

DRAFT ORDINANCE NO. 868

AN ORDINANCE OF THE CITY OF EAGLE, ADA COUNTY IDAHO, AMENDING TITLE 6 “PUBLIC WAYS AND PROPERTY”, CHAPTER 7, AND AMENDING TITLE 8 “ZONING”, CHAPTERS 2, 3, 6, 7, AND AMENDING TITLE 9 “LAND SUBDIVISIONS”, CHAPTERS 1 & 4; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Eagle, Idaho is a municipal corporation organized and operating under the laws of the State of Idaho; and

WHEREAS, pursuant to Chapter 65, Title 67, Idaho Code, the City of Eagle has the authority to adopt, establish and amend a Zoning Ordinance; and

WHEREAS, the Mayor and Council have determined that good cause exists for amending Eagle City Zoning and Subdivision Codes to protect natural open space and wildlife habitat, conserve agricultural lands, address public health and safety, and maintain or enhance the aesthetic quality of the City; and

WHEREAS, the proposed changes to the Eagle Zoning and Subdivision Codes are in accordance with the City of Eagle Comprehensive Plan;

WHEREAS, it is the intent of the City of Eagle Council to provide Eagle citizens with a network of publicly accessible trails and pathways that support a variety of recreation opportunities for multiple user groups, supports healthy lifestyles, maintains sustainable use and maintenance of the system, promotes economic development, and allows for mobility and alternative transportation.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF EAGLE, Ada County, Idaho;

Section 1: That Title 6, Chapter 7, Section 6, be and is hereby amended, to read as follows with underline text to be added and strike-through text to be deleted:

No person shall remove a tree from a public right of way, ~~or~~ public land, or commercial or industrial district property within the city without submitting an application to the city and obtaining the city’s approval thereon. Applications for tree removal shall be filed with the zoning administrator.

Section 2: That Title 8, Chapter 2, Section 1, be and is hereby amended, to read as follows with underline text to be added and strike-through text to be deleted:

R RESIDENTIAL DISTRICT: To provide regulations and districts for various residential neighborhoods. Gross density in an R district shall be determined according to the numeral following the R. The numeral designates the maximum number of dwelling units per acre. Multi-family and two-family units/developments are prohibited in R-1, R-2, R-3, R-4 and R-5 zoning districts, unless approved as part of a planned unit development (PUD). Centralized water and sewer facilities are required for all subdivision and ~~lot-split~~ parcel division applications submitted after the effective date hereof in all zoning districts exceeding one dwelling unit per two (2) acres (R-E) except the city council may permit the use of individual well(s) and septic system(s) in the A, A-R and R-E zoning districts upon a determination that the public health, safety, and welfare will not be negatively impacted. Whenever there is a conflict or difference between the provisions of this section and those of other chapters and/or other titles, the chapter or title with the more restrictive provision shall prevail. When a property is being proposed for rezone to the R zoning district, a development agreement may be utilized in lieu of the PUD and/or conditional use process if approved by the city council, provided the development agreement includes conditions of development that are required during the PUD and conditional use process.

Section 3: That Title 8, Chapter 2, Section 3, be and is hereby amended, to read as follows with underline text to be added and strike-through text to be deleted:

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS
(P - Permitted Use / C - Conditional Use / No P Or C - Prohibited Use)

LAND USES	DISTRICTS															
	A	A-R	R-E	R	L-O	C-A	C-1	C-2	C-3	CBD	M-1	BP	M-2	M-3	PS	MU
COMMERCIAL:																
Bar							C	C	C	C P						C
Convenience store with fuel service							C	P C	P C							
Restaurant (with drive-through)								P C	P C	C						C

Section 4: That Title 8, Chapter 3, Section 5, be and is hereby amended, to read as follows with underline text to be added and strike-through text to be deleted:

A. Accessory Structure:

1. Will not be located in any required front or street side yard area within the R-E, R, and MU zoning districts. Accessory structures located with the A and A-R zoning districts may be permitted within the front or street side yard area and shall comply with the minimum setbacks as required in section 8-2-4 of this title-, in which case ~~the~~ exterior design of the accessory structure will be

compatible with the principal residence on the lot and shall not detract from the single-family appearance of the lot or obscure and confuse the front entrance of the principal structure. For the purposes of implementing this section, the term compatible shall mean similar exterior building materials and form, including but not limited to similar: building shape and height, roof pitch, colors, siding, wainscoting, windows, and doors;

Section 5: That Title 8, Chapter 6, Section 7, be and is hereby added, to read as follows with underline text to be added:

8-6-7: NATURAL FEATURES ANALYSIS:

A. Planned Unit Development (PUD) applications shall require a natural features analysis (NFA) and natural features map(s) to be submitted with the preliminary development plan as specified below:

1. The NFA shall outline the resources present on or within the boundaries of the site, as well as the associated effects (direct and indirect) of the proposed development on or to those resources. In addition to the resources listed below, impacts to open space, wildlife habitat, and agriculture (if applicable) shall be addressed.

2. The NFA shall be completed by a resource specialist, i.e. someone showing sufficient education, experience, and/or credentials in the specific resources outlined below. The minimum experience for the author of the NFA shall be one of the following: a BS/BA from an accredited college or university in a related field of study plus at least 10 years direct field experience, a MS/MA from an accredited college or university in a related field of study plus at least 5 years direct field experience, or a Certified Environmental Professional as defined by the American Society for Testing and Materials or the National Association of Environmental Professionals. If the resource specialist is a Certified Environmental Professional, they must also provide evidence supporting their qualifications (academic or professional experience) related to the resources identified below.

3. The NFA shall include a mitigation plan that adequately addresses the impacts to the resources affected. As the associated impacts to the resources are permanent in nature, the proposed mitigation action shall also be in effect in perpetuity. The mitigation plan shall include adaptive management principles (monitoring and alternative actions if unsuccessful), a funding source and funds manger (if required), and justification that the plan would effectively mitigate the impacts.

4. The NFA shall also include the following:

a. Hydrology: Analysis and map of natural drainage patterns and water resources including an analysis of streams, natural drainage swales, ponds or lakes, wetlands, floodplain areas or other areas subject to flooding, poorly drained areas, permanent high ground water areas, and seasonal high ground water areas throughout the site.

b. Soils: Analysis and map of types of soils present in the site area including delineation of prime agricultural soil areas, aquifer recharge soil areas, unstable soils most susceptible to erosion, and soils suitable for development. The analysis of soils shall be based on the Ada County soils survey (United States department of agriculture, natural resources conservation service).

c. Topography: Analysis and map of the site's terrain including topographic mapping of elevations with details sufficient to determine property topography and any slopes. If a drainage channel borders the proposed development, the contour lines shall extend the additional distance necessary to include the entire drainage facility abutting the site. Additionally, if determined by the administrator, for adequate analysis of impacts, contour lines a distance determined by the administrator shall extend beyond the proposed development boundary.

d. Vegetation: Analysis and map of existing vegetation of the site including, but not limited to, existing trees, plants, and ground cover species.

e. Wildlife: Analysis and map of existing or potential wildlife species.

f. Sensitive Plant And Wildlife Species: Analysis and map of sensitive plant and wildlife species of the site including, but not limited to, those species listed in the Idaho conservation data center (state of Idaho department of fish and game).

g. Historic Resources: Analysis and map of existing historic resources as identified on the Ada County historic resources inventory and/or the State of Idaho Historic Preservation Office.

h. Hazardous Areas: Analysis and map of all potentially hazardous areas including, but not limited to, land that is unsuitable for development because of flood threat, poorly drained areas, high ground water, steep slopes, rock formation, buried pipelines, or other similar conditions likely to be encountered.

i. Agriculture: Analysis and map of existing agricultural resources including farming and ranching.

j. Map Features: The map shall show important features, including, but not limited to, the following: outline of existing resources (see above) and structures, watercourses, wetlands, power lines, telephone lines, railroad lines, airport influence areas, any existing easements, municipal boundaries, and section lines.

k. Other Supplemental Data: Other supplemental data may be required by the city including, but not limited to, the following:

(1) Approximate location of any areas of fill.

(2) The elevations of all corner points on the boundaries of the proposed plat.

(3) The presence of any significant natural or cultural resources, i.e. wetlands or riparian areas, state or federally listed species of concern (plants, insects, and wildlife), culturally significant sites for Tribes, sites identified on the national register, or others.

B. Mitigation Plan: A mitigation plan is intended to off-set the spatial and temporal impacts (direct and indirect) to existing resources (see above) of a site from a proposed action. Mitigation actions should be similar in scope (size or intensity), timeframe (permanent impacts addressed in perpetuity), and location (within in 10 miles of the Eagle City limits). This can be accomplished a number of ways, including but not limited to (examples only):

- Permanently protecting an equivalent amount of land being impacted: this can be accomplished with local land banks, development of off-site conservation easements, or other similar approaches using existing lands that could otherwise be developed in the future;
- Increased habitat or use value of residual lands: increasing the value of the residual lands within a specified project area to offset the loss of open space, wildlife habitat, or ag lands. For example, if 100 acres were being developed, the developer could set aside 25 acres (75

acres developed) and increase the value of the residual habitat through enhancement measures so that the residual lands would provide the same level of habitat value as the 100 acres;

- A combination of the two actions above coupled with a community education plan;
- Conservation and Education Program (CEP): payment on a per lot basis to the City's Conservation and Education Program with fees established by resolution of the city council;
- Or any other proposed mitigation that adequately mitigates impacts to resources as determined by the city council.

Section 6: That Title 8, Chapter 6, Section 8, be and is hereby added, to read as follows with underline text to be added:

8-6-8: TRANSPORTATION ANALYSIS:

Planned Unit Development (PUD) applications shall require an analysis of impacts to the regional transportation system resulting from the proposed land uses and population prepared in coordination with, as applicable, the Idaho Transportation Department, Ada County Highway District, Community Planning Association Of Southwest Idaho, Valley Regional Transit, and any other local jurisdiction(s) having authority over the public highways and streets materially affected by the planned community. The traffic impact study shall be submitted to ITD and ACHD thirty (30) days prior to submission of the PUD application to the city.

Section 7: That Title 8, Chapter 6, Section 9, be and is hereby added, to read as follows with underline text to be added:

8-6-9: APPLICATION SUBMISSION STANDARDS:

A. Qualifications: All technical reports and recommendations shall be prepared under the supervision of and signed by a qualified expert in each relevant field based on the following qualifications:

1. Hazardous Areas, Hydrology, And Soils: Professional engineer licensed in the state of Idaho;

2. Economist: A professional who demonstrates experience in community development, land use, and/or public administration, specifically with regard to land development feasibility, public services provision, public finance policy, and the economic and fiscal impacts of private development. A graduate degree in economics, public finance, or public administration and at least seven (7) years of experience; or a bachelor's degree in economics, public finance, or public administration and at least ten (10) years of experience; or a bachelor's degree and at least fifteen (15) years of experience;

3. Planner: A professional who is engaged in professional planning, either currently or in the past, as defined by the American Institute Of Certified Planners (AICP), and who has completed a graduate degree in planning, from a program accredited by the planning accreditation board (PAB), plus two (2) years of professional planning experience; or a bachelor's degree in planning, from a

PAB accredited program, plus three (3) years of professional planning experience; or any other postgraduate, graduate or undergraduate degree plus four (4) years of professional planning experience; or no college degree plus eight (8) years of professional planning experience;

4. Transportation: A professional engineer licensed in the state of Idaho;

5. Historical And Cultural Resource Findings: Archaeologists, history and architectural history consultants with submitted documentation that they have demonstrated that they meet the secretary of the interior's 36 CFR 61 qualifications;

6. Wildlife Habitat Mitigation Plan And Habitat Analysis: A professional(s) whose experience demonstrates considerable knowledge of planning and conducting field research for wildlife habitat projects, and formulating specific plans to mitigate wildlife habitat impacts. For the wildlife component, a graduate degree in wildlife biology or a closely related field and at least two (2) years of experience; or a bachelor's degree in wildlife biology or a closely related field and at least four (4) years of experience; or a bachelor's degree and at least eight (8) years of experience. For the vegetative component, a graduate degree in botany, plant ecology, or closely related field and at least two (2) years of experience; or a bachelor's degree in botany, plant ecology, or closely related field and at least four (4) years of experience; or a bachelor's degree and at least eight (8) years of experience;

7. Wetlands: A certified wetlands specialist or other qualified individual meeting the Army Corps of Engineers Standards;

8. Slope Stabilization: A professional engineer licensed in the state of Idaho;

9. Revegetation: A licensed landscape architect or restoration specialist whose experience demonstrates considerable knowledge in the implementation and execution of slope stabilization, revegetation projects, and vegetation management; and

10. Groundwater: An individual or entity identified on the department of environmental quality (DEQ) environmental consulting firms list (available on the DEQ website) or a hydrologist with technical background and experience in planning, conducting, and coordinating complex hydrologic studies in groundwater modeling and analysis.

11. Wildland Fire Specialist: certified wildland fire specialist or individuals recognized by local fire districts as qualified specialist.

B. Digital Submissions:

1. Digital submissions, in a format approved by the administrator, shall accompany all paper submissions; and

2. Digital mapping shall be formatted to be compatible with the city's geographic information system.

C. Mapping: All maps shall have a legend, north arrow, scale, title and author. All data or shape files used to develop the map(s) will be submitted with appropriate meta and/or attribute data in ARC-GIS or similar city-approved format.

Section 8: That Title 8, Chapter 7, Section 3-2, be and is hereby amended, to read as follows with underline text to be added and strike-through text to be deleted:


8-7-3-2: GENERAL STANDARDS FOR CONDITIONAL USES:

The commission/council shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A. Will, in fact, constitute a conditional use as established in section 8-2-3 of this title for the zoning district involved, or section 8-7-3-1 (C) of this chapter, or as may otherwise be established by this title;
- B. Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and/or this title;
- C. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- D. Will not be hazardous or disturbing to existing or future neighboring uses;
- E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- G. Will not involve uses, activities, 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 traffic, noise, smoke, fumes, glare or odors;
- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and
- I. Will not result in the destruction, loss or damage of agricultural lands or any natural open space, scenic, cultural, or historic feature of major importance without adequate mitigation as determined by the city council.

Section 9: That Title 9, Chapter 1, Section 6, be, and is hereby amended, to read as follows with the underline text to be added:

9-1-6: RULES AND DEFINITIONS:

ACHD: refers to the Ada County Highway District. 

Section 10: That Title 9, Chapter 4, Section 1-6, is hereby repealed and replaced with the following text:

9-4-1-6: TRAIL AND PATHWAY REGULATIONS:

A. Intent: The placement of trails, pathways, and sidewalks are intended to encourage motorized and non-motorized forms of use, to provide safe, convenient, and aesthetic alternative travel

routes to common destinations such as schools, parks, shopping centers, etc., and to promote economic development in areas that allow it. The following factors will be considered in the placement of any trail, pathway, or sidewalk: the utility, need, and impact to existing neighborhoods; compliance with the comprehensive plan and trails and pathways master plan; design as it relates to both crime prevention and function, and the responsibilities of ownership and maintenance; or

The development of a defined planning process to include: a standardized application and review process with funding and management structure for implementation and maintenance of the system in perpetuity. In the event that a subdivision developed a suitable alternative to the city's process, it may be adopted using the terms and standards defined below.

B. Trail and Pathway Terms:

1. Pathways and Trails: are areas improved to create motorized or non-motorized routes, loops and courses. For the purposes of this regulation these terms are, in most cases, interchangeable. (Historically, the term "pathway" has been used to describe the Greenbelt and other wide and hard surface routes. The term "trail" is often associated with narrower paths and are usually constructed from natural or native materials.)
2. Tread: the finished usable surface of a path.
3. Hard Surface: refers to tread materials such as concrete, asphalt, pavers, and rigid permeable composites.
4. Natural Surface: refers to tread materials made of stone and other natural materials that have been engineered for specific applications such as gravel, road mix, and crusher fines.
5. Native Surface: refers to tread materials made from the soil, aggregate, and rock found on or adjacent to the finished path.
6. Trailhead: Facility used for access to trails or pathways that may include vehicle parking, restrooms, and other facilities related to trail use.

C. Pathway Location:

1. The City should require the creation and maintenance of pathways (except in cases where it is shown to be inappropriate), that provide access to adjacent:
 - a. Trailheads.
 - b. Pathway elements as identified within the comprehensive plan and the trails and pathways master plan including regional hot spots.
 - c. Existing pathways providing local and regional connectivity.
2. In addition, pathways may be required to connect sites other than those noted above.

D. Pathway Design: The city will be responsible for approving the final pathway design. While the city may exercise considerable discretion in determining the design of pathways, the following minimum standards shall be followed:

1. Those standards adopted by resolution of the city council titled, “The City of Eagle Trail and Pathway Design and Construction Standards.”

2. The official design standards for pathways set forth in the following manuals are to be used as guides: the ["Outdoor Developed Areas Accessibility Guidelines"](#), the ["Guide For The Development Of Bicycle Facilities"](#), or other nationally recognized design standards.

3. Pathways shall be located within common lots unless the city council determines that placement within an easement is more appropriate to serve the public interest. If an easement is used, it shall be designated as a perpetual, non-revokable easement. However, based on changes in development plans, trails and associated easements may need to be relocated. These trails may be relocated by the landowner or city, but must maintain the intent of the easement, i.e. connectivity from point A to point B must be maintained, but may be done with a different configuration or alignment.

All trail or pathway easements shall be provided with a center line in GIS or CAD format with a defined area in the attribute, i.e. width and type of easement. These files will conform to City of Eagle data standards.

4. For all trails and pathways maintained by the city, a minimum four foot (4') wide landscaped area/building and fence setback, as measured from both edges of the paved path, shall be required, and will be owned by either the abutting property owner(s) or a homeowners' association unless accepted by a public entity. The four foot (4') wide landscaped area on either side of the pathway may be decreased to a minimum of two feet (2') wide (as measured from the edge of asphalt to the easement line) when used in conjunction with a meandering pathway, however, the total width of the landscape area shall not be less than eight feet (8') (i.e., two feet (2') on one side of the path and eight feet (8') on the other). For safety purposes, planting material in this area is limited to three feet (3') in height. The landscape, fence and building regulations for this area shall be indicated by a note on the plat. Exceptions may be granted by the city based on site limitations or alternative manage guidelines (see below).

5. If a subdivision has developed a suitable alternative to the city’s pathway process, minimum setbacks and easements may be adjusted to allow for greater flexibility and adaptive management of the trail/pathway system.

E. Trail and Pathway Classifications:

1. Regional Trails and Pathways: are specified where a continuation of a major trail route is required, anticipated or possible. They must be built to withstand loads from maintenance, emergency and other vehicles that require access to locations along or near the pathway. Therefore, the trails or adjacent lands must be designed to accommodate the turning radius of such vehicles. The following requirements shall be used for planning and implementation purposes. Exceptions may be granted by the city if a subdivision has developed a suitable alternative to the city’s pathway process and associated requirements.

a. Shall be ten feet (10’) minimum in width.

b. Shall be maintained by the city, HOA, developer, or property owner, as determined by city council.

c. Tread surface shall be concrete and constructed to the City Trail and Pathway Design and Construction Standard, unless otherwise approved by the city.

d. Adequate lighting, such as solar bollards, may be required as determined by the city.

e. To mitigate congestion along roadways related to regional trail use, off-street public parking may be required by the city council.

f. A twenty-five foot (25') wide non-revocable public access easement is required unless otherwise approved by the city.

2. Community Trails and Pathways: provide routes to and through developments connecting to or providing linkage to regional facilities, arterials/collectors that provide alternative transportation features, or connect to adjacent developments. The following requirements shall be used for planning and implementation purposes. Exceptions may be granted by the city if a subdivision has developed a suitable alternative to the city's pathway process and associated requirements.

a. Shall be eight-foot (8') minimum in width unless otherwise approved by the city.

b. Shall be maintained by the HOA, developer, or property owner.

c. Tread surface shall be concrete and constructed to the City Trail and Pathway Design and Construction Standard, or to the ACHD Sidewalk Standard unless otherwise approved by the city.

d. Shall include a twenty-five foot (25') wide public access easement. The pathway edge shall be setback a minimum of four feet (4') from the edge of the easement.

3. Neighborhood Trails and Pathways: shall be integrated into the design of common area open spaces within neighborhoods. These routes do not, nor are expected to facilitate non-motorized traffic that leads to other neighborhoods, regional trails, schools, parks, commerce, and other attractors. They are intended for internal neighborhood use and for connecting to Community Trails. The following requirements shall be used for planning and implementation purposes. Exceptions may be granted by the city if a subdivision has developed a suitable alternative to the city's pathway process and associated requirements.

a. Shall be six-foot (6') minimum in width unless otherwise approved by the city.

b. Shall be maintained by the HOA, developer, or property owner.

c. Tread surface shall be concrete and constructed to the City Trail and Pathway Design and Construction Standard, or to the ACHD Sidewalk Standard, unless otherwise approved by the city.

4. Special Use Trails: are those trails that are intended to serve a specific user group or a specific combination of users. Motorized and non-motorized uses will be designated and approved by the city. These trails are generally located outside the developed/urbanized areas of development and are to be managed and designed for multiple functions beyond typical trail uses. The following

requirements shall be used for planning and implementation purposes. Exceptions may be granted by the city if a subdivision has developed a suitable alternative to the city's pathway process and associated requirements.

a. Nature Trails: that facilitate hiking, running, horseback riding, and cycling,

(1) Tread shall be between two-feet (2') to eight-feet (8') in width.

(2) May include grades that exceed those typically found in other trail classes.

(3) Design and construction specifications are to be evaluated by the city based on intended use and other factors, and require city approval.

b. Access Trails: provide vehicle access for the purposes of emergency access, habitat/natural features/cultural resources, and fire protection, in addition to typical trail uses.

(1) Tread shall be between eight-feet (8') to twenty-feet (20') in width.

(2) May include grades that exceed those typically found in other trail classes.

(3) Design and construction specifications are to be evaluated by the city based on intended use and other factors, and require city approval.

c. User Optimized Trails and Courses: include elements that enhance the experience for a specific user group or a specific combination of users. Examples of optimized trail elements may include jumps, berms, skills features and obstacles for cycling and off-road vehicles. Gates, bridges, logs and water crossings, and other contrived obstacles are examples for equestrian uses.

(1) These trails may include grades that exceed those typically found in other trail classes.

(2) Design and construction specifications are to be evaluated by the city based on intended use and other factors, and require city approval.

5. Alternative Design Trails and Pathways: may be approved by the city for uses and conditions not covered by other classifications and specifications. The developer shall submit design and construction specifications that shall include justification for the alternative.

F. Signage:

1. Within all public access easements, the city shall reserve the right to display signage,

2. The physical form including materials, placement, and messaging of any signage that the developer or HOA wishes to display within public access easement(s), or signage placed within view of the trail or pathway with messaging directed to trail or pathway users must be approved in writing by the city.

G. Pet Waste Stations and Trash Receptacles:

1. For the health and safety of the public, pet waste bag stations and trash receptacles may be required by the City within public access easements, to be maintained by the property owner or

the City as determined by city council.

H. Community and Regional Sidewalks: while five-foot (5') wide sidewalks play an important role in local neighborhood bicycle and pedestrian conveyance, with an increase in width, and as a last resort alternative, they may also function as a public Community or Regional Trail or Pathway when no other alignment is available and such alternative design is approved by the city council.

1. Community and Regional Sidewalks shall comply with Section 9-4-1-7 of this code.
2. Community and Regional Sidewalks are not required to comply with Sections D.1 and D.2 of this code unless otherwise required by the city council.
3. Community and Regional Sidewalks shall be located within the public right-of-way or within common lots that border roadways, and along arterials and collectors with a minimum of vehicle traffic crossings. These may also be required when bike lanes along adjacent roadways are not available.
4. Community Sidewalks shall be a minimum eight feet (8') in width unless otherwise approved by the city.
5. Regional Sidewalks shall be a minimum of ten feet (10') in width unless otherwise approved by the city.

Section 11: That Title 9, Chapter 4, Section 1-7, is hereby repealed and replaced with the following text:

9-4-1-7: SIDEWALK DESIGN AND MAINTENANCE:

1. Sidewalks, a minimum five feet (5') wide, shall be required on both sides of the street; except, that where the average width of lots, as measured at the street frontage line or at the building setback line, is over one hundred feet (100'), and the street is designated a local street, sidewalks on only one side of the street may be allowed. This sidewalk exception shall not be permitted on collectors, arterials, or section line streets.
2. Sidewalks and crosswalks shall be constructed and maintained in accordance with the standards and specifications of the Ada County Highway District.
3. Sidewalks shall be separated from the edge of the abutting roadway and/or back of curb by a minimum eight foot (8') wide landscape strip. The landscape strip shall be completed with sod, automatic irrigation, and planted with two inch (2") minimum caliper shade class trees along all streets within the subdivision. Installation of landscaping shall be in accordance with section [8-2A-7](#) of this code. The area within the eight foot (8') wide landscape strip may be counted toward the minimum required common area open space.
4. Trees shall be placed at the front of each lot generally located on each side lot line. Minor variations to the location of a tree may be considered by the design review board during the review of the subdivision landscape plan.

5. If sidewalk is required on one side of each street only (as provided for in subsection 1 of this section), then the trees on the side of the street with no sidewalk shall be placed within five feet (5') of the edge of roadway.

6. In zoning districts which prohibit densities greater than one dwelling unit per two (2) acres and at the council's discretion, a five foot (5') wide striped path (with pedestrian designation markings such as diamonds or pedestrian/bicycle symbols) on both edges of all internal roadways may be permitted in lieu of constructing sidewalks. Trees shall be placed within five feet (5') of the edge of roadway.

Section 12: The provisions of this ordinance are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this ordinance.

Section 13: This ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law. In lieu of publication of the entire ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

Approved and adopted this _____ day of _____, 2022.

CITY OF EAGLE
Ada County, Idaho

JASON PIERCE
MAYOR

ATTEST:

TRACY E. OSBORN
CITY CLERK