

ORDINANCE 1566

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL CODE SECTION 16.26.010 LOT SPLIT PROCEDURES IN CHAPTER 16.26 SHORT PLATS OF TITLE 16, SUBDIVISIONS TO REMOVE THE REQUIREMENT OF REVIEW AND SIGNATURE OF CITY ENGINEER; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PAYETTE, IDAHO:

Section 16. Section 16.26.010 of Title 16, Chapter 16.26 of the Payette Municipal Code is hereby amended to read:

Section 1. 16.26.010: LOT SPLIT PROCEDURES:

A. The purpose of the lot split is to allow the creation of up to three (3) parcels without being subject to the procedural provisions of the preliminary and final plat regulations of this title and to provide a simplified administrative procedure for processing the division of three (3) or less divisions of land. A record of survey, application and fee, set by resolution of the city council, shall be required. Every division of land for the purpose of sale, lease or transfer into three (3) or fewer lots, tracts or parcels within the City, where no new public dedications are required, may proceed in compliance with this section.

To be eligible for the lot split process, all of the following must apply. If the subject property does not meet each of these requirements, any division of the property is governed by the rules for subdivisions.

1. No lot split shall create more than three (3) new parcels.

2. No property involved in a lot split shall be involved in a subsequent lot split for a period of five (5) years from the recording date of the previous record of survey for a lot split or short plat.

3. No new public or private street dedication shall be involved and each proposed lot has approved access to and is directly adjacent to an existing public street which has been improved to the standards defined in 16.28.030 with the exception of items F, G, H and I to be consistent with division A7.

4. No new public utility main lines shall be extended. Water and Sewer services must be readily available to the property. Each lot will be required to hook-up to city water and sewer before a certificate of occupancy will be issued for any structure on that lot.

5. All resulting parcels must conform to the minimum requirements of all existing land use regulations including the adopted zoning ordinance.

6. All existing remaining buildings shall meet all 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.

a. Any setback that was legally nonconforming prior to the lot split may remain as a legal nonconforming setback, provided the legal nonconforming setback is not altered by the lot split and will not create a fire hazard or a public nuisance.

b. If required parking is provided by means of a permanent shared parking agreement, a note on the face of the survey must list the total required and provided parking for all parcels to which the shared parking provisions of the shared parking agreement applies. A shared parking agreement shall be provided prior to approval and recorded upon approval.

c. 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 structure construction area, the easement shall be vacated prior to the planning administrator's approval of the lot split.

7. If the street(s) adjacent to the lot(s) have not been improved with sidewalk(s), the applicant shall landscape the right-of-way area between the edge of the street pavement and the property line with lawn or vegetative ground cover that will prevent the area from being used as an off street parking area. Sidewalks shall be installed if sidewalks exist on adjoining parcels or if deemed necessary by the city for the public interest. Curb, gutters and storm drainage facilities will be required if installed on adjoining parcels. If curb and gutter and storm drainage facilities are not present on adjoining parcels, the applicant shall install said improvements or, upon approval of the city, sign a deferred construction agreement deferring installation to a later date.

B. Submission of a lot split application shall be on a form prescribed by the city clerk and the application shall be filed

with the city clerk together with payment of the required fees. Acceptance or rejection of the application, and notification to the applicant, shall be made in writing to the applicant by the city clerk within thirty (30) days of submittal of the application to the city clerk. The application shall be accompanied by the following information, which shall be furnished by and at the expense of the applicant:

1. The name, address and telephone number of the applicant and the property owner, if different than the applicant.

2. A legal description of the entire area being divided and a legal description for each of the proposed lots.

3. Letters of approval from all appropriate districts and agencies.

4. A list of all property owners and mailing addresses for property adjacent to the affected property.

5. A copy of any existing or proposed restrictions or covenants.

6. A sketch map drawn on good quality paper, sheet size no larger than eight and one-half inches by eleven inches (8¹/₂" x 11"), to a scale sufficient to assure legibility. Such a map shall contain, at a minimum, the following:

a. Boundaries and dimensions of the entire area being divided and the proposed boundaries and dimensions of the proposed lots. The size of each lot shall be indicated by square footage computation sufficiently accurate to determine that each lot meets the minimum established lot size requirements.

b. All existing buildings and structural improvements.

c. The location of any roads, easements or rights of way that exist or are proposed to serve the lot split.

d. A space for approval of the Mayor.

e. A space for approval of the city clerk.

C. The lot split shall be prepared by an Idaho registered surveyor.

D. The administrator shall provide copies of submitted documents, as necessary, to outside agencies and jurisdictions which, in the opinion of the administrator, may be affected by the proposal.

E. If the lot split requested is such that the city requires engineer approval as required by the Code, unless otherwise set forth herein, the lot split application must be reviewed and approved by the city engineer, and all costs and fees associated with the review by the city engineer shall be paid by the applicant prior to the acceptance by the city of any application. Failure to pay the city engineer costs and fees shall result in a denial of the application.

F. The city clerk shall act as hearing officer and shall conduct a short subdivision review, along with appropriate staff, to ensure that all applicable ordinance provisions are followed or completed. Lot split review shall include, but not be limited to:

1. Review of lot size and dimensions for conformance to the zoning ordinance.

2. Determination that there are adequate provisions to serve the divided property with sewer and water and streets.

3. Review of the location of fire hydrants.

4. Review of the location for the installation of streetlights if determined to be necessary by the public works department.

5. Determine if mitigation of any impact is warranted.

6. Define the scope of improvements and dedications required (curb, sidewalk, paving, water, sewer, drainage, easements, etc.).

7. Evaluation of the location of potential rights of way to access adjoining parcels.

GF. A decision shall be rendered within thirty (30) days of the review unless circumstances require otherwise, such circumstances to be set forth in writing to the applicant. The administrator shall, by written decision, grant approval, approval with conditions, or deny the lot split. A decision to deny shall be in writing and indicate reasons for denial and indicate what steps are necessary to obtain approval. In the case of approval or approval with conditions, a memorandum of understanding shall be prepared that details the conditions of approval and the responsibilities of the developer. The memorandum of understanding shall be signed by the developer and the administrator and recorded with the final survey.

HG. In order to approve a lot split the administrator must make the following findings:

1. The proposed lots meet all established lot size and width requirements.

2. Adequate water supply and sewage disposal are available adjacent to the site.

3. The decision to approve a lot split will not be contrary to the public interest.

4. The lot split conforms with the zoning ordinance and comprehensive plan.

¶H. The applicant shall record the final survey in the office of the county recorder of Payette County, Idaho, within thirty (30) days after the date of approval. Otherwise, the lot split shall be considered void.

¶I. The subdivider shall, immediately upon recording, furnish the city council with as many prints of the short plat as may be required by the city.

KJ. No condition based exceptions are allowed for lot splits under this section 16.26.010 unless said parcel is zoned Industrial. If the subject property does not meet all requirements of subsection A, then the subject property must go through the typical subdivision process per chapter 16.16.

Section 2. This Ordinance may be published in summary form allowed by Idaho Code.

Section 3. This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

Section 4. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

Section 5. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 21st day of April, 2025.

CITY OF PAYETTE, IDAHO

BY _____



J. Daniel Lopez, Mayor

ATTEST:

