

**Chapter 9-20**

**BOISE CITY SUBDIVISION ORDINANCE**

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**Section 9-20-01 SHORT TITLE**

This Ordinance shall be known and may be cited as the "Boise City Subdivision Ordinance".  
(6173, Amended, 08/13/2002; 5819, Amended, 10/28/1997)

**Section 9-20-02 PURPOSE AND AUTHORITY**

In order to promote the public health, safety, and general welfare of present and future residents, and to bring about a coordinated and efficient development of the City of Boise City, Idaho, the following regulations contained in this Ordinance for the subdividing of land within the City are hereby adopted.  
(6173, Amended, 08/13/2002; 5819, Amended, 10/28/1997)

**Section 9-20-03 DEFINITIONS**

As used in this Chapter, each of the terms defined shall have the meaning given in this Section unless a different meaning is clearly required by the content.

**ADA COUNTY STREET NAME COMMITTEE:**

An advisory group on street naming.

**AGENCY WITH JURISDICTION:**

Any agency which must review a subdivision plat application and whose approval of that plat is indicated by its endorsement on the plat.

**AGRICULTURAL PARCEL:**

A parcel of land at least five (5) acres in size in agricultural use which may include the owner's residence.

**AGRICULTURE:**

The science or art of cultivating the soil, producing crops or raising livestock.

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### ALLEY:

A minor public or private way providing access at the back or side of a property.

### APPLICANT:

An individual, corporation, firm or group who submits and represents the subdivision application and undertakes the subdividing of a lot, tract or parcel of land. If the applicant is not the property owner, the property owner's permission to submit the application must be submitted with the application.

### AREA OF IMPACT:

An area mutually agreed upon, including plan and ordinances, between the City and County as provided for by Idaho Code Sections 67-6526 and 50-1306.

### BOISE COMPREHENSIVE PLAN:

The Comprehensive Plan for the City officially adopted January, 1997 by the City Council as such and as subsequently amended.

### BUILDABLE PARCEL:

A recorded lot, parcel or tract that is eligible for a building permit, based on compliance with the Boise City Zoning and Subdivision Ordinances, which is not encumbered by an easement, plat note or other restriction that prohibits building on the lot, parcel or tract.

### CERTIFICATE:

Formal confirmation by a specific individual or individuals.

### CITY:

The City of Boise City, Idaho.

### CITY ENGINEER:

The City Engineer of Boise City.

### COMMISSION:

The Planning and Zoning Commission of the City.

### COMMON AREA:

Land within a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development. It may include complementary structures and improvements.

### COMMON DRIVEWAY:

A shared access for ingress and egress that serves multiple residential parcels, each having public or private street frontage.

### CONDOMINIUM:

An estate consisting of an undivided interest in common in real property, in an interest or interests in real property, or in any combination thereof, together with a separate interest in real property, in an interest or interests in real property, or in any combination thereof.

### COUNCIL:

The Boise City Council.

### COUNTY SURVEYOR:

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The professional land surveyor appointed by the Ada County Board of County Commissioners to check plats and make surveys, maps and plats ordered by the Ada County Board of County Commissioners.

### COUNTY RECORDER:

The Office of the County Recorder of Ada County, Idaho.

### CUL-DE-SAC:

A dead end street provided with turn around space at its terminus.

### DEAD-END STREET:

A street connecting to another street at one end only and not having provision of vehicular turn around at its terminus.

### DEDICATION:

The setting apart of land or interests in land for use by the public. Land becomes dedicated when accepted by the applicable governmental body as a public dedication, either by Ordinance or entry in the official minutes of that body.

### DEVELOPMENT, PLANNED UNIT:

A use or a combination of uses planned for a tract of land to be developed as a unit under single ownership or control, which may include two (2) or more principal buildings, as defined by Title 11-01-03.1 of the Boise City Code.

### DISTRICT:

Ada County Highway District (ACHD).

### EASEMENT:

A grant by the landowner of the right to use the owner's land for specific purposes.

### EMERGENCY ACCESS:

A means of providing an additional route of access to a development for emergency vehicles. Use of emergency accesses is restricted to emergency vehicles with bollards, gates, or some other means of prohibiting general use by the public. Emergency access must meet the requirements of the Uniform Fire Code as adopted by the Boise City Fire Department.

### FIRE DEPARTMENT:

The Boise City Fire Department.

### FLAG AND/OR KEY LOT:

A lot having access to a public or private road via a narrow private driveway.

### FLOODPLAIN ORDINANCE:

The Ordinance regulating developments that fall within the 100 year floodplain of the Boise River or the tributaries as described on the Flood Boundary and Floodway maps as provided by the Federal Emergency Management Agency and adopted by the City.

### HEARING EXAMINER:

The Planning and Zoning Commission may authorize a hearing examiner to hear subdivisions and to make recommendations for action to the Council, pursuant to the authority granted in Idaho Code Section 67-6520. The role and duties of the hearing examiner are more fully set fourth in the Zoning

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Ordinance at section 11-02-10.1. When acting under the provisions of the subdivision ordinance, the hearing examiner shall follow the same procedural guidelines as the Planning and Zoning Commission as set forth in Title 9 of the Boise City Code.

### HILLSIDE AND FOOTHILL AREAS ORDINANCE:

The Ordinance regulating developments having any topographical slopes of fifteen percent (15%) or greater, or where adverse slope stability, erosion or sedimentation are likely to cause damage.

### LANDSCAPING:

The finishing and adornment of unpaved areas with rock, bark chips and similar non-vegetative material and treatment with naturally growing elements such as grass, trees, and shrubs.

### LOT:

A portion of a recorded subdivision intended as a unit for transfer of ownership or for development.

### LOT, DOUBLE FRONTED:

A lot other than a corner lot having frontage on two parallel or approximately parallel streets.

### LOT OF RECORD, ORIGINAL:

Any single recorded platted lot or parcel of land which was of record and a buildable lot or parcel at the time of adoption of the Boise City Zoning Ordinance (August 16, 1966), which has not had subsequent boundary changes.

### LOT OF RECORD, ORIGINAL SUBSTANDARD:

Any single recorded platted lot which was of record and a legal buildable lot or parcel at the time of adoption of the Boise City Zoning Ordinance (August 16, 1966), which has not had subsequent boundary changes, that does not meet a minimum width of fifty (50) feet and minimum area of five thousand (5,000) square feet for interior lots or minimum width of seventy (70) feet and minimum area of seven thousand (7,000) square feet for corner lots.

### MICRO-PATHWAY or MICRO-PATH:

A pathway providing access by way of a short travel link between points of destination. The length of a micro-pathway is generally less than 250 feet, or two lot depths. A micro-pathway may function alone or in conjunction with a pathway system such as the Boise River Greenbelt.

### NOTICE ESTABLISHING A BUILDABLE PARCEL:

A recorded notice executed by the parcel owners and the Planning Director evidencing compliance with the provisions of Section 9-20-04 creating public notice in the real property records of Ada County of the establishment of a buildable parcel with boundaries different from any underlying plat or other division of land.

### ORIGINAL TRACT:

A lot, parcel or tract in existence prior to or on October 30, 1965 without subsequent change of boundaries or size. Conveyance of a portion of the original tract for roadways to a governmental entity such as the State of Idaho or Ada County Highway District subsequent to October 30, 1965 does not constitute a change or boundaries or sizes for purposes of a determination of original tract status.

### OWNER:

The fee owner of the real property subject to this regulation. The owner may assign, in writing, application submittal and subdivision development authority to an applicant who is not the owner. To the

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extent an owner is applying for subdivision of property in its own name, such owner shall be the "applicant" for purposes of this Ordinance.

### PARCEL:

A lot, tract or portion of land of not any precise size. A tract of land other than a platted lot. Sometimes called section land, parcels are generally described by a metes and bounds legal description or references to quadrangular survey measurements utilizing sections, townships, and ranges or government lots.

### PARCEL, LANDLOCKED:

A tract of land that does not abut a public or private street.

### PATHWAY:

Any sidewalk, route, lane, path, corridor, open space or trail designated to move people by non-motorized means for transportation or recreation, including micro-pathways.

### PLANNING ADMINISTRATOR:

The Planning Director of Boise City.

### PLAT, PRELIMINARY:

A preliminary plan of a proposed subdivision containing the elements and requirements set forth in Section 9-20-06.A of this Ordinance.

### PLAT, FINAL:

The map of a subdivision, cemetery, townsite or other tract of land, or a replatting of such, prepared by a State of Idaho licensed land surveyor for filing and recording by the Ada county Recorder and containing those elements and requirements set forth in Section 9-20-06.C of this Ordinance, including certification, descriptions and final approvals. A final plat, upon its being filed and recorded by the Ada County Recorder, shall thereafter be known as an authorized plat, subdivision or dedication.

### PRESSURIZED IRRIGATION SYSTEMS FOR INDIVIDUAL LOTS:

A pressurized water distribution system that distributes non-potable water to individual lots for irrigation purposes. Typical sources of water include non-treated Boise River water, canal water, irrigation return water or well water.

### REGULATORY TAKING:

A regulatory or administrative action resulting in deprivation of private property, that is the subject of such action, whether such deprivation is total, or partial, permanent or temporary, in violation of the State or Federal constitution.

### REVIEW ANALYST:

The Subdivision Review Analyst of the City.

### SECONDARY ACCESS:

A second means of vehicular access to a development which may be either improved to District's standards or private street standards.

### SEWER ENTITY:

The public agency having the jurisdictional responsibility for providing sanitary sewer service.

### STANDARD SPECIFICATION:

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Most current standard specification adopted by the Boise City Department of Public Works for the type of facility being constructed.

### STREET, ARTERIAL:

Any street as designated by the District, existing or proposed, with a primary purpose of carrying through traffic.

### STREET, COLLECTOR:

Any street, as designated by the District, existing or proposed, with a primary purpose to intercept traffic from integrating local streets and carrying that traffic to an arterial street.

### STREET, LOCAL:

Any public street, other than an arterial or collector, which provides access to abutting property and principally serves local traffic.

### STREET, PRIVATE:

An access roadway approved by the Council in conformance with this chapter, which provides both access and street frontage for individual lots. Private streets are owned and maintained by private individual(s) or entities and not by governmental entities.

### STREET, PUBLIC:

A right-of-way which provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted by the District. The term “street” includes also the terms highway, thoroughfare, parkway, throughway, road, avenue, boulevard, place and other such terms.

### SUBDIVISION:

The division of a lot, tract or parcel of land into two (2) or more lots for the purpose of sale, or building development, whether immediate or future, including dedication of streets. The term “subdivision” does not include the division of land pursuant to the provisions of Section 9-20-04 E.

### SURVEYOR:

A person authorized by the State of Idaho to practice the profession of land surveying.

### TOWNHOUSE:

An estate consisting of a fee simple interest in the structure and specific identified land. A townhouse may have an undivided common interest in the common areas including but not limited to sidewalks, open spaces, recreational facilities and private drives.

### TRACT:

A generic term that does not denote a specific conditions such as Lot (which is platted) or Parcel (which is unplatted). Used when speaking of both platted and unplatted lands.

### UTILITIES:

Water, sewage, gas, telephone, cable television, pressure irrigation or electricity and similar facilities normally providing individual customer service to a building site.

### WET LINE SEWER:

An operating public sewer capable of servicing a structure immediately upon connection.

(6452, Amended, 02/14/2006; 6281, Amended, 12/02/2003; 6173, Amended, 08/13/2002; 5819, Amended, 10/28/1997; 5638, Amended, 06/27/1995; 5624, Amended, 04/11/1995; 5589, Amended, 11/15/1994; 5546, Amended, 06/14/1994)

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### Section 9-20-04 JURISDICTION

#### A. GENERAL

These regulations shall apply to the subdividing of all land within the Corporate Limits of the City, including the following:

1. The dividing of land into lots or parcels for transfer of ownership or building development, except as provided within 9-20-04 E.
2. The dedicating of any street or alley through or along any tract of land, which will either violate the Boise City Zoning Ordinance or will not fall within the exceptions as provided by 9-20-04 E.
3. The resubdivision of a lot or parcel except as provided within 9-20-04 E.
4. The construction of any private street or private alley through or along any tract of land.
5. The platting of a lot or lots that are either a remnant or the result of a land division that exceeded the one-time division provisions.

#### B. SPECIAL EXCEPTIONS FOR CONDOMINIUMS

1. The provisions of the Condominium Property Act as provided in Chapter 15, Title 55, Idaho Code, as amended, revised and compiled, and the provisions of Section 11-06-05 of the Boise City Code, as amended, revised and compiled for Planned Unit Developments, shall be, and the same hereby are, adopted and incorporated by reference herein.
2. Condominium and subdivision of land(s) may occur within the same plat. This may also include dedication of public right-of-way.
3. Each condominium unit shall be provided ingress and egress either over common area or by an easement which shall be delineated on the plat or defined in the recorded condominium declarations with a note on the plat stating that the condominium declarations provide ingress and egress easements for the units. The condominium declarations shall be reviewed and approved by the City Attorney and the ingress and egress provisions cannot be removed or modified without the written consent of Boise City.

#### C. SUBDIVISIONS OUTSIDE CITY LIMITS

Subdivisions outside of the corporate limits, within the Boise City Area of Impact shall be reviewed by the Council as outlined in the Referral Process Agreement adopted with the Ada County-Boise City Area of Impact Agreement.

#### D. LANDLOCKED TRACTS

All tracts which do not meet either the zone required frontage onto a public or private street or

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adequate vehicular access over an established easement shall be labeled on the plat or record of survey as “non-buildable”. Each such non-buildable tract shall be required to have a pedestrian ingress and egress easement provided to it unless street frontage exists which is less than the required frontage but adequate for a pedestrian pathway.

### E. EXCEPTIONS

The regulations of this Chapter, except for this Subsection 9-20-04 E, shall not apply to the one-time division of any original tract of land into two (2) separate parcels that comply with all Boise City Zoning Ordinance requirements; a property line adjustment that establishes buildable parcels with boundaries which differ from existing buildable parcel and/or buildable lot boundaries; and the division of land into parcels of five (5) acres or more which are not zoned for or intended to be used for residential development purposes when the dedication of public streets or construction of private streets is not required.

1. A record of survey, application and the appropriate fee are required for a one-time division of an original buildable parcel or lot. The record of survey must create buildable parcels that meet the following conditions:
  - a. Both resultant parcels must meet the minimum requirements for area, frontage and width for the existing zone.
  - b. All existing buildings to remain shall meet applicable zoning requirements regarding allowed uses and parking and shall comply with the setback requirements of the existing zone as measured from any parcel boundary being created by this process.
    1. Any setback that was legally non-conforming prior to the one-time division may remain as a legal non-conforming setback, provided the legal non-conforming setback is not altered by the one-time division.
    2. Any building not meeting the required setback that is to be partially or completely demolished shall be demolished prior to the approval of the one-time division.
    3. The common interior property line of a duplex to townhouse conversion may have a zero setback for the existing structure, subject to a common party wall agreement approved by the Boise City Building Department.
  - c. If existing residential buildings are to remain, the parcel containing such building(s) must comply with current Boise City Zoning Ordinance parking requirements. The parking shall be located on-site. If existing commercial, office or industrial buildings are to remain, the parcel containing such building(s) must comply with current Boise City Zoning Ordinance parking requirements, either within the parcel or by means of a permanent recorded shared-parking agreement, as evidenced by a note on the record of survey stating both the number of spaces provided and the code required number of spaces. If required parking is provided by means of a permanent shared-parking agreement, the record of survey must list the total required and provided parking for all parcels to which the shared parking provisions of the shared-parking agreement applies.

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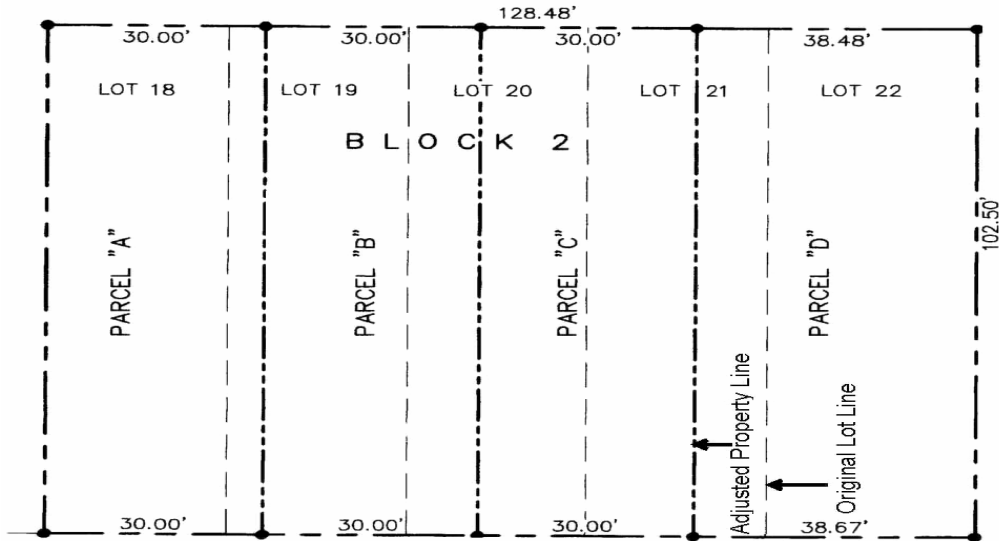
- d. When utilities cross land being divided a utility easement shall be provided and indicated on the record of survey. If an easement is located in a proposed permanent construction area, the easement shall be vacated prior to the Planning Director's approval of the Record of Survey.
  - e. If the street(s) adjacent to the lot(s) have not been improved with sidewalk the applicant shall landscape the right-of-way area between the edge of the street pavement and the property line with lawn or other vegetative ground cover that will prevent the area from being used as an off street parking area. Depending on the paved street width, the Ada County Highway District may require some separation between the landscaping and the edge of the street pavement. If the lot is not alley loaded and has driveways off of the street, the area between the edge of the street pavement and the property line shall be paved to align with the driveway. The applicant shall obtain a license agreement from the Ada County Highway District prior to landscaping and/or paving in the right-of-way. Sidewalks shall be installed if sidewalk exists on adjoining property.
2. Every property line adjustment shall create buildable parcels that meet the following conditions:
    - a. Conforming Lots of Record
      1. The total number of buildable parcels must not be greater than the number of buildable parcels and/or lots existing prior to the record of survey. When property line adjustments occur between section land and subdivided lots no lot shall increase in area by more than 20%.
      2. The resultant parcels must meet the minimum requirements for area, frontage and width for the existing zone.
      3. All existing buildings, driveways and parking areas must meet the setback requirements of the existing zone as measured from any parcel boundary being created by this process. Any setback that is legally non-conforming may remain as a legal non-conforming setback, provided the legal non-conforming setback is not altered by the property line adjustment. If any building not meeting the required setback is to be partially or completely demolished, the demolition must be completed prior to the Planning Director's approval of the Record of Survey.
      4. If existing residential buildings are to remain, the parcel containing such building(s) must comply with current Boise City Zoning Ordinance parking requirements. The parking shall be located on-site. If existing commercial, office or industrial buildings are to remain, the parcel containing such buildings(s) must comply with current parking requirements, either within the parcel or by means of a permanent recorded shared-parking agreement, as evidenced by a note on the record of survey stating both the number of spaces provided and the code required number of spaces. If required parking is provided by means of a permanent shared-parking agreement, the record of survey must list the total required and provided parking for all parcels to which the parking provisions of the shared-parking agreement applies.

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5. When utilities cross land being divided a utility easement shall be provided and indicated on the record of survey. If an easement is located in a proposed permanent construction area, the easement shall be vacated prior to the Planning Director's approval of the Record of Survey.
6. If the street(s) adjacent to the lot(s) have not been improved with sidewalk the applicant shall landscape the right-of-way area between the edge of the street pavement and the property line with lawn or other vegetative ground cover that will prevent the area from being used as an off street parking area. Depending on the paved street width, the Ada County Highway District may require some separation between the landscaping and the edge of the street pavement. If the lot is not alley loaded and has driveways off of the street, the area between the edge of the street pavement and the property line shall be paved to align with the driveway. The applicant shall obtain a license agreement from the Ada County Highway District prior to landscaping and/or paving in the right-of-way. Sidewalks shall be installed if sidewalk exists on adjoining property.
7. The boundaries of a parcel with a residential zone or use may be adjusted through the record of survey process twice. Any additional boundary adjustments shall require a subdivision plat.

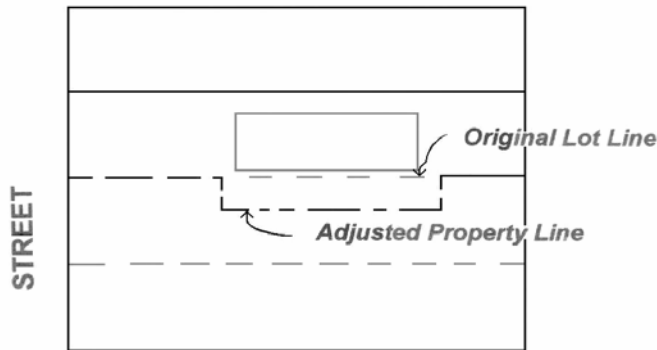
b. Substandard Original Lots of Record

1. A property line adjustment shall not result in more buildable parcels than the total number of original substandard lots of record involved in the property line adjustment.



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2. A property line adjustment that includes a partial lot requires documentation that the split of the lot was recorded prior to October 30, 1965. If the partial lot does not qualify as a buildable parcel, it must be combined with an original lot to count as one (1) buildable parcel if the partial lot was created by recorded deed prior to October 30, 1965.
3. Adjusted side property lines shall be perpendicular to the public street. Exceptions can be made for lots where the original side lot lines were not perpendicular to the street, such as pie shaped lots.



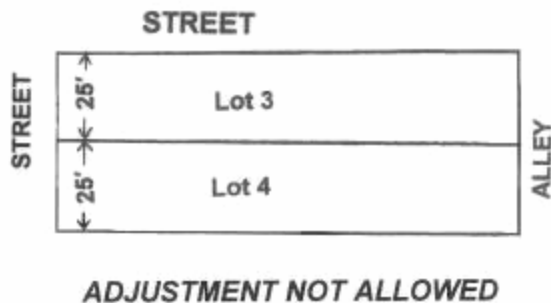
### **ADJUSTMENT NOT ALLOWED**

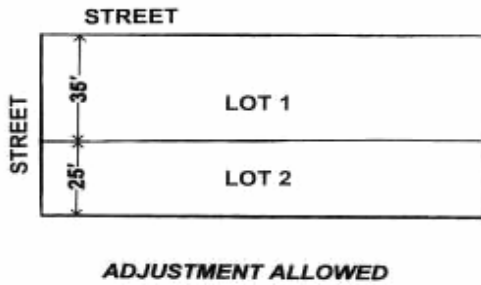
4. A property line adjustment shall not result in buildable parcels that decrease the area, frontage or width below that of the substandard original lots of record.
5. All existing buildings, driveways and parking areas must meet the setback requirements of the existing zone as measured from any parcel boundary being created by this process. Any setback that is legally non-conforming may remain as a legal non-conforming setback, provided the legal non-conforming setback is not altered by the property line adjustment. If any building not meeting the required setback is to be partially or completely demolished, the demolition must be completed prior to the Planning Director's approval of the Record of Survey.
6. If existing residential buildings are to remain, the parcel containing such building(s) shall comply with current Boise City Zoning Ordinance parking requirements. The parking shall be located on-site. If existing commercial, office or industrial buildings are to remain, the parcel containing such building(s) must comply with current parking requirements, either within the parcel or by means of a permanent recorded shared-parking agreement, as evidenced by a note on the record of survey stating both the number of spaces provided and the number of spaces the Boise City Zoning Ordinance requires. If required parking is

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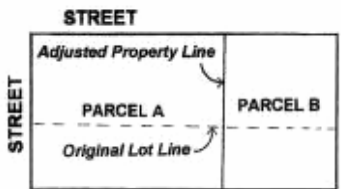
provided by means of a permanent shared-parking agreement, the record of survey must list the total required and provided parking for all parcels to which the parking provisions of the shared-parking agreement applies.

7. All parcels that abut an improved alley shall be required to take parking access from the alley.
8. If the street(s) adjacent to the lot(s) have not been improved with sidewalk the applicant shall landscape the right-of-way area between the edge of the street pavement and the property line with lawn or other vegetative ground cover that will prevent the area from being used as an off street parking area. Depending on the paved street width, the Ada County Highway District may require some separation between the landscaping and the edge of the street pavement. If the lot is not alley loaded and has driveways off of the street, the area between the edge of the street pavement and the property line shall be paved to align with the driveway. The applicant shall obtain a license agreement from the Ada County Highway District prior to landscaping and/or paving in the right-of-way. Sidewalks shall be installed if sidewalk exists on adjoining property.
9. When utilities cross land being divided a utility easement shall be provided and indicated on the record of survey. If an easement is located in a proposed permanent construction area, the easement shall be vacated prior to the Planning Director's approval of the Record of Survey.
10. The boundaries of a parcel with a residential zone or use may be adjusted through the Record of Survey process twice. Any additional boundary adjustments shall require a subdivision plat.
11. A property line adjustment shall only occur between an original corner lot and an original interior lot if the original corner lot is a minimum of thirty-five (35) feet or more in width, unless three or more lots are combined resulting in a reduction in density. Adjusted corner lots shall comply with the following standards:





- a. The adjusted corner lot shall be of the same square footage as the original corner lot.
- b. If an existing home is located on a corner lot, a 15 foot rear setback shall be provided from the existing home to the new property line, regardless of the orientation or street address of the existing home.



**AREA OF PARCEL "A" SHALL NOT BE  
SMALLER IN AREA THAN THE LARGER  
OF THE ORIGINAL LOTS**

- c. A minimum of one hundred fifty (150) square feet of open space, located outside of the setbacks, is required for existing homes. Open space that complies with Section 11-04-04.03.C of the Boise City Zoning Ordinance shall be designated as such on the Record of Survey.
3. A record of survey is not necessary to allow construction over platted lot lines of multiple whole lots.
- a. Prior to issuance of a building permit, a copy of a recorded Notice of Buildable Parcel and a copy of a recorded deed describing by metes and bounds the entirety of the platted lots shall be submitted to the Planning Director.

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- b. If platted or recorded easements exist within any lot, the easements must be vacated prior to any construction within the easement area.
4. An application for a record of survey for a one-time division or a property line adjustment must be submitted to the Planning Director along with: (a) the appropriate fee; (b) a copy of the record of survey drawn to the standards set forth in Subsection 5. of Section 9-20-04 E, below; (c) if owners are to be conveying portions of tracts to make each record of survey parcel under single ownership, a copy of each of the deeds required to convey such portions as are necessary so that each new parcel shall have a single ownership; (d) a separate original notice establishing a buildable parcel in recordable form for each buildable parcel created by the record of survey incorporating (i) the notarized signatures of all owners, (ii) a statement that the original lot or parcel is no longer a buildable parcel, (iii) a complete legal description of the buildable parcel established by the record of survey, (iv) a note regarding the requirement to vacate easements before building on the easement areas, if appropriate, and (v) a certification for execution by the Planning Director evidencing the establishment of the new buildable parcel in accordance with this Section 9-20-04 E; (e) a list of signatures of residents of adjacent properties, including properties across streets and alleys, and a representative of the appropriate registered neighborhood association, indicating they have been notified of the applicant's intent to split the property or adjust property lines. A note shall be made on the list indicating any neighbors unwilling or unable to sign. If adjoining properties are not residential, signatures are not required.
5. The Planning Director shall determine that the application is complete and that the record of survey is drawn to the specifications on Subsection 5. of Section 9-20-04 E, below, and that each of the buildable parcels created by the record of survey meets the requirements of the applicable Subsection 1 or 2 of this Section 9-20-04 E, above, (except that in the case of multiple modular lots, the only determination that must be made by the Planning Director is that the entire areas of the lots are in the buildable parcel and no additional parcels are being created by the record of survey) and the Planning Director shall sign the notice for each buildable parcel for which said finding is made as evidence of said finding. Within ten (10) calendar days after submission of the application, the Planning Director shall either (a) sign each of the notices establishing a buildable parcel and return the signed notices to the applicant for recording or (b) advise the applicant in writing of all respects wherein the application and the record of survey does not comply with this Section. The Planning Director shall have the discretionary power to withhold signing the notice for any buildable parcel established by a record of survey until a finding can be made for all buildable parcels established by such record of survey. Evidence of recordation of the notice for any buildable parcel established pursuant to this Section 9-20-04 E for which a building permit is sought must accompany any building permit application.
6. The record of survey shall be in conformance with Idaho Code, Title 55, Chapter 19, and shall contain the following additional information:
  - a. Correct street names and street address on each parcel.
  - b. All existing platted or recorded easements.
  - c. All existing platted lot line(s), or existing parcel lines, as applicable.
  - d. Adjusted or new parcel boundary lines.
  - e. The area in square feet of each parcel established by the record of survey.
  - f. A depiction of all existing building(s) with either (i) the distances from the

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buildings to any parcel boundary line established by the record of survey or (ii) a note that the building(s) are to be demolished at the time of any remodeling or new construction.

- g. A note stating the existing zone.
  - h. Certification by the surveyor that the record of survey establishes parcels that meet the applicable requirements of Section 9-20-04 E 1 and 2.
  - i. Any other information required by the record of survey application.
7. A Record of Survey may be utilized for the division of land into parcels which are not zoned for or intended to be used for residential development, when resulting parcels are a minimum of five (5) acres each in size. This is only allowed when the dedication of public streets or construction of private streets is not required, other than dedications for the widening of existing streets, and when the parcels front onto a street and meet the dimensional standards of the zoning district within which they are located, unless a modification or waiver of those standards is granted by the Commission. A subdivision plat is required for the division of land for residential development, except for as allowed by ordinance for a one-time division.

(6573, Amended, 06/19/2007; 6452, Amended, 02/14/2006; 6173, Amended, 08/13/2002; 5819, Amended, 10/28/1997; 5638, Amended, 06/27/1995)

### **Section 9-20-05 PROCEDURES**

The following procedures shall be followed for subdividing within the scope of these regulations.

#### **A. PROCEDURES; GENERAL:**

##### **1. PLAT APPROVAL REQUIRED**

A plat shall be drawn for each subdivision of land located within the corporate city limits or for proposed subdivision containing land that is concurrently requesting annexation into the city limits and shall be submitted to the Commission and Council as provided below. The City can accept a plat application when there is a concurrent annexation request submitted.

##### **2. OFFICIAL RECORDING**

No plat or division of land shall be filed in the office of the County Recorder until such time as compliance with the provisions of this Code and certification of the agencies, as provided by Idaho Code, have been completed. Plats shall be recorded in the office of the County Recorder.

##### **3. AGENDA**

Each Boise City plat submitted for preliminary approval shall be placed on the Commission's or Hearing Examiner's agenda only after fulfilling the requirements provided herein.

A plat not meeting all the requirements may be submitted, provided however the applicant shall request in writing, the specific exceptions required and enumerate in detail the reason the plat qualifies for such exceptions.

##### **4. APPLICATION FORMS**

Any application for a Preliminary Plat, subdivision approval, time extension, total or partial vacation of an existing subdivision, or easement for the benefit of the public shall be made on forms obtainable from the Review Analyst and the accuracy of the data provided certified by the applicant.

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### B. PROCEDURE, PREAPPLICATION SUBMISSION OF PLANS:

#### 1. FILING PROCEDURE

Prior to the filing of an application the applicant is encouraged to submit to the Review Analyst general plans and data for any proposed subdivision. Such presubmittal shall not require the official filing of a subdivision application, and shall not bind the applicant nor the City in any way. Said submittal shall be required for all proposed subdivisions of forty (40) or more lots or dwelling units. Said submittal shall be scheduled for the next available preapplication meeting by combined City Staff.

#### 2. REVIEW BY REVIEW ANALYST

The Review Analyst shall review the plans and data and, within ten (10) days, advise the applicant as to the general conformance or non-conformance with these regulations of the plans submitted.

### C. PROCEDURE; PRELIMINARY PLAT

The following procedures shall apply to the filing for preliminary approval of any Boise City subdivision.

#### 1. APPLICATION

Any applicant desiring to subdivide within the City shall file with the Review Analyst the number of copies of the Preliminary Plat required and by size as specified along with the specified number of application copies, vicinity maps, drainage plans and other related items as specified on the application. Each copy of the preliminary plat packet shall include the application, vicinity map, and folded preliminary plat.

#### 2. PROOF OF INTEREST REQUIRED

In making application the applicant shall submit a current title report, warranty deed or such other evidence acceptable to the Review Analyst.

#### 3. ACCEPTANCE BY REVIEW ANALYST

Upon receipt of the Preliminary Plat, and supporting documents as herein provided, the Review Analyst shall have ten (10) days to review the submittal to determine if the application is complete. If the Review Analyst finds the application deficient, the Review Analyst shall notify the applicant within the ten (10) day review period. Deficient applications shall not be scheduled for Commission review. A complete application shall be certified complete and the Review Analyst shall affix thereon the date of application acceptance. The Preliminary Plat shall be considered at the next regular meeting of the Commission which is held not less than fifteen (15) days after said date of certification.

#### 4. REVIEW BY AGENCIES

The Review Analyst shall transmit one (1) copy each of the Preliminary Plat to each of the following agencies for review and recommendations and may request recommendations from such other agencies as may be necessary.

If no written recommendation from any agency listed herein is received within five (5) working days after such notification, the approval of the Preliminary Plat by such agency will be considered to be granted.

- a. Ada County Assessor

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- b. Ada County Surveyor
  - c. Ada County Highway District
  - d. Community Planning Association
  - e. Community Forestry, Boise City Parks and Recreation Department
  - f. The Applicable School District
  - g. Applicable Sewer Entity
  - h. Building Division of the Planning and Development Services Department of Boise City
  - i. Boise City Fire Department
  - j. Planning Division of the Planning and Development Services Department of Boise City
  - k. Boise City Public Works Department
  - l. Central District Health Department
  - m. Idaho Power Company
  - n. Intermountain Gas Company
  - o. Qwest Telephone Company
  - p. Water Utility Appropriate to Area Being Platted
  - q. Applicable Drainage and Irrigation Entity
  - r. Applicable Cable System Franchisee
5. COMMISSION ACTION:
- a. The Commission may authorize the Hearing Examiner to review plats located within Boise City, including the review analyst's report and comments from other agencies and to prepare a written recommendation for the Council.
  - b. For Boise City Plats, the Commission, or the Hearing Examiner shall recommend: (1) approval; (2) approval with conditions; or (3) denial of the plat within sixty (60) days of the date of the regular meeting or hearing, at which said plat was first considered. The Commission or Hearing Examiner's action shall be stated in writing, signed by the Planning Director on behalf of the Chairman of the Commission, or signed by the Hearing Examiner in cases reviewed by said officer, and transmitted to the applicant. If no action is taken by either the Commission or the Hearing Examiner at the end of sixty (60) days, the plat shall be deemed to have been recommended for approval unless stipulation for additional time is agreed to by the applicant. The plat should not be

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considered by the Commission or the Hearing Examiner, and the plat processing may be delayed, until such time as all items requiring action or related approvals can be presented to the Commission simultaneously. The Preliminary Plat should be delayed when contingent upon any one of the following potential development conditions:

Items for which delays may be imposed:

- (1) Annexation.
- (2) Conditional Use - Planned Unit Developments.
- (3) Area of Impact Change.
- (4) Developments under the Hillside Ordinance that require additional review.
- (5) Any other action requiring specific separate approval related to the plat or the development which will occur on the property subject to the plat.
- (6) Highway District conditions have not yet been received.

c. If no action is taken by the Commission or the hearing examiner at the end of sixty (60) days, the plat shall be deemed to have been recommended for approval unless stipulation for additional time is agreed to by the applicant.

d. Recommendations of the Commission on the plat, or the hearing examiner, in cases where the plat review has been delegated to such officer, shall be transmitted to the Council and the applicant by the Review Analyst.

### 6. COUNCIL ACTION:

a. The Council shall act upon the report within ten (10) days, or at its next regular meeting succeeding receipt of the Review Analyst's report unless the preliminary plat processing is delayed by the Review Analyst pursuant to section (b) below. The applicant, at his request or the Council, upon motion, shall be entitled to at least one (1) continuance of the meeting.

b. Should the Preliminary Plat be contingent upon any one of the following potential development conditions, the Subdivision Review Analyst may delay plat processing until such time as all items requiring action can be presented to the Council simultaneously.

Items for which delays may be imposed:

- (1) Annexation
- (2) Rezone
- (3) Appeals of Conditional Uses, Planned Unit Developments and/or Hillside Permits

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- (4) Area of Impact Change
- (5) Any other action requiring specific separate approval related to the plat or the development which will occur on the property subject to the plat.
- (6) Highway District Conditions have not yet been received.

c. At the meeting the Council shall, hear testimony of the staff, applicant, any witnesses on behalf of the applicant, the testimony of representatives of the Commission, and any witnesses in its behalf, and any testimony from the public.

d. Upon conclusion of testimony, the Council shall base its findings upon the testimony produced before it and, within forty-five (45) days, declare its findings. It may sustain, modify, reject or overrule any recommendations or rulings of the Commission or Hearing Examiner, and shall make findings to support its decisions which are consistent with the provisions of the Idaho Code and/or of this Code.

e. The time limits for action by the City on the Preliminary Plat as herein specified may be extended by the Council when in its judgement additional information or public testimony is needed in declaring its findings. If no action is taken by the City within the time limits, or as extended, the Preliminary Plat, as filed, shall be deemed approved, and it shall be the duty of the City Clerk to certify such approval. This time limit, if extended, shall not exceed one hundred thirty-five (135) days from the original Council hearing unless mutually agreed upon by the City and the applicant.

f. After the Council declares its findings, the Review Analyst shall notify each agency with jurisdiction the action taken by the Council.

### D. PROCEDURE: BOISE CITY FINAL PLAT

The following procedures shall apply to the filing for final approval of any subdivision located within Boise City.

#### 1. FILING BY APPLICANT:

a. After the approval or conditional approval of the Preliminary Plat, the applicant may cause the subdivision, or any part thereof, to be surveyed and a Final Plat prepared in accordance with the Preliminary Plat as approved. Any portion of a Preliminary Plat in conformance with Zoning Ordinance Standards that is left unplatted shall be deemed a single parcel by the City until a subdivision plat is recorded.

b. The Final Plat, prepared in accordance with Title 50, Chapter 13 of the Idaho Code and the provisions set forth herein, shall be filed with the Review Analyst.

c. Such Final Plat, when submitted, shall be accompanied by prints, thereof, as required by the Review Analyst.

d. The Boise City Engineer shall sign all final plats within Boise City as evidence for a conformance with the Subdivision Ordinance and the City Council's conditions of approval.

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### 2. LIMITATION ON TIME OF FILING:

a. Filing of the Final Plat shall be made within two (2) years after action by the Council on said Preliminary Plat.

b. Failure to file a Final Plat within two (2) years after the action by the Council approving said Preliminary Plat shall cause all approvals of said Preliminary Plat to have been voided; provided, however, that upon application of the applicant, the Council may grant an extension for a period not to exceed one (1) year, provided an application for extension is filed, in writing, at least twenty (20) working days prior to the expiration of the first two (2) year period and each additional period as may have been granted by the Council. In granting of the time extension, the Council reserves the right to modify and/or add conditions to the Final Plat to conform with adopted policies and/or ordinance changes which have occurred following initial approval.

Upon approval/denial of a time extension, the Review Analyst shall notify applicant and all agencies having jurisdiction of the action taken by the Council.

1. Approved preliminary plats may be phased and do not need time extensions as long as at least one (1) phase of the plat is undertaken annually. The twelve (12) month time frame within which the next phase must be submitted and approved by the Council shall be measured from the date of the previous phase's approval by Council. Said phases shall still be subject to the requirements of 9-20-5.D.2.c.

c. Filing of final plat on phased developments may require modifications to the conditions as approved by Council. Council reserves the right to modify and/or add conditions to the final plat to conform with adopted policies and/or ordinance changes for each phase submitted after two (2) years following Preliminary Plat approval in accordance with 9-20-5.D.2.b.

d. Certification Signature of Boise City Plats by the City Engineer shall be made within two (2) years from date of approval of the final plat by the Council, however, that upon application of the applicant, the Council may grant time extensions, and each time extension shall be for a period not to exceed one (1) year, provided an application for extension is filed, in writing, at least twenty (20) working days prior to the expiration of the first two (2) year period, or expiration date established thereafter.

In granting of the time extension, the Council reserves the right to modify and/or add condition(s) to the original Final Plat to conform with adopted policies and/or ordinance changes.

e. The applicant shall record the Final Plat with the Ada County Recorder within one (1) year from date of the City Engineer's signature or the Final Plat shall be considered null and void.

### 3. CERTIFICATION OF BOISE CITY PLATS BY REVIEW ANALYST:

a. Upon receipt of the Final Plat together with all prints of the plans and specifications and all other documentation as may be required, the Review Analyst shall certify to the Council the compliance of the Final Plat with the approved Preliminary

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Plat. The Review Analyst shall thereafter place the Final Plat on the Council's agenda for consideration at a regular meeting held not less than fifteen (15) days from the date of certification.

If the Final Plat does not conform to approval of the Council as provided by Section 9-20-5.C.6.c. the plat shall be treated as an amended preliminary plat and the procedures prescribed by Section 9-20-5 hereof shall be followed in the approval, conditional approval or disapproval of said Final Plat.

#### 4. REVIEW BY AGENCIES

The Review Analyst shall transmit one copy each of the Final Plat for review and recommendation to the agencies listed in Section 9-20-05.C.4 above and to such other agencies as is deemed appropriate.

If no written recommendation from any agency to which a copy is transmitted is received within five (5) working days, the approval of the Final Plat by such agency will be considered to be granted.

#### 5. COUNCIL ACTION:

a. The Council, at a regular meeting within forty-five (45) days following the date of acceptance of a Final Plat by the Review Analyst, shall approve, conditionally approve or disapprove such Final Plat. If the Final Plat conforms to the requirements of the statute and ordinances applicable at the time of approval of the Preliminary Plat and all conditions made by the Council in approving the Preliminary Plat, the Council shall approve said Final Plat.

b. After the Council has reached a decision, the Review Analyst shall notify each agency with jurisdiction of the action taken by the Council.

c. Denial of a subdivision or approval of a subdivision with conditions unacceptable to the landowner may be subject to the regulatory taking analysis and procedures provided for by Section 11-08-13 of the Boise City Code.

(6281, Amended, 12/02/2003; 6173, Amended, 08/13/2002; 5819, Amended, 10/28/1997; 5638, Amended, 06/27/1995; 5624, Amended, 04/11/1995; 5535, Amended, 04/26/1994)

### **Section 9-20-06 DRAFTING AND CONTENTS OF PLATS**

#### A. PRELIMINARY PLATS

Preliminary plats shall be drawn at a scale of not less than one hundred feet (100') to the inch and shall include the following:

1. The graphic scale, north point, and date;
2. The name of the proposed subdivision and letter of subdivision name approval by the County Engineer;
3. The name and address of the owner of record, the applicant, and the applicant's engineer/surveyor, or person preparing the plat;
4. The names, with location of intersecting boundary lines, of adjoining subdivisions, and

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the location of Boise City Limits if such limits fall within or immediately adjacent to the tract a minimum distance of 100 feet;

5. Contour lines based on North American Vertical Datum of 1988 (NAVD88) with intervals of not more than five feet (5') for parcels with a general slope of greater than five percent (5%) or intervals of not more than two feet (2') for parcels with a general slope of less than or equal to five percent (5%). Said contour lines shall extend a minimum of one hundred feet (100') beyond the proposed development boundary. If the proposed development is bordered by a drainage channel, the contour lines shall extend the additional distance necessary to show the far side of the drainage facility. In areas where such contour data is not available, the City Engineer may waive this requirement subject to submittal of other elevation data which satisfactorily demonstrates the existing topography in the area. Where authorized by the City Engineer contour data may be provided in the form of elevations at street intersections and in drainage channels;

6. The approximate location of existing buildings with approximate distances shown to proposed property lines, water bodies or courses, and the location of dedicated streets at the point where they adjoin or are immediately adjacent;

7. The boundaries of record of the tract, area of the tract, the proposed location, approximate grade, right-of-way width and pavement width of streets and alleys, locations of sidewalks; the proposed location and width of easements and setback lines, proposed lot lines, the radii of all curves, lot size and approximate lot dimensions;

8. The existing zoning boundary lines; and the minimum acceptable lot size for each zoning designation;

9. The proposed street names and system of numbering lots and blocks;

10. The approximate location, approximate size and proposed use of all land intended to be dedicated for public use or reserved for the use of all property owners within the proposed subdivision;

11. The approximate location, size, and type of sanitary and storm sewers, water mains, culverts, and other surface and sub-surface structures existing within or immediately adjacent to the proposed subdivision a minimum distance of 100 feet; and the location, layout, type and size of any proposed water mains and storage facilities, sanitary mains and laterals, storm sewers, culverts and drainage structures, street improvements, fire hydrants and any other proposed utilities;

12. The approximate location, size, and type of all drainage ditches, channels, pipes, structures and sub-surface drainage structures within and immediately adjacent to the proposed subdivision, and the proposed method of disposing of all runoff from the proposed subdivision, and the location and size of all drainage easements relating thereto, whether they are located within or outside the proposed plat a minimum distance of 100 feet;

13. The approximate location, size, and type of all irrigation ditches, channels, pipes and structures within and immediately adjacent, a minimum distance of 100 feet, to the proposed subdivision;

14. For developments falling under the Hillside and Foothill Areas Development Ordinance,

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preliminary grading and drainage plans together with Preliminary Engineering Soils Reports, Engineering Geology Reports, and Hydrology Reports shall be submitted with the Preliminary Plat, as provided in Title 11-14-5 of Boise City Code;

15. For developments falling under the Floodplain Ordinance, the 100 year floodplain boundary shall be shown on the plat, if applicable, and the depth of water above adjacent grade shall be indicated. Compliance with all conditions of Title 11-12-7 of Boise City Code is required.

16. The approximate location and width of any existing and proposed easements, or right-of-ways.

17. The location of any proposed gates across private or public streets.

18. Special requirements

Where required or where the proposed development may have significant impact on adjacent developments, the following additional information may be required:

a. Approximate location of all existing buildings or structures external but within one hundred feet (100') to the proposed development, including identification of current use of each.

b. Approximate location and direction of flow of existing sewer and drainage systems when the access point is greater than one hundred feet (100') beyond the proposed development's perimeter boundary.

c. Approximate location of any areas of fill or excavation and estimated volume of material to be moved.

d. For multi-phase developments, the proposed boundaries of each phase and the sequence of phases to be developed. The phasing sequence used should utilize consistent lot and block numbering patterns.

e. In areas where street or private roadway grades may not conform with the required minimum or maximum slope requirements of District, approximate grades of existing and proposed streets and private roads within and immediately adjacent to the proposed development.

f. Approximate location and identification of known (to either the applicant and his representatives or the reviewing agency) potentially dangerous areas, including geologically hazardous areas, areas subject to inundations or flood hazard, and areas of high groundwater.

19. The location of current and proposed pathways if located within one hundred feet (100') of the boundaries of the development.

### B. Attachments

In addition to the above, a vicinity map and photo reduction of the preliminary plat shall be submitted which meets the requirements as set forth below:

1. Vicinity Map

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An 8-1/2"x11" vicinity map, suitable for public presentation drawn to a scale of 1" = 300' or larger (i.e., 1" = 200', etc.) which includes the proposed development and sufficient area around it to provide adequate orientation and landmark identification for someone unfamiliar with the vicinity. All the following elements are to be included:

- a. A minimum distance of 600' beyond all boundaries of the proposed development.
  - b. A north point.
  - c. Location and names of all streets and roadways, including the nearest collector or arterial in both north/south and east/west directions.
  - d. Clear identification of the boundary of the proposed development and its proposed roadway alignments labeled with proposed street names.
  - e. Names of all adjoining developments, with location of all intersecting property lines.
  - f. Location of city limits falling within or adjacent to the proposed development.
  - g. Existing zoning of all portions of the proposed development area; proposed zoning (including boundary lines, where applicable) sufficient to define intended uses of all portions of the proposed development area.
  - h. The locations of current and proposed pathways that have been adopted by the City through an approved pathway plan.
  - i. Any additional information required by a receiving agency for its review.
2. Plat Reduction - a legible 8-1/2" x 11" photo reduction of the preliminary plat suitable for public presentation shall be submitted.
  3. If either the vicinity map or the preliminary plat is so large or illegible that it does not fit conveniently on a single 8 1/2" x 11" photo reduction, the applicant shall work with the Review Analyst on how to photo reduce (e.g., multiple sheets; single sheet of different dimensions, etc.), the map or plat.

### C. FINAL PLAT:

1. The Final Plat shall be drawn to such a scale and contain lettering of such size, including reference to dedication and affidavit or survey, as to enable the same, to be placed upon a single sheet, 18" x 27" in size, with no part thereof nearer to the edge of the sheet than one-half inch (1/2") and shall be in full accordance with provisions of Idaho Code, Title 50, Chapter 13.
2. CONTENTS  
The Final Plat of all Boise City subdivisions shall clearly show the following:
  - a. Initial point and tie to at least two (2) government corners, or in lieu of government corners, to two (2) monuments recognized by the County Surveyor.

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- b. Location and description of monuments.
- c. Tract boundary lines, property lines, lot lines, right-of-way lines of streets, easements and other rights-of-way; with accurate dimensions, bearings or deflection angles, and radii, arcs, chord bearings and chord distances and central angles of all curves.
- d. Name and location of adjoining subdivisions.
- e. Name and right-of-way width of each street or other right-of-way.
- f. The length of all lot lines dimensioned in feet and decimals thereof, and the value of all required bearings and angles dimensioned in degrees, minutes, and seconds.
- g. The location, dimensions and purpose of all existing and proposed easements.
- h. The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block, with areas to be excluded from platting marked "Reserved" or "Not a Part".
- i. The outline of any property other than streets or alleys, which is offered for dedication to public use fully dimensioned by lengths and bearings, with the area marked "Public" and showing the proposed use.
- j. A title which shall include the name of the subdivision, County, and State, and the location and description of the subdivision referenced to section, township, and range.
- k. Scale, north arrow, and date.
- l. Location, width, and names of all existing or platted streets or other public ways within the proposed developments and other important features, such as any existing easements and section lines.
- m. Certification by a professional land surveyor, preparing said plat certifying to the accuracy of the survey and plat.
- n. Certification by the owner including dedication of all streets, rights-of-way and any sites for public use, and grant of any existing or proposed easements, including acknowledgement.
- o. Certification and signature of the County Surveyor verifying that the accuracy of the plat complies with the requirements of Idaho Code.
- p. Signature of the City Engineer verifying that final plat complies with Idaho Code, Title 50 and with this Ordinance.
- q. Certification and signature of the City Clerk verifying Council approval of the final plat.
- r. Certification and signature of the District verifying approval of the final plat and acceptance of public streets, alleys and easement for public maintenance as required by

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Idaho Code, Title 50, Chapter 13.

- s. Certification and signature of the Central District Health Department verifying approval of sewer and water facilities as required by Idaho Code, Title 50, Chapter 13.
  - t. Certification and signature of the Ada County Treasurer as required by Idaho Code, Title 50, Chapter 13.
3. PLAT REDUCTION: A legible 8 1/2" x 11" inch photo reduction of the final plat suitable for public presentation shall be submitted.
4. VICINITY MAP: An 8 1/2" x 11" vicinity map, suitable for public presentation as determined by the review analyst, drawn to a scale of 1":300' or larger (i.e. 1":200', etc.) which includes the proposed development and sufficient area around it to provide adequate orientation and landmark identification. All the following elements are to be included:
- a. A minimum distance of 600" beyond all boundaries of the proposed development.
  - b. A north point.
  - c. Location and names of all streets and roadways, including the nearest collector or arterial in both north/south and east/west directions.
  - d. Clear identification of the boundary of the proposed development and its proposed roadway alignments with proposed street names.
  - e. Names of all adjoining developments with location of all intersection boundary lines.
  - f. Location of city limits falling within or adjacent to the proposed development.
  - g. Existing zoning of all portions of the proposed development area; proposed zoning (including boundary lines where applicable) sufficient to define intended uses of all portions of the proposed development area.
  - h. Any additional information required by a receiving agency for its review.

(6173, Amended, 08/13/2002; 5819, Amended, 10/28/1997; 5638, Amended, 06/27/1995)

### **Section 9-20-07 DESIGN STANDARDS**

The following standards shall be complied with, in all subdividing within the scope of these regulations.

#### **A. GENERAL**

In order that the subdivision of land within the jurisdiction of the City will contribute to the development of safe, convenient and attractive residential, commercial and other areas and advance the public welfare, the Commission and Council in reviewing and acting upon any subdivision plat shall insure that full consideration and weight is given to the following:

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1. The intent and design of the proposed plat shall be in accordance with the provisions of the Boise City Comprehensive Plan.

2. Street patterns in residential neighborhoods shall be designed to create a network of streets which allow local trips to circulate in the area without encouraging through traffic between arterial streets. Such a pattern shall benefit the collector and arterial network by keeping local trips on local roads and provide emergency vehicles with multiple routes to access any parcel.

3. In the subdivision of land along arterial and collector streets, the block length shall be increased so as to limit driveway or other vehicular access as much as possible compatible with good design and a reasonable use of land.

4. Street intersections in residential areas may be of a "T" rather than an "X" design wherever such design will not unduly restrict a free movement of traffic.

5. Reserve strips controlling access to public streets shall be permitted provided that the control and disposition of land comprising such strip is placed within the jurisdiction of the City under conditions specified by the Council and shown on the plat.

**B. BLOCK REQUIREMENTS:**

Block numbers shall be designated as required by Idaho Code.

**C. LOT REQUIREMENTS:**

1. Lot area, dimensions, minimum street frontage, and required parking shall be as established in the Boise City Zoning Ordinance. An alley does not qualify as required street frontage.

2. For corner lots fronting onto a private street, a property return with a radius of not less than fifteen (15) feet shall be provided; however, a larger radius may be required, when in the opinion of the Council, such is necessary to serve an existing or future need. For corner lots fronting onto a public street, the property return radius shall be as required by the District.

3. Side lot lines shall be approximate right angles or radial to the street line unless a variation from the rule will provide a more desirable street and lot plan.

4. Double frontage lots are prohibited lots adjacent to arterial and collector streets having restricted access and where it is shown that unusual topography or other conditions make it impossible to meet this requirement. Lots with double frontage shall have a requirement imposed for limitation of access on one frontage by plat note.

**D. STREETS:**

1. The arrangement, character, extent, width, grade, and location of all streets shall conform to the Comprehensive Plan, the District and the Idaho Transportation Department standards when applicable, and shall be considered in their relation to existing and planned streets, topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land served.

2. The design of all public streets shall conform to requirements as established by the District.

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3. Street grades shall be such as to provide for the safe movement of traffic in all weather and for adequate drainage of both streets and abutting properties.

Partial street dedications shall not be permitted unless the street forms the boundary of the property being subdivided, the adjacent property is not under common ownership, and the street is anticipated to be a through street upon development of adjacent properties. All partial street dedications shall require construction of partial street sections that meet the District standards. When the property abutting the partial street develops, the owner of that property shall be required to complete the construction of the street section including dedication of any additional right-of-way required by the District.

4. Dead-end streets shall not be permitted, with the exception that such streets terminating at the boundary of a subdivision may be approved when such street and its extension is shown on the Comprehensive Plan or when, in the opinion of the District or Council, the future extension of such street is feasible and necessary to the proper development of the street pattern. All dead end streets authorized by this Section shall be clearly marked by signage at the end of the dead end street to indicate that such street is planned to be extended in the future.

5. Proposed streets, which are a continuation of an existing street, shall be given the same name as the existing street. All street names used shall not duplicate or be of a spelling or pronunciation apt to be confused with the names of existing streets within the Ada County area. The applicant shall obtain recommendations for all street names within the proposed subdivision from the Ada County Street Name Committee prior to submitting the plat for signature by the City Engineer.

6. Street trees where provided shall be of the variety, size, and location approved by the Forestry Specialist, Boise City Parks and Recreation Department.

7. Sidewalks shall be required on both sides of the street. Sidewalks shall be a minimum of five (5) feet wide when adjacent to curbs and a minimum of four (4) feet wide when separated from the curb by a landscape area.

8. Street patterns in residential neighborhoods shall be designed for the needs of the bicyclist, pedestrian and motor vehicle alike.

a. The circulation plan for subdivisions shall be designed to incorporate and tie into existing or proposed pathways and to take into account design restrictions on abutting parcels caused by the surrounding topography, parcel lines or other features.

b. Streets should be designed to convey residents conveniently throughout the neighborhood, and to the parks, schools, and shopping areas of the neighborhood and to adjacent neighborhoods. When a subdivision is designed or constructed in conjunction with another use (such as retail, office, apartments, park or school) of a neighborhood scale, the local and/or collector road system should be designed to provide roadway connections between the various uses.

c. A free flow of pedestrian and vehicular traffic through local neighborhoods is encouraged. Pedestrian traffic shall be accommodated on, local roads or on pathways, in cases where the roadway network is inadequate for this purpose. Connectivity with adjacent parcels and subdivisions shall be included where it is reasonable to expect the

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adjacent parcel development utilizing the connections for local traffic. Except for designated connector and arterial streets, connectivity shall be designed to discourage cut through traffic while allowing flow of local traffic without accessing the connector-arterial network.

d. The design of local streets shall provide for non-motorized travel and encourage slow auto speeds. A variety of traffic calming strategies, such as reduced rights-of-way, chokers, traffic circles and chicanes (as described in the District's Traffic Calming Policy) may be employed in order to achieve this objective. However, traffic calming devices such as speed-bumps which can significantly impede the response of, or possibly damage emergency vehicles, are not allowed.

e. Roads shall be designed to accommodate any required bike route or lane.

9. The following street distances, configurations, specifications, and related items are required by the Boise City Fire Code. In the event site specific conditions make compliance impractical or undesirable, the Fire Department staff may approve alternative equivalency measures on a case by case basis. The decision of the Fire Department denying an alternative may be appealed to the Uniform Fire Code Board of Appeals (UFC Board of Appeals) by filing a written request to appeal with the Fire Department detailing the basis for the appeal within sixty (60) days of receipt of the written decision of the Fire Department. The UFC Board of Appeals shall review the appeals and may uphold, overrule, or modify the decision of the Fire Department. The decision of the UFC Board of Appeals shall be in writing and may be appealed to the Boise City Council.

a. A cul-de-sac, court or similar type street may be permitted provided the maximum length for such street shall not exceed seven hundred (700) feet as measured from the centerline intersection of such street and the street from which such street takes access to the center of a turnaround if a cul-de-sac, or the center of the turnaround of the longest segment of a branch turnaround.

b. Dead end streets shall require a temporary turnaround if the street extends more than one hundred fifty (150') feet beyond an approved turnaround or intersection as measured from the center of the turnaround or the centerline of the intersecting street.

c. Maximum grade for public and private streets shall be ten percent (10%).

d. Hammerhead/Tee type turnarounds may be utilized but shall be designed such that the width of pavement within the tee be a minimum of twenty (20) feet and the minimum length of each leg of the tee shall be sixty-five (65) feet as measured from the centerline of the perpendicular street.

e. The length of a common driveway shall not exceed one hundred fifty feet (150') .

f. Minimum street or common driveway widths shall be twenty (20) feet. Landscaping shall be installed so as to protect a clear height of 13'-6" within the required 20 foot width.

g. Emergency access shall be required for all subdivisions in which the length of any street serving the subdivision off of a single access exceeds 700 feet unless

## Boise Municipal Code

one of the provisions listed below is met.

1. A single access deficiency existed prior May 1, 2002 in which case all distances shall be measured from the beginning of all streets platted after May 1, 2002.
2. The development is served by a collector street which has less than 200 residential units taking access by means of such collector street.
3. The development contemplates emergency access by means of streets to be constructed in future phases and provides interim emergency access improved to Fire Department standards for temporary access over a temporary easement which is irrevocable until such future streets are dedicated and constructed.
4. Split median streets with a minimum of twenty-two (22) feet surfaced on each side of the median shall be considered to furnish both primary and emergency access.

h. Emergency accessways shall be constructed to the following minimum standards.

1. Minimum width of twenty (20) feet with a minimum turning radius of twenty-eight (28) feet and maximum grade of ten (10) percent.
2. Surface shall be improved with an all-weather surface of asphalt, concrete gravel or other surfacing material meeting the Fire Department standards and capable of supporting vehicles weighting 70,000 pounds.
3. Emergency accessways shall not be open to general vehicular travel and shall be provided with removable bollards, gates or other means approved by the Fire Department to restrict general vehicular access. Emergency accessways may serve as pedestrian and bicycle pathways.
4. Applicant shall either construct required emergency accessways prior to certification of the final plat or post bond in the amount of 110 percent of the estimated costs including costs of certification.
5. Emergency access easements located within the plat shall be delineated on the face of the final plat. The applicant shall provide covenants for the maintenance of any emergency accessway by a Homeowner's Association or other as otherwise approved by the Fire Department.
6. Emergency access easements located outside the plat shall be by permanent recorded easement which shall contain covenants for the maintenance acceptable to the Fire Department.

### E. PRIVATE STREETS:

1. General Required Findings: Private streets may be permitted when the Council finds that the private street is in compliance with each of the following standards.

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- a. Provides safe and effective movement of both vehicular and pedestrian traffic;
  - b. Does not adversely affects access or good public transportation planning to adjacent property and to the area travel networks;
  - c. Does not land lock adjacent property due to topography or parcel layout;
  - d. Does not restrict public access to places of public attraction, use or interest;
  - e. Does not connect one public street to another, encouraging travel through the development; or
  - f. Use or alignment of the private street does not interfere with the continuity of public streets.
2. Allowed Uses for Private Streets:

a. Single Family/Townhouse/Duplex Residential

Private streets may be permitted when, in the Commission's and Council's opinion, the parcel shape or site topography will not allow street design to meet District width standards or in the cases in which conformance to District requirements is in conflict with the intent of minimizing disruption to vegetation as defined in the Hillside and Foothill Areas Development Ordinance.

b. Multi-Family Residential

1) The Council, upon recommendation from the Commission, may permit the use of a private street in a multi-family residential development provided that the proposed street meets the general requirements as identified in Section 9-20-07-E.1; and

2) The developable land that was saved by going to a private street is utilized as additional open space. If there are lots to be owned individually, the open space shall be designated in a common lot; and

3) The private street serves less than 40 dwelling units; or the private street has been based upon an internal traffic circulation plan prepared by a traffic engineer, submitted to and approved by the Planning and Public Works Departments for the interior roadway and parking system.

a. Any required traffic circulation plan shall include the following information:

1. The adequacy of approach streets and highways to accommodate development traffic;
2. The need to expand or modify existing facilities;
3. The locations and design of development driveways;

## Boise Municipal Code

4. Pedestrian and bicycle facilities;
5. Consideration for service/emergency vehicular movement;
6. Safety for vehicular and pedestrian traffic;
7. Livability of the residential environment; and
8. Economy of land use, construction and maintenance.
9. Recommended street layout and dimensional standards.

c. Commercial/Industrial

The Council may approve private streets in commercial/industrial developments if the streets meet the general findings of Section 9-20-7-E.1. B.C.C.

3. General Construction and Design Requirements

a. All private street construction shall be in accordance with District structural standards for streets including base course, asphaltic concrete mat thickness, curbs and gutters utilizing the appropriate traffic index. The design shall be prepared and certified by a registered professional engineer.

b. The horizontal and vertical alignment of all residential streets shall be in accordance with District standards, unless it can be shown to the satisfaction of the Commission and Council, that a variance from these standards will not adversely affect the safety of pedestrians and motorists.

c. The minimum width of private streets shall be as defined in 9-20-07.E.4, Private Street Classification and Widths.

d. The design engineer shall identify all traffic signs needed for the project on the construction drawings for the review and approval by the Planning and Development Services Department. Said signs shall designate parking, no parking areas, speed, stop and other signs as required for safe pedestrian and vehicle travel.

e. Offsite parking, if provided, shall be constructed to private street standards. Parking stall dimensions shall conform to standards set forth in Section 11-10-04.04 of the Boise City Code.

f. Maximum grade for private streets shall be ten percent (10%) unless specifically approved by the City Engineer and the Fire Department pursuant to Section 9-20-07.A.10. A maximum grade of two percent (2%) unless specifically approved by the District and City Engineer shall be required for the initial 80 feet from the intersecting curb to provide a landing at the junction of the private street and the public right-of-way.

g. Grade breaks shall be designed to provide smooth vertical curves, if in excess of a 2% deviation in grade change.

## Boise Municipal Code

h. A centerline radius of 40 feet minimum shall be required in the design of a curve or jog in the street.

i. The cross slope of the street for crown sections from centerline to edge of pavement shall be two percent (2%). The cross slope of the street for shed or super-elevated sections of the street shall be a minimum of 2% except where required for transition from one cross section to another.

j. The minimum radius at the juncture of the private street and the public right-of-way shall be in accordance with District standards.

k. Private streets shall be designed to intersect the right-of-way at a 90 degree angle or as near as possible. Discrepancies shall require review and approval by both the City Engineer and the District.

l. Cul-de-sac turn-arounds may be provided and islands may be designed in the middle of the cul-de-sac, provided proper maintenance is required and design of the cul-de-sac is acceptable to the City Engineer. To provide motorists with clear vision, landscaping on said islands shall be no higher than three (3) feet or tree branches shall be lower than seven (7) feet, as measured from the pavement on the abutting street.

m. There are two types of concrete curbs and gutters the standard 6-inch vertical, and the 3-inch rolled. Specifications for either type shall be the same specifications as required by the District.

Vertical curbs are required where any of the following situations exist:

(1) On any section of street in which the grade is 3.0% or greater for a distance exceeding 100 feet in length unless otherwise approved by the City Engineer.

(2) Where needed for drainage control as determined by the City Engineer.

(3) On curb returns for street intersections including all intersections.

(4) Either rolled curbs or vertical curbs may be used elsewhere.

n. Sidewalk thickness shall be the same specification as required by the District.

o. Clear designation on the Final Plat which depicts with metes and bounds distances, the legal description of the private drive, and a note on the face of the plat which conveys to each lot owner within the subdivision, (a) the perpetual right of ingress and egress over the described private drive, and (b) provides that such perpetual easement shall run with the land;

p. A restrictive covenant for maintenance shall be recorded at the time of recording the plat which covenant, (a) creates the formation of a homeowners/property owners association or substantially similar entity or provision for the perpetual requirement for the maintenance of the private street, and (b) provides that said covenant shall run with the land, and (c) provides that said covenant cannot be modified and that the Homeowners/Property Owners Association or other entity cannot be dissolved without

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the express consent of the City of Boise, and (d) shall be binding on all successors, heirs, and assigns.

Said easement and covenant to be reviewed and approved by the Boise City Attorney prior to signing of the Final Plat by the City Engineer.

q. Applicant shall pay the current drainage review and inspection fees on the proposed subdivision prior to signing of the Final Plat by the City Engineer. Drainage facilities shall be constructed to approved plans.

r. Applicant shall either construct required improvements prior to certification of the Final Plat or post bond/agreement in the amount of 110% of the estimated costs of those improvements, including certification.

s. Certification of construction to District specifications, excluding District street width requirements, is required from a registered Professional Engineer or an independent testing laboratory. Said certification shall include, at a minimum, test results for the verification of construction. Test results shall include the following:

(1) Compaction tests of subbase and an "R" value established for that soil. The "R" value is assumed to be "O" unless test results submitted to Public Works indicates differently.

(2) Compaction tests of base course and verification of base course depth.

(3) Compaction tests of the Asphaltic Concrete including verification of mat thickness.

(4) Copies of truck tickets for all concrete placed is required to verify the number of bag mix per yard used and/or a mix design as approved by the District.

(5) Testing, inspections, and documentation of construction compliance must comply with the adopted policy manual of the Boise City Public Works Department.

t. Existing private streets require verification of acceptable construction, including acceptability for use by emergency vehicles (including fire trucks and ambulances), from an independent testing laboratory or a registered Professional Engineer.

#### 4. Private Street Classification and Requirements

a. Single Family/Townhouse/Two Family Private Residential Street Standards shall be according to the following table:

<b>Single Family/Townhouse/Two Family Private Residential Street Standards</b>					
Number of Residential Lots vs. Street Length	Minimum R/W Width (feet)	Street Width Back of	Sidewalk Required for Both	Sidewalk Required four (4)	Sidewalk Easement Allowed

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		Curb to Back of Curb (feet)	Sides	foot One Side	
Up to 3 lots w/length less than 200 feet	24	24	No	Yes	Yes*
Up to 3 lots w/length greater than 200 feet	28 (24 for the final 200 feet)	28/24	No	Yes	Yes*
4 to 10 lots w/length less than 200 feet	24	24	Yes	No	Yes*
4 to 10 lots w/length greater than 200 feet	28 (24 for the final 200 feet)	28/24	Yes	No	No
11 or more lots	40	28	Yes	No	No

\* Setback requirements shall be from the back of sidewalk where sidewalks are placed within an easement and not separated from the street by landscaping. If such sidewalks are separated from the street by landscaping, only the setback for the garage door portion of the building shall be measured from the back of sidewalk.

Street length shall be measured the same as Section 9-20-07.D.4.

Note: Should circumstances exist, which may cause undue hardship on the development, provisions for waiver are provided under Section 9-20-09.

(1) Residential subdivisions having up to three (3) lots or dwelling units and private street not exceeding 200 feet in length: The width of the private street shall be a minimum of 24 feet as measured from back of curb to back of curb. If private street exceeds 200 feet in length, the width of the final 200 feet may be 24 feet, and the remainder of the street construction shall be a minimum of 28 feet back of curb to back of curb. Sidewalks are required on at least one side of the street, and may be placed within an easement. If a sidewalk is placed within an easement, building setback requirements shall be measured from the back-of-sidewalk or the property line, whichever is more restrictive, unless (i) sidewalks are separated by landscaping in which case only the garage portion of the building shall be set back from the back of sidewalk or (ii) as otherwise approved through a conditional use permit.

(2) Residential subdivisions containing four (4) to ten (10) lots or dwelling units and private street not exceeding 200 feet in length: The minimum width of the street shall be 24 feet as measured from back of curb to back of curb and subject to offsite parking provisions of at least one (1) stall per lot or dwelling unit within 200 feet of each lot or dwelling unit. If parking stalls are not provided, the minimum street width shall be 28 feet, the street construction to be a minimum of 28 feet as measured from back of curb to back of curb. If private street exceeds 200 feet in length, the width of the final 200 feet may be 24 feet, and the remainder of the street construction to be a minimum of 28 feet as measured from back of curb to back of curb. Sidewalks are required on both sides of the street. For street widths of 24 and 28 feet, sidewalks may be placed within an easement. If sidewalks are detached or placed within an easement,

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building setback requirements shall be measured from the back-of-sidewalk or the property line, whichever is more restrictive, unless (i) sidewalks are separated by landscaping in which case only the garage portion of the building shall be set back from the back of sidewalk or (ii) as otherwise approved through a conditional use permit.

(3) Residential Subdivisions containing more than 10 lots: The minimum street width shall be 40 feet with street construction to be a minimum of 28 feet as measured from back of curb to back of curb. If sidewalks are placed within an easement building setback requirements shall be measured from the back of sidewalk or the property line, whichever is more restrictive, unless (i) sidewalks are separated by landscaping in which case only the garage portion of the building shall be set back from the back of sidewalk or (ii) as otherwise approved through a conditional use permit.

a. Multi-family Developments.

(1) In new developments of up to forty (40) dwelling units, the minimum dimensional requirements for private streets shall be the same as permitted in the Zoning Ordinance for service drives for multi-family developments (Section 11-10-4) when the use of the private street provides a similar function, such as the drive isles and the common parking for the development are interrelated, as opposed to units that front on the private street and have individual garages or parking pads in front of each unit as is typical with townhouses or single family dwellings. If the private street does not provide a similar function, the standards of Section 9-20-07.E.4. shall apply.

(2) In developments of over forty (40) dwelling units, the dimensions of any private street shall be as recommended in the approved internal traffic circulation plan required in Section 9-20-07.F.2.b. of this Ordinance, and the same as permitted in the Zoning Ordinance for service drives for multi-family developments (Section 11-10-4).

a) Exception: This requirement may be waived in developments of over forty (40) dwelling units when it can be shown by the applicant that no section of roadway will exceed two hundred forty (240) vehicles per day in daily traffic.

(3) All utility easements shall be within, or immediately adjacent to, the private streets.

b. Commercial/Industrial Developments

(1) Private streets used solely for commercial/industrial purposes shall be a minimum of twenty four feet (24') in width.

(2) Shall not be required to have curbs, gutters and sidewalks unless specifically required by Council.

F. EASEMENTS:

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1. Easements shall be provided as required by the utilities, other public services and or the Council, of such size and location as required to provide said service.

a. The Council may require applicants to reserve permanent public use easements for public access micro-pathways. Such easements shall be for future improvement and maintenance by either the City or the landowner or association. Any easement required under this section may be utilized in conjunction with or as an alternative to a public pedestrian access requirement under Section 9-20-08.G., Boise City Code.

### G. HILLSIDE AND FOOTHILL AREAS DEVELOPMENT ORDINANCE:

Developments falling within the jurisdiction of the Hillside and Foothills Areas Development Ordinance shall comply with the requirements of said Ordinance as found in Section 11-14-01 of the Boise City Code.

### H. FLOODPLAIN ORDINANCE:

Development falling within the jurisdiction of the Floodplain Ordinance shall comply with the requirements of said Ordinance as found in Section 11-12-01 Boise City Code.

### I. MICRO-PATHWAY REGULATIONS

1. General: As stated in the Comprehensive Plan, the placement of micro-pathways is intended to encourage non-motorized forms of travel, and to provide safe, convenient and aesthetic alternative travel routes to common destinations such as schools, parks and shopping centers. Micro-pathways shall be utilized where the roadway circulation system fails to provide these elements. The following factors will be considered in the placement of any pathway: the utility and need for a given pathway, impacts to existing neighborhoods, pathway design as it relates to both crime prevention and function, and the responsibilities of ownership, maintenance, and liability.

#### 2. Location:

a. The City shall require the creation and maintenance of micro-pathways, (except in cases where it is shown to be inappropriate), that provide access to adjacent;

(1) schools,

(2) public parks,

(3) adopted pathway elements of the Comprehensive Plan including but not limited to: Ridge-to-Rivers Pathway Plan, the Parks Comprehensive Plan and the Downtown Plan,

(4) neighborhoods,

(5) shopping areas,

(6) public lands,

(7) transportation or other community facilities,

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(8) vacant parcels, held either publicly or privately which could provide future neighborhood connection(s) to the above noted sites, and

(9) where streets do not provide convenient means of access for circulation within an area.

b. In addition, micro-pathways may be required to connect sites other than those noted above:

(1) when there is evidence that a pedestrian/cyclist would otherwise be forced to travel alongside a designated arterial roadway, or other roadway that may be hazardous for non-motorized forms of travel, in order to reach the desired destination, or,

(2) when the pedestrian/cyclist would otherwise have to travel a distance of more than 1/2 mile alongside a local or collector roadway in order to reach the desired destination.

### 3. Existing Neighborhoods:

The placement of a micro-pathway will be based upon consideration of current residents of a neighborhood as well as future residents. Based upon the following, the City may choose to provide a pathway in existing neighborhoods when:

- a. The micro-pathway would provide access to a major pathway element such as, but not limited to, the Boise River Greenbelt.
- b. The micro-pathway would provide access to a nearby school or park.
- c. A substantial lack of connecting streets exists in the given area.
- d. No alternate pathway is provided.

### 4. Micro-Pathway Design:

While the city may exercise considerable discretion in determining the design of micro-pathways the following minimum standards should be followed:

a. Foothills Micro-Paths: Micro-pathway standards in foothill projects may be varied to take into consideration topography, soils and drainage. Typically in areas of steep slopes these trails should not be paved unless erosion is evident, may curve to follow the contour, may be narrow to limit disturbance, take advantage of existing landscape features, and would not require lighting.

b. The paved portion of the micro-pathway may range from 4 to 10 feet in width, depending on the designed use. Factors to consider may include the length of the path and what the pathway is connecting to. Generally, micro-paths that receive high use will be wider. Barriers shall be placed at the terminal ends of paths to restrict use by motor vehicles while allowing use by bicycles, wheel chairs and other modes of travel.

c. Unless otherwise approved by conditional use permit, ten feet of landscaping, generally divided equally between the two edges with some width variation to allow

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meander of pathways shall be required, and the entire micro-path will be entirely within a permanent easement on property owned by either the abutting property owner(s) or a Home Owners Association unless accepted by a public entity. If any portion of the path is owned by the abutting property owner, a note shall be placed on the plat stating the side building setback shall be measured from the boundary of the permanent easement. For safety purposes, planting material in the landscape area is limited to three (3) feet in height or for trees, the mature height of the branches shall be higher than seven (7) feet when placed near the paved path. The landscape, fence and building regulations for this area shall be indicated by a note on the plat. The use of bark or other loose material shall be designed or located to keep the bark from being blown onto the paved path, said location shall be approved by staff.

d. The official design standards for pathways set forth in the following manuals are to be used as guides: The Bicycle Pedestrian Design Manual for Ada County, The Design Guide for Accessible Outdoor Recreation, and The Guide for the Development of Bicycle Facilities, or other nationally recognized design standards.

e. In order to design for crime prevention the following design standards will be followed:

(1) The use of chain link, wrought iron or other "see through" fencing is preferred, as it provides better visibility from adjacent homes or buildings. If solid fencing is used, it may not exceed 4 feet in height. This limitation shall be included in subdivision covenants.

(2) Adequate lighting shall be provided as determined by the Boise City Public Works Department, and shall be owned and maintained by the City of Boise.

(3) The use of corners and curves in the design of micro-pathways is prohibited, unless justified because of topography, or if fencing of the pathway is prohibited, or if see-through fencing such as wrought iron, chain-link is installed. The term "curves" applies to pathways that bend in such a manner that the line of sight from one end of the path to the other is obstructed.

(4) The placement of micro-pathways that link high use public areas such as shopping malls with neighborhoods will be subject to review and recommendation by the Boise City Police Department.

f. Consideration shall be given to off-street parking where micro-paths connect to popular destination points such as the Boise River Greenbelt, and nearby streets may become congested with vehicles parked by micro-path users. Where micro-path links connect to major public open space that required vehicular parking, the Council may request the applicant to designate land to be purchased and maintained by the appropriate public authority for public parking. Buffering of surrounding residential uses shall be considered in the area for purchase.

### 5. Responsibility:

The following provisions are intended to provide guidance to those entities that are responsible for construction, maintenance and/or liability for a micro-path. Installation costs, which may include construction of the paved path, are the responsibility of the applicant, however they may be shared with the appropriate public entity when substantially increased due to a site

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characteristic such as the need to construct a pedestrian bridge across a canal, or a parking lot.

a. Home Owners Association:

(1) Pathway systems within a proposed subdivision providing access to private common space and/or other amenities that are used solely by the residents of a subdivision shall be the responsibility of the Home Owners Association.

(2) Where the residents of a subdivision will be the primary beneficiaries of a micro-pathway, and, travel from adjoining neighborhoods will be minimal, a Home Owners Association may be required to take the responsibility for that micro-pathway.

b. School District:

When the location, length and design of a micro-pathway have been agreed upon by the school district, the school district may accept responsibility for these access routes in the following situations:

(1) Micro-pathways that connect directly with an existing or future school site, or

(2) Disjunct micro-pathways near a school site that provide considerable access to the school site.

c. Boise Parks and Recreation Department:

When the location, length and design of a micro-path have been agreed upon by the Boise Parks and Recreation Department, the City of Boise may accept responsibility for these access routes in the following situations:

(1) Micro-pathways that connect directly with an existing or future park, open space, or other public recreational facility under the jurisdiction of the Boise Parks and Recreation Department, or

(2) Micro-pathways near a school site that provide improved access to one of the sites noted in "1" above when compared to using the streets.

d. Other:

Micro-paths for which there is no clear responsible entity, may be reserved for future use by granting an easement to the City of Boise. If no entity accepts responsibility for said pathway within a specified period of time, as specified in the easement document, then the full use of the property will revert to the property owner and the easement shall terminate.

J. COMMON DRIVEWAY:

Within residential developments, the use of common driveways to provide shared ingress and egress may be utilized if in compliance with the procedures and requirements of Section 11-04-04.01(K) General Standards of the Boise City Zoning Ordinance.

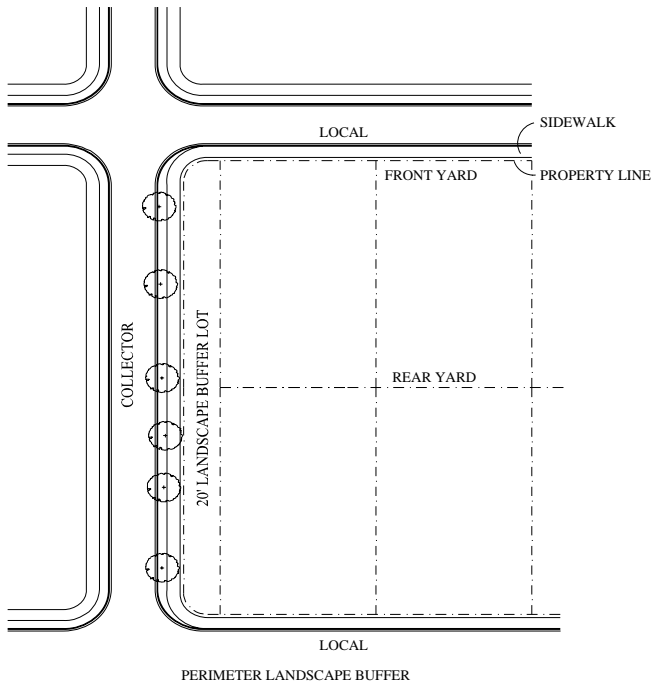
K. ARTERIAL AND COLLECTOR STREET BUFFERING:

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In order to improve the visual quality of the streetscape, and to provide adequate protection from the street, landscaped buffer areas shall be provided along single family residential lots whose property lines are adjacent and parallel to collector and/or arterial streets. Three buffer concepts are described below.

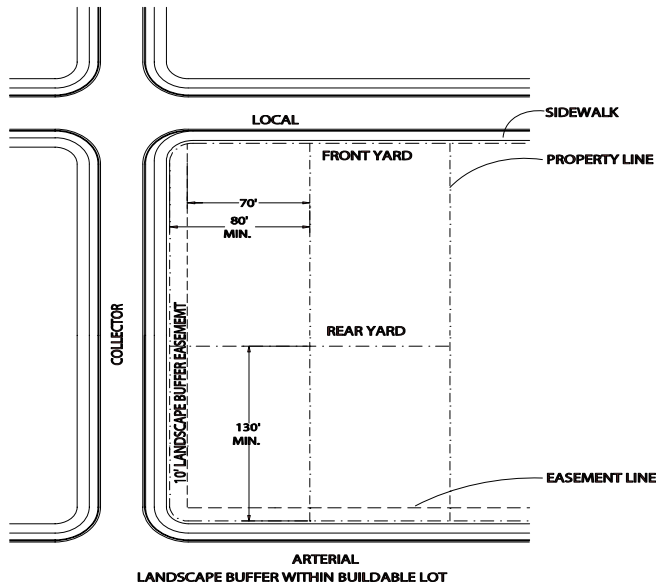
### 1. Perimeter Landscape Buffer:

- a. The buffer shall be located outside of any planned future right-of-way, and should not be used for future roadway improvements.
- b. The width of the buffer along arterial streets shall be a minimum of 30 feet. The width of the buffer along collector streets shall be a minimum of 20 feet.



- c. The applicant may apply the buffer area to the buildable lot provided that:

1. the depth of the lot is a minimum of 130 feet and,
2. in cases where the side lot line runs along an arterial or collector, the width of the lot is a minimum of 80 feet



d. Fences and walls shall be placed either at the boundary farthest from the street of the landscape buffer or a minimum of 5 feet from the street of the landscape buffer or a minimum of 5 feet from the back of attached sidewalks or at the back of sidewalks separated from the curb by landscaping (provided the fence is not higher than four (4) feet tall) or fifteen (15) feet from back of curb, which ever is more restrictive.

2. Frontage Road:

a. Frontage roads, as permitted by the District, and separated from a collector or arterial street by a 10 foot wide landscaped median may be permitted.

b. The landscaped median shall be planted with trees and shrubs which at maturity will form a solid screen at least six feet high and a continuous tree canopy.

3. Alley Loaded: The front lot line of a parcel may directly abut a collector or arterial street provided that,

A District approved alley is provided at the rear of such lots to provide direct lot access. Direct lot access to the collector or arterial is prohibited.

L. ALLEY (PUBLIC OR PRIVATE)

Alley width for a one-way alley shall be a minimum of twelve feet (12'). Alley width for a two-way alley shall be a minimum of twenty feet (20'). Alley construction shall meet construction standards of the District.

(6302, Amended, 02/03/2004; 6173, Amended, 08/13/2002; 5819, Amended, 10/28/1997; 5638, Amended, 06/27/1995; 5589, Amended, 11/15/1994; 5546, Amended, 06/14/1994; 5387, Added, 04/21/1992)

**Section 9-20-08 IMPROVEMENTS**

A. GENERAL:

1. The improvements described in this Section shall be shown on the construction plans of

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any subdivision and installed in accordance with the procedures and requirements hereinafter designated.

2. No building permit for the construction of any new structure upon property within a proposed subdivision plat shall be issued until the subdivision plat has been recorded pursuant to the requirements of this Chapter.

### B. FILING OF PLANS AND SURETY:

1. Prior to signature by the City Engineer of the Final Plat, the applicant shall file with and receive written approval by the applicable public agency and/or file construction drawings for improvements as required by Council in said subdivision.

2. Plans for the improvements herein required shall be certified by a qualified licensed professional registered in the State of Idaho, unless otherwise specifically approved by the applicable public agency.

3. At or prior to the time of filing certification of the Final Plat, the applicant shall file with the Review Analyst a surety bond as required by Boise City Code 1-19, to secure to the City the completion of the actual construction of such approved improvements not yet completed according to specifications within a period of time not to exceed one year from the date of City Engineer's approval of the Final Plat except for those specific improvements for which the Council has required shorter time frames. The applicant may request the period of construction to be extended for six (6) months provided the applicant enters into an agreement with the City and pays the appropriate extension fees and adjusts the bonding surety amount to reflect revised construction costs. Extensions of bond surety and construction time beyond this initial six (6) month extension may be approved by the City Council upon a showing of undue hardship by the applicant and the payment of appropriate fees. All bonds or other guarantees shall be in the amount of one hundred ten percent (110%) of the estimated cost of the improvement as determined by the Public Works Department.

4. Improvement(s) installed by the applicant, as a condition of platting, shall require certification by a professional engineer that the construction is in substantial accordance with approved plans by a professional engineer, unless such improvements have been reviewed, inspected and approved by the applicable public agency.

5. After the completion of improvements, the completion of which is guaranteed by a surety bond or other guarantee as provided in Section 8.B.4 of this Ordinance, the applicable public agency shall certify the completion and acceptance of said improvements in writing and shall transmit a copy of such certification to both the City Clerk and to the applicant. Upon receipt of said certification, the City shall authorize release of said surety bond or other guarantee upon application by the applicant.

### C. WATER:

1. Central water lines and fire hydrants shall be provided in all subdivisions except as noted below.

a. In any subdivision, alternate provision may be made for domestic water supply and fire protection provided that such provision shall meet the standards of the Fire Code as adopted by the Boise City Fire Department, the Idaho Public Utilities Commission, the

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Idaho Department of Water Resources, and the Idaho Department of Health and Welfare and further provided that such alternate provision shall be made to the satisfaction of the Council. In considering such alternate provision, the Council may require an increase in the minimum lot size and may impose any other requirement which it deems necessary to protect the public health, safety or welfare.

2. Water facilities necessary to provide adequate fire protection shall be the responsibility of the applicant. The applicant shall be required to meet the requirements of the Fire Code as adopted by the Fire Department prior to signature of the City Engineer.

### D. SANITARY SEWERS:

1. Wet-line sewers in accordance with the appropriate Sewer Entity's requirements shall be provided in all subdivisions. All necessary sewer easements shall be granted to the appropriate Sewer Entity. Waiver requests of these requirements shall be submitted to the appropriate Sewer Entity.

2. Upon issuance of the project acceptance letter by the appropriate Sewer Entity, applicant agrees to convey the sewerage system to the appropriate Sewer Entity.

3. Applicant shall be responsible for repairs of any failures that occur within one (1) year of the project acceptance of the subdivision sewers by the appropriate Sewer Entity.

4. Plans and specifications shall be reviewed and approved by the appropriate sewer entity prior to signature of the Final Plat by the City Engineer.

### E. DRAINAGE:

1. Improvement Plans and hydrology calculations shall be prepared in accordance with the Boise City Storm Water Ordinance and Boise Public Works' Storm Water Management Design Manual and submitted to the Boise Public Works Department. In single family residential subdivisions where public streets are being dedicated to the District and development drainage will be discharged to a District maintained storm water system, the development drainage system will be required to meet the District's design and review requirements.

2. 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. Relocation of natural swales is acceptable if the hydraulics and ease of maintenance are provided for. The term "natural drainage course" shall not be deemed to apply to minor swales and depressions which are located entirely on the applicant's property and which serve a relatively small area where runoff is infrequent.

### F. WATER RIGHTS AND WASTEWATER REMOVAL:

1. The reservation of an easement along any stream or important surface drainage course located in an area being subdivided may be required by the Council for the purpose of widening, deepening, sloping, improving or protecting the stream or drainage course.

2. No ditch, pipe or structure for delivery of irrigation water or for carrying irrigation wastewater shall be obstructed, rerouted, covered or changed in any way unless such obstruction, rerouting, covering or change has first been approved in writing by the authorized representative

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of the person(s) owning the water rights delivered or diverted by means of the ditch. For the purpose of this section, "person" shall be defined as an irrigation district, ditch company, water users association or water right holder. Should the person not have an authorized representative, a determination of the majority of the holder(s) of the water right shall be binding. A copy of such written approval by such authorized representative or majority holder(s) of the water right shall be filed with the construction drawings as provided in Section 9-20-08B2 hereof. In the event the applicant cannot obtain a response from said authorized representative, approval will be assumed to be obtained if the applicant meets the conditions as outlined in Section 9-20-08F6.

3. All irrigation ditches, laterals, canals, and drains, exclusive of natural waterways, intersecting, crossing or lying adjacent to an area being subdivided shall be covered or fenced with a chain link fence at least six feet (6') in height and having an eleven (11) gauge, two inch (2") mesh or other construction, equivalent in ability to deter access to said ditch, lateral or canal, which fence shall be securely fastened at its base at all places where any part of said lands or areas being subdivided touch either or both sides of said ditch, lateral or canal. For the purposes of this Ordinance, adjacent is defined as being located within less than sixty feet (60') of any lot included in the development. The Planning Director, Commission or Council may waive the requirement for covering or fencing if it is found that the public purpose requiring such will not be served in an individual case. Any covering or fencing program involving the distribution system of any irrigation district shall have the prior approval of the affected district. In the event the applicant cannot obtain a response from said authorized representative, approval will be assumed to be obtained if the applicant meets the conditions as outlined in Section 9-20-08F6. The Planning Director may waive the requirements for covering or fencing when, in his opinion, said ditch, lateral, canal, or drain meets the requirements of Section 8.F.5, or is in conflict with the Boise City Zoning Ordinance. The requirement may also be waived if the ditch, lateral or canal serves only the property being subdivided, will not be used for irrigation or drainage, such a waiver will be based on practicality, expense, safety and similar considerations.

4. No subdivision plat shall be approved where the subdivision is arbitrarily or artificially laid out to avoid being adjacent to any irrigation ditch, lateral, canal, or drain to which it would otherwise be naturally adjacent or which it would otherwise naturally include.

5. Water Amenities. Ditches, laterals, canals, and drains do not require fencing or covering if it can be demonstrated by the applicant to the satisfaction of the City Planning Director that said ditch, lateral, canal, natural waterway or drain serves as or will be improved as a part of the development, to be a water amenity. For the purposes of this Ordinance a water amenity is defined as follows: Any body of water either natural or manmade, which either exists or is proposed to be improved as a part of the development, in which its banks in all places adjacent to and located on said development are no steeper than one foot vertical per every four feet horizontally (4:1) and which has a depth and velocity in all places adjacent to and located on said development such that the product of the maximum depth (feet) multiplied by the peak velocity (feet per second) does not exceed four. Construction drawings and relevant calculations prepared by a qualified licensed professional registered in the State of Idaho shall be submitted to both the City Planning Director and the authorized representative of water facility for approval.

6. In the event the applicant cannot obtain a response, for the modifications proposed from the authorized representative of the water entity, approval shall be assumed to be obtained if the following documents are submitted to the review analyst:

- a. Copy of certified letter to said authorized representative along with documentation of receipt of letter. Said letter to authorized representative shall be

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accompanied by plans and shall request written approval forwarded to the Review Analyst within thirty (30) days of receipt.

b. Letter from a registered professional engineer stating that the improvements and/or modifications to the ditch, lateral, canal or drain will meet the provisions of Titles 31 and 42 of the Idaho Code, relating to requirements of delivery of water to downstream users.

### G. PARKS, SCHOOLS:

1. Whenever the applicant desires or proposes to reserve area for a school or public park, the area shall be delineated on the subdivision plat, and such proposal must be acceptable to the school district and the City. Acceptance of school site or park must be in writing from the appropriate entity prior to signature by the City Engineer.

2. Pedestrian Access. Access shall be required where deemed essential by the Council to provide pedestrian access to schools, playgrounds, shopping areas, transportation or other community facilities. Said access shall be not less than ten (10) feet wide.

### H. STREET LIGHTING:

All applicants subdividing within the City limits shall be required to install, at the applicant's expense, street lights in accordance with Public Works specifications and standards at locations designated by the Public Works Department. After installation and acceptance by the Public Works Department, all street lights shall become City property and the City shall pay the cost of maintenance and power.

### I. LANDSCAPING:

Where landscaping is required by the city, such as parkways, perimeter buffers, street medians and other such areas, their design shall comply with the following standards:

1. Landscaping, as used herein, shall include, as a minimum grass and trees as required below. Non-vegetative materials, such as decorative rock, bark, and perma-bark, shall not be used in lieu of landscaping. However, non-vegetative material may only be used to augment the landscape or around the base of shrub groupings or flower beds as long as the coverage does not exceed twenty (20) percent. The use of bark or other loose material shall be designed or located to keep the bark from being blown onto the paved path, said location shall be approved by Staff.

2. The twenty (20) percent limitation on non-vegetative material shall not apply provided the landscape is designed by a licensed landscape architect and further provided that the non-vegetative material is used to complement or visually enhance the vegetative material.

3. The City shall require trees with a minimum size of two inch (2") caliper in the landscape area. Tree type and class to be in accordance with the Boise City Community Forestry's "Tree Selection Guide."

4. All landscaped areas shall be provided with an underground irrigation system.

5. For every sixty (60) feet of perimeter landscape, one (1) Class III tree shall be included therein. Class III trees shall be spaced no more than sixty (60) feet apart. Class II trees may be

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utilized and spaced twenty-five (25) to fifty (50) feet apart, depending on mature crown spread. Class I trees shall be used where overhead power lines prohibit use of taller trees and may be used to mark entry points into a subdivision or to mark a special feature. Class I trees shall be spaced fifteen (15) to thirty (30) feet apart, depending on mature crown spread. The location and selection of required trees shall be subject to approval by Community Forestry. Trees located in the public right-of-way shall be planted and maintained in accordance with the Boise Tree Ordinance (Boise City Code 9-16).

6. Required landscaped areas shall be placed under the control and maintenance of a Homeowners Association, unless the applicant can demonstrate that the landscaping will be maintained in an attractive condition by another entity including but not limited to individual property owners, or the District.

7. Berm height is not limited, however, the slope of the berm shall not exceed a 3:1 ratio. The height of a fence and/or wall that is placed on top of a berm is limited to six (6) feet.



8. Trees, shrubs and other landscaping shall not encroach into the minimum required clear height and width of primary or emergency vehicle access. Landscaping shall not block the clear vision triangle at street intersections as determined by the District.

### J. PRESSURE IRRIGATION FACILITIES

1. No subdivision plat shall be approved for residential development unless the applicant has provided for the design, construction, and installation of a pressurized individual lot irrigation system.

Irrigation system maintenance and operation shall be provided by the irrigation district or canal company within which the development lies, by a municipal irrigation district or by the formation of another entity capable of operating and maintaining a pressurized irrigation system. Should a pressurized irrigation system not be installed, compliance to Idaho Code 31-3805 is still required.

2. The requirement for installation of a pressurized irrigation system in all new residential developments may be waived by the City Engineer when the applicant has established that any of the following situations exist:

a. Where a sufficient surface irrigation water right does not exist for the property. The lack of surface irrigation water right shall be documented in writing by the appropriate Irrigation District or Canal Company and the Department of Water Resources and shall be submitted with the subdivision plat. The sale or transfer

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of an water right may not be grounds for requesting a waiver pursuant to this provision.

b. Where an existing surface water right cannot be delivered to the property by an Irrigation District or Canal Company due to current delivery capacity or scheduling. In these situations the City Engineer may still require the installation of the pressure irrigation system, provided that an Irrigation District or Canal Company will commit in writing to make improvements to their delivery system so irrigation water can be supplied within two (2) years.

c. Where the applicant has provided for another means of delivery such as flood irrigation. The applicant shall present the proposed alternative delivery system to the City Engineer at the time the waiver is requested.

d. The requirements to provide a pressurized irrigation system may be waived by the City Engineer when the City Engineer finds that due to the specific circumstances surrounding a new subdivision, the cost of obtaining water rights, re-establishing water rights or developing the system would impose an undue economic hardship on the applicant. Undue Economic Hardship may be demonstrated if the cost per lot to develop the pressurized irrigation system is 25% higher than the cost per lot to serve subdivisions of similar size and density constructed in Boise City within the previous two years; or that the cost per lot of the pressurized irrigation system would exceed 5% of the expected per lot market value of the subdivision. The applicant shall bear the burden of providing documentation, acceptable to the City Engineer, demonstrating and supporting the estimated costs of construction of the pressurized irrigation system and the expected market value of the subdivision lots. For phased developments, costs will be analyzed over all phases of the development rather than the first phase only.

3. Requests for waivers shall be submitted to the City Engineer and shall be accompanied by an irrigation report prepared by a licensed professional engineer stating the location and availability of surface irrigation water and documenting the basis for the waiver request. If applicable, the irrigation report shall be accompanied by a letter from the Irrigation District or Canal Company stating that they will not commit to make improvements to its delivery system so irrigation water can be supplied within two (2) years.

4. The decision of the City Engineer denying a waiver may be appealed to the Boise City Irrigation Commission by filing a written request to appeal with the Public Works Department, detailing the basis for the appeal and waiver request, within sixty (60) days of receipt of the written decision of the City Engineer. The Irrigation Commission shall review the appeal and may uphold, overrule or modify the decision of the City Engineer. The decision of the Irrigation Commission shall be in writing and may be appealed to the Boise City Council.

5. If the installation of a pressurized irrigation system is provided for, prior to the signing of the Final Plat by the City Engineer, the applicant shall provide written assurance that provisions have been made for ownership, operation and maintenance of the system. Such written assurance shall include:

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a. A letter from an existing entity capable of owning, operating and maintaining the system assuming responsibility for such operation and maintenance; or

b. If the system is to be owned, operated and maintained by a Homeowners Association, the applicant shall create binding Covenants, Conditions and Restrictions, approved by the Boise City Attorney, providing for control, use, maintenance and operation of the system.

6. Prior to signing of the final plat by the City Engineer, proof of compliance with this section and with Idaho Code Section 31-3805(1)(b) regarding requirements for water delivery shall be required. Proof of compliance shall be in the form of one of the following:

a. Written documentation that provisions have been made to install an individual pressurized irrigation system which at a minimum either conforms to the design standards and specifications of Boise City or of the Irrigation entity, with adopted standards and specifications, which will provide operation and maintenance of the system; or

b. Written documentation that a valid waiver of the requirement to provide a pressure irrigation system has been obtained and that Idaho Code 31-3805(1)(a) regarding the transfer of water rights, has been complied with.

(6173, Amended, 08/13/2002; 5819, Amended, 10/28/1997; 5638, Amended, 06/27/1995; 5589, Amended, 11/15/1994)

### **Section 9-20-09 MODIFICATIONS, WAIVERS AND APPEALS**

A. Whenever a tract to be subdivided is of such unusual size or shape or is surrounded by such developments or unusual conditions that the strict application of these regulations would result in substantial hardship or inequity, the Council may waive or modify such requirements so the applicant may develop the property in a reasonable manner, provided the Council finds that the quality of the development is not diminished and the public welfare and the interests of the City are protected, the general intent and spirit of these regulations are preserved and conformity to the Comprehensive Plan is assured.

1. In requesting any such modification or waiver, the applicant shall make written request to the Review Analyst.

2. Such request, together with such related data and maps as necessary to fully illustrate the relief sought, shall be referred by the Review Analyst in writing to the Commission within 35 days of receipt of the Review Analyst, but allowing a minimum of ten (10) working days, review period prior to the Commission meeting.

3. The Commission shall act upon such request and make recommendation to the Council at its next regular meeting or within 30 days. If no recommendation is made within such time the approval of the request shall be considered to be recommended.

4. The Council, after receiving the recommendations of the Commission, shall act upon such request at its next regular meeting in the same manner as provided in 5.C.7.

5. Approval of such modifications shall require a majority vote of the regular membership

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of the Council. The Council shall approve, conditionally approve, or disapprove the modification, waiver or appeal.

- B. In granting waivers and/or modifications from these regulations, the Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived or modified.
- C. Any person, firm, or corporation may appeal the decision of the Council to the District Court in the same manner and within the same time as other appeals may be taken from orders of the Council.

(6173, Amended, 08/13/2002; 5819, Amended, 10/28/1997)

### **Section 9-20-10 AMENDMENTS**

The Commission may recommend amendments to this Ordinance and the Council, in acting on such recommendation or on its own motion, may amend this Ordinance from time to time; provided, however, that the procedure followed in such modifications shall be the same as in the original adoption of this Ordinance.

(5819, Amended, 10/28/1997)

### **Section 9-20-11 FEES**

The Planning Director shall maintain a current list of fees for all subdivision and record of survey applications. The fees may only be revised by the City Council. Current fee schedules may be obtained from the Boise City Planning and Development Services Department.

(6173, Amended, 08/13/2002; 5847, Amended, 05/12/1998; 5819, Amended, 10/28/1997; 5498, Amended, 10/19/1993)

### **Section 9-20-12 VIOLATIONS AND PENALTIES**

Any person, firm or corporation dividing or conveying property in violation of this Ordinance shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Ordinance is committed, continued or permitted, and upon conviction of any such violation, such person shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than thirty (30) days, or both the fine and imprisonment.

(6173, Amended, 08/13/2002; 5819, Amended, 10/28/1997)

### **Section 9-20-13 VALIDITY**

Should any Section, subsection, paragraph, sentence, clause, or phrase of this Ordinance, or any particular application thereof, be declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

(6173, Amended, 08/13/2002; 5819, Amended, 10/28/1997; 5311, Added, 04/30/1991)