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BURLEY, CASSIA, IDAHO

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Index to: ORDINANCE

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BEFORE THE MAYOR AND CITY COUNCIL FOR THE CITY OF ALBION, IDAHO

ORDINANCE No. 2023-12-01

AN ORDINANCE OF THE CITY OF ALBION, CASSIA COUNTY, IDAHO, AMENDING ALBION CITY CODE TITLE 5, CHAPTER 2 SUBDIVISION ORDINANCE, TO-WIT: REPEALING ALL REFERENCES THROUGHOUT TO PLANNING AND ZONING COMMISSION AND AMENDING TO CITY COUNCIL; MAKING MINOR CLERICAL AND GRAMMATICAL CHANGES THROUGHOUT; REDEFINING "CUL-DE-SAC" TO BE OF 70 FOOT DIAMETER WITH 60 FOOT DRIVING SURFACE; ADDING TO DEFINITION OF "LOT" TO REQUIRE SUBDIVISION LOTS TO MEET MINIMUM ZONING REQUIREMENTS AND HAVE FRONTAGE ON A STREET OR IRREVOCABLE EASEMENT ACCESS AND IF NOT CONNECTED TO WATER OR SEWER THEN A MINIMUM SIZE OF ONE ACRE; PROVIDING THAT PARENT PARCELS ARE AS EXIST ON SEPTEMBER 1, 2023; REPEALING "SUBDIVISION, SMALL" PROVISIONS; AMENDING APPROVAL PROCEDURES TO REQUIRE SUBDIVIDER TO SUBMIT A COMPLETE APPLICATION AND PRELIMINARY PLAT; PROVIDING FORTY WORKING DAYS FOR CITY REVIEW OF APPLICATION; PROVIDING FOR SCHEDULING OF HEARING BEFORE THE CITY COUNCIL AND REQUIRING NOTICE; MOVING PROVISIONS REGARDING OTHER ENTITY REVIEW TO THE PRELIMINARY PLAT SECTION OF THE TITLE; SETTING FORTH FACTORS THAT CITY COUNCIL IS TO

CONSIDER IN REVIEW OF A PROPOSED SUBDIVISION; REQUIRING THAT PRELIMINARY PLAT BE PREPARED IN COMPLIANCE WITH STATE LAW; PROVIDING THAT WHEN FINAL PLAT IS READY IT WILL BE PLACED ON THE CITY COUNCIL AGENDA; PROVIDING THAT IF FINAL PLAT IS NOT RECORDED WITHIN ONE YEAR AFTER BEING SIGNED IT BECOMES NULL AND VOID; REQUIRING INFRASTRUCTURE TO BE COMPLETE PRIOR TO CITY SIGNING FINAL PLAT OR THAT SUBDIVIDER SHALL PROVIDE SUFFICIENT CASH DEPOSIT GUARANTEE TO INSTALL INFRASTRUCTURE; PROVIDING THAT IN ADDITION TO THE PRELIMINARY PLAT, THAT SUBDIVISION APPLICATION AND CONDITIONAL USE PERMIT APPLICATION BE SUBMITTED TO THE CITY FOR REVIEW AND THEREAFTER PRESENTATION AT A SCHEDULED HEARING BEFORE THE CITY COUNCIL; PROVIDING THAT IN PRELIMINARY PLAT AND APPLICATION REQUIREMENTS THAT THE NAME OF THE SUBDIVISION IS NOT TO DUPLICATE OR SOUND SIMILAR TO OTHER EXISTING SUBDIVISIONS IN THE COUNTY; PROVIDING FOR A DESCRIPTION OF THE CURRENT LAND USE OF THE SUBJECT PROPERTY AND ITS ZONING CLASSIFICATION; PROVIDING FOR INFORMATION ON ADJOINING LANDOWNERS; REQUIRING A STATEMENT OF INTENDED USE OF SUBDIVISION; REQUIRING PRESENTATION TO CITY OF PROPOSED COVENANTS, CONDITIONS AND RESTRICTIONS; REPEALING REQUIREMENTS FOR PRELIMINARY STORM DRAINAGE STUDY; REPEALING FENCING REQUIREMENTS; REQUIRING WATER SUPPLY MODELLING TO ENSURE ADEQUATE WATER SUPPLY FOR NEW SUBDIVISION; REQUIRING SEWER TREATMENT SERVICE MODELLING TO ENSURE ADEQUATE SEWER TREATMENT SERVICE; REQUIRING STORMWATER PLAN DESIGN FOR PROPOSED SUBDIVISION; REQUIRING THAT APPLICATIONS BE SIGNED BY ALL PROPERTY OWNERS OF SUBJECT PROPERTY; PROVIDING THAT NO

CONSTRUCTION, EXCAVATION, OR GRADING IS TO TAKE PLACE UNTIL PRELIMINARY PLAT IS APPROVED AND THAT ALL REQUIRED INFRASTRUCTURE IS TO BE COMPLETED BEFORE FINAL PLAT IS RECORDED; REQUIRING FIVE PAPER COPIES OF FINAL PLAT; REQUIRING NAME BE APPROVED BY CASSIA COUNTY ZONING AND BUILDING DEPARTMENT; REPEALING THE REQUIREMENT THAT PLANNING COMMISSION AND CITY ATTORNEY ARE TO SIGN FINAL PLAT; PROVIDING THAT TO AMEND A PLAT REQUIRES A NEW SUBDIVISION PLAT BE SUBMITTED AND PROCESSED UNDER THESE REGULATIONS; CHANGING NAME OF COUNTY HEALTH DEPARTMENT TO SOUTH CENTRAL PUBLIC HEALTH DISTRICT; REPEALING THAT PLANNING COMMISSION REVIEWS FINAL PLAT; REMOVING THE FORM SUBDIVISION AGREEMENT AND ATTACHING IT AS APPENDIX NO. 1 TO THE ORDINANCE; REQUIRING THAT STANDARD STREET SECTIONS CONFROM TO CASSIA COUNTY TRANSPORTATION PLAN AND HIGHWAY STANDARDS; ADDING THAT THE CITY WILL EXERCISE FINAL AUTHORITY IN DETERMINING STREET NAMES; REQUIRING SUBDIVIDER TO FILE A ONE HUNDRED FIFTY PERCENT CASH DEPOSIT WITH CITY TO GUARANTEE COMPLETION OF COMMON IMPROVEMENTS WITHIN TWENTY-FOUR MONTHS; CLARIFYING THAT WATER LINE IMPROVEMENTS WILL BE INSTALLED AT SUBDIVIDER EXPENSE AND MUST CONNECT TO CITY WATER SYSTEM; PROVIDING THAT CONNECTIONS TO CITY SEWER MUST BE APPROVED BY SOUTH CENTRAL PUBLIC HEALTH DISTRICT; PROVIDING STORM WATER DISPOSAL MUST CONFORM TO DESIGN PLAN; REQUIRING THAT CURB AND GUTTER INSTALLATION AND MATERIAL COSTS ARE BORNE BY SUBDIVIDER; PROVIDING THAT SIDEWALKS AND DRIVEWAYS MEET SPECIFICATIONS OF ALBION CITY CODE 7-3-1-4; PROVIDING THAT IMPROVEMENTS BE GUARANTEED TO BE INSTALLED AND CONSTRUCTED WITH ONE YEAR OF FINAL APPROVAL AND SHALL BE

MAINTAINED FOR ONE YEAR AND THAT SUCH GUARANTEE MUST BE 150% CASH DEPOSIT OF COST OF IMPROVEMENTS; REPEALING SURETIES SUCH AS ESCROW AND IRREVOCABLE LETTER OF CREDIT; CLARIFYING THAT THERE IS AN APPLICATION FEE TO COVER CITY COSTS OF REVIEWING APPLICATIONS AND PLATS, AND THAT COSTS OF ANY NOTICE OF HEARING IS RESPONSIBILITY OF SUBDIVIDER; REPEALING PRELIMINARY AND FINAL PLAT FEES PROVISIONS; AND CLARIFYING THAT RECORDING FEE IS THE RESPONSIBILITY OF SUBDIVIDER; PROVIDING APPENDIX NO. 1, FORM NO. 1 SUBDIVISION AGREEMENT FORM; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND EFFECTIVE DATE.

WHEREAS, the Mayor and City Council conduct regular review of City ordinances and policies; and

WHEREAS, the City Council determined to review the City's Subdivision Ordinance, which is Title 5, chapter 2; and

WHEREAS, the City Council has held several informal workshops during regularly scheduled open meetings to discuss the subdivision regulations and proposed changes and clarifications to those regulations; and

WHEREAS, the City published notice of hearing on proposed amendments to its subdivision regulations, setting such hearing for Tuesday, December 5, 2023 at 7:00 p.m. or as soon thereafter as the matter could be taken up; and

WHEREAS, the City Council held the hearing on proposed subdivision regulations at the noticed date and time; and

WHEREAS, the City Council having considered all comments and matters herein reviewed, with respect to subdivision regulations amendments.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ALBION, CASSIA COUNTY, IDAHO, AS FOLLOWS:

Section 1. That Title 5, Chapter 2 be amended as set forth in Exhibit A, which is attached hereto and is incorporated by reference as though fully set forth herein, which

Exhibit A consists of Twenty-Nine (29) pages.

Section 2. The provisions of this ordinance are severable, therefore, should any section or portion thereof be declared invalid by a court of competent jurisdiction, the remaining portions of this ordinance shall continue in full force and effect.

Section 3. This ordinance specifically repeals any ordinance or provisions thereof of the City of Albion that is in conflict herewith.

Section 4. This ordinance shall take effect, and be in full force, from and after its required reading, passage, approval and publication.

Section 5. The members of the City Council, by motion and vote and pursuant to Idaho Code § 50-902, waived and dispensed with the requirement of three (3) separate readings of this Ordinance, by title and in full. Therefore, this ordinance shall take effect and be in full force from and after its first and only reading, passage, approval and publication.

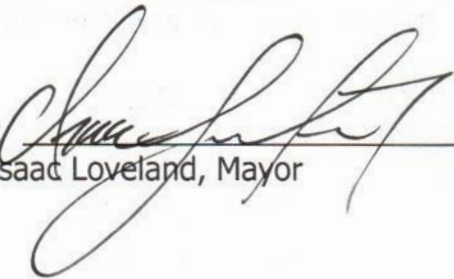
PASSED this 5th day of December, 2023, by the City Council of the City of Albion, Idaho. Roll call vote of Council members in favor of said Ordinance being as follows:


Kevin Lloyd	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Dallan Doc Carlson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Wayne Winder	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tyson Tolman	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

APPROVED this 5th day of December, 2023, by the Mayor of the City of Albion, Idaho.

City of Albion, Idaho

ATTEST:

By: 
Isaac Loveland, Mayor


Linda Hutchison, City Clerk

CLERK'S CERTIFICATION

I, Linda Hutchison, the duly appointed Clerk for the City of Albion, Idaho do hereby certify that the foregoing document is a true and correct copy of Ordinance No. 2023-12-01, adopted by the Mayor and City Council of Albion, Idaho, on the 5th day of December, 2023 and that the original of said document is in my possession as part of the permanent minutes of the City Council of the City of Albion, Idaho.

Dated this 5th day of December, 2023.

Clerk of the City of Albion, Idaho


Linda Hutchison, Clerk