa and Canyon County's joint powers agreement, and as each jurisdiction's impact legislation may allow.
- B. Idaho State Code: Idaho state code notes that a division of a tract of land into "five or more lots, parcels, or site for the purpose of sale or building development, whether immediate or future" constitutes a subdivision. Nevertheless, state code allows for individual cities or counties to "adopt their own definition of subdivision" in lieu of the state's. Nampa has defined a "subdivision" as one that creates three (3) or more lots from an original lot or parcel.
- C. Subdivision: No person or party shall subdivide any zoned property that is located wholly or in part in the city after June 11, 2002, or subdivide land within the area of city impact after June 14, 1977, into more than two (2) parcels, unless he shall first have made, or cause to have made, a subdivision plat thereof as required by Idaho Code title 50, chapter 13, and as set forth within this chapter, save where allowed otherwise in this chapter.
- D. Review and Approval: It is unlawful to receive or record any plat or replat within the above boundaries until such plat has been reviewed and approved by the planning and zoning commission and approved by the mayor and council, and bears the approval, by signature, of

the city engineer, mayor, planning and zoning commission chairperson and the city clerk (in addition to the health district's and appropriate county official's signatures).

- E. Administrative Authority: Discretionary administrative authority is considered retained by adoption of this legislation. That authority shall permit duly authorized representatives of the city of Nampa fire, police, forestry and parks departments to suggest subdivision design changes to the planning and zoning department. That authority shall permit duly authorized representatives of the Nampa planning and zoning department and engineering department to suggest design changes to subdivision plats undergoing review to the city's planning and zoning commission or the city council. The Nampa planning and zoning commission and city council shall carefully consider staff suggestions in their review and approval of plats.
- F. Reference Manuals: The following manuals shall be included by this reference:
  - 1. "Subdivision Process and Policy Manual";
  - 2. "Standard Construction Specification Manual".
- G. Severability and Disclaimer: Where any word, phrase, clause, sentence, paragraph, section or other part of these regulations may be held invalid by a court of competent jurisdiction, such judgment shall only affect that part so held invalid. City (planning and zoning commission or city council) approval of a preliminary or final plat or portion thereof shall not be considered as constituting approval of any engineering or construction drawings, applications or constructs. Such elements require separate city engineering approval. (Ord. 3573, 5-1-2006)
- H. Common Areas: The provision of all residential subdivision common areas along with special amenities such as/including, but not limited to: open space, tot lots, playgrounds, park area, walking path areas, water features, storage areas (e.g., for RVs, buildings that by nature of use and/or design basically equivalent to ministorage type facilities, etc.), pools and clubhouses, etc., by a project developer shall, unless otherwise specifically approved by the city council, be located in common space(s) owned and maintained by a home/property owners' association and shall not be retained in private ownership by a developer. (Ord. 3805, 7-21-2008)
- I. Covenants, Conditions And Restrictions: Any covenants, conditions, restrictions that are in conflict with ordinances of this title or conditions of approval issued/ordered/imposed against a property, project, development, subdivision, PUD or use by the city by virtue of its authority shall be considered invalid by the city insofar as enforcement of the provisions of this title or the conditions of approval are concerned. Correspondingly, provisions, terms, conditions, etc., of covenants, conditions, and restrictions recorded against a property, project, development, subdivision, PUD, or use in Nampa after receiving land/structure use entitlement from the city shall be drafted to be in harmony with city ordinances or conditions of approval issued/ordered/imposed by the city if the covenants, conditions and restrictions are to be effective. (Ord. 3960, 4-4-2011)

## **10-27-2: PRELIMINARY PLAT APPLICATION FORM, CONTENT AND PROCESS:**

- A. Preapplication Conference: After development of a concept plan, and prior to submitting a preliminary plat application or having their preliminary plat heard by the planning and zoning commission or city council, a subdivider and/or their engineer may schedule a preapplication conference with the city engineer and planning and zoning director or their designees and other agency officials.

Resubmittal(s) of plats to the planning office prior to planning and zoning commission review in a public hearing forum may necessitate rescheduling and possibly readvertising of those plats.

- B. Application: Every person seeking to subdivide land shall file with the planning and zoning director appropriate application materials including a completed subdivision application package including fifteen (15) copies of the preliminary plat (with supporting data as required in this section). One reduced copy eleven inches by seventeen inches (11" x 17") and one reduced copy eight and one-half inches by eleven inches (8½" x 11") of the preliminary plat together with requisite review fees shall also be concurrently submitted. An electronic copy of all preliminary plats shall be filed in AutoCAD format, version 14 or higher.
1. Form of Presentation: The information hereinafter required as part of the preliminary submittal shall be shown graphically or by note on plans or by letter, and may comprise several sheets showing various elements or required data. All mapped data for the same plat shall be drawn at the same standard engineering scale, having a minimum scale of no more than one inch equals one hundred feet (1" = 100'). Drawings shall not exceed twenty four inches by thirty six inches (24" x 36") in overall dimensions.
  2. Contents Of Map: The preliminary plat map prepared by the subdivider and filed with the planning and zoning director or his designee shall contain the following:
    - a. Proposed name of subdivision and its location by section, township and range, reference by dimension and bearing to a section corner or quarter section corner. Subdivision names shall be sufficiently distinct from each other to avoid confusion or duplication. Subdivision names shall not be duplicative with any other plat name found in the city or Canyon County.
    - b. Name, address and phone number of subdivider and engineer, surveyor, landscape architect or land planner preparing the plat.
    - c. Scale, north point and date of preparation including dates of any subsequent revisions.
    - d. Vicinity map drawn to a scale of one inch equals five hundred feet (1" = 500'), clearly showing proposed subdivision configuration in relationship to adjacent subdivisions, main arterial routes, collector streets, etc.
    - e. Topography shown in the same map as the proposed subdivision layout. Contour interval shall reflect the character and drainage of the land.
    - f. Location of water wells, streams, canals, irrigation laterals, private ditches, washes, lakes or other water features, direction of flow, and location and extent of known areas subject to inundation.
    - g. The approximate location of existing sanitary sewers, septic systems, leach fields, storm drains, pressure irrigation main and domestic water supply mains within the tract and within five hundred feet (500') adjacent thereto.
    - h. The location, widths and other pertinent dimensions of existing or platted streets and other important features such as railroad lines, watercourses, easements of public record, permanent structures to remain and exceptional topography within and contiguous to the tract to be subdivided.

- i. Boundaries of the tract to be subdivided shall show approximate dimensions and acreage.
- j. Name, book and page numbers of any recorded adjacent subdivision having common boundary with the tract.
- k. The location, widths and other pertinent dimensions of proposed streets, curbs, alleys, pedestrianways, sidewalks, subdivision fencing, utility easements, storm drainage easements, right of way, parks and other open spaces.
- l. All portions of property intended to be dedicated for public use or reserved for the use of all property owners with the purpose and method of maintenance indicated and all proposed easements.
- m. Typical lot dimensions to scale; approximate dimensions of all corner lots and lots of curvilinear sections of streets; proposed lot and block numbers; total number of lots; and individual lot square footage and individual lot, nonstandard utility, waterway, easement (i.e., power lines) square footages. Individual lot square footage shall be written upon each lot and listed in a separate table upon the face of the preliminary plat.
- n. The proposed names of all the streets whether new or continuous. Street names shall be sufficiently distinct from each other to avoid confusion or duplication.
- o. By note, the existing zoning classification of the tract and any requested zoning changes.
- p. Appropriate information that sufficiently details the proposed development within any special development area, such as hillside, planned unit development, floodplain, cemetery, mobile home, large scale development, hazardous and unique areas of development.
- q. A statement describing the proposed irrigation source shall appear on the preliminary plat. The delivery of water shall be executed in accordance with Idaho Code section 31-3805. The statement shall be accompanied by proof of transferable irrigation water rights.
- r. The proposed method of handling sanitary sewage, stormwater, irrigation and potable water within the tract and any off-site improvements if required including a preliminary layout for sewer, water and storm drainage systems/flows.

Sealed engineering calculations are required to substantiate the proposed methods and document the impacts to the city water, sewage, irrigation, and stormwater system(s). Engineering calculations are also required for individual and/or private water, sewer, irrigation, and stormwater system(s).

- s. Any proposed private streets or accessway shall be identified.
- t. All utilities shall be underground including power at distribution voltage.
- u. All requested variances to the subdivision, zoning, comprehensive plan or other city ordinance shall be identified by notes on the plat.

3. Separate Information Needed: The preliminary plat map submittal shall be further accompanied by the following information that may be on separate sheets or in letter form:
  - a. Proof of property interest, which may include a warranty deed or affidavit of proprietary interest.
  - b. If the proposed subdivision is part of a larger area intended for development, a development master plan of the entire area.
  - c. An initial, preliminary landscape plan for the development that shows, as a minimum, proposed tree locations, calipers and species along with any known overhead or belowground power line easements. The landscape plan shall be crafted in accordance with provisions in this chapter and prepared by a landscape architect, landscape designer or qualified nurseryman.
  - d. Such evidence, data or calculations (e.g., including, but not limited to, traffic impact, soils, hydrological, stormwater, environmental studies) shall be furnished as required by the city's current design policy, stormwater policy, as included in the manuals referenced in subsection 10-27-1F of this chapter, or any other local, state, or federal requirements or as required by the city engineer to evaluate the proposed facilities or their impact upon existing facilities.
  - e. When individual sewage disposal systems are proposed, a feasibility study shall be furnished which shall be a copy of that submitted to the southwest district health department.
  - f. Appropriate fees.
  - g. If the proposed development contains private streets, water, sewer or irrigation facilities, the developer shall submit to the city a written description outlining, at least, the following:
    - (1) Method of construction inspection.
    - (2) Method of maintenance.
    - (3) Financial arrangements for providing maintenance and future replacement of the facility(ies) following expiration of its(their) useful life(lives).
- C. Review: The planning and zoning director or his designee shall transmit a copy of the application and preliminary plat to the city departments and such other agencies that have jurisdiction or any interest in the proposed subdivision for their review and recommendation. If no reply is received within thirty (30) calendar days from the date of notification, approval of the preliminary plat by such department or agency will be considered to be granted.
- D. Public Hearing Requirement: All subdivisions shall have/require a public hearing prior to approval of the preliminary plat.
- E. Notification Requirement(s): The city shall advertise forthcoming public hearings on preliminary plats. Advertisement of such hearings shall be executed according to the following criteria:

1. At least fifteen (15) calendar days prior to a preliminary plat hearing, notice of the time and place of said hearing, together with a summary of the plat proposal, shall be published in an official newspaper of local circulation.
  2. Notice(s) of the hearing shall also be posted on the general premises of the subdivision site, alongside and visible from one or more abutting rights of way and/or properties at least one week prior to the hearing.
  3. Mailed notifications shall also be sent to area property owners or purchasers of record having property that lies within three hundred feet (300') of the external boundaries of the land being considered for subdivision.
  4. Any additional area that may be substantially impacted by the proposed subdivision, as determined by the planning director, should be notified by issuance of mailed notices or extra posting of the property, as most appropriate.
  5. When mailed notices are required to be given to two hundred (200) or more property owners or purchasers of record, an alternative form of procedure for providing official notice may be utilized. In lieu of distributing mailed notices, two (2) additional newspaper notices shall be posted in an official newspaper of local circulation for two (2) consecutive days.
  6. Failure to notify every affected property owner of an upcoming plat review via public hearing shall not be considered sufficient cause to render the review process or hearing invalid provided substantial mailed notification has been otherwise provided to area property owners, unless otherwise determined by a court of law.
- F. Planning And Zoning Commission Action: Within sixty (60) calendar days following receipt of preliminary plat submittal materials, said preliminary plat application shall be placed on the planning and zoning commission's agenda for review as a public hearing item. The planning and zoning commission shall approve, conditionally approve, table, or disapprove the preliminary plat within thirty (30) calendar days after the public hearing is closed, unless all concerned agree upon an extension of time. Plats shall be eligible for approval if all requisite/needed application/submittal materials have been received by the city, the proposed plat design complies with relevant zoning and subdivision standards, and engineering attests that provision of services to the future development is available.

The planning and zoning commission shall evaluate a proposed plat's design based on city codes in making its determination(s). The reasons for such action by the planning and zoning commission together with any conditions of approval shall be stated in writing, a copy of which shall be sent to the subdivider. Any appeals of the planning and zoning commission's decision shall be filed and processed in accordance with provisions listed in section 10-27-5 of this chapter.

Reapplication for a plat that has been denied by the planning and zoning commission shall not be filed with the city any sooner than ninety (90) calendar days after the commission's decision to deny the originally proposed plat.

At least one copy of an approved preliminary plat will be kept on file for public examination in the planning and zoning department. Approval of a preliminary plat shall be valid for a period of five hundred forty (540) calendar days (approximately 18 months), unless an extension of time is applied for and granted by the planning and zoning commission prior to lapse of the approval period.

Once a final plat to divide property is approved, recorded and its associated construction drawings have been approved by the city engineer for an area of land, or portion thereof, previously approved via a related preliminary plat, that preliminary plat is then considered "vested", or valid and "in force" indefinitely. Once a final plat is recorded, it shall be valid until replatted and/or vacated.

- G. Revised Preliminary Plat Submittal: Following approval of any preliminary plat by the planning and zoning commission (or council if acting as an appeal board), the developer or his/her engineer shall cause to be made and submitted to the city one or more copies as may be required by the city of the revised preliminary plat. Such plat shall contain all modifications/revisions/corrections required by the city. The revised plan shall be reviewed by the city and when deemed acceptable, shall be approved. After the revised preliminary plat is approved, the city council may then act on any related and subsequent final plat request for the same project.
- H. City Council Action; Design Or Other Exceptions Made To Avoid Hardships: Whenever a tract to be subdivided is, in the opinion of the city council, of such unusual shape or size or is surrounded by such development or features unusual conditions such that the strict application of city subdivision requirements would expectedly result in real difficulties and substantial hardships, or injustices, or substandard design, or could be improved upon or altered by another, perhaps even superior design, the council may vary or modify subdivision platting requirements. The fact that an owner could realize a greater financial return from his property by subdividing said property contrary to these regulations is not sufficient reason for hardship. (In other words, it is the intent of this subsection to allow a developer to divide property in a reasonable manner, but at the same time, protect the public welfare and interests of the city and surrounding area and preserve the general intent and spirit of this chapter.)

The council may also approve exceptions to subdivision standards for a plat processed as a PUD, as detailed in section 10-27-4 of this chapter. Subdivision proposals meeting any of the following criteria below shall be required to obtain city council approval, via business item review of the preliminary plat, prior to the preparation and submission of a final plat to the city's planning and zoning commission:

1. Subdivision(s) proposing to not use city water, sewer storm drainage or irrigation service(s).
2. Subdivision(s) not anticipated/proposed to fully conform to city subdivision or zoning ordinance design and dimensional standards.
3. Subdivision(s) classified in this chapter as "special development(s)". (Ord. 3835, 12-1-2008)

### **10-27-3: FINAL PLAT APPLICATION FORM, CONTENT AND PROCESS:**

After approval (or conditional approval) of a preliminary plat, the subdivider may cause the subdivision, or any part thereof, to be surveyed and a final plat prepared in accordance with the preliminary plat as approved. The subdivider shall file with the planning and zoning department requisite final plat application materials as hereafter denoted:

- A. Form of Presentation:
  1. A completed subdivision application form (when and if required) and nine (9) copies of the final plat<sup>1</sup>, nine (9) copies of construction drawings, including a copy of the final plat, an

eleven inch by seventeen-inch (11" x 17") reduction of the plat, an eight and one-half inch by eleven inch (8<sup>1</sup>/<sub>2</sub>" x 11") reduction of the plat, a legal description of each phase proposed for final review and requisite fees and indication of the square footage of each and every proposed lot.

2. The plat shall be so drawn that the top of the sheet faces generally north. All lines, dimensions and markings shall be made on the plat in accordance with provisions of Idaho Code. The actual map shall be made on a scale of no less than one hundred feet (100') to the inch and shall clearly show all details.
3. The final plat drawings and plans for subdivisions proposed in the city its impact area shall be submitted in digital form and to a datum approved as specified in the manuals referenced in subsection 10-27-1F of this chapter. This will assist with the updating of the city "base maps", record drawings, and addressing.

B. Contents: The following information shall be contained upon the final plat to be filed:

1. The name and general location of the subdivision in bold letters at the top of the sheet. (The name of the subdivision must not bear the name of any town or plat in Canyon County.)
2. North arrow and scale of the plat.
3. Name, address and official seal of the registered land surveyor preparing the plat.
4. The boundaries must be accurately drawn showing the proper bearings and dimensions of all boundary lines of the subdivision and where possible the bearings and coordinate system for the plat shall be on the Idaho state modified coordinate system. These lines should be heavier than street and lot lines.
5. Boundaries of the tract to be subdivided fully balanced and closed, showing all bearings and distances determined by an accurate survey in the field. All dimensions, both linear and angular, are to be staked in the field by accurate control survey, which must balance and close within a limit of one in ten thousand (10,000). If staking is to be provided after the recording of the plat, the subdivider shall meet all requirements established by Idaho Code title 50, chapter 13.
6. The names, widths, lengths, bearings, curve data on centerlines of proposed streets, alleys and easements desired or necessary; the boundaries, bearings and dimensions of all parcels within the subdivision intended to be dedicated to the use of the public; and the sizes, lines, dimensions, curve data and number of all lots, blocks and/or parts reserved or excepted for any reason within the subdivision.
7. The widths of abutting streets and alleys, and their names (if they have any), the names and boundaries of all subdivisions which have been previously recorded and are adjacent thereto, must be shown upon the plat offered for record. These adjacent subdivisions shall be shown as dotted lines to show their relationship to the plat offered for record. If adjoining land is unplatted it should be indicated as such.
8. All linear dimensions shall be calculated to the nearest 0.01 of a foot and all bearings shall be calculated to the nearest ten (10) seconds of arc. All curves shall be defined by the radius, central angle, tangent, arc, chord distances and chord bearings. The description and



location of all monuments shall be shown. Monuments shall be set in accordance with Idaho Code title 50, section 13.

9. All lots and blocks shall be numbered throughout the plat in accordance with Idaho Code.
10. Any excepted parcels within the plat boundaries shall show all bearings and distances, determined by an accurate survey in the field.
11. Location and description of cardinal points to which all dimensions, angles, bearings and similar data on the plat shall be referenced. In addition to the requirements of Idaho Code title 50, chapter 13, the exterior boundary of the subdivision shall be tied to not less than two (2) recognized county or city survey monuments.
12. The datum utilized for the final plat and construction drawings shall be stated on both the final plat and construction drawings.
13. The required forms shall be lettered on the plat for the following: registered land surveyor's "certificate of survey"; owner's dedication certificate with notary public acknowledgment; the approval of the mayor and council as attested by the clerk; approval by the city engineer; approval by the planning and zoning commission; and other certificates as required by Idaho Code.

C. Additional Materials: The final plat submittal shall also be accompanied by the following:

1. Private Restrictions: Copies of any private restrictions and/or covenants proposed to be recorded for the purpose of providing regulations governing the use, building lines, open spaces or other aspects of development and use. This includes, but is not limited to, all easements to be recorded as part of and/or intended to service the development.
2. Lot Area: Submittals shall include areas of all lots.
3. Water and Sewer Facilities Design: Design approval by the appropriate health agency, if other than the city, of the proposed water and sewer facilities.
4. Improvement Drawings: Construction drawings and specifications prepared by a properly licensed engineer with details rendered in conformance with the manuals referenced in subsection 10-27-1F of this chapter. A general utility sheet showing all utilities combined (i.e., sewer, water, storm drainage, street lighting, etc.) shall be included in the set.

A professionally designed landscape plan is required. Landscape plans should be artfully and technically organized in a way that conveys coherence, design, and organization. The landscaping should enhance the physical environment as well as the project's aesthetic character.

All final landscape plans shall be prepared by a landscape architect. Included on the landscape plan will be all plantings adequately defined by species and size and all irrigation lines and irrigation water delivery methods including, but not limited to, pipe size and type, sprinkler size, type and drip systems and placement of control details. Interfering utilities including all easements shall also be shown on the plan.

The drawings shall include sufficient, accurate topographic detailing of adjacent properties and roadway to adequately depict or address impact of the development (e.g., span 50 feet

beyond edge of properties' boundaries). All locations of regulatory signs, as classified by the "Manual on Uniform Traffic Control Devices" (MUTCD), shall be shown on the roadway plan sheets included as a part of the improvement drawings. A copy of the landscape plan (drawn in accordance with regulations contained in this chapter and showing all overhead or underground power line easements), as submitted to the city's planning and zoning department, shall be included in the improvement drawings package.

5. Ownership and Maintenance Agreement: Ownership and maintenance agreement for all common areas or areas of joint ownership.

D. Final Plat Review and Approval Procedures:

1. The final plat, after having been prepared in accordance with Idaho Code requirements and the provisions set forth herein, shall be submitted to the planning and zoning director or his designee within eighteen (18) months after approval of the preliminary plat, unless a time extension has been granted as herein provided in order to be reviewed by city staff and officials.
2. Final plat submission shall be made to the planning and zoning director or his designee for his review at least forty-one (41) calendar days before the planning and zoning commission meeting at which the plat is to be considered. The planning and zoning commission shall act on the application for final plat approval as a business item on its agenda within thirty (30) calendar days from the first meeting at which the final plat was formally presented, unless all concerned agree upon an extension of time.
3. The planning and zoning director or his designee shall transmit one copy of the final plat and/or improvement drawing(s) for review by departments and agencies, or others as may be deemed necessary to ensure compliance with the approved preliminary plat. If no replies and/or preliminary staff reports are received from any of the various departments or interested agencies within thirty (30) calendar days from the date of transmittal, approval of the final plat by such department or agency shall be considered granted.
4. In the event the final plat does not substantially conform to the approved preliminary plat based on considerations listed in section 10-27-2 of this chapter, the planning and zoning director or his designee shall so inform the subdivider and proceed to assign the final plat to the planning and zoning commission agenda for its consideration of the plat as a revised/amended or new preliminary plat, as deemed most appropriate.
5. The planning and zoning commission may consider a final plat for approval, along with the improvement drawings associated with said plat. In all cases the city council reserves the right to impose or sustain any reasonable condition it so deems necessary.
6. Notice of the approval or disapproval of the planning and zoning commission along with any other pertinent comments and/or recommended conditions shall be submitted in writing to the subdivider and to the mayor and council. If approved, the final plat shall have endorsed thereon the required approvals.

The council shall review the plat and consider the planning and zoning commission's recommendations at the next regularly scheduled council meeting. If approved, the final plat shall have endorsed thereon the required approvals. If the council, however, receives the final plat for review because of an appeal being filed on said plat, the council shall decide

whether to approve the plat. In all cases the city council reserves the right to impose or sustain any reasonable condition it so deems necessary.

7. At the time of approval and contingent upon the recording of the final plat, the city shall accept the dedications shown thereon.
8. Upon final approval and obtaining all required signatures the subdivider shall take the final plat to the county recorder for recording. One reproducible copy, in mylar, of the plat must be prepared and filed with the city engineering department. The county recorder shall have attested the content on the reproducible copy to be the same that has been recorded with the county. The final plat shall be filed with the county recorder within one year after approval of the council, otherwise such approval shall become null and void unless an extension of time is applied for and granted. (Ord. 3573, 5-1-2006)

#### **10-27-4: SPECIAL SUBDIVISIONS AND DEVELOPMENTS:**

- A. Infill Homes/Lots, Condos, Townhouses, Urban Neotraditional, Planned Unit and Other "Special" Developments:
  1. Planned Unit Developments: A plat may be designed in accordance with provisions made in chapter 26 of this title excepting that no specific concept or preliminary plan is required in addition to preliminary plat approval. The plat/plan sheet(s) shall label/identify the plat as being a PUD and within the plat notes; a note shall summarize the nature of the variations from zoning standards that the PUD introduces into the plat design. If a residential PUD is proposed in conjunction with (or later applied against/on a subdivision), the exceptions made in this section shall not be combined with the exceptions made in chapter 26 of this title (the PUD section). In other words, a project may use the allowances in section 10-26-4 of this title in a residential subdivision or the exceptions of this section, but not both together. (Ord. 4143, 9-15-2014)
  2. Condominiums: Condominiums shall be created/executed via Idaho Code title 55, chapter 15 and shall be reviewed by the city's planning and zoning department and engineering division for compliance/completeness. (Ord. 4189, 7-20-2015)
  3. Reduced Sized Lot In RS Districts: Within a subdivision developed in an RS zone, building lots sized below normal minimum required size (termed "infill lots") may be developed in accordance with the standards listed hereafter. Detached homes built on said lots are termed "infill homes", though they might not be smaller than homes on regular sized lots in the same development. Furthermore, two-unit townhouses may be allowed without requiring a conditional use permit to preauthorize emplacement of the same in a subdivision, in accordance with the standards listed hereafter:
    - a. The number of infill home or townhouse units does not comprise more than twenty percent (20%) of a subdivision if the same subdivision will also contain detached single-family dwelling units. The homes or units may be grouped together in a subdivision or spread out amongst other lots.
    - b. The future locations of infill home or townhouse dwelling lots are designated on the preliminary plat.

- c. Common party walls shall be constructed in accordance with the current building code adopted by the city of Nampa. Townhouses shall be developed in accordance with regulations found in section 10-8-3 of this title.
- d. The minimum lot size per individual infill home or each two-unit townhouse shall be at least two-fifths ( $\frac{2}{5}$ ) that normally required in the RS zone within which the residential structure is proposed. (For example, the minimum lot size for 1 unit of a 2-unit townhouse in an RS6 zone shall be 2,400 square feet according to that standard.)
- e. Reduced lots shall not be factored into the subdivision minimum lot size average requirement stated in subsection 10-27-6F2a of this chapter.
- f. Front, side and rear yard setbacks, pertaining to infill home or townhouse building lot(s), shall be per pertinent district standards. The side setbacks between two (2) adjoining infill homes may be reduced below pertinent district standards, provided that the relevant plat also notes a one hour protective, fire resistant easement will be between the building envelopes of those future infill homes and a building envelope is shown to identify what separation between the two (2) units will be. Thus, this standard is applicable if the two (2) future infill homes will not be attached like townhouses yet are proposed to be located closer than three feet (3') to the intervening, interior property line between them. Otherwise the side setback between two (2) adjoining, but not abutting, infill homes shall be a minimum of five feet (5') (10 feet total) on either side of the property line separating the two (2) units.

The city council may further approve reductions in required setbacks for special developments during review of a plat wherein the units will be located. In such cases, the following conditions shall apply:

- (1) In no case shall garages or carports be allowed closer than twenty feet (20') to the street giving access to a lot, although, the living space (nonparking) part of the home may be closer than twenty feet (20') to the street. (Ord. 4159, 1-20-2015)
- (2) If the council approves reduced setbacks in the plat review stage, then building envelopes reflecting council's allowances shall be depicted on the final plat.
- (3) Any "developer proposed" building envelopes be depicted on preliminary plats where possible, and as noted above, if approved, be likewise noted on final plats (or portions of final plats where the provision for dwelling units was made).
- (4) Any setback area waived via de facto variance approval given by the council during plat review be transferred to another part of the plat in equal measure. Such space shall be made into usable open space dedicated for use by "special" development lots in the subdivision.

B. Subdivision Within A 100-Year Floodplain: For any proposed subdivision that is located within or has part of its development proposed within a zone A floodplain area, the subdivider shall provide the planning and zoning commission, as part of the normal preliminary plat application submittal, a development plan of adequate scale that provides documentation that will show and explain at least the following:

- 1. Location of all planned improvements.

2. The location of floodways and the floodway fringe in accordance with sound engineering practices.
  3. The location of the present water channel.
  4. Any planned rerouting of waterways.
  5. All major drainage ways.
  6. Areas of frequent flooding.
  7. Means of flood proofing buildings.
  8. The lowest floor (including basement) of any residential structure shall be elevated to at least one foot (1') above the 100-year flood line.
  9. No subdivision or part thereof shall be approved if levees, fills, structures or other features within the proposed subdivision will individually or collectively significantly increase flood flows, heights or damages.
  10. Upon determination that buildings are planned within the floodplain or that alterations of any kind are anticipated within the floodplain area that will alter the flow of water, the subdivider shall demonstrate conclusively that such development will not present a hazard to life, limb, or property, adverse effects on the safety, use or stability of a public way or drainage channel and not have an adverse impact on the natural environment or public utilities. Floodproofing plans must be (individually) approved by the planning and zoning commission.
  11. If only part of a proposed subdivision can be safely developed, development shall be limited to that part.
- C. Subdivision for A Cemetery or Columbarium: Property or structure which shall be used as a cemetery or columbarium shall be required to be platted. A letter from an attorney that defines manner of management of the cemetery or columbarium (as well as whether they are to be used for human or animal remains) shall accompany plat submittal plans and fees.
- D. Areas of Critical Concern:
1. Special Consideration: The development of any hazardous or unique areas that have been previously designated as areas of critical concern by the planning and zoning commission as provided by Idaho Code shall demand that special consideration be given by the subdivider to assure that the development is necessary and desirable and in the public interest in view of the existing unique conditions. The planning and zoning commission may, through due process, designate an area as hazardous or unique if one or more of the following conditions are present:
    - a. Unstable soils or slopes;
    - b. Unique animal, wildlife, or plant life habitat;
    - c. Particular or unique scenic value;

- d. Historical significance;
  - e. Floodplains;
  - f. High ground water elevation;
  - g. Hazardous environmental conditions, either surface or subsurface; or
  - h. Other conditions which may be determined by the planning and zoning commission to be unique or of critical concern.
2. Plan Submission: The subdivider shall prepare and submit an environmental assessment (and mass grading and drainage plan if called for by city engineering) for those areas of critical concern as above noted along with the preliminary plat application materials.
  3. Content of Environmental Assessment: The content of the environmental assessment expectedly shall be prepared by a team of professionals that will provide answers to the following questions:
    - a. What environmental impacts will probably occur (i.e., wildlife, plant life, social, economic, physical, etc.) as a result of the proposed development?
    - b. What corrective action or alternative plans could be developed so as not to significantly cause detrimental environmental impact?
    - c. What adverse effects of the proposed development cannot be avoided?
    - d. Review comments and correspondence from appropriate regulatory agencies shall be submitted to the city of Nampa engineering department.
- E. Exceptions: The platting requirement and regulations governing for platting contained within this chapter shall not apply to any of the following:
1. A readjustment of property lines as shown on a recorded plat or established via a survey which does not reduce the area, frontage, width or depth of each building lot/parcel below the minimum prescribed by applicable zoning standards. In the case of a readjustment, a record of survey that conforms to Idaho Code title 55, chapter 19 shall be required. The following shall be included on the record of survey:
    - a. The original plat lot or parcel line(s) involved in the request;
    - b. The proposed location(s) of the altered line(s);
    - c. The square footage of the adjusted lots, correct street names, positions of all existing buildings, a note giving the zone standard in effect for the area or as specifically approved;
    - d. Depiction of all existing easements of record pertinent to the property(ies) involved and any newly proposed easements;

- e. Certification and acknowledgment of the owners of property involved in the request together with a copy of the surveyor's Idaho state certification or with an imprint of the surveyor's seal or stamp witnessing that they are licensed in Idaho;
  - f. Certification that no utility lines exist within an easement that will be affected by the lot line and easement adjustment;
  - g. Any recorded easements needing to be vacated be so vacated, by official action via public hearing review and vote of the city council.
2. One division of any original lot or parcel of land (after June 14, 1977, in the city's impact area or June 11, 2002, if in the city proper, as appropriate) into not more than two (2) lots or parcels may be done, provided that each building lot or parcel resulting from such a split meets applicable zoning standards in order to be considered by the city as "buildable" property. Any subsequent divisions will require filing for subdivision plat approval.

In the matter of a simple division of a platted lot or nonplatted parcel that does not involve a change to a recorded public right of way or easement, the person desiring the division may execute the division via a metes and bounds description provided the description will close, does not change or interfere with recorded rights of way or easements (public or private) and does/will not conflict with contiguous property boundaries. Said description may need to be written by a professional land surveyor, attorney, real estate broker, title company or civil engineer. (However, note that a survey will still be required for the property when and if an application for a building permit for a structure is later submitted for those new properties.)

- 3. Divisions occurring as a result of condemnation.
  - 4. A division of land in the settlement of an estate or as part of and subject to a court ordered property distribution and layout.
  - 5. A reduction in the number of lots (executed by a "density reduction survey") which does not otherwise violate any city ordinance(s).
  - 6. A division into parcels greater than five (5) acres in size that does not require any new street dedications. (Ord. 3573, 5-1-2006)
- F. Short Plats: Proposed land divisions wherein either it is proposed to create three (3) properties or more from a parent lot or parcel, or, wherein a simple property split is no longer deemed to be available to a property may be executed by filing for a short plat permit in accordance with the following standards:
- 1. The short plat shall be for no more than seven (7) lots (partitioned from an original lot or parcel); and
  - 2. The short plat's drawings shall portray all features required to be shown on standard preliminary and final plat drawings; and

Short plats will be processed as combination preliminary and final plats requiring a public hearing before the city's planning and zoning commission and approval by the city council. The time frame for review and processing of short plats shall be the same as for standard preliminary plats. (Ord. 4189, 7-20-2015)

### **10-27-5: APPEALS OF ACTIONS ON PLATS:**

An appeal may be made to the city council of the planning and zoning commission's decision to approve, approve with conditions or deny a proposed preliminary plat as follows:

- A. Any aggrieved person or party whose preliminary plat has been denied or approved with conditions unacceptable to that developer may appeal to the mayor and city council for a hearing to review the action of the planning and zoning commission. The planning and zoning director or his/her designee must receive any such appeal within fifteen (15) days (by 5:00 P.M. on the fifteenth day) starting on the day following the planning and zoning commission's action in order to schedule an appeal hearing. A public hearing shall be scheduled before the city council. The council hearing shall be regarded as de novo and, therefore, not limited only to consideration of evidence presented to the planning and zoning commission.
- B. Any aggrieved person residing or owning property within an area affected by a proposed subdivision may appeal to the mayor and council for a hearing to review the action of the planning and zoning commission. The planning and zoning director or his/her designee must receive such an appeal within fifteen (15) days (by 5:00 P.M. on the fifteenth day) starting on the day following the planning and zoning commission's action in order to schedule an appeal hearing in front of the city council. The council hearing shall be regarded as de novo and, therefore, not limited only to consideration of evidence presented to the planning and zoning commission.
- C. The city engineer or planning and zoning department director may appeal to the city council a preliminary plat decision made by the city's planning and zoning commission. The planning and zoning director must file such an appeal within fifteen (15) days (by 5:00 P.M. on the fifteenth day) starting on the day following the commission's action in order for the appeal to be considered valid. If properly filed, the appeal shall then be heard as an advertised public hearing before the city council. The hearing shall be regarded as de novo and, therefore, not limited only to consideration of evidence/information originally presented to the planning and zoning commission. (Ord. 3573, 5-1-2006)

### **10-27-6: GENERAL DEVELOPMENT AND IMPROVEMENTS; REQUIREMENTS:**

In order to be approved, subdivisions shall conform to the city's adopted zoning laws, the referenced manuals in subsection 10-27-1F of this chapter, stormwater policy, and other relevant ordinances and regulations of the city.

The owner or subdivider of a subdivision development shall be responsible to construct or cause to be constructed, in accordance with city standards, certain minimum improvements for any subdivision as listed in the manuals referenced in subsection 10-27-1F of this chapter. All required permits are the responsibility of the owner and/or subdivider. Said improvements shall be emplaced within, completely along, and through the development (property). The improvements described in this section shall be shown on the construction drawings of any subdivision and installed in accordance with the procedures and requirements hereinafter designated.

Land which the planning and zoning commission determines to be unsuitable for subdivision because of periodic flooding, poor drainage, excessively steep slopes or other features likely to be harmful to the safety, health and welfare of future residents, shall not be subdivided unless adequate methods as approved by the city engineer are utilized to overcome these conditions.



- A. Street Requirements: Arterial and collector streets shall be dedicated to the public in all cases. All other streets shall also be dedicated to the public use except under special circumstances, private streets may be allowed. All proposed, platted subdivisions shall comply with the street design specifications contained hereinafter and in the manuals referenced in subsection 10-27-1F of this chapter. All collector and arterial street frontages as well as local roads shall be required to have vertical, rolled, or ribbon curbing, gutter, sidewalk, bio swale, landscaping and paving improvements as required by the manuals referenced in subsection 10-27-1F of this chapter. Both planning and engineering staffs may recommend future street locations, extensions and connections for areas not specifically mapped by the city's street master plan. Additionally, all lots/parcels developed/"built out", or proposed to be developed/"built out" with structures thereon shall have, or be demonstrated to have, legal access to a public street (this will have to occur before the city will sign a plat when reviewing a newly proposed subdivision or otherwise will have to occur before the city will/may issue or approve construction of any structures on that lot/parcel, as iterated in the definition of "property" in section 10-1-2, "Definitions", and subsection 10-1-7B1 of this title).
1. Subdivisions With Private Streets; Other Requirements: Subdivisions with private streets shall be processed in the same manner as subdivisions with public streets, subject to the following conditions:
    - a. Provision should be made for the future operation and maintenance of the private roadways in the proposed development since the city will not maintain the roadways. Prior to the city accepting the roadways as public and maintaining them, they may have to be upgraded to city public street standards. A local improvement district (LID) may be imposed by the city on those owners/users of the street(s) to pay for and execute the upgrade(s) prior to the city accepting it. Notification of this requirement shall be noted on the plat.
    - b. The street(s) in the subdivision meets all applicable public road construction standards as detailed in the manuals referenced in subsection 10-27-1F of this chapter.
    - c. Within the impact area the council may recommend to the county that the standard improvement requirements for a subdivision (e.g., curb, gutter and sidewalk, streetlights, landscaping, street widths and paving, pressure irrigation, sewer, water) be waived. (Ord. 3805, 7-21-2008)
  2. Subdivisions With Public Streets; Requirements: Subdivisions with public streets shall be reviewed in accordance with standards contained hereinafter and within the manuals referenced in subsection 10-27-1F of this chapter.
    - a. City Transportation Plan: All streets in the subdivision must conform to the master transportation plan of the city and any adopted neighborhood street plans. Where a subdivision abuts or contains an existing or proposed arterial street or railroad, the planning and zoning commission may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
    - b. 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 provision for the future extension of said streets into adjacent property areas in

accordance with the city's master street plan or the city engineer's requirement(s). A reserve strip may be required and held in public ownership between the tract boundary and the stub extension. Proper provision for a temporary or permanent turnaround at the end of the stub connection shall be made. Any such turnaround shall be subject to acceptance by the Nampa fire department.

- c. **Traffic Impact Study:** A traffic impact study (TIS) shall be submitted by the applicant or his/her representative/engineer in accordance with the manuals referenced in subsection 10-27-1F of this chapter or when required by the planning and zoning commission, council, city engineer, or planning and zoning department.
- 3. **Sign Criteria:** All traffic control and street name signs shall be constructed and installed by the developer. All signs and barricades shall meet the requirements of the "Manual On Uniform Traffic Control Devices" (MUTCD) and applicable city of Nampa standards. All regulatory and street name signs shall be in place prior to issuance of any building permits for the project. Street name signs on local streets in subdivisions shall show address number ranges and directional designations (i.e., E for east, N for north, S for south, or W for west).
- 4. **Dedication Of Streets:** All streets within a subdivision shall be dedicated for public use unless proposed and approved by the council to be private. The dedication of half streets in any subdivision is prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these rules and where the council determines it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever there is an existing half street right of way adjacent to a tract to be developed and/or subdivided, the other half of the street right of way shall be platted within such new tract. Gating or other closure of public rights of way within or at the edge of a subdivision shall not be allowed. Nor shall gating or blockage of public right of way be allowed elsewhere unless specifically executed by the city for safety reasons or as part of an approved street vacation request.
- 5. **Right Of Way Requirements:** New public streets shall have the following minimum right of way widths per the street designation as defined in the city's design policy:

<b>Right of Way Classification/Type</b>	<b>Right of Way Span/Width Required</b>
Local streets - with parking on both sides	56 feet
Collector	80 feet
Minor arterial	100 feet
Section line-arterial	100 feet

- 6. **Permanent Access Points:** Any subdivision of single or two-unit (duplex or townhouse) detached structures with, or proposed to contain, thirty (30) or more lots shall have two (2) or more permanent access points (ingress/egress) that connect to a roadway. During subdivision construction, this may require that a developer emplace a temporary access and/or turnaround that can be moved or replaced as the project develops.

When a developer installs a second ingress/egress, they can eliminate the required temporary access(es) to the subdivision. Depiction of either of the two (2) accesses into

another adjacent parcel shall not be acceptable unless the access is shown connecting to another stub street in another city subdivision that has access to a roadway.

- B. Alleys and Easements: All alleys within a subdivision shall be dedicated for public use. Alleys shall be designed according to the manuals referenced in subsection 10-27-1F of this chapter. Easements shall be established in accordance with standards contained in subsection 10-27-1F of this chapter. (Ord. 3573, 5-1-2006)
- C. Blocks/Subdivision Street Travel Distances:
1. The length, width and shape of blocks shall be determined by the guidelines outlined herein, the manuals referenced in subsection 10-27-1F of this chapter, the respective zoning requirements for minimum lot size, lot widths, lot depths and street frontage, access availability/restrictions, circulation, general sight visibility and safety issues, topography, and boundary limitations.
  2. Maximum allowable intra (inner) subdivision street length/travel distance (i.e., block length) shall be regulated by the following standards:
    - a. Travel distance shall not exceed five hundred feet (500') midpoint to midpoint of either intersection or angle point when lot widths are sixty-five feet (65') or less for said block. For curved street under this subsection with angles greater than thirty degrees (30°), travel distance shall not exceed one thousand feet (1,000'); or
    - b. Travel distance shall not exceed six hundred fifty feet (650') midpoint to midpoint of either intersection or angle point for blocks with lots sixty-five feet (65') to eighty feet (80') in width. For curved streets under this subsection with angles greater than thirty degrees (30°), travel distance shall not exceed one thousand three hundred feet (1,300'); or
    - c. Traffic calming devices of at least forty-two feet (42') in length, or as allowed/specified in the city's adopted subdivision engineering standards, may be considered as the equivalent of a distance change.
  3. Exceptions to the foregoing standards may be granted by the city engineer under one or more of the following circumstances:
    - a. The boundary of the property, or a portion thereof, prevents a common layout with angles or intersections; or
    - b. The topography of the area wherein a street is proposed, by introducing intersections or angles to a street's design, will expectedly create an unreasonable burden for future adjacent lot owners - either because of grades or drainage pattern(s). (Traffic calming should be utilized, as appropriate, in such instances.); or
    - c. The property is considered "infill", as that term is defined in this chapter, and meets the design exceptions provided for infill development; or
    - d. The majority of building lots in a given block section are eighty feet (80') or wider. (Ord. 4189, 7-20-2015)

- D. Lots: Subdivision lots shall be designed/identified according to the manuals referenced in subsection 10-27-1F of this chapter.

Double frontage lots shall be prohibited except where unusual topography, limited access to arterial streets or other conditions make it impossible to meet this requirement. A fifteen foot (15') wide planting strip (developed in accordance with chapter 33 of this title) shall be planted and maintained adjacent to all lots that would otherwise have double/reverse frontage bordering public or city of Nampa approved local, public and/or private streets that are not deemed corridor streets (where the 25-foot strip is instead required). The planting strip shall be landscaped in accordance with section 10-33-4 of this title and shall be perpetually maintained through a homeowners' association. A plan for the landscaping, as already noted elsewhere in this chapter, is required to be submitted in conjunction with the plat application materials.

All remnants of lots below allowed minimum lot size, according to the pertinent zoning district's regulations, that are left over after the subdividing of a larger tract, must be added to adjacent lots rather than allowed to remain as unusable parcels, or, may be used as common areas for children to play or any other typically parklike, open space use.

Any subdivision with any amount of common area or land, which is not for sale as a buildable lot, shall establish a homeowners' association to provide for maintenance of such property. Any such property shall be developed and maintained in accordance with "vision clearance" as defined in section 10-1-2 of this title, and earthen berms shall be considered a fence for the purposes of definition of "vision clearance" as defined in section 10-1-2 of this title.

The provision of subdivision amenities such as/including, but not limited to: open space (e.g., tot lots, playgrounds, park area, walking path areas, water features, etc.), storage areas (e.g., for RVs, units similar to ministorage facilities, etc.), pools and clubhouses, etc., by a project developer shall be held in common by property owners collectively and severally and shall not be retained in private ownership by a developer once the subdivision is turned over to a homeowners' association. Furthermore, no subdivision feature shall be used, operated, or kept as a private business enterprise by a developer which, by virtue and effect of its use, operation or ownership or through the covenants (CC&Rs) of the subdivision shall obligate property owners including residents therein to pay fees from their private incomes or from HOA dues to a developer for the feature. (Ord. 3805, 7-21-2008)

- E. Stormwater:

1. The stormwater system within a subdivision shall be approved in accordance with the manuals referenced in subsection 10-27-1F of this chapter or as otherwise directed by the city engineer. Said policies shall be subject to regulations of the state health department division of environmental quality, the federal environmental protection agency and the Idaho department of water resources as well as any other state and federal agencies having jurisdiction over stormwater runoff and/or discharge.

- F. RS6 and RS7 Zones; Residential Lot Compatibility:

1. Subdivisions Within City Limits: Any newly proposed single-family subdivision that is proposed to be located within city limits or proposed for annexation into the same with an RS6 or RS7 zone designation, and that is abutting or within eighty five feet (85') of the property line(s) of a recorded single-family residential city subdivision or one that has at least still valid preliminary plat approval, or an approved county subdivision recorded after June 14, 1977, shall meet the compatibility requirements listed within this section, except as hereinafter exempted:

A newly proposed subdivision's lots (typically the periphery ones) need not meet the requirements of this section if either:

- a. A signed waiver is obtained from the developer(s) of the "preexisting subdivision" and all the impacted property owners of lots within that "preexisting subdivision" that abut the newly proposed subdivision; and/or
- b. Proposed lot(s) would abut a planned unit development (PUD) lot (or when a proposed PUD lot would abut a standard lot), then lot compatibility review is not required between the PUD and the subdivision. Average building lot area of an RS6 or RS7 zoned subdivision shall be determined by dividing the total land area of a subdivision development by the acreage of all new (newly proposed) building lots (exclusive of unusable parts of lots devoted to waterway easements, rights of way dedications, pedestrian paths) proposed within that same development.

2. Subdivision Lot Compatibility Requirement (Average And Perimeter Lot Areas):

- a. In any RS6 or RS7 zone, the weighted average "building lot" size for a new standard subdivision development of five (5) lots or more, in its entirety, shall be at least eight thousand (8,000) square feet. When calculating the average, twenty percent (20%) of the smallest and twenty percent (20%) of the largest building lots in that subdivision shall be excluded.
- b. Between subdivisions that are one hundred feet (100') apart or less: If the area of a preexisting or already preliminarily platted residential lot is eight thousand five hundred (8,500) square feet or smaller, then the area of any newly proposed lot in a newly proposed RS6 or RS7 subdivision shall be required to be equal to or greater than said lot. This requirement shall not be applied between phases of the same subdivision that were all shown as part of the same preliminary plat.
- c. Between subdivisions that are eighty-five feet (85') apart or less: If the area of a preexisting or already preliminarily platted lot is over eight thousand five hundred (8,500) square feet, then the area of any newly proposed lot in a newly proposed RS6 or RS7 subdivision shall be required to be sized equal to or greater than eighty percent (80%) of the preexisting lot's area to a maximum of ten thousand (10,000) square feet. This requirement shall not be applied between phases of the same subdivision that were all platted via one preliminary plat.
- d. When determining subdivision separation, distance shall be calculated based on where the edge of one subdivision's boundary lies versus another's regardless of intervening physical features, rights of way or easements. Where lot lines or subdivisions abut or adjoin each other, but there is a drain or canal easement between the properties and no intent is expressed to pipe (tile) the waterway, then the width of the waterway's easement shall be considered the distance of lot separation.

- G. Tree Planting: Local internal subdivision streets shall include trees in the right of way as required by the manuals referenced in subsection 10-27-1F of this chapter or as may be required by the city council and recommended by the city forester. Tree planting in the landscape strips alongside a subdivision's street frontage shall be in accordance with provisions noted in chapter 33 of this title.

- H. Pedestrian/Cyclist Pathways/Trailways: The city may require the placement of bikeways, pathways, or trailways to encourage nonmotorized forms of travel and to provide safe, convenient and aesthetic alternative travel routes to common destinations such as schools, parks and shopping centers. Pathways shall be required, located, and designed per the city master trail plan, the manuals referenced in subsection 10-27-1F of this chapter, or as required by the city staff or council.
1. Master planned pedestrian/cyclist pathways/trailways may be located on common lots or deeded lots to be owned and maintained by the city.
  2. Maintenance of pedestrian pathways and surrounding common area grounds shall be by a subdivision homeowners' association, or in the case of a single parcel or lot by that property owner; alternatively, those paths and adjoining property on land owned by the city shall be maintained by the city.
  3. Any common areas associated with this section shall be open to the general public.
- I. Common Areas: Ownership and maintenance agreements for common areas or areas of joint ownership shall be approved by the city council at the time of final plat approval. Tax liability for such common areas shall meet with the approval of the county assessor.
- J. Landscape, Screening and Vision Standards for Freeway, Arterial, Collector and Frontage Street Buffering: In order to improve the visual quality of the streetscape, and to provide adequate protection from the street, landscaped buffer areas shall be provided between single-family residential lots whose property lines are adjacent and parallel to collector and/or arterial streets. (The "buffer area" is a strip of ground between, and touching, the edge of the right of way of the street[s] abutting the subdivision under consideration and those structures fronting the same street[s].)

A homeowners' association shall maintain the buffer strip. It shall be disclosed to private lot purchasers that will abut a buffer strip within a subdivision that they must maintain the buffer and therefore not alter, build within it, or isolate it from view from the adjoining public right of way lying outside of the subdivision. The buffer strip shall be designed and constructed in accordance with the manuals referenced in subsection 10-27-1F of this chapter.

1. Required Perimeter Landscape Buffering:
  - a. A buffer strip is required to be a part of a subdivision development whenever a portion of that subdivision abuts a street identified as a collector or arterial roadway by the city of Nampa functional classification map and/or street master plan. Such buffering shall be provided as outlined hereinafter. That part of a proposed subdivision that will adjoin a local street shall also be landscaped. Such buffering shall be provided as listed in the table below:

<b>Development Type</b>	<b>Roadway Type</b>	<b>Landscape Strip Buffer (In Feet)</b>
Single-family	Local	15
Single-family	Collector/arterial	25
Commercial	Collector/arterial	15
Industrial	Collector/arterial	15
Multi-family residential (2 plus units per building)	Collector/arterial	15

- b. Any proposed frontage roads adjoining and running basically parallel to a collector or arterial street shall be separated from the same by a minimum fifteen foot (15') wide landscaped strip if those roads do not have lots accessing them that lie between the frontage road and a particular arterial or collector street. Tree planting within that kind of a buffer area shall comply with zoning landscaping regulations in chapter 33 of this title.
  - c. All required buffer landscape strips shall be located/developed on the subdivision's private property developed inward into the proposed subdivision starting from the property line where it abuts the edge of adjoining right of way. The landscape strip may contain berming and landscaping (screening) but not fencing. The landscape strip shall not be a part of any common area or building lots in a subdivision established by easement. Rather, the landscape strip shall be located within a separate lot owned and maintained by the homeowners' association (of the subdivision that has the landscape strip).
  - d. Berming/fencing around subdivision entrances shall be designed to comply with vision clearance requirements detailed in chapter 1 of this title. Landscape strip planting shall be in accordance with chapter 33 of this title. Where a berm is provided in a landscape strip, its minimum height shall be three feet (3') high. The maximum slope for any berm shall be two foot (2') horizontal distance to one foot (1') vertical distance. Periodic interruptions shall be made in any berming treatment as may be required by the city engineer to provide for storm water treatment.
  - e. Subdivision fences and/or walls are not allowed within a required landscape strip required along arterial or collector rights of way, nor shall a subdivision fence be placed through actual building lots.
  - f. Sidewalk or pedestrian pathways along rights of way may be located within/upon the landscape area and shall be at least five feet (5') wide unless required to be otherwise approved by the city engineer or in accordance with the manuals referenced in subsection 10-27-1F of this chapter.
2. Vision And Signage Clearance: Landscaping, trees and other site obstructions shall be regulated per the manuals referenced in subsection 10-27-1F of this chapter or as directed by the city engineering department.
  3. Fencing Along Exterior Subdivision Boundaries: The planning and zoning commission may require and the city council affirm or require that any portion of a subdivision boundary that

abuts neighboring properties be required to have up to six foot (6') high solid screen wooden or vinyl fencing (either temporary construction or permanent or as otherwise required).

4. Fencing Along Waterways: Six foot (6') high chainlink fencing shall be emplaced adjacent to all water laterals (not farmer's ditches) in conjunction with new subdivision development. To provide for maintenance (e.g., weed control) of the area of land between the fencing and the waterway, a developer may propose one of the following methodologies:
  - a. Provide for a gate for each lot having the six foot (6') chainlink fencing abutting their rear property line to access the land; or
  - b. Provide one or more gaps in the fencing to allow multiple people to access the area between the subdivision fence and the top of bank of the waterway being screened; or
  - c. Designate the land between the subdivision fence and the top of bank of the waterway being screened as a common lot (though it may contain an easement controlled by the irrigation district) and provide for its maintenance by the associated subdivision's homeowners' association; or
  - d. Obtain a license agreement from an appropriate irrigation district in order to fence inside the water lateral's easement and consequently have all or a portion of the land included as part of the private building lots adjoining the waterway (if any land remains between the fence and the bank of the waterway, then it must be maintained); or
  - e. Cause any maintenance easement associated with the waterway to be vacated and the land once within the easement to be deeded to the adjoining property owner for their use and maintenance; or
  - f. Introduce one or more gaps in the fencing to facilitate individual property owners or homeowners' association representatives or hired contractors to access the easement area; or
  - g. Deed and dedicate the land in the easement to the city of Nampa. However, the city is and shall not be obligated to accept such a deed and dedication.
- K. Fire Protection: Central water lines and fire hydrants shall be provided in all subdivisions and be made fully functional in order to be able to provide adequate fire suppression. All locations of hydrants shall be approved by the fire department and the engineering department. Fire hydrants shall be factory painted "traffic safety yellow" in accordance with AWWA C502.
- L. Out Parcels: Out parcels, created by the selling of land around and about an original "homesite"; so as to create separate land for creation of a new subdivision (that would thereafter be separated from the old "homesite" property) shall be discouraged by annexation practice. Where possible, such parcels that front a public road shall be required to provide right of way, street, sidewalk, and landscape strip improvements as normally required for subdivisions by this chapter and chapter 33 of this title. (Ord. 3573, 5-1-2006)

#### **10-27-7: CONSTRUCTION OBSERVATION:**

The city of Nampa will provide documentation that work observed during construction was in general accordance with the project plans and specifications and the manuals referenced in subsection 10-



27-1F of this chapter. The city will prepare a set of reproducible record drawings complete with ties to water valves and service connections using information provided by the developer and contractor. Any improvements deemed unsatisfactory by the city engineer or his/her designated representative shall be corrected at the subdivider's expense. The city of Nampa's and developer's responsibilities are further outlined in the manuals referenced in subsection 10-27-1F of this chapter. (Ord. 3573, 5-1-2006)

### **10-27-8: SUBDIVISION IMPROVEMENT AGREEMENT:**

The developer shall enter into a subdivision improvement agreement with the city prior to commencing development of the subdivision. Developers of large, phased subdivisions may plat an entire subdivision and enter into a subdivision agreement for each phase prior to the construction of said phase. The agreement shall be in force for a period of two (2) years from the date entered into, and may be extended by submitting a letter of request to the mayor and city council for their decision.

Upon completion of each phase of a subdivision, the city of Nampa engineering department will provide the developer with a final correction notice ("punch list"). The developer shall have ninety (90) days from issuance of that notice to emplace or correct absent or deficient items. If the developer is unable to complete the project, the city may, at its discretion, cash any or all bonds and cause those items to be completed. Time extensions may be considered upon submittal of a written and signed request by a developer to the city engineer.

Prior to the sale or transfer of ownership of any lot(s) within any new subdivision, the developer shall have placed all property pins of those lots being considered for sale or transfer on the ground in the positions depicted on the pertinent recorded final plat. In all cases, property line locations shall be defined prior to construction of any structure on a lot(s) within a subdivision. Street signage and a water system sufficient to meet fire department standards for supplying fire suppression coverage shall be in place as required by plat conditions of approval. (Ord. 3573, 5-1-2006)

### **10-27-9: POSTPLATTING CONSTRUCTION:**

A. Single-Family Detached Residential Subdivision Build Out: The city of Nampa will not issue building permits for construction or emplacement of houses within any area or upon any property being proposed for development as a residential subdivision once a preliminary plat is filed on that same property with the city. Building permits may be issued when that subdivision is fully approved by the city (or board of county planning and zoning commissioners for plans being created within the city's impact area) and recorded with the office of the Canyon County recorder, or the subdivision application is withdrawn. (Ord. 3573, 5-1-2006)

A developer/owner of a subdivision must provide financial security or the subdivision be completed in accordance with regulations in section 10-27-10 of this chapter. (Ord. 3829, 10-20-2008)

B. Nonsingle-Family Residential, Detached Subdivisions Build Out: The city of Nampa will not issue building permits for construction or emplacement of structures within any area or upon any property being proposed for development as a nonsingle-family subdivision once a preliminary plat is filed on that same property with the city.

Exception: Foundation and footing permits may be issued for nonsingle-family (e.g., apartment, commercial or industrial) structures proposed in new subdivisions once:

1. Final plat approval for the involved property has been given by the city council.
2. Civil engineering plans have been received by the city and approved by the city engineering department, the developer/owner has received DEQ "will serve" letter and city plan approval letter from engineering.
3. The building department, engineering department, fire department, wastewater department, and planning and zoning department have all expressed consent that such permits may be issued.
4. Necessary infrastructure improvements (e.g., public water, sewer, pressure irrigation, and access road, fire hydrant emplacement and offsite improvements) for the buildings have been completed to the extent required by the engineering department and fire department of the city and deemed by them satisfactory. (Final occupancy of any of the structures will be predicated on completion of necessary utility line and fixture emplacement.)
5. All building permit and plan review fees have been paid and engineering inspection fees, if applicable, have been paid.
6. The developer(s)/owner(s) enters into an indemnification agreement with the city.

The city will not allow further construction to occur past footing and foundations on any building until all utility connection fees are paid in full for that building.

The city of Nampa will not issue final occupancy permits for apartment or commercial type structures within any area or upon any property for which a plat has been submitted to the city until the approved final plat has been recorded. (Ord. 3573, 5-1-2006)

### **10-27-10: FINANCIAL SECURITY AND GUARANTEE:**

Final plat signature by the city of Nampa shall not occur in an approved residential, commercial, industrial or other subdivision until such time as the water lines, fire hydrants, required landscaping, sewer, curb, gutter and sidewalk, property pins, pressure irrigation and stormwater systems are fully constructed and tested with passing results for and within the entire subdivision and the street(s) within the same subdivision is(are) prepared and fully ready for paving. The water lines must be fully and completely tested with passing results, activated and provide sufficient water for fire suppression as noted in subsection 10-27-6K of this chapter. As an exception, security by way of cash deposit or letter of credit may be provided for paving, required common lot and landscape buffer strips, and other minor miscellaneous improvements.

Regarding outstanding paving: The developer shall provide the city with either an approved one year irrevocable letter of credit or cash deposit at the percentage listed below of the estimated cost of the required road surfacing which shall be filed with the public works department. The paving so covered shall be placed within six (6) months from the date of recording of the final plat; provided, the council may extend the period by one month intervals upon showing of just cause to the council by the subdivider. Landscaping that is integral to the stormwater system (including that necessary to meet best management practices and the city of Nampa standards/requirements for stormwater collection, transportation, treatment and disposal) is exempt from financial security requirements and must be substantially complete and functioning for consideration to be given to financial security for the other landscape features.

Regarding outstanding required common lot landscaping and buffer landscaping: The developer

shall provide the city with either an approved one year irrevocable letter of credit or cash deposit at the percentage listed below of a developer's contract bid for the estimated cost of the required landscaping which shall be filed or deposited with the city engineering department. The landscaping so covered shall be placed within six (6) months from the date of recording of the final plat; provided, the council may extend the period by one month intervals upon showing of just cause to the council by the subdivider.

In the event that all landscaping or paving is not complete within the required six (6) month time frame, the city may withhold all remaining building permits and execute said letter of credit or cash monies to complete any outstanding required improvements.

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

**MINIMUM FINANCIAL SECURITY REQUIRED BY STAGE**

Stage	Percentage of Remaining Improvements
Prior to final plat signature by the city	150 percent
"Punch list" items	200 percent

All monetary amounts and estimates to complete must be approved by the city engineer or his representative.

The owner and/or subdivider shall guarantee all public subdivision improvements for a one year period following the date of acceptance by the city. Any defects discovered or repairs required during the one year guarantee period, due to faulty workmanship or materials shall be corrected at the expense of the owner and/or subdivider, and shall be completed in a timely manner as directed by the city of Nampa, but in no case shall the correction period exceed ninety (90) days. (Ord. 3829, 10-20-2008)

**10-27-11: DEDICATIONS:**

All streets, alleys and required easements within the subdivision must be dedicated for public use (unless approved otherwise by the city council). Land lying in the proposed subdivision's boundaries that abuts a public right of way shall be dedicated as per the city engineer's requirements in consultation with the city master street plan.

Dedication or provision of easement of and for all other public open/pathway/trailway space within the subdivision will be as required in accordance with the comprehensive plan of the city and per expressed requirement from the city engineer, planning and zoning commission and/or council. Where this plan calls for a larger amount of public space than the subdivider can be reasonably expected to dedicate, the land needed beyond the subdivider's fair contribution is to be reserved for acquisition by the city, provided such acquisition is made within five (5) years from the date of approval of the subdivision.

The action of the mayor and council in exercising this power to compel dedication of public open

space shall take place only after a public hearing has been held. Anyone aggrieved by the decision of the mayor and council may have the decision reviewed by a court of competent jurisdiction.

Dedication of right of way where it splits one or more existing lots or parcels shall require filing of a subdivision plat. Such plat shall show the proposed right of way together with the leftover parcels/lots to either side along the road's entire length. (Ord. 3573, 5-1-2006)

### **10-27-12: AMENDED PLATS; VACATIONS:**

A. After Preliminary Plat Is Approved: An amended plat design, application materials and method of filing shall be executed in accordance with the regulations established in this chapter in order to have the changes become valid and recognized. However, design changes to approved preliminary plats made prior to final plat approval and recording and incorporated within a final plat design shall not require rehearing of the original preliminary plat by the planning and zoning commission (or city council if they already reviewed the preliminary plat) if the proposed design change(s), does(do) not:

1. Propose lots that are less than the minimum lot size required in the zoning district(s) pertinent to the land within the plat's boundaries;
2. Reduce the average building lot size of the entire subdivision being platted below the minimum allowed by code;
3. Increase the number of building lots by more than ten percent (10%) of the original request;
4. Alter the alignment of the subdivision's ingress/egress access points and/or connectivity of the subdivision's roadway network and/or realign the internal street network such that building lots formerly fronting one street now front a different street;
5. Reduce the lot compatibility of perimeter lots below the minimum allowed in a given situation.

(Note: Even if a newly proposed plat differs from a previously approved one, if its design complies with city zoning and subdivision codes then it shall be considered for approval. In order to "lock in" a plat's design, a development agreement should be used at the time of annexation or rezoning when a plat is filed in conjunction with 1 of those kinds of requests.) (Ord. 3573, 5-1-2006)

B. After Final Plat Is Recorded: In cases where a subdivision plat has been recorded after June 11, 2002, any of the noncommon space lots therein may be divided one time into no more than two (2) parcels without necessity to plat the proposed land division. Any one time divisions of any of the noncommon lots in any recorded subdivision, and/or any lot line adjustments internal to a subdivision may be executed by filing of a record of survey and associated legal descriptions with the county. However, further (proposed) divisions of one lot into more than two (2) lots or parcels, and/or, adjustments to exterior subdivision boundaries, and/or, proposals for conversion of common lots into building lots or vice versa, and/or proposals by a person or party to split more than one building lot at a time within an existing subdivision, regardless of the date of the subdivision's recordation, shall require that a (new) subdivision plat (preliminary and final) be filed for and approved by the city just as done for the original plat. Said replat(s) shall show the original subdivision exterior boundaries to be adjusted, or the lot(s) to be newly divided or redivided and those parcels or lots proposed via the new division(s) or, in the event of relabeling lots as a material change to the original plat, said replat(s) shall show reidentification of said lots

as "common" or "building" as appropriate, and shall provide any needful plat note changes. Any replat(s) shall conform to current engineering plat language requirements in effect at the time of replatting. A replat may be handled as a short plat if it involves seven (7) or fewer lots. (Ord. 4189, 7-20-2015)

- C. Vacations: Vacation approval shall be required in order to either erase some or all of an easement or right of way. Vacation approval shall be required in order to move the location of all or part of an already platted and recorded right of way or easement. Processing of vacation requests for easements and/or rights of way shall be executed in accordance with provisions of Idaho state code. Right of way vacations shall be done by ordinance of the city council and approved first by the same during a public hearing. Alternatively, a replat of a subdivision may also serve to vacate easements and/or rights of way when filed, approved by the city, and then recorded. (Ord. 4070, 10-7-2013)
- D. Replatting: Land, exclusive of public right of way, that has been subdivided and platted in accordance with city law need not be vacated in order to be replatted. (Ord. 3960, 4-4-2011)

**10-27-13: RESERVED:**

(Ord. 3573, 5-1-2006)

**10-27-14: FEES:**

- A. At the time of application, persons filing preliminary and/or final subdivision plats shall pay to the city a fee in an amount to be established by resolution of the city council. Also, as elsewhere noted, a separate fee amount to cover the expense of preparing any water or sanitary sewer system model needed for the development in the preliminary plat stage after the plat has been applied for through the city shall be required. That fee shall also be established by resolution of the council.
- B. Prior to commencing construction of a subdivision, the developer shall pay a city construction services and observation fee in an amount to be established by resolution of the city council. (Ord. 3573, 5-1-2006)

Footnote 1: The final plat sheet must be prepared in accordance with IC title 50, ch. 13.