

CITY OF STANLEY ORDINANCE No. 228

AN ORDINANCE OF THE CITY OF STANLEY, CUSTER COUNTY, IDAHO: AMENDING TITLE 16, "SUBDIVISION REGULATIONS" OF THE STANLEY CITY CODE AS FOLLOWS: AMENDING CHAPTER 16.08 DEFINITIONS: REPEALING SECTION 16.04.010 GENERALLY; AMENDING SECTION 16.08.070 COMPREHENSIVE PLAN: INCLUDING IN THE DEFINITION OF THE PLAN; AMENDING SECTION 16.08.180 HILLSIDE SUBDIVISION: CHANGING A DEFINITION; AMENDING CHAPTER 16.10 LOT LINE SHIFTS, LOT CHANGES, AND MINOR LAND DIVISIONS, SECTION 16.10.010 PROCEDURE: THE APPLICATION SHALL BE APPROVED BY THE CITY COUNCIL AND SETTING AN APPROVAL TIMELINE; AMENDING SECTION 16.10.020 APPEAL: PROVIDING THAT THE APPLICANT MAY APPEAL TO THE CITY COUNCIL; AMENDING CHAPTER 16.16 PRELIMINARY PLAT, SECTION 16.16.050 ADMINISTRATOR REVIEW: CHANGING COMMISSION TO COUNCIL; AMENDING SECTION 16.16.060 COMMISSION ACTION: CHANGING COMMISSION TO COUNCIL; AMENDING SECTION 16.16.070 PUBLIC NOTIFICATION: CHANGING COMMISSION TO COUNCIL; AMENDING SECTION 16.16.080 APPEAL: CHANGING COMMISSION TO COUNCIL; AMENDING SECTION 16.16.090 APPROVAL PERIOD: CHANGING COMMISSION TO COUNCIL; AMENDING CHAPTER 16.20 FINAL PLAT, SECTION 16.20.020 REQUIRED CONTENTS: CHANGING COMMISSION TO COUNCIL; AMENDING SECTION 16.20.030 FEE: FEE SET BY RESOLUTION; AMENDING CHAPTER 16.28 IMPROVEMENT STANDARDS, SECTION 16.28.050 INSTALLATION OF PUBLIC UTILITIES: NEW UTILITIES SHALL BE PLACED UNDERGROUND; AMENDING CHAPTER 16.36 HILLSIDES, SECTION 16.36.030 ENGINEERING PLANS, GEOLOGY REPORT: SUBSTITUTING THE WORD GEOLOGIST FOR HYDROLOGIST; REPEALING CHAPTER 16.40 FLOODPLAINS.

WHEREAS, The City Council of the City of Stanley finds it necessary to update its City Code to clarify certain procedures, to remove unnecessary provisions, and to add new provisions in furtherance of the health, safety and welfare of the City of Stanley.

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

Section 1: Repeal. That Title 16, Chapter 16.08, Section 16.08.010 of the Stanley Municipal Code is hereby repealed.

Section 2: That Title 16, Chapter 16.08, Section 16.08.070 of the Stanley Municipal Code is hereby amended as follows:

16.08.070: COMPREHENSIVE PLAN:

"Comprehensive plan" means that plan adopted by the city on December 15, 1977, and ~~amended and updated on June 10, 1998.~~ any subsequent updates.

Section 3: That Title 16, Chapter 16.08, Section 16.08.180 of the Stanley Municipal Code is hereby amended as follows:

16.08.180: HILLSIDE SUBDIVISION:

"Hillside subdivision" means any subdivision, or portion thereof, having an average slope of ~~ten percent (10%)~~ fifteen percent (15%) or more.

Section 4: That Title 16, Chapter 16.10, Section 16.10.010 of the Stanley Municipal Code is hereby amended as follows:

16.10.010: PROCEDURE: Lot line shifts, lot changes, and minor land divisions are exempted from the subdivision approval requirements in chapters 16.12 through 16.44 of this title, and shall be accomplished by the following procedures:

A. A written application shall be filed with the city clerk and shall contain the following information:

1. Name, address, and telephone number of the applicant.
2. Legal description of property and proof of ownership or ~~and/or~~ agency.
3. Documentation of the permission of the owner of the parcel to be changed.
4. Zoning district the property is in.
5. Name of the proposed plat amendment.
6. Name, address and telephone number of the engineer or surveyor who is preparing the final plat.
7. Record of survey conforming to the requirements of Idaho Code, title 55, chapter 19.
8. Description of existing use and any proposed changes of use inclusive of any changes to traffic flow or access, including location of utility lines, wells, and easements.
9. A preliminary map showing existing buildings, lot lines, blocks and boundaries along with the proposed lot line changes including description of lot sizes and setbacks as they would exist after the changes shall accompany the application. Adjoining streets, street names, rights of way, alleys, access roads, and roadway widths must be included on the preliminary map. The map shall be to scale.

B. Prior to approving an application under this section, the city clerk or other administrator appointed by the City Council shall make the following findings:

1. That the proposed lot line shift, lot change, or minor land division conforms to existing zoning regulations; and
2. That the proposed lot line shift, lot change, or minor land division is in conformity with the comprehensive plan; and
3. That the proposed lot line shift, lot change, or minor land division will not create a nonconforming use under the city's zoning regulations, or that it will not increase an existing nonconforming use.

C. The city clerk or other administrator shall, upon finding that the application package is complete, and that the requirements of subsections B1, B2, and B3 of this section have been satisfied, ~~approve the application.~~ forward the application to the City Council for review. Approval, conditional approval, or disapproval shall occur within thirty (30) days

of the date of receipt of the application by the city at the next regular City Council meeting.

D. Within ten (10) days after a decision has been rendered, the city clerk shall provide the applicant with written notice of the action on request.

E. Once the application has been approved, the applicant shall be required to submit a final plat map that conforms to specifications on the approved application, prepared by an engineer or surveyor. The city shall require:

1. Two ~~mylars~~ plats for sign off by the city clerk. One shall be retained for the records of the city. The second shall be returned to the applicant for their submission to Custer County for county ~~approval~~ recording. The plats shall be on stable base drafting film with a minimum base thickness of 0.003 inches. The image thereon shall be by a photographic process or a process by which a copy is produced using an ink jet or digital scanning and reproduction machine with black opaque drafting film ink or fused toner that will ensure archival permanence. The copy and image thereon shall be waterproof, tear resistant, flexible, and capable of withstanding repeated handling, as well as providing archival permanence. If ink or toner is used, the surface shall be coated with a suitable substance, if required by the county where the plat is to be recorded, to assure permanent legibility. Plats shall be eighteen (18) inches by twenty-seven (27) inches, with a three-and-one-half (3 1/2) inch margin at the left end for binding and a one-half (1/2) inch margin on all other edges. No part of the drawing or certificates shall encroach upon the margins. Signatures shall be in reproducible black ink.

2. Two (2) blue line copies of the final plat map for city records.

Section 5: That Title 16, Chapter 16.10, Section 16.10.020 of the Stanley Municipal Code is hereby amended as follows:

16.10.020: APPEAL:

The applicant may appeal in writing the decision of the City Council ~~city clerk~~ relative to application disapproval. ~~Such~~ The appeal must be submitted to the ~~e~~City ~~e~~Council within sixty (60) days of application disapproval. The ~~e~~City ~~e~~Council shall render a decision within sixty (60) days of receipt of appeal.

Section 6: That Title 16, Chapter 16.16, Section 16.16.050 of the Stanley Municipal Code is hereby amended as follows:

16.16.050: ADMINISTRATOR REVIEW:

A. Certification: Upon receipt of the preliminary plat and all other required data as provided for in this chapter, the administrator shall certify the application as complete and shall affix the date of application acceptance thereon. ~~He~~ The administrator shall thereafter place the preliminary plat on the agenda for consideration at the next regular or special City Council meeting of the commission.

B. Review By Other Agencies: The administrator shall refer the preliminary plat and application to as many agencies as deemed necessary. Such agencies may include the following:

1. Other governing bodies that have joint jurisdiction;
2. The appropriate utility companies;

3. The superintendent of the school district;
 4. Other agencies having an interest in the proposed subdivision.
- C. Administrator Review: Upon expiration of the time allowance for department and agency review, the administrator shall prepare a recommendation to the ~~commission~~ City Council.

Section 7: That Title 16, Chapter 16.16, Section 16.16.060 of the Stanley Municipal Code is hereby amended as follows:

16.16.060: ~~COMMISSION~~ COUNCIL ACTION:

- A. Hearing: Within a reasonable time following the administrator's recommendation, the commission shall review the preliminary plat, comments from concerned persons and agencies, and the report from the administrator to arrive at a decision on the preliminary plat.
- B. Findings: In determining the acceptance of a proposed subdivision, the commission shall consider the objectives of this title and at least the following:
 1. The conformance of the subdivision with the comprehensive development plan;
 2. The availability of public services to accommodate the proposed development;
 3. The continuity of the proposed development with the capital improvement program;
 4. The public financial capability of supporting services for the proposed development;
 5. The other health, safety, or environmental problems that may be brought to the ~~commission's~~ City Council's attention.
- C. Action: The ~~commission~~ City Council may approve, approve conditionally, disapprove, or table the preliminary plat for additional information. Such action shall occur within thirty (30) days of the date of the meeting at which the plat is first considered by the ~~commission~~ City Council. The action, and the reasons for such action shall be stated in writing by the administrator and forwarded to the applicant. The administrator shall also forward a statement of the action taken and the reasons for such action, together with a copy of the preliminary plat to the council for their information and record.

Section 8: That Title 16, Chapter 16.16, Section 16.16.070 of the Stanley Municipal Code is hereby amended as follows:

16.16.070: PUBLIC NOTIFICATION:

- A. Notification To Property Owners: The administrator shall notify all adjoining property owners who appear on the list of property owners' names and addresses that has been provided by the subdivider. Such written notification shall be mailed at least ten (10) days prior to the ~~commission~~ City Council meeting.
- B. Failure To Notify: The administrator's failure to comply with the notification provision shall not invalidate the commission's action, provided the spirit of the procedure is observed.

Section 9: That Title 16, Chapter 16.16, Section 16.16.080 of the Stanley Municipal Code is hereby amended as follows:

16.16.080: APPEAL:

Any person, or aggrieved party who appeared in person or writing before the ~~commission~~ City Council, or the subdivider may appeal in writing the decision of the commission relative to the final action taken by the commission. Such appeal must be submitted to the council within sixty (60) days from such ~~commission~~ City Council action.

Section 10: That Title 16, Chapter 16.16, Section 16.16.090 of the Stanley Municipal Code is hereby amended as follows:

16.16.090: APPROVAL PERIOD:

Failure to file and obtain the certification of the acceptance of the final plat application by the administrator within one year after action by the ~~commission~~ City Council shall cause all approvals of the preliminary plat to be null and void, unless an extension of time is applied for by the subdivider and granted by the ~~commission~~ City Council.

Section 11: That Title 16, Chapter 16.16, Section 16.20.020 of the Stanley Municipal Code is hereby amended as follows:

16.20.020: REQUIRED CONTENTS:

The final plat shall include and be in compliance with all items required under title 50, chapter 13 of the Idaho Code. The final plat shall include at least the following:

- A. A written application for approval of such final plat as stipulated by the ~~commission~~ City Council;
- B. Proof of current ownership of the real property included in the proposed final plat;
- C. Such other information as the administrator or ~~commission~~ City Council may deem necessary to establish whether or not all proper parties have signed and/or approved the final plat;
- D. Conformance with the approved preliminary plat and meeting all requirements or conditions thereof;
- E. Conformance with all requirements and provisions of this title;
- F. Acceptable engineering practices and local standards.

Section 12: That Title 16, Chapter 16.20, Section 16.20.030 of the Stanley Municipal Code is hereby amended as follows:

16.20.030: FEE:

~~At the time of submission of an application for a final plat, a fee of fifty dollars (\$50.00) set by City Council resolution shall be paid with the submission of application for a final plat.~~

Section 13: That Title 16, Chapter 16.28, Section 16.28.050 of the Stanley Municipal Code is hereby amended as follows:

16.28.050: INSTALLATION OF PUBLIC UTILITIES:

~~All new utilities shall be placed underground. Underground utilities are encouraged and shall be required subject to the council adopted policies and ordinances and meet all standard engineering requirements.~~

Section 14: That Title 16, Chapter 16.36, Section 16.36.030 of the Stanley Municipal Code is hereby amended as follows:

16.36.030: ENGINEERING PLANS:

A. Soils Report: For any proposed hillside development, a soils engineering report shall be submitted with the preliminary plat. This report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures, and opinions and recommendations covering the adequacy of sites to be developed.

B. Geology Report:

1. For any proposed hillside development a geology report shall be submitted with the preliminary plat. This report shall include an adequate description of site geology and an evaluation of the relationship between the proposed development and the underlying geology and recommendations for remedial remedies.

2. The investigation and subsequent report shall be completed by a professional hydrologist ~~geologist~~ registered in the state of Idaho.

C. Hydrology Report:

1. For any proposed hillside development a hydrology report shall be submitted with the preliminary plat. This report shall include an adequate description of the hydrology, conclusions and recommendations regarding the effect of hydrologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed.

2. The investigation and subsequent report shall be completed by a professional hydrologist registered in the State of Idaho.

Section 15: Repeal. That Title 16, Chapter 16.40 of the Stanley Municipal Code is hereby repealed.

Section 16: Repealer: All ordinances, policies or parts thereof, which are in conflict herewith, are hereby repealed.

Section 17: Severability: Should any part or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such a decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared be unconstitutional or invalid.

Section 18: Effective Date: This ordinance shall be in full force and effective from the date of passage and publication according to law.

Section 19: Codification: The City Clerk is directed to forward the signed and approved ordinance to the codifier for codification.

APPROVED by the Mayor and City Council of the City of Stanley on this 31 day
of July, 2025.

Steve Botti
Steve Botti, Mayor

ATTEST: March Fajka
City Clerk

