

NOTE: This draft is still being reviewed by legal counsel.

BILL _____
ORDINANCE NO. _____

AN ORDINANCE ENACTED BY THE CALDWELL CITY COUNCIL, AMENDING CHAPTER 10, ARTICLE 3, OF THE CALDWELL CITY CODE, PERTAINING TO THE TABLE OF CONTENTS BY ADDING A NEW SECTION 10-03-19; AMENDING CHAPTER 10, ARTICLE 3, SECTION 10-03-04, CALDWELL CITY CODE, PERTAINING TO APPROVAL CRITERIA FOR SPECIAL USE PERMITS; AMENDING CHAPTER 10, ARTICLE 3, CALDWELL CITY CODE, BY ADDING A NEW SECTION 10-03-19 PERTAINING TO ADEQUATE PUBLIC FACILITIES – PUBLIC SCHOOL DISTRICT; AMEND CHAPTER 10, ARTICLE 13, CALDWELL CITY CODE, PERTAINING TO PLANNED UNIT DEVELOPMENTS; AMENDING CHAPTER 11, ARTICLE 1, SECTION 11-01-3, CALDWELL CITY CODE PERTAINING TO SUBDIVISION ORDINANCE APPLICABILITY, EXCEPTIONS TO PLATTING, SIMPLE LOT SPLITS, AND APPROVAL CRITERIA FOR PRELIMINARY PLAT HEARINGS, PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

BE IT ORDAINED by the Mayor and Council of the City of Caldwell, County of Canyon, State of Idaho:

Section 1. That Chapter 10, Article 3, of the Caldwell City Code, pertaining to the table of contents is hereby AMENDED by the addition of a new Section as follows:

ARTICLE 3

ADMINISTRATIVE PROCEDURES

SECTION:

10-03-01: Annexations, Deannexations, And Preannexations

10-03-02: Zoning Ordinance Text And Map Amendments (Rezones)

10-03-03: Adoption, Amendment, Or Repeal Of The Comprehensive Plan

10-03-04: Special Use Permits

10-03-05: Variances

10-03-06: Fees

10-03-07: Transportation Policies and Practices

10-03-07-1: Traffic Impact Study Requirements

10-03-07-2: Appeals

- 10-03-08: Severability
- 10-03-09: Conflict With Other Laws And Repealer
- 10-03-10: Violation, Penalties, And Enforcement
- 10-03-11: Development Agreements
- 10-03-12: Public Hearing Process
- 10-03-13: Design Review Process
- 10-03-13-1: General Provisions
- 10-03-13-2: Types of Design Review
- 10-03-13-3: Application Submittal And Processing
- 10-03-13-4: Design Review Expirations
- 10-03-13-5: Prohibitions
- 10-03-13-6: Nuisances
- 10-03-14: Development Impact Fees
- 10-03-15: Business Licensing
- 10-03-16: Alternative Methods Of Compliance
- 10-03-17: Performance Bonding
- 10-03-18: Density Bonus Program
- 10-03-19: Adequate Public Facilities – Public School Districts

Section 2. That Chapter 10, Article 3, Section 10-03-04, of Caldwell City Code, pertaining to Special Use Permits is hereby AMENDED as follows:

...

(7) Required Findings for Approval of a Special Use Permit:

A. In the course of approving of any such request, the commission or city council, as applicable, must find and conclude that:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional, design, and development regulations in the district in which the use is located or can be conditioned to achieve compliance.

2. That the proposed special use will be harmonious with the Caldwell Comprehensive Plan and in accord with the requirements of this chapter is consistent with the goals, policies, and future land use designations of the Comprehensive Plan.

3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area

4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

7. That the proposed use will not involve activities or processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of noise, smoke, fumes, glare or odors, or other nuisances that is typical for the district.

8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance on the site in which the special use will take place.

9. That the proposed use, if residential, shall be in accordance with Section 10-03-19 of Caldwell City Code, pertaining to adequate public facilities for public school districts.

Section 3. That Chapter 10, Article 3, of the Caldwell City Code, is hereby AMENDED by the addition of a new Section as follows:

10-03-19: Adequate Public Facilities – Public School Districts

(1) Purpose: The purpose of this section is to ensure that residential development occurs in a manner that maintains adequate public school facilities and protects the public health, safety, and welfare of the community. The City finds that overcrowded schools adversely affect the quality of education, student safety, transportation systems, and the ability of the community to provide adequate public services.

It is therefore the intent of this section to ensure that proposed residential subdivisions and/or developments or subdivisions and/or development containing residential units does

not create or contribute to overcrowding in public schools and that development occurs in a manner that is coordinated with the capacity of affected public school districts.

(1) Applicability: This ordinance applies only to residential subdivisions, planned unit developments, multi-family residential developments, mixed use development that contains residential units, and any development that generates new student enrollment, except for the following:

A. Emergency or transitional housing facilities.

B. Redevelopment projects that do not increase the number of dwelling units (i.e. replacement of an existing dwelling unit or units with a new dwelling unit or units that does not increase unit count).

C. Accessory dwelling units constructed on lots containing an existing primary dwelling.

D. Small developments where the total number of dwelling units is less than five (5). A developer shall not be permitted to avoid the obligations of this subsection by artificially partitioning a large development into smaller developments.

E. Infill development where the total number of lots is fifteen (15) or less, which shall mean any proposed subdivision and or development that is immediately adjacent, on at least three sides, to the municipal boundaries of the City of Caldwell, and which is also entirely within the municipal boundary of the City of Caldwell.

F. Residential developments legally restricted to residents fifty-five (55) years of age or older and that prohibit permanent residency by school-aged children. Such restrictions must be in the form of a legally binding occupancy restrictions through recorded covenants.

G. Residential developments with valid preliminary plat approval, development agreement, or vested rights prior to the effective date of this ordinance. Grandfathered developments are not subject to the new ordinance, but their future students must still be counted in capacity planning.

(2) Terms and Definitions Explained: In this section, the following words have the meanings indicated.

A. "Enrollment" means the full-time equivalent enrollment of a school.

B. "School" means any public elementary, middle or high school.

C. "School Capacity (Official)" means the maximum number of students a school facility is designed to accommodate, including temporary or portable classrooms. This is equivalent to the maximum number of students a school can safely and effectively accommodate as determined by the maximum occupant load of each space in accordance with adopted building codes.

D. "School Capacity Threshold" means where the enrollment of any public school district exceeds one hundred and ten percent (110%) of the school capacity.

E. "Total Service Obligation" means the total number of students served by a school, including existing enrollment and students projected from approved developments. It essentially quantifies the demand placed at a school from all sources it must accommodate. TSO shall be calculated by taking the current number of students enrolled at each school, together with the total number of buildable dwelling units located within the proposed approved development, and multiplying said number by the student-Per-EDU-Number.

Summary Formula: TSO = Current Enrollment + (Number of Units × Students per EDU) + Other Projected Growth

F. "Student Per-EDU Number" means a planning metric used to estimate the number of students generated by a residential unit. EDU stands for Equivalent Dwelling Unit (or sometimes "Education Dwelling Unit"), and it's used in school impact studies and subdivision planning to calculate how many school-aged children a new housing development is likely to produce. Means that number, calculated annually by the school districts and acknowledged by the City Council, which is the average number of students expected from each residential dwelling unit built or existing within said school district. There shall be a Student-Per-EDU-Number calculated for each category of students (elementary students, middle school students, and high school students) within the City's area of impact. School districts shall use a reasonable and substantiated method for determining the Student-Per-EDU-Number.

*Summary Formula: Students per EDU= Number of Units / Number of Students
Projected Students = Number of Units × Students per EDU*

(3) Submittal Requirements:

A. Prior to preliminary plat, planned unit development, or other residential development approval, a written and signed verification from the school district confirming whether the proposed development will cause or contribute to the Total Service Obligation of any public school serving the development to exceed one hundred ten percent (110%) of

the capacity threshold of that school shall be obtained. Such verification shall be on the district's letterhead and shall include the following:

1. The total number and type of proposed dwelling units.
2. The student generation rate used to estimate the number of students expected from the proposed development.
3. The projected number of students anticipated to be generated by the subdivision and/or development utilizing the Student per EDU methodology.
4. Identification of the public elementary, middle, and high schools expected to serve the development.
5. The current enrollment and capacity of each affected school.
6. The Total Service Obligation and capacity of each affected school, including projected students generated by the proposed subdivision and/or development.

Example: If an elementary school has a maximum school capacity of 500 students.

- *Current enrollment: 470 students*
- *New subdivision projected students: 60 students*
- *Total after development: 530 students*

$530 \div 500 = 106\%$ capacity

The capacity threshold is 110%, therefore the development meets capacity.

7. Data based on current and projected data maintained by the school district, including permanent and temporary/portable classrooms and planned expansions.
8. Signed statement indicating if the subdivision and/or development will cause the school to exceed its capacity by one hundred ten percent (110%) or greater.

(4) Decisions:

A. The City Planning and Zoning Commission, Hearing Examiner and/or City Council shall not consider any development plan until the required analysis and school district verification have been received and reviewed.

B. A preliminary plat, planned unit development, or any other residential development permit shall not be approved unless the City finds that adequate public-school capacity exists or will exist to serve the development without causing any public school that will be serving the development or use to exceed the adopted one hundred ten percent (110%) capacity threshold.

Exception:

a. If the school district fails to submit the signed verification letter with all pertinent information and a statement of whether the proposed subdivision and/or development, upon completion, would or would not cause or contribute to the Total Service Obligation of any public school that will be serving the subdivision to exceed the Capacity Threshold of One Hundred Ten Percent (110%) of the School Capacity, the subdivision and/or development may be approved subject to compliance with all other applicable codes, standards, criteria, and policies.

C. If the school district verification letter specifies the enrollment from the development is projected to exceed the Capacity Threshold, the phasing and timing of development shall be conditioned that the final plat recordation cannot occur until school capacity threshold is no longer exceeded, except that if the school district cannot reduce capacity below the one hundred ten percent (110%) threshold within three (3) years of exceeding it, this condition shall no longer apply, and the subdivision and/or development may proceed, subject to all other subdivision and/or development requirements and conditions of approval.

Exception:

a. A preliminary plat, planned unit development, or other residential development permit may be approved if the applicant provides mitigation acceptable to both the city and the school district. Such mitigation may include but not be limited to funding or construction of classroom space or other educational facilities sufficient to offset the development projects student generation, dedication of land suitable for school facilities, or any other method mutually agreed upon by the city and the school district. All mitigation measures must be recorded in a development agreement or covenant binding.

(5) Intergovernmental Coordination:

A. The city and the school district shall enter into a formal coordination agreement that establishes:

1. Student generation rates
2. Capacity calculations
3. Data sharing procedures
4. Annual enrollment updates
5. School construction planning

(6) Enforcement: Violations, including occupancy prior to mitigation or exceeding unit restrictions, may result in:

- A. Stop-work orders
- B. Denial of further permits
- C. Revocation of all approvals and land use entitlements
- D. Civil penalties

Section 4: That Chapter 10, Article 13, of the Caldwell City Code, pertaining to planned unit developments is hereby AMENDED as follows:

10-13-01: INTENT AND PURPOSE:

(1) Intent: A planned unit development involves a parcel of land which is planned and developed as a unit under single ownership or control, containing one or more uses, buildings, and common open space or recreational facilities. The planned unit development process is not intended to skirt development rules, nor does it result in a detrimental impact on the surrounding community through its implementation. The administrative procedures for a planned unit development shall be the same as applied to special use permits.

~~(2) Purpose: It shall be the purpose of this section to encourage the efficient use of resources, promote greater efficiency in public and utility services, preservation of open space, efficient use of alternative transportation and encouraging innovation in the planning and building of all types of development. Such developments may be permitted without customary division into individual lots, or without specific conformance with the zoning district regulations as applicable to individual lots or traditional subdivisions subject to the regulations as provided in this chapter. A Planned Unit Development (PUD) is a zoning and development approach that allows for flexible design in exchange for better site planning, amenities and greater public benefits beyond what standard zoning ordinances require.~~

~~(3) Applicability: A planned unit development can be developed in any district. It shall be unlawful and a violation of the Caldwell Municipal Codes for any person to use, construct, locate, initiate, alter, or maintain any structure, land or real property, or to cause any structure, land, or real property to be used, constructed, located, initiated or maintained, in any manner which violates, omits, or fails to conform to any procedure, standard, and/or requirement set forth in this article.~~

~~(4) Ⓔ: Latitude: Following the spirit and purpose of this section, much greater latitude is permitted than in conventional and traditional regulations for development.~~

~~(5) Ⓓ: Discretionary Powers: In consideration of the latitude given, the planning and zoning commission and city council shall have discretionary powers in judging and approving or disapproving the imaginative or unique concepts, innovations, and designs which shall be incorporated into the plans presented, provided that the planned unit development shall conform to the general purposes and objectives of the comprehensive plan.~~

~~(4) A-~~ Required Objectives: The planned unit development process is intended to provide flexibility, latitude and relief from the provisions of the zoning ordinance only if the proposed development shall be is consistent with two (2) or more of the following instances:

1. The development offers a maximum choice of living environments by allowing a variety of housing and building types.
2. The development promotes mixed-use projects which are functionally integrated within the development and provides services for the primary use.
3. The development provides a layout which preserves and properly utilizes natural topography and geologic features, trees, scenic vistas or other vegetation.
4. Where a land parcel is constrained or otherwise limited by some obstacle, feature, geometry, condition, or easement that interferes with applying standard development processes.
5. The development is an infill development, on less than five (5) acres, that contributes a compatible design to the existing neighborhood.

10-13-02: DEVELOPMENT STANDARDS:

~~(1) The planning and zoning commission and the city council shall consider approval of All planned unit developments shall be~~ in accordance with the following standards:

A. Changes: Changes in the development standards and bulk regulations of the underlying zone may be approved as per subsection 10-13-05 of this section.

B. Uses: Uses shall be limited to those uses which are permitted or specially permitted within the base zoning district. No more than 70% of the development shall be devoted to a single type of land use.

~~C. Latitude: Following the spirit and purpose of this section, much greater latitude is permitted than in conventional and traditional regulations for development.~~

~~—D. Discretionary Powers: In consideration of the latitude given, the planning and zoning commission and city council shall have discretionary powers in judging and approving or disapproving the imaginative or unique concepts, innovations, and designs which shall be incorporated into the plans presented, provided that the planned unit development shall conform to the general purposes and objectives of the comprehensive plan.~~

D. E- Residential Density: The number of dwelling units allowed in a planned unit development shall be calculated by multiplying the gross area and the dwelling units permitted in the underlying land use classification shown on the comprehensive plan map. A planned unit development shall be consistent with the density guidelines provided in the comprehensive plan and this chapter.

E. F. Residential Uses: Where a development is proposed to be exclusively residential, a variety of three (3) or more housing types or residential uses shall be included in a planned unit development regardless of the zoning classification of the district, provided that the overall density for the base zoning district is maintained. For the purposes of this section, single-family residential lots with an area difference of 200% or more shall qualify as separate housing types. No housing type shall provide fewer than 10% of the proposed dwelling units.

F. G. Commercial Uses: When planned unit developments include commercial uses, commercial buildings and establishments, the development shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections. A planned unit development shall follow section 10-02-09-6 (buffers between land uses) of this chapter. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities as reasonably necessary for internal traffic circulation.

G. H. Future Development: All areas designed for future development or expansion or not intended for immediate improvement shall be landscaped or otherwise maintained in a neat and orderly manner.

H. I. Required Setbacks: Townhomes within a planned unit development are permitted to have a 0' side yard setback.

I. J. Clustering: Every clustered area developed under the planned unit development approach should be designed to abut upon common open space or recreational amenities. Clustering is desired in mixed unit developments.

J. K. Parking: Off-street parking shall be provided in accordance with the parking requirements as specified by 10-02-05 of this chapter.

K. L. Access: All lots developed as single-family residential lots shall front or shall have frontage along a public roadway or common driveway. All other lots developed for residential purposes shall front a public roadway or shall utilize common driveways as regulated by Section 11-03-02 or shall comply with Section 10-14-02.

L. M. Ownership: A planned unit development shall be under single ownership/control during the planning and developmental stage to ensure that the development can be accomplished in a unified manner.

NOTE: A PUD developer may only sell a portion of an approved PUD if the purchaser submits a notarized letter to the planning and zoning community development director stating that he/she reviewed the order of decision, development agreement, phasing plan, and all other applicable materials and agrees to comply with all conditions of approval. Failure to obtain approval from the community development director will result in violation of your land use entitlement conditions of approval.

M. N. Planned Unit Development Size: Unless the site qualifies as an infill development, the overall site shall consist of a minimum gross area of ten (10) acres.

N. O. Phasing Plan: The applicant shall submit a phasing plan for all features and amenities in a planned unit development. The phasing plan shall be approved by the city council and may be amended by the planning and zoning director and city engineer. A staff level denial of a requested amendment may be appealed to the city council.

O. P. Classification Of Uses: More than one classification of uses and more than one use within these classifications shall be permitted on a lot or parcel within the same building or different buildings if the proposed individual uses are permitted uses. Any special uses will be heard as part of the planned unit development hearing process.

P. Q. Expiration:

1. The completion of the first phase of a planned unit development shall take place within three (3) years of the signature date on the order of decision approving the planned unit development or said approval shall become null and void.

2. For each phase after the first phase there shall be an allowed one-year time frame per phase for completion. Should any phase not be completed within its one-year time frame, approval on the uncompleted portion of the planned unit development shall become null and void.

3. Exceptions to the time frames may be granted at the time of original approval of the planned unit development, provided said exceptions are requested in the initial application. (Ord. 3671, 4-21-2025)

10-13-03: EXPIRATIONS, EXTENSIONS AND RENEWALS:

(1) Expiration:

A. The completion of the first phase of a planned unit development shall take place within three (3) years of the signature date on the order of decision approving the planned unit development or said approval shall become null and void.

B. For each phase after the first phase there shall be an allowed one year time frame per phase for completion. Should any phase not be completed within its one year time frame, approval on the uncompleted portion of the planned unit development shall become null and void.

C. Exceptions to the time frames may be granted at the time of original approval of the planned unit development, provided said exceptions are requested in the initial application.

(2) Renewals:

A. One planned unit development renewal of up to eighteen (18) months may be authorized by the director for all expired planned unit development approvals. No planned

unit development renewal shall be granted if there are any outstanding City Code violations on the subject property. The director shall consider approval of said renewal in accordance with the criteria listed in this section and in conformance with the comprehensive plan.

B. No renewal shall be granted for any development that has been expired for a period of time exceeding twelve months (if no development has occurred), or for a period of time exceeding twenty-four (24) months (if development has occurred), regardless of when the original date of approval occurred for the planned unit development.

C. Time Extensions: Upon written request and filing by the applicant, prior to the termination of the period in accordance with subsection Q of this section, the director may authorize a single extension of time not to exceed one (1) two-year period. No further extensions shall be granted. (Ord. 3671, 4-21-2025)

10-13-04: AMENITIES:

~~(1) Any latitude, flexibility or relief provided through this land use application shall be compensated for by the addition of some new amenity, within or outside the development. Such an amenity should provide equal or greater value to the development as a whole. The determination of whether the compensation offered is equal to or greater than the relief provided is left to the planning and zoning commission and city council's discretion.~~

(1) A. Required Amenities: All planned unit developments shall have the following features:

A. 1. Five-foot (5') wide asphalt paved pathways connecting the residential areas to all non-residential areas, open space common lots, recreational facilities, major pathways, and school bus pick-up locations.

B. 2. Eight-foot (8') wide asphalt paved or concrete paved or porous surfaced (other than gravel) pathways are required in all planned unit developments with a five foot (5') wide landscape buffer on each side of pathways. Pathways meeting the standards listed above are required to provide connectivity to adjacent pathways, to comply with the city's pathway master plan, and to provide for connectivity to adjacent properties. In general, pathways shall meander through the center of the PUD, be entirely located within a platted common lot that is dedicated as a public access easement and provide connectivity to adjacent parcels of land.

C. 3. Usable open space (as defined in section 10-07-10 of this chapter) of at least fifteen percent (15%) of the gross area.

D. 4. Street landscape buffers with undulating berms of a two to one (2:1) to three to one (3:1) ratio.

(2) B. Additional Required Amenities: Four (4) or more of the following amenities shall be provided as part of each planned unit development.

Baseball/softball field.

Basketball court.

Boat dock/river access.

Buildings are constructed to LEEDS standards.

Community center.

Daycare center.

Energy star certified housing.

Fishing pond.

Golf course/driving range.

Gym/health club.

Land provided for a public facility (school, fire station, police station, etc.).

Playground/tot lot.

Rear entry garages.

Residential buildings constructed with fire sprinkler systems.

Skateboard Park.

Swimming pool.

Tennis court.

Other suitable amenities or public benefits deemed worthy by the city council. (Ord. 3671, 4-21-2025)

10-13-05: APPLICATION PROCESS:

(1) Subdivisions and developments created through the planned unit development process shall provide a narrative and architectural renderings, open space and amenities exhibits, and landscaping exhibits, in addition to other application submittal requirements, that explain what amenities, site planning, or building design will be incorporated inside the development to compensate for deviations to the city's development standards and how its construction will satisfy the community's need for a wide range of housing and commercial businesses.

10-13-06: FLEXIBILITY IN ZONING STANDARDS:

(1) The developer may request to deviate from the height, lot line setback, and lot dimension schedule found in this chapter for the underlying zone, with the approval of the city council, and in exchange for exemplary site planning and architectural design. The

exception is that along the periphery of the planned development, the applicable setbacks as established by the district shall not be reduced. Requests for deviations shall be listed in full as a part of the planned unit development application and narrative.

(2) Modifications to other zoning and subdivision standards may be considered in exchange for additional amenities above and beyond what is required in this section and will be considered by the planning and zoning commission and city council on a case-by-case basis, except for the following:

~~—A. Modifications shall not be approved for increasing the amount of nonpermitted used above the maximum of 30% as specified in 10-13-02 (1)B1 of this Article.~~

~~A.~~ B. Modifications shall not be approved to increase the maximum density allowances for the underlying zone, except as specified in 10-13-06 of this Article. (Ord. 3671, 4-21-2025)

10-13-07: INFILL DEVELOPMENT:

(1) For the purpose of this article, development utilizing the infill objective as one of their qualifying objectives shall comply with the following:

A. The applicant shall submit documentation that the site qualifies as an infill site with the planned unit development application. Verification of infill may be in the form of recent aerial photographs. In addition, the applicant shall provide documentation regarding the following services: water, sewer, fire coverage, public schools, and irrigation.

B. The applicant shall demonstrate the proposed building design is compatible with the existing neighborhood and adjoining properties by taking into account building type, height, bulk, and site location.

C. Upon the request of the applicant, the City Council may waive all or part of the amenity requirements listed in subsection (4) of this section for infill development.

D. Upon the request of the applicant, the City Council may approve a density increase for infill development, for up to 150% of the maximum base density allowed within the underlying zone, if the Council determines it is in the best interest of the community and is compatible with the surrounding neighborhood. The increase, if approved, shall not be in addition to any bonus density increases given in accordance with Section 10-03-18 of this chapter. (Ord. 3671, 4-21-2025)

10-13-08: APPROVAL CRITERIA AND FINDINGS:

Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant a planned development request, the council shall make the following findings:

- A. The planned unit development demonstrates exceptional high quality in site design through the provision of cohesive, continuous, visually related and functionally linked patterns of development, street and pathway layout, and building design.
- B. The planned unit development preserves the significant natural, scenic and/or historic features, if applicable.
- C. The arrangement of uses and/or structures in the development does not cause damage, hazard, or nuisance to persons or property in the vicinity.
- D. Community facilities, such as a park, recreational, and dedicated open space areas are functionally related and accessible to all dwelling units via pedestrian and/or bicycle pathways.
- E. The amenities provided are appropriate in number and scale to the proposed development.
- F. The proposed development plan complies with all development standards of this Article.
- G. The proposed Planned Unit Development must be consistent with the city's comprehensive plan vision and goals, and with the future land use map.
- H. Adequate public utilities and services, including water, wastewater, stormwater, and other necessary infrastructure, are available or can be reasonably extended to serve the proposed development. Utilities shall have sufficient capacity to accommodate the proposed development at building permit issuance. Where necessary, the applicant shall construct or extend required facilities in accordance with City standards as a condition of approval.
- I. The proposed subdivision shall be in accordance with Section 10-03-19 of Caldwell City Code, pertaining to adequate public facilities for public school districts.

Section 5. That Chapter 11, Article 3, Section 11-01-03 and 11-02-03 of the Caldwell City Code, pertaining to subdivision ordinances, is hereby AMENDED as follows:

...

11-01-03: APPLICABILITY:

(1) These regulations shall apply to ~~the subdividing of land and/or planned unit~~ all developments within the corporate limits of the city and property within Caldwell's area of impact, or as mutually defined by both the city and Canyon County under the requirements of Idaho Code section 67-6526, and shall include the following:

- A. Subdivision: The subdivision of a tract of land into more than four (4) lots, parcels, or sites for transfer of ownership or development, whether immediate or future. Any subdivision of said tract shall require the filing and recordation of a final plat in accordance with the provisions of this chapter.
- B. Resubdivision: The resubdividing of at least one existing platted lot, regardless of the existing plat date, into more than one platted lot.
- C. Development Of Condominium Projects:
 - 1. The provisions of the condominium property act as provided in title 55, chapter 15, Idaho Code, as amended, revised and compiled, and the provisions of chapter 10 of this code, as amended, revised and compiled shall be, and the same hereby are, adopted and incorporated by reference herein.
 - 2. Condominium development and subdivision of land(s) may occur within the same plat. This shall also include dedication of public right of way and all standard improvements as outlined in this chapter.
 - 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 and 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.
 - 4. If the condominium building permits have been approved, the short plat process may be followed provided the project meets all qualifications for the short plat process, except that the number of buildable lots may exceed four (4). If the project does not qualify for the short plat process, the regular platting process shall be followed.
 - 5. For condominium plats where multiple buildings are being condominiumized on a single parcel, all subdivision requirements shall be met.

...

E. Exceptions To Platting:

1. Property Boundary or Lot Line Adjustments: An adjustment of property boundaries or lot lines which does not reduce the area, width, depth or building setback lines below the minimum required in chapter 10 of this code and which does not create more parcels or lots than existed prior to the property boundary or lot line adjustment. A property boundary adjustment does not vacate platted lot lines or easements of a recorded subdivision, nor does it vacate any right of way or move any easements or rights of way. A lot line adjustment does not vacate platted lot lines or easements of a recorded subdivision, nor does it vacate any right of way or move any easements or rights of way. The following procedures shall be followed for a property boundary or lot line adjustment:

(A) The applicable application shall be obtained from the planning and zoning department and submitted for processing along with all required attachments as stated on said application and the applicable fee as adopted by council through resolution.

(B) Upon tentative approval of the application by ~~the~~ planning and zoning department, the following tasks shall be completed within four (4) months of said tentative approval or said approval shall become null and void:

i. Cause the property to be boundary surveyed.

ii. Submit a copy of the boundary survey map and all resulting legal descriptions to the planning and zoning department for review by said department, in consultation with the engineering department, to ensure compliance with the tentative approval, prior to recordation.

iii. Upon receiving final approval from the planning and zoning department, have the record of survey recorded and execute and record the necessary deeds to accomplish the property boundary or lot line adjustments as approved by ~~the~~ planning and zoning department;

iv. Provide copies of the recorded record of survey and recorded deeds to ~~the~~ planning and zoning department.

(C) Upon receipt of copies of the recorded record of survey and recorded deeds, a zoning compliance letter shall be issued. A copy of said letter shall be submitted with any subsequent building permit applications for the properties.

(D) A property boundary or lot line adjustment shall not/cannot change or move any public streets or dedicated areas in any manner.

(E) A property boundary or lot line adjustment shall not/cannot increase the original number of properties and may decrease the original number of properties.

(F) A property boundary or lot line adjustment shall not reduce the property size below the minimum dimensional standards prescribed by chapter 10 of this code; or if one or more of the properties is nonconforming as to the minimum dimensional standards prescribed by said chapter 10 of this code, the property boundary or lot line adjustment shall not increase the nonconformity.

(G) No applications for property boundary or lot line adjustments shall be accepted for processing if there are any city code violations on the subject property.

2. Unwilling Sale of Land: The unwilling sale of land as a result of legal condemnation as defined and allowed in Idaho Code and the United States constitution and when the dedication of right of way for public purposes is initiated or requested either formally or informally by a public body.

3. Acquisition of Right Of Way By Public Agency: The acquisition of street rights of way by a public agency.

4. Acquisition of Land For Public Facilities: The acquisition of land for purposes of constructing essential public facilities. (Ord. 2768, 4-20-2009)

5. Simple Lot Splits:

~~Any person requesting to divide any original lot, parcel, or site that is divided into four (4) or fewer lots, parcels, or sites for transfer of ownership or development, whether immediate or future, through the application for a simple lot split. A division of an original lot, parcel or site into two (2) lots. An original lot, parcel, or site is defined as one that was in existence in its current configuration as of March 18, 2013, and one that is not a platted lot in a subdivision that was platted anytime after December 31, 2000. Additionally, all resulting lots or parcels shall meet all applicable zoning, lot size, lot density, and setback requirements.~~

(A) City Authority: The City may require a full subdivision plat if evidence demonstrates that:

1. The proposed split is part of a series of recent splits, sequential splits, concurrent splits or future splits of land that will become part of the same development.

2. The split is intended to avoid required planning or engineering public improvements, infrastructure, or mitigation obligations.

(B) Prohibition on Circumvention:

Any attempt to divide a parcel through a series of sequential splits, separate ownership transfers, or affiliated entities to bypass the platting requirements shall be considered a violation of this ordinance.

(C) Procedures: The following procedures shall be followed for a simple lot split:

1. ~~(A)~~ The applicable application shall be obtained from ~~the~~ planning and zoning department and submitted for processing along with all required attachments as stated on said application and the applicable fee as adopted by council through resolution.

2. ~~(B)~~ Tentative approval needs to be issued by ~~the~~ planning and zoning department and the public works department before the application process can go any further. All portions of chapter 10 of this code will be considered for tentative approval, including lot sizes and dimensions, lot density, land use, and setback requirements. Additionally, all right of way required as shown on the currently adopted roadway classification map shall be identified for dedication.

3. ~~(C)~~ Upon tentative approval of the application by ~~the~~ planning and zoning department, the following tasks shall be completed within four (4) months of said tentative approval or said approval shall become null and void:

i. Cause the property to be boundary surveyed.

ii. Submit a copy of the boundary survey map and all resulting legal descriptions to the planning and zoning department for review by said department, in consultation with the engineering department, to ensure compliance with the tentative approval, prior to recordation of either the survey map or the new deeds.

iii. Upon receiving final approval from the planning and zoning department, have the record of survey recorded and execute and record the necessary deeds to accomplish the simple lot split and any associated right of way dedications as approved by the planning and zoning and public works departments. The requirement for the dedication of right of way may be waived, in writing, by the Director of Public Works or City Engineer in the event the requirement is disproportionate to the impact of the proposed lot split. A written decision of the Director of Public Works or City Engineer denying such a waiver may be appealed to the City Council by submission of a letter by the applicant to the City Clerk within fourteen (14) days of the receipt of said written decision.

iv. Provide copies of the recorded record of survey and recorded deeds to the planning and zoning department. Upon receipt of said documents, the planning and zoning department will issue a zoning compliance letter for each resulting lot or parcel. Zoning compliance letters should always accompany building permit applications as proof that the lot or parcel is buildable.

6. Administrative Lot Split:

(A) Where a parcel is being divided by a right of way dedication, such dedication shall be achieved through an administrative lot split. For the purposes of this dedication, the requirement for the parcel to be in its original configuration as specified in subsection E5 is not applicable, and the administrative lot split will not count towards and negate the ability to do a simple lot split on the subject parcels in the future. All resulting lots or parcels shall meet all applicable zoning, lot size, lot density, and setback requirements.

(B) Lots or parcels divided by public right of way, in existence prior to the date of the adoption of this subsection, are not required to perform an administrative lot split. An existing lot or parcel divided by a right of way may request to split the divided lots or parcels in order to create legal parcels for the purpose of development and or the sale of one or more of the lots or parcels. For the purposes of this subsection, an approved administrative lot split will not count towards and negate the ability to do a simple lot split on the subject parcels in the future. All resulting lots or parcels shall meet all applicable zoning, lot size, lot density, and setback requirements. (Ord. 2768, 4-20-2009; amd. Ord. 2811, 11-2-2009; Ord. 2924, 4-15-2013; Ord. 3576, 3-19-2024 ; Ord. 3673, 4-21-2025)

...

11-02-03: REVIEW AND HEARINGS:

(1) Preliminary Plat Review And Hearings:

A. City Department Review: ~~The planning and zoning department~~ Planning and Zoning shall transmit one copy of the application and preliminary plat to all applicable city departments for review and comments.

B. Public Agency Review: ~~The planning and zoning department~~ Planning and Zoning shall notify all political subdivisions providing services within the planning jurisdiction, including school districts, in accordance with Chapter 65, Title 67, Idaho Code and Section 10-03-12 of this code.

C. Agencies To Receive Preliminary Plat: Some of the agencies which receive copies of the preliminary plat may be as follows:

1. School districts;
2. Transportation agencies and highway districts;
3. Utility, irrigation, and drainage companies or districts;
4. County, municipal, state, and federal agencies;
5. Other agencies as determined by the planning and zoning department.

D. Staff Report: A staff report shall be prepared by ~~the planning and zoning department~~ and submitted to the applicant prior to the meeting at which the preliminary plat is to be considered. The staff report shall, at a minimum, list or summarize all agency and city department responses as well as provide a comprehensive plan analysis, an analysis of compliance with city code and staff recommended conditions.

E. Preliminary Plat Hearings:

1. Once all departments have completed their review of the preliminary plat, and after meeting all the requirements for public noticing in accordance with this chapter, ~~the~~ planning and zoning department shall place the request for preliminary plat approval on the first available agenda for the commission to be heard through the public hearing process as outlined in section 10-03-12 of this code.

2. Commission Action: The commission shall recommend to the council approval, conditional approval or denial of the preliminary plat.

3. Following a Action of the c Commission: ~~The planning and zoning department~~ division shall place the request for preliminary plat approval on the council's agenda to be heard through the public hearing process as outlined in section 10-03-12 of this code., once the ~~department~~ division has determined all conditions that were required to be met prior to being heard by city council, have in fact been satisfied.

4. City Council Action: The city council, prior to approving a preliminary plat request, shall find and conclude the requests have met the criteria identified below, and shall make the express findings of such.

(A) ~~The plat is in compliance with all applicable zoning and subdivision regulations and adopted policies. "city code" as herein defined;~~

(B) ~~The plat is consistent with the goals, policies and vision of the city comprehensive plan and the comprehensive plan future land use map;~~

(C) ~~Public services and utilities are available or can be made available and are adequate to accommodate the proposed subdivision;~~ Adequate public utilities and services, including water, wastewater, stormwater, and other necessary infrastructure, are available or can be reasonably extended to serve the proposed subdivision. Utilities shall have sufficient capacity to accommodate the proposed development at building permit issuance. Where necessary, the applicant shall construct or extend required facilities in accordance with City standards as a condition of approval.

(D) ~~The plat is consistent with the city transportation master plan~~ The proposed subdivision shall be consistent with the City's adopted Transportation Master Plan, including street alignments, right-of-way widths, functional classifications, and planned improvements. The plat shall provide for the orderly extension, dedication, and improvement of streets, pedestrian and bicycle facilities, and other transportation infrastructure necessary to serve the development without adversely impacting the surrounding transportation system; and

(E) ~~The proposed subdivision or use shall not create a substantial adverse and demonstrable impact on adjacent properties, or the surrounding neighborhood that exceeds the impacts reasonably expected from development allowed within the zoning district or shall incorporate mitigation measures sufficient to reduce such impacts to an acceptable level. substantial adverse and demonstrable impacts shall be demonstrative through evidence such as expert professional testimony, city staff reports, public agency statements, master plans, ordinances, and other data-driven findings.~~

(E F) ~~The subdivision preserves natural, scenic, or historic features on the site that is being developed, if applicable. The proposed subdivision shall identify and preserve significant natural, scenic, or historic features on the site, including but not limited to mature trees, waterways, ridgelines, wetlands, and historic structures, where feasible. Where preservation is not possible, the applicant shall incorporate design modifications or mitigation measures to minimize impacts to these features.~~

(G) ~~The proposed subdivision shall be in accordance with Section 10-03-19 of Caldwell City Code, pertaining to adequate public facilities for public school districts.~~

Section 6: This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

Section 7: This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

Section 8. All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL of the City of Caldwell this _____ day of March 2026.

APPROVED BY THE MAYOR of the City of Caldwell, Idaho this _____ day of March 2026.

Eric Phillips, Mayor



ATTEST:

Kristina Buchan, City Clerk