



**COMMON COUNCIL  
CITY OF BELLEVUE, IDAHO  
MONDAY, NOVEMBER 24, 2025, 5:30 PM  
BELLEVUE CITY HALL AT 5:30 PM  
115 E. PINE STREET, BELLEVUE, IDAHO 83313**

**AGENDA**

*Agendas may be amended*

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**JOIN ZOOM MEETING:**

<https://us02web.zoom.us/j/6273122357?pwd=ekFEckpSQUF6RnVFUFpGYWNjd29Zdz09&omn=82393106403>

**MEETING ID:** 627 312 2357

**PASSCODE:** 606XKF

**ONE TAP MOBILE**

+1-253-215-8782 US (Tacoma)

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**PLEASE MUTE YOUR CALL: PLEASE TURN OFF ALL CELL PHONES EXCEPT FOR EMERGENCY PERSONNEL.**

**CALL TO ORDER**

**ROLL CALL**

**1. NOTICE OF AGENDA COMPLIANCE (PER IDAHO CODE §74-204): ACTION ITEM**

*Finding that the regular meeting notice and agenda were posted in accordance with Idaho Code §74-204 within forty-eight (48) hours prior to the meeting at: The City of Bellevue City Hall, Post Office, and on the City's website on November 20, 2025. Suggested Motion: Move that the notice for the November 24, 2025, meeting was completed in accordance with Idaho Code, Section §74-204.)*

**2. CALL FOR CONFLICT (AS OUTLINED IN IDAHO CODE §74-404): ACTION ITEM**

**3. MAYOR AND COUNCIL REPORT**

**4. PUBLIC COMMENT: FOR ITEMS OF CONCERN NOT ON THE AGENDA – (COMMENTS ARE LIMITED TO 3 MINUTES)**

**5. CONSENT AGENDA: ACTION ITEMS**

a. Approval of August 11, 2025, Regular Council Meeting Minutes: Amy Phelps, Clerk

b. Approval of Claims November 11, through November 24, 2025: Shelly Shoemaker, Treasurer

c. Acceptance of The City of Bellevue November 4, 2025, Election Results from Blaine County Board of Canvassers: Amy Phelps, City Clerk

**6. NEW BUSINESS**

a. Common Council Acceptance of the Resignation of Shaun Mahoney, Alderman: **ACTION ITEM**

b. Council Approval and Appointment of New Alderman to Fill Sixth Council Seat Vacancy, as Recommended by Mayor Christina Giordani, with Term expiring January 2026: Christina Giordani, Mayor | **ACTION ITEM**

i. Swearing in of Newly Appointed Alderman: Amy Phelps, City Clerk

c. Approval of Resolution No. 25-41 approving adoption of a Common Council Code of Conduct establishing standards of ethical behavior, decorum, and meeting procedures for members of the City of Bellevue Common Council: Christina Giordani, Mayor | **ACTION ITEM**

d. Approval of Resolution No. 25-43 adopting a new personnel policy to supersede the previous City of Bellevue Personnel Policy: Amy Phelps, City Clerk | **ACTION ITEM**

\*\*In compliance with the American with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Bellevue, 115 East Pine Street, Bellevue, Idaho 83313, or phone number 208-788-2128 ext. 4, at least twenty-four (24) hours prior to the meeting.

\*\*De conformidad con la Ley de Estadounidenses con Discapacidades, las personas que necesiten adaptaciones especiales durante esta reunión deben notificar a la ciudad de Bellevue, 115 East Pine Street, Bellevue, Idaho 83313, o al número de teléfono 208-788-2128 ext. 4, al menos veinticuatro (24) horas antes de la reunión.

- e. Approval of Resolution No. 25-42 Authorizing the Mayor to execute a contract with Workman & Company for annual audit of City financials for FY25 in an amount not to exceed \$11,300: Shelly Shoemaker, Treasurer | **ACTION ITEM**

**7. WORK SESSION**

- a. FEMA Flood Map Update Process: Brian Parker, Community Development Director
- b. Titles 10 through 12 cleanup Text Amendment Work Session: Brian Parker, Community Development Director

**8. ADJOURNMENT: ACTION ITEM**

***\*If you would like to submit written comment on a public hearing agenda item: Submit your comments to [aphelps@bellevueidaho.us](mailto:aphelps@bellevueidaho.us). for adequate consideration, please submit no later than noon on the day of the meeting.***



**CONSEJO COMÚN**  
**CIUDAD DE BELLEVUE, IDAHO**  
**LUNES, 10 DE NOVIEMBRE DE 2025, 17:30**  
**AYUNTAMIENTO DE BELLEVUE A LAS 17:30**  
**115 E. PINE STREET, BELLEVUE, IDAHO 83313**

**AGENDA**

*Las agendas pueden ser modificadas*

**ÚNETE A UNA REUNIÓN POR ZOOM:**

<https://us02web.zoom.us/j/6273122357?pwd=ekFEckpSQUF6RnVFUFpGYWNjd29Zdz09&omn=82393106403>

**ID DE LA REUNIÓN:** 627 312 2357

**CÓDIGO DE ACCESO:** 606XKF

**MÓVIL DE UN SOLO TAP**

+1-253-215-8782 EE. UU. (Tacoma)

+1-346-248-7799 EE. UU. (Houston)

**POR FAVOR, SILENCIE SU LLAMADA: POR FAVOR, APAGUE TODOS LOS TELÉFONOS MÓVILES EXCEPTO EL PERSONAL DE EMERGENCIA.**

**LLAMADA AL ORDEN**

**LISTA DE LISTA**

**1. AVISO DE CUMPLIMIENTO DE LA AGENDA (SEGÚN EL CÓDIGO DE IDAHO §74-204): PUNTO DE ACCIÓN**

*Se constató que el aviso y la agenda de la reunión ordinaria se publicaron conforme al Código de Idaho §74-204 dentro de las cuarenta y ocho (48) horas previas a la reunión en: El Ayuntamiento de Bellevue, Oficina de Correos y en la página web de la ciudad el 20 de noviembre de 2025. **Moción sugerida:** Propone que el aviso para la reunión del 24 de noviembre de 2025 se completó conforme al Código de Idaho, Sección §74-204.)*

**2. LLAMAMIENTO AL CONFLICTO (SEGÚN LO ESTABLECIDO EN EL CÓDIGO DE IDAHO §74-404): PUNTO DE ACCIÓN**

**3. INFORME DEL ALCALDE Y DEL CONSEJO**

**4. COMENTARIOS PÚBLICOS: PARA ASUNTOS DE INTERÉS QUE NO ESTÁN EN LA AGENDA – (LOS COMENTARIOS ESTÁN LIMITADOS A 3 MINUTOS)**

**5. ORDEN DEL DÍA DE CONSENTIMIENTO: PUNTOS DE ACCIÓN**

- a. Aprobación de la acta de la reunión ordinaria del Consejo del 11 de agosto de 2025: Amy Phelps, secretaria
- b. Aprobación de reclamaciones del 11 al 24 de noviembre de 2025: Shelly Shoemaker, Tesorera
- c. Aceptación de los resultados electorales de la Ciudad de Bellevue del 4 de noviembre de 2025 por parte de la Junta de Escrutinio del Condado de Blaine: Amy Phelps, secretaria municipal

**6. NUEVOS NEGOCIOS**

- a. Aceptación del Consejo Común de la dimisión de Shaun Mahoney, concejal: **PUNTO DE ACCIÓN**
- b. Aprobación del Consejo y nombramiento de nuevo concejal para cubrir la sexta vacante del Ayuntamiento, según recomendó la alcaldesa Christina Giordani, con mandato que expira en enero de 2026: Christina Giordani, alcaldesa | **ÍTEM DE ACCIÓN**
  - i. Juramento del nuevo concejal nombrado: Amy Phelps, secretaria municipal
- c. Aprobación de la Resolución nº 25-41 que aprueba la adopción de un Código de Conducta del Consejo Común que establece estándares de conducta ética, decoro y procedimientos de reunión para los miembros del Concejo Municipal de la Ciudad de Bellevue: Christina Giordani, alcaldesa | **ÍTEM DE ACCIÓN**

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- d. Aprobación de la Resolución nº 25-43 que adopta una nueva política de personal para sustituir la anterior Política de Personal de la Ciudad de Bellevue: Amy Phelps, Secretaria Municipal | **ÍTEM DE ACCIÓN**
- e. Aprobación de la Resolución nº 25-42 que autoriza al alcalde a firmar un contrato con Workman & Company para auditoría anual de las finanzas municipales del año fiscal 25 por un importe no superior a 11.300 dólares: Shelly Shoemaker, Tesorera | **ÍTEM DE ACCIÓN**

**7. SESIÓN DE TRABAJO**

- a. Proceso de actualización del mapa de inundaciones de FEMA: Brian Parker, Director de Desarrollo de Comunidades
- b. Títulos 10 a 12 Sesión de trabajo de enmienda de texto: Brian Parker, Director de Desarrollo Comunitario

**8. APLAZAMIENTO: PUNTO DE ACCIÓN**

*\*Si desea enviar un comentario escrito sobre un punto del orden del día de una audiencia pública: Envíe sus comentarios a [aphelps@bellevueidaho.us](mailto:aphelps@bellevueidaho.us). para su consideración adecuada, por favor envíen sus comentarios a más tardar al mediodía del día de la reunión.*

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**Memorandum**

**To:** Mayor Giordani and Bellevue Common Council

**From:** Amy Phelps, City Clerk

**Re:** Consent Agenda

**Date:** November 24, 2025

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The consent agenda allows the Council to approve routine, non-controversial items in one motion to save time and streamline meetings. Typical items include approval of minutes, bills, and standard reports. Any council member may request that an item be removed from the consent agenda for separate discussion before the vote.

**Suggested Motion**

Move to approve the Consent Agenda as: *amended, corrected, or as presented.*

**Enclosures**

1. Meeting minutes: August 11, 2025, Regular Common Council meeting minutes
2. Claims Payable Report: November 11 through November 24, 2025
3. Canvass of Election Results



The Common Council of the City of Bellevue, Idaho met at a Regular Meeting on Monday, August 11, 2025, at 5:30 p.m. in the Council Chambers of the City of Bellevue Offices, located at 115 E. Pine Street, Bellevue, ID 83313.

**Call to Order:** Mayor Giordani called the Regular Meeting to order at 5:32 p.m. ([00:00:40 in video](#))

**Roll Call:** ([00:00:40 in video](#))

Christina Giordani, Mayor – Present

Diane Shay, Council President – Present

Tammy E. Davis, Council Member – Absent

Suzanne Wrede, Council Member – Present

Shaun Mahoney, Council Member – Present

Tom Bergin, Council Member – Present

Jessica Obenauf, Council Member – Absent

**Staff Present:**

Chris Johnson, Public Works Director (via Zoom)

Amy Phelps, City Clerk

Greg Beaver, Fire Chief

Brian Parker, Community Development Director

Carter Bullock, Planner

Kirtus Gaston, Marshal

Shelly Shoemaker, Treasurer

Rick Allington, Legal Counsel

**1. Notice of Agenda Compliance:** ([00:01:20 in video](#))

The posting of this regular meeting agenda complied with Idaho Code §74-204. The Regular meeting agenda was posted within forty-eight (48) hours prior to the meeting at the Bellevue City Hall, Post Office, and on the City website on *July 24 2025*.

**Motion:** **Council President Shay** moved that the agenda notice was in compliance with Idaho Code §74-204. **Council Member Bergin** seconded, and the motion passed unanimously.

**1. CALL FOR CONFLICT (AS OUTLINED IN IDAHO CODE §74-404): ACTION ITEM**

No conflict was noted at this time.

**2. MAYOR AND COUNCIL REPORT**

([00:02:10 in Video](#)) Mayor Giordani reported that the USS Idaho Commissioning Committee has brought the Victory Bells from the National WWII Museum to the Wood River Valley, with performances scheduled in Ketchum and at Hailey Rocks on Thursday. She noted the limited publicity and encouraged community attendance. Mayor Giordani also reminded residents of heightened

wildfire risk due to hot and dry conditions and thanked the Fire Chief for preparing preparedness information shared in the City newsletter. She provided an update on the Labor Day celebration, noting that vendor spaces are nearly full and encouraging businesses and residents to participate in the parade and festivities. Additionally, she reminded the community to limit irrigation watering to ten minutes per zone due to high water usage.

**3. PUBLIC COMMENT: for Items of Concern Not on the Agenda (00:05:25 in video)**

**Judy Zimmer, 109 South 3rd Street, Bellevue**

Ms. Zimmer expressed ongoing concerns regarding an RV positioned on her neighbor's property line approximately six feet from her bedroom window. She stated the RV has been continuously occupied for three years, is connected to city water and sewer, and may be in violation of city ordinances regarding RV occupancy limits, hookups, and setbacks. Ms. Zimmer reported difficulty obtaining answers to her code-related questions despite contacting staff and noted past noise issues associated with the RV's occupants. She stated that the property owner had previously apologized and indicated the RV residents would be moving, but the situation remains unresolved. She asked the Council what options are available to address the matter.

**Greg Beaver, 113 South 7th Street, Bellevue**

Mr. Beaver reported that the school's sprinklers were running during the day despite there being no school in session and noted this after the City's recent reminders about water conservation. Staff acknowledged the comment, and the Public Works Director will follow up.

**5. CONSENT AGENDA: ACTION ITEMS (00:09:21 in video)**

- a. Approval of Meeting Minutes: June 10, 2025: Amy Phelps, City Clerk
- b. Approval of Claims July 29, through August 11, 2025: Shelly Shoemaker, Treasurer
- c. Department Head Reports
- d. Water Project Update: Merrick and Company

Council Member Wrede asked for an update on water metering and any information available around it.

Public Works Director Chris Johnson reported that the City currently has approximately 680 water connections, with 620 verified to ensure addresses match meter numbers. His team is working to confirm the remaining 280 connections using transmitter numbers and coordinating with staff to reconcile records from Caselle and Neptune systems. Mr. Johnson stated that by October 1st, residents will receive meter readings reflecting domestic water use to help identify leaks before the irrigation season begins in May. The goal is to implement full meter-based billing by January 1st, consistent with city ordinances and EDU-based billing to cover water costs. He noted ongoing adjustments are needed to align ordinance language with billing practices. Mayor Giordani then explained that Kayme Backstrom in the water department has prepared a step-by-step launch plan for Council review to provide clear updates on the project's progress.

Council Member Wrede asked whether the smart meters are integrated with the City's GIS system to help associate meter readings with addresses and support quality assurance. Public Works Director Chris Johnson explained that the current focus (phase one) is verifying meter numbers, readings, and transmitter data with corresponding addresses. GIS will be used in a later phase for asset management, including mapping meter locations, tracking installation dates, and planning meter updates or

replacements. Mayor Giordani clarified that Wrede was asking about using GIS for this purpose, and Wrede confirmed that this phase-two integration aligns with her understanding.

Council Member Bergin asked about the mention in the water project status report of an EPA Buy America, Build America (BABA) compliance visit. Public Works Director Chris Johnson explained that the federal program requires materials purchased with grant or loan funds to be sourced from American companies, including steel, plastic, and other infrastructure components, to support domestic manufacturing. He noted that the City is still in the preliminary design phase, so there is little for the EPA to inspect at this time, but the program ensures the City follows the policy during procurement and construction. Johnson confirmed that BABA requirements are included in project specifications and bid documents and that updates will be provided to Council as the project progresses.

[\(00:21:04 in video\)](#) Council Member Wrede asked whether the City or Merrick is addressing the lack of agreement to access additional parts of the property. Public Works Director Chris Johnson responded that he is working directly with the landowner, providing weekly water usage data and ensuring the City fulfills its obligations under the MOU to facilitate access.

**Motion:** Council Member Bergin motioned to approve the consent agenda. Council Member Wrede seconded the motion. Council Members Voting Aye: Council President Shay, Council Member Bergin, Council Member Wrede, Council Member Mahoney. Council Members Voting Nay: none. **The Motion Passed.**

## 6. WASTEWATER PLANT PROJECT UPDATE: Andrew Kimmel, Great West Engineering [\(00:23:12 in video\)](#)

Andrew Kimmel reported that overall progress on the wastewater project is going well. Crews encountered some unexpected issues with the chlorination system, which were addressed to ensure proper disinfection before the full plant comes online. Soil and field “flesh” samples for land application have been collected and sent to the lab for inclusion in the annual permit report. The recycling tank and haul truck are back in operation, which has accelerated recent work. The control contractor will be on-site next weekend to test equipment functionality and identify any necessary repairs. Kimmel confirmed the project remains on track for the original November 1st completion date.

Public Works Director Chris Johnson recognized Case McGehee for his efforts in getting the tank truck operational after battery replacements and minor maintenance. Mr. Johnson explained the truck enabled multiple weekend loads to support wastewater operations, including preparing WAS tanks for new flow meters. He noted that, with a small crew of five, staff have been assisting across water, wastewater, and street duties, including emergency street sweeping after spilled rocks, to maintain service and safety. He thanked the team for their extra effort and acknowledged the challenges of balancing multiple responsibilities with limited resources.

[\(00:29:35 in video\)](#) Council Member Wrede asked when recent wastewater field and soil test results would be returned and whether the results could impact the project timeline. Andrew Kimmel explained that the tests monitor current system performance and do not affect construction progress, though staff time spent collecting samples slightly impacted available project work. He said results typically return within 30 days, and high readings could adjust field application rates but not the overall project schedule. Public Works Director Chris Johnson added that the testing includes water samples and tissue samples from alfalfa fields for nitrogen and phosphorus uptake. He confirmed the City is on

track to meet permitting requirements and submit the reuse permit by August 15th, with no anticipated delays to project completion.

Council Member Wrede asked whether the current wastewater testing and permit information is related to regaining treatment capacity as defined by DEQ. Public Works Director Chris Johnson clarified that the testing and reuse permit pertain only to discharge compliance—monitoring nitrate, phosphorus, and ammonia levels applied to the land and plant tissue samples—and do not affect the City's treatment capacity or ability to serve additional volume. He explained that land application via reuse basins is less stringent than discharging into a waterway and confirmed the testing ensures compliance with state limits.

**7. THE COMMUNITY PROJECT UPDATE:** Courtney Frost, Blue Cross Idaho Foundation and Tawsha Box, Reynolds & Meyers ([00:37:14 in video](#))

Courtney Frost from the Blue Cross of Idaho Foundation for Health and Tawsha Box from Reynolds & Meyers provided an update on the Community Project Grant awarded to the City of Bellevue. Frost explained that the grant supports community health by enhancing social connection and engagement through public spaces, emphasizing that residents' feedback guided all recommendations. Box described the engagement process, which included an online survey in English and Spanish and in-person outreach at local businesses and community spaces to ensure broad participation, including youth and underrepresented groups. Based on this input, the presenters recommended enhancements to Memorial Park, particularly the stage area, improving family gathering spaces, transforming the basketball court into a multi-sport area, and adding trailside amenities such as bike repair stations. They noted that the recommendations are intended to amplify existing community assets rather than create new facilities, and the Council has discretion to prioritize implementation. The presenters also shared that survey results would be provided to the Council for further consideration.

**8. NEW BUSINESS**

- a. Consideration of a Memorial Park reservation fee waiver request for the dates of August 12<sup>th</sup> and August 19<sup>th</sup> 2025 for a youth group gathering for Calvary Bible Church: Johnie Michael, Calvary Bible Church | [ACTION ITEM \(00:58:10 in video\)](#)

Council President Shay noted prior fee waivers granted and referenced Parks Committee criteria, while clarifying that the group requesting the waiver had already held multiple events. Public Works Director Chris Johnson explained the group had not been fully aware of the City's permitting process. Council Member Bergin questioned whether the use qualified for a waiver, noting that the group was not partnering with the City and that the City incurs costs for park use, such as porta-potties and trash removal. The fee in question was \$90, and members generally agreed that the request did not meet the established criteria, and the standard fee should apply.

**Motion:** ([01:03:02 in video](#)) **Council President Shay moved to deny** a Memorial Park reservation fee waiver request for the dates of August 12<sup>th</sup> and August 19<sup>th</sup> 2025 for a youth group gathering for Calvary Bible Church: Johnie Michael, Calvary Bible Church **Council Member Mahoney Seconded the Motion.** Council Members Voting Aye: Council President Shay, Council Member Bergin, Council Member Wrede, Council Member Mahoney. Council Members Voting Nay: none. **The Motion Passed to deny the fee waiver.**

- b.** Discussion and consideration of a proposed ballot measure that would modify the City of Bellevue's Local Option Tax (LOT) by imposing a one percent (1%) tax on the sale of restaurant food, a two percent (2%) tax on the retail sale of liquor-by-the-drink, and a three percent (3%) increase on the sale of hotel-motel occupancy, providing for an expiration date of July 31, 2040: Christina Giordani, Mayor [\(01:04:00 in video\)](#)

Mayor Giordani explained that the purpose of the proposed ballot measure is to expand the city's non-property tax revenue, currently 3% on hotel-motel occupancy, to include a 1% tax on restaurant food sales, a 2% tax on liquor by the drink, and an increase of the hotel-motel tax from 3% to 6%. She further explained the intent is to secure reliable funding for public safety, including staffing, equipment, and operational readiness, as well as for ongoing street and infrastructure maintenance, especially given increased usage from tourism. She emphasized the opportunity to diversify revenue streams, reduce the financial burden on residents, and capture tourism dollars. Mayor Giordani noted that LOT taxes may face legislative threats, so establishing these measures with a long sunset date would protect the city's ability to collect them. She said the proposal would continue the current framework of earmarking LOT revenue, now splitting it between streets/infrastructure and public safety. She clarified that the measure would require a supermajority of 60% voter approval and invited the Council to discuss the proposed taxes and percentages.

The Council discussion focused on the proposed LOT tax rates and potential expansions. Councilmembers generally agreed that a 1% tax on restaurant food and 2% on liquor by the drink seemed fair, while opinions varied on increasing the hotel-motel tax from 3% to 6%, with one suggesting 5% instead. Comparisons were made to other resort cities, noting Bellevue's lower rates and predominantly local hotel use. It was clarified that the hotel-motel tax also applies to short-term rentals like Airbnb. The conversation explored potential future expansions to cover auto rentals, ATVs, and UTVs, emphasizing the focus on visitor-generated revenue. Members highlighted that LOT revenue would support public services without overburdening residents, and noted the importance of considering voter approval and state law parameters. The timeline for placing the measure on the November ballot was noted as tight, requiring prompt action at the next Council meeting.

[\(01:23:28 in video\)](#) Council Member Wrede expressed concern that Bellevue lacks operational efficiency and fiscal discipline, and therefore she does not support additional taxes without first addressing basic infrastructure needs like potholes. She emphasized the importance of detailed fiscal analysis before committing to new revenue sources. Council President Shay noted input from local business owners who see value in keeping visitors spending locally and highlighted community support. Mayor Giordani read a letter from Jessica Obenauff in favor of a local option tax to fund public safety, infrastructure, and emergency services without overly burdening property owners.

Further discussion included potential revenue from restaurant and hotel taxes, current liquor and beer/wine licenses, and hotel/motel occupancy and short-term rental compliance. Council considered whether the hotel/motel tax increase should be 5% or 6% and the duration of the tax extension, with some preference for a more conservative 5% and a longer-term extension (suggested 15 years) for stability.

Discussion was had on how urban renewal districts divert property tax revenue from other levies, potentially impacting schools and services, and how LOT (local option tax) funds should be prioritized for public safety and infrastructure, rather than solely snow removal. The conversation highlighted transparency, voter decision-making, and balancing tourism-related costs with resident impacts.

Overall, the focus was on careful consideration of percentages, equitable allocation of funds, timing for the ballot, and ensuring LOT funds directly address the burdens of tourism on Bellevue's infrastructure and services.

Mayor Giordani noted that, due to time constraints and the absence of two council members, additional discussion should occur at a future meeting when the full council can provide input. With no further questions from the council, she moved to proceed to the next agenda item.

**c. Consideration and approval of Ordinance No. 2025-09 amending Bellevue's City Code Section 7-1-6: Street and Alley Improvements, and providing an effective date: Brian Parker, Community Development Director | [ACTION ITEM \(01:59:38 on video\)](#)**

Community Development Director, Brian Parker explained that recent land use reviews highlighted an issue in the current code: property owners may open and construct undeveloped platted rights-of-way at their own expense, after submitting plans approved by the City Engineer. Once built, the roadway becomes a public street, leaving the City permanently responsible for maintenance, plowing, and related obligations. He noted that such decisions should involve the Council. The proposed code amendment would therefore require a public hearing and a Council finding that opening a right-of-way is in the public interest.

Rick Allington, the City Attorney asked for clarification on whether the proposed code amendment applied primarily to undeveloped "stub roads" in town, such as platted portions of 7th and 8th Streets or segments of Riverside Drive. Then Council member Wrede requested documentation showing why the issue had become a priority, what specific properties were affected, and expressed concern about waiving ordinance readings, noting a desire for robust public engagement.

Mr. Parker responded that the amendment would *increase* public engagement by requiring a public hearing for any request to open an undeveloped right-of-way. He clarified that waiving three readings is a standard procedural option, not a reduction in public participation. He explained that the issue arose during review of a recent lot line adjustment, when Council identified a gap in the code and asked staff to address it proactively so future applicants could not develop public streets without Council oversight.

Parker confirmed the amendment would apply prospectively, and that only a limited number of platted but undeveloped rights-of-way exist, though future annexations could add more. Staff reiterated that the intent is to ensure public input and Council approval before a road or access is constructed, rather than relying solely on administrative review.

Council Members discussed hypothetical scenarios—such as a landowner constructing a bridge or opening a platted roadway—and noted that under current code such actions could move forward without Council review. Members generally expressed support for the amendment, noting it strengthens public process and aligns with state requirements that the Council find such actions to be in the public interest.

Council Member Bergin offered several wording adjustments for clarity, including adding "right-of-way" in relevant sections and using "shall" instead of "must." Parker agreed with most revisions, cautioning only against language in the "whereas" clauses that could imply permissions beyond code.

**Motion: [\(02:14:30 in video\)](#) Council Member Bergin motioned** waive the three readings of Ordinance 2025-09 and read by title only. **Council President Shay seconded** the motion. Council

Members Voting Aye: Council President Shay, Council Member Bergin, Council Member Mahoney. Council Members Voting Nay: Council Member Wrede. **The Motion Passed.**

**Council Member Bergin read the ordinance by title only.**

**Motion: Council Member Bergin motioned** to approve Ordinance 2025-09. **Council President Shay seconded** the motion. Council Members Voting Aye: Council President Shay, Council Member Bergin, Council Member Mahoney, Council Member Wrede. Council Members Voting Nay: none. **The Motion Passed.**

**Motion: Council Member Bergin motioned** to authorize publication of Ordinance 2025-09 by title only. **Council Member Wrede seconded** the motion. Council Members Voting Aye: Council President Shay, Council Member Bergin, Council Member Mahoney, Council Member Wrede. Council Members Voting Nay: none. **The Motion Passed.**

d. Consideration and approval of Ordinance No. 2025-10 amending Bellevue's City Code by adding a new chapter to Title 4: Health, Sanitation, and Environment to control nuisance weeds, and providing an effective date: Brian Parker, Community Development Director | **ACTION ITEM** [\(02:16:46 in video\)](#)

Mr. Parker explained that the proposed ordinance was developed primarily by Chief Beaver as part of his annual work plan, with Parker assisting in preparing it for Council review. He stated that the ordinance addresses public safety, fire safety, community appearance, and the management of deteriorating areas. The ordinance would allow the City to abate overgrown or weedy nuisance properties after proper notice is given to the property owner and the owner fails to address the issue. Parker noted that the ordinance is brief, consisting of three sections, and invited questions from the Council.

[\(02:17:50 in video\)](#) Council Member Wrede expressed significant concern about the proposed weed-abatement ordinance, particularly the requirement that residents maintain vegetation not only on their private property but also within public rights-of-way extending to the centerline of adjacent streets and alleys. She stated that the language appeared to obligate homeowners to manage weeds on public property over which they have no control, and that failure to do so could lead to fines and even liens. Council Member Wrede noted that this seemed contradictory to prior direction given to residents that they may not alter or use alleys, yet the ordinance would now hold them responsible for maintaining them. She emphasized that the punitive nature of the language, combined with the proposal to waive the three readings, risked adopting a far-reaching ordinance before the public was aware of its implications.

Brian Parker responded that the code was written this way in part to avoid costly surveying and to address weeds that grow quickly and create fire hazards. He stated that similar language exists in many Idaho municipalities and that the intent was fire mitigation, not general right-of-way maintenance. However, Council Member Wrede continued to question the scope, noting that the ordinance could be interpreted much more broadly, allowing staff to declare nuisances based on subjective judgments of "visual blight" or generalized threats to health and safety. Council Member Bergin asked for legal clarification on nuisance authority and commented that the powers granted appeared too expansive. Mr. Allington suggested focusing the ordinance strictly on vegetation that poses a fire danger as determined by the Fire Chief, rather than attempting to define or regulate weeds generally.

Chris Johnson, Public Works Director provided examples of dry vegetation piles and overgrown lots that create clear fire risks, acknowledging the need for enforcement tools in those situations. Council

Member Bergin reiterated that responsibility for maintaining city rights-of-way—especially alleys—should not fall to homeowners who are otherwise prohibited from modifying those areas. Council discussion turned to whether the ordinance could be narrowed to apply only to private property, or alternatively, whether references to maintaining areas “to the centerline” could be revised to exclude rights-of-way or limit homeowner obligations only to the edge of existing driving lanes.

Staff acknowledged that the draft was based on multiple examples from other cities and had already been simplified but expressed willingness to revise it. Carter Bullock, Planner suggested alternative wording that would define the maintenance boundary more practically, such as up to the driving aisle or edge of asphalt, rather than to the centerline.

Council consensus trended toward pausing adoption, removing or narrowing right-of-way references, and focusing the ordinance on fire-hazard vegetation rather than broad nuisance conditions. Staff was directed to revise the language and return with a clearer, more limited draft at a future meeting.

e. Readoption of fiscal year 26 tentative budget: Shelly Shoemaker, Treasurer | **ACTION ITEM**  
[\(02:48:35 in video\)](#)

Shelly Shoemaker, Treasurer explained that due to the Idaho Power and Avista lawsuit, the city had to pay back \$2,126.28 in taxes, including interest. This amount was inadvertently omitted from the previously adopted tentative budget. To correct this, she proposes:

- Increasing the **city property tax line** from \$887,000 to \$889,126.28.
- Reducing the **budget carryover** from \$178,537 to \$176,411.

No changes to the overall budget bottom line are required; this adjustment simply ensures the tax reimbursement is properly recorded. She is requesting the council to approve a revised tentative budget reflecting these changes.

**Motion: Council President Shay motioned** Readoption of fiscal year 26 tentative budget. **Council Member Mahoney seconded** the motion. Council Members Voting Aye: Council President Shay, Council Member Bergin, Council Member Mahoney. Council Members Voting Nay: Council Member Wrede. **The Motion Passed.**

**10. Adjournment:** [\(02:51:15 in Video\)](#) With no further business coming before the Common Council at this time, Council Member Wrede moved to adjourn the meeting. Council Member Bergin seconded the motion. The meeting adjourned at 08:23 p.m. The motion passed unanimously.

---

Christina Giordani, Mayor

Attest:

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Amy Phelps, City Clerk



			Description	Invoice Date	Total Cost	GL Account	GL Account Description
Total Concrete Construction Supply (770):							
<b>Copy &amp; Print LLC (780)</b>							
6695	1	Invoice	Business Cards/Carter	10/01/2025	97.99	100-03-522010	Office Supplies
6695	2	Invoice	Business Cards/Matty	10/01/2025	92.99	100-08-522010	Office Supplies
7530	1	Invoice	Supplies for Comprehensive Plan	11/14/2025	567.21	100-03-51650	Comprehensive Plan
Total Copy & Print LLC (780):							
<b>Core &amp; Main (790)</b>							
Y054801	1	Invoice	Parts for WW Plant repairs	11/06/2025	602.83	300-30-51160	Repairs & Maintenance (Gen
Total Core & Main (790):							
<b>Cox Business Services (820)</b>							
110625	1	Invoice	Telephone Chgs. - 11/5/25 - 12/4/25	11/06/2025	1,261.17	100-01-52100	Telephone
15	Total Cox Business Services (820):				1,261.17		
<b>Ferguson Waterworks (1130)</b>							
0933757	1	Invoice	Extensions for meter vault repairs	10/02/2025	1,141.80	200-20-51160	Repairs & Maintenance (Gen
0940863	1	Invoice	Extensions for meter vault repairs	11/05/2025	193.88	200-20-51160	Repairs & Maintenance (Gen
Total Ferguson Waterworks (1130):							
<b>Go-Fer It Express Inc. (1300)</b>							
140500	1	Invoice	Delivery of Test Samples to Magic Valley Labs	10/31/2025	54.60	300-30-52110	Test Samples - Water & Sewer
Total Go-Fer It Express Inc. (1300):							
<b>Idaho Independent Intergovernmental Auth (4290)</b>							
2120	1	Invoice	Nov	11/07/2025	4,837.00	100-01-50011	Insurance - Health
2120	2	Invoice	Nov	11/07/2025	1,768.00	100-03-50011	Insurance - Health
2120	3	Invoice	Nov	11/07/2025	884.00	100-07-50011	Insurance - Health
2120	4	Invoice	Nov	11/07/2025	4,466.00	100-08-50011	Insurance - Health
2120	5	Invoice	Nov	11/07/2025	3,837.00	100-15-50011	Insurance - Health
2120	6	Invoice	Nov	11/07/2025	470.50	200-20-50011	Insurance - Health
2120	7	Invoice	Nov	11/07/2025	470.50	300-30-50011	Insurance - Health

Invoice	Seq	Type	Description	Invoice Date	Total Cost	GL Account	GL Account Description
			Total Idaho Independent Intergovernmental Auth (4290):				
					16,433.00		
			<b>Idaho Rural Water Association (1620)</b>				
E7779	1	Invoice	Wastewater Treatment Cert./Chris	11/17/2025	350.00	300-30-52120	Training & Meetings
					350.00		
			Total Idaho Rural Water Association (1620):				
			<b>Lunceford Excavation, Inc. (2030)</b>				
18519	1	Invoice	Frost free install w/septic tank mitigation/Memorial Park	11/10/2025	2,584.91	200-20-51160	Repairs & Maintenance (Gen
					2,584.91		
			Total Lunceford Excavation, Inc. (2030):				
			<b>McHugh Bromley Attorneys at Law PLLC (2110)</b>				
1000 4908	1	Invoice	Rep. in delivery calls & other water rights work 10/10 - 10/23/25	10/31/2025	512.00	200-20-51070	Conjunctive Management
					512.00		
			Total McHugh Bromley Attorneys at Law PLLC (2110):				
			<b>16 Merrick &amp; Company (2130)</b>				
10242381	1	Invoice	Thru 9/30/25 - W/SIP Basic Services	11/03/2025	40,016.35	200-20-58125	Drinking Water Plan - IDEQ
10244690	1	Invoice	Thru 9/30/25 - W/SIP Add'l Services	11/10/2025	67,676.59	200-20-58125	Drinking Water Plan - IDEQ
			Total Merrick & Company (2130):				
					107,692.94		
			<b>Minert &amp; Associates, Inc. (2160)</b>				
344792	1	Invoice	NDOT Test & Collection Fee	11/06/2025	88.00	100-08-57000	Safety Equipment
344792	2	Invoice	Annual Query	11/06/2025	96.00	100-15-57000	Safety Equipment
344792	3	Invoice	Test & Collection Fee	11/06/2025	136.40	100-15-57000	Safety Equipment
			Total Minert & Associates, Inc. (2160):				
					320.40		
			<b>MK Trailers (2170)</b>				
28861	1	Invoice	Aluminum Pipe/Vac Tk.	10/21/2025	83.07	200-20-52080	Small Tools & Equipment
28879	1	Invoice	Aluminum Pipe/Vac Tk.	10/28/2025	133.07	200-20-52080	Small Tools & Equipment
			Total MK Trailers (2170):				
					216.14		
			<b>Mountain Rides Transportation Authority (2210)</b>				
12845	1	Invoice	FY26 Agreement	11/07/2025	14,000.00	100-01-52050	Professional Services

					Invoice Date	Total Cost	GL Account	GL Account Description
<b>Total Mountain Rides Transportation Authority (2210):</b>								
<b>Napa Auto Parts (2260)</b>								
243116	1	Invoice	Battery for Loader		11/18/2025	177.64	100-15-51163	R & M - Equipment (non-auto)
242193	1	Invoice	Dry grease for new loader		11/10/2025	38.97	100-15-52090	Supplies
242507	1	Invoice	Power steering hose for vac truck		11/12/2025	30.62	100-15-51163	R & M - Equipment (non-auto)
Total Napa Auto Parts (2260):								
<b>Ohio Gulch Transfer Station (2350)</b>								
00343104	1	Invoice	Removed leaves /Memorial Park		11/13/2025	47.79	100-15-51165	R & M - Tree Expense
00343449	1	Invoice	Tree from Amber & Tendoy		11/17/2025	15.04	100-15-51165	R & M - Tree Expense
00343468	1	Invoice	Tree from Amber & Tendoy		11/17/2025	13.12	100-15-51165	R & M - Tree Expense
00343493	1	Invoice	Tree from Amber & Tendoy		11/17/2025	17.60	100-15-51165	R & M - Tree Expense
Total Ohio Gulch Transfer Station (2350):								
<b>Oxarc (2390)</b>								
0062174071	1	Invoice	Supplies		10/31/2025	9.61	100-15-52090	Supplies
Total Oxarc (2390):								
<b>Quill Corporation (2660)</b>								
46477408	1	Invoice	Supplies		11/05/2025	93.75	100-01-52090	Supplies
Total Quill Corporation (2660):								
<b>Spronk Water Engineers, Inc. (3080)</b>								
WRV03-26	1	Invoice	Big W.R. GW Management - 9/29/25 - 11/2/25		11/10/2025	1,041.25	200-20-51070	Conjunctive Management
Total Spronk Water Engineers, Inc. (3080):								
<b>State Insurance Fund (3110)</b>								
30457480	1	Invoice	W/C Insur		10/27/2025	3,943.00	100-01-50015	Workers Compensation Insurance
30457480	2	Invoice	W/C Insur		10/27/2025	386.00	200-20-50015	Workers Compensation Insurance
30457480	3	Invoice	W/C Insur		10/27/2025	386.00	300-30-50015	Workers Compensation Insurance
Total State Insurance Fund (3110):								

Invoice

Seq

Type

Description

Invoice Date

Total Cost

GL Account

GL Account Description

**The Chamber, Hailey & Wood River Valley (3310)**

12222	1	Invoice	2026 Annual Member Dues	10/13/2025	100.00	100-01-51080	Dues & Memberships
12222	2	Invoice	2026 Annual Member Dues	10/13/2025	100.00	200-20-51080	Dues & Memberships
12222	3	Invoice	2026 Annual Member Dues	10/13/2025	100.00	300-30-51080	Dues & Memberships

Total The Chamber, Hailey & Wood River Valley (3310):

300.00

**Valley Wide Cooperative (3510)**

J37854	1	Invoice	Fuel - Card #3816394	11/06/2025	84.20	100-05-51110	Fuel
9334779	1	Invoice	Supplies	11/08/2025	32.32	300-30-52090	Supplies
9347019	1	Invoice	Garbage bags	11/13/2025	37.99	100-15-52090	Supplies
09349519	1	Invoice	Garbage bags	11/13/2025	37.99	100-15-52090	Supplies
09356319	1	Invoice	Misc. supplies to fix Vacuum	11/17/2025	22.16	100-15-52090	Supplies

Total Valley Wide Cooperative (3510):

214.66

157,683.38

Grand Totals:

Report GL Period Summary

Vendor number hash:	0
Vendor number hash - split:	0
Total number of invoices:	0
Total number of transactions:	0

	Name	Invoice	Seq	Type	Description	Invoice Date	Total Cost	GL Account	GL Account Description
<b>100-01</b>									
	Idaho Independent Intergovernme	2120	1	Invoice	Nov	11/07/2025	4,837.00	100-01-50011	Insurance - Health
	State Insurance Fund	30457480	1	Invoice	WC Insur	10/27/2025	3,943.00	100-01-50015	Workers Compensation Ins
	The Chamber, Hailey & Wood Riv	12022	1	Invoice	2026 Annual Member Dues	10/13/2025	100.00	100-01-51080	Dues & Memberships
	Mountain Rides Transportation Au	12845	1	Invoice	FY26 Agreement	11/07/2025	14,000.00	100-01-52050	Professional Services
	Quill Corporation	46477408	1	Invoice	Supplies	11/05/2025	93.75	100-01-52090	Supplies
	Cox Business Services	110625	1	Invoice	Telephone Chgs. - 11/5/25 - 12/4/25	11/06/2025	1,261.17	100-01-52100	Telephone
	Cintas	5301528304	2	Invoice	Supplies	11/06/2025	58.19	100-01-57000	Safety Equipment
	Total 100-01:						24,293.11		
<b>100-03</b>									
	Idaho Independent Intergovernme	2120	2	Invoice	Nov	11/07/2025	1,768.00	100-03-50011	Insurance - Health
	Copy & Print LLC	7530	1	Invoice	Supplies for Comprehensive Plan	11/14/2025	567.21	100-03-51650	Comprehensive Plan
	Copy & Print LLC	6695	1	Invoice	Business Cards/Carter	10/01/2025	97.99	100-03-52010	Office Supplies
	Total 100-03:						2,433.20		
<b>100-05</b>									
	Valley Wide Cooperative	J37854	1	Invoice	Fuel - Card #2816394	11/06/2025	84.20	100-05-51110	Fuel
	Total 100-05:						84.20		
<b>100-07</b>									
	Idaho Independent Intergovernme	2120	3	Invoice	Nov	11/07/2025	884.00	100-07-50011	Insurance - Health
	Atkinson's Market	3858129	1	Invoice	Halloween supplies	10/28/2025	31.21	100-07-55010	Library Programs
	Total 100-07:						915.21		
<b>100-08</b>									
	Idaho Independent Intergovernme	2120	4	Invoice	Nov	11/07/2025	4,466.00	100-08-50011	Insurance - Health
	Christensen Inc. dba United Oil	CL01211	1	Invoice	Fuel - Card #263953/Gaston	11/15/2025	221.41	100-08-51110	Fuel
	Christensen Inc. dba United Oil	CL01211	2	Invoice	Fuel - Card #263954/Shelamer	11/15/2025	98.51	100-08-51110	Fuel
	Christensen Inc. dba United Oil	CL01211	3	Invoice	Fuel - Card #263955/Thayer	11/15/2025	78.17	100-08-51110	Fuel
	Christensen Inc. dba United Oil	CL01211	4	Invoice	Fuel - Card #6857653/Marin	11/15/2025	239.27	100-08-51110	Fuel
	Copy & Print LLC	6695	2	Invoice	Business Cards/Manny	10/01/2025	92.99	100-08-52010	Office Supplies
	Minerf & Associates, Inc.	344792	1	Invoice	NDOT Test & Collection Fee	11/06/2025	88.00	100-08-57000	Safety Equipment
	Total 100-08:						5,284.35		



Name	Invoice	Seq	Type	Description	Invoice Date	Total Cost	GL Account	GL Account Description
<b>300-30</b>								
Idaho Independent Intergoveme	2120	7	Invoice	Nov WC Insur	11/07/2025	470.50	300-30-50011	Insurance - Health
State Insurance Fund	30457480	3	Invoice	2026 Annual Member Dues	10/27/2025	386.00	300-30-50015	Workers Compensation Ins
The Chamber, Hailey & Wood Riv	12022	3	Invoice	10/13/2025	100.00	300-30-51080	Dues & Memberships	
Christensen Inc. dba United Oil	CL01210	1	Invoice	11/15/2025	134.44	300-30-51110	Fuel	
Christensen Inc. dba United Oil	CL01212	3	Invoice	11/15/2025	115.17	300-30-51110	Fuel	
Core & Main	Y054801	1	Invoice	11/06/2025	602.83	300-30-51160	Repairs & Maintenance (G	
Concrete Construction Supply	2025-11-18	2	Invoice	11/18/2025	90.00	300-30-52090	Supplies	
Valley Wide Cooperative	93347/9	1	Invoice	11/08/2025	32.32	300-30-52090	Supplies	
Go-Fer It Express Inc.	140500	1	Invoice	10/31/2025	54.60	300-30-52110	Test Samples - Water & Se	
Idaho Rural Water Association	E7779	1	Invoice	11/17/2025	350.00	300-30-52120	Training & Meetings	
					2,335.86			
					157,683.38			
<b>Total 300-30:</b>								
<b>Grand Totals:</b>								

**1 Report GL Period Summary**

Vendor number hash: 0  
Vendor number hash - split: 0  
Total number of invoices: 0  
Total number of transactions: 0

**Memorandum**

**To:** Mayor Giordani and Bellevue Common Council

**From:** Amy Phelps, City Clerk

**Re:** Approval of November 4<sup>th</sup>, 2025, Election Results

**Date:** November 24, 2025

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**Background:**

Idaho's 2009 Consolidated Election laws made important changes to how municipal elections are conducted, with counties taking responsibility starting with the November 8, 2011 election.

The Blaine County Commissioners are now responsible for reviewing and officially certifying election results, a process known as canvassing. On November 13<sup>th</sup>, the commissioners canvassed the results for the City of Bellevue election. Attached are the results from the November 4<sup>th</sup> election. These results will be entered into the archival minutes in accordance with Idaho Code §50-412.

**Enclosure:**

1. Canvass of election results from Blaine County Commissioners

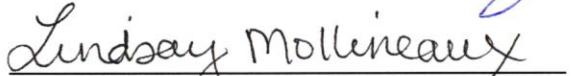
STATE OF IDAHO }  
COUNTY OF BLAINE } ss.

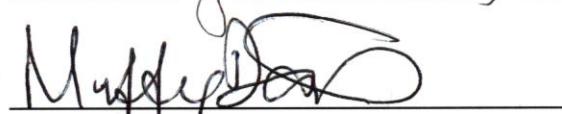
We, the commissioners of the county and state aforesaid, acting as a Board of Canvassers of Election, convened on November 13, 2025, do hereby state that the attached is a true and complete abstract of all votes cast within this county for the candidates and/or questions as they appeared at the election held on November 4, 2025, as shown by the records now on file in the County Clerk's office.



Attest:

  
\_\_\_\_\_  
County Clerk

  
  
\_\_\_\_\_  
Lindsay Molineaux

  
\_\_\_\_\_  
Murphy

County Board of Canvassers

(County Seal)

Blaine County

Consolidated Election - November 4, 2025

November 04, 2025

Detailed Results by Contest

## Bellevue Mayor

Vote For 1

	Christina Giordani NON	Suzanne Wrede NON	Over Votes	Under Votes	Total Registered Voters	Total Votes Cast
013 BELLEVUE	377	248	0	17	1,333	625
Contest Total	377	248	0	17	1,333	625

Blaine County

Consolidated Election - November 4, 2025

November 04, 2025

Detailed Results by Contest

## Bellevue City Non-Property Tax Election

Vote For 1

	<i>IN FAVOR</i>	<i>AGAINST</i>	<i>Over Votes</i>	<i>Under Votes</i>	<i>Total Registered Voters</i>	<i>Total Votes Cast</i>
	NON	NON				
013 BELLEVUE	365	268	0	9	1,333	633
Contest Total	365	268	0	9	1,333	633

Blaine County

Consolidated Election - November 4, 2025

November 04, 2025

Detailed Results by Contest

## Carey City Council

## Vote For 2

	Tyler Norman	Clayton Mecham	Tara Hansen	Over Votes	Under Votes	Total Registered Voters	Total Votes Cast
014 CAREY	NON	NON	NON	0	31	610	355
Contest Total	123	149	83	0	31	610	355

Blaine County

Consolidated Election - November 4, 2025

November 04, 2025

Detailed Results by Contest

## Hailey City Council Seat 1

Vote For 1

	<i>Jeff Emerick</i> NON	<i>Sage Sauerbrey</i> NON	<i>Joe Zellers</i> NON	Over Votes	Under Votes	Total Registered Voters	Total Votes Cast
007 NW HAILEY	56	363	155	0	33	1,103	574
008 NE HAILEY	48	419	143	0	29	1,096	610
009 SW HAILEY	51	308	125	0	12	983	484
010 NW WOODSIDE	42	160	82	0	17	801	284
011 SE WOODSIDE	82	232	104	0	21	1,081	418
Contest Total	279	1,482	609	0	112	5,064	2,370

Blaine County

Consolidated Election - November 4, 2025

November 04, 2025

Detailed Results by Contest

## Hailey City Special Non-Property Tax Election

Vote For 1

	<i>In Favor</i> NON	<i>Against</i> NON	<i>Over Votes</i>	<i>Under Votes</i>	<i>Total Registered Voters</i>	<i>Total Votes Cast</i>
007 NW HAILEY	453	147	0	7	1,103	600
008 NE HAILEY	496	137	0	6	1,096	633
009 SW HAILEY	380	109	0	7	983	489
010 NW WOODSIDE	218	78	0	5	801	296
011 SE WOODSIDE	291	132	0	16	1,081	423
Contest Total	1,838	603	0	41	5,064	2,441

Blaine County

Detailed Results by Contest

Consolidated Election - November 4, 2025

November 04, 2025

In the event the City of Ketchum retains the current Mayor-Council form of Government

Ketchum Mayor

Vote For 1

	Pete Pekinges	John Wigdale	Over Votes	Under Votes	Total Registered Voters	Total Votes Cast
	NON	NON				
003 NORTH KETCHUM	628	172	0	42	1,357	800
004 SOUTH KETCHUM	693	130	0	31	1,478	823
Contest Total	1,321	302	0	73	2,835	1,623

In the event the City of Ketchum retains the current Mayor-Council form of Government

Ketchum City Council 4 Year Term

Vote For 2

	Perry Boyle	Randy Hall	Hannah Harris	Kendall Kirkpatrick	Matthew McGraw	David Page	Biche Rudigoz	Ed Simon	Tracie Smith	Robert Vallee	Over Votes	Under Votes	Total Registered Voters	Total Votes Cast
	NON	NON	NON	NON	NON	NON	NON	NON	NON	NON				
003 NORTH KETCHUM	310	260	213	55	252	50	39	173	130	80	14	108	1,357	1,562
004 SOUTH KETCHUM	195	317	243	57	281	79	52	174	150	77	2	81	1,478	1,625
Contest Total	505	577	456	112	533	129	91	347	280	157	16	189	2,835	3,187

Blaine County

Consolidated Election - November 4, 2025

November 04, 2025

Detailed Results by Contest

## Ketchum City Council-Manager Plan

Vote For 1

	Yes NON	No NON	Over Votes	Under Votes	Total Registered Voters	Total Votes Cast
003 NORTH KETCHUM	365	467	0	10	1,357	832
004 SOUTH KETCHUM	301	541	0	12	1,478	842
Contest Total	666	1,008	0	22	2,835	1,674

Blaine County

Detailed Results by Contest

Consolidated Election - November 4, 2025

November 04, 2025

In the event voters approve the question to change to the Council-Manager plan of government

Ketchum City Council 2 Year

Vote For 5

	Perry Boyle	Spencer Cordovano	Randy Hall	Hannah Harris	Tripp Charles Hutchinson	Kendall Kirkpatrick	Matthew McGraw	David Page	Biche Rudigöz	Ed Simon	Tracie Smith	Robert Vallee	John Wigdale	Over Votes	Under Votes	Total Registered Voters	Total Votes Cast
	NON	NON	NON	NON	NON	NON	NON	NON	NON	NON	NON	NON	NON	NON	NON	NON	NON
003 NORTH KETCHUM	407	291	397	383	136	158	458	160	104	358	253	191	224	0	690	1,357	3,520
004 SOUTH KETCHUM	331	379	432	408	194	184	468	203	140	310	293	166	208	0	554	1,478	3,716
Contest Total	738	670	829	791	330	342	926	363	244	668	546	357	432	0	1,244	2,835	7,236

Blaine County

Consolidated Election - November 4, 2025

November 04, 2025

Detailed Results by Contest

## Sun Valley City Council

## Vote For 2

	<i>Mike Burchmore</i>	<i>Keith Saks</i>	<i>Geoff Tickner</i>	<i>Bill Costigan</i>	<i>Over Votes</i>	<i>Under Votes</i>	<i>Total Registered Voters</i>	<i>Total Votes Cast</i>
002 SUN VALLEY	NON	NON	NON	NON	0	181	1,380	1,051
Contest Total	439	382	144	86	0	181	1,380	1,051

Blaine County

Consolidated Election - November 4, 2025

November 04, 2025

Detailed Results by Contest

## Sun Valley City Special Non-Property Local Option Tax

Vote For 1

	<i>IN FAVOR</i> NON	<i>AGAINST</i> NON	<i>Over Votes</i>	<i>Under Votes</i>	<i>Total Registered Voters</i>	<i>Total Votes Cast</i>
002 SUN VALLEY	420	189	0	7	1,380	609
Contest Total	420	189	0	7	1,380	609

Blaine County

Consolidated Election - November 4, 2025

November 04, 2025

Detailed Results by Contest

## Blaine School District No. 61 Supplemental Levy

Vote For 1

IN FAVOR OF  
authorizing a  
supplemental levy in  
the amount of  
\$3,850,000 per year  
for two (2) years

AGAINST authorizing  
a supplemental levy in  
the amount of  
\$3,850,000 per year  
for two (2) years

			Over Votes	Under Votes	Total Registered Voters	Total Votes Cast
001 NORTH BLAINE COUNTY	337	150	0	49	1,203	487
002 SUN VALLEY	397	191	0	28	1,380	588
003 NORTH KETCHUM	558	241	0	43	1,357	799
004 SOUTH KETCHUM	589	234	0	31	1,478	823
005 QUIGLEY	348	166	0	6	1,177	514
006 DEER CREEK	171	105	0	4	701	276
007 NW HAILEY	450	151	0	6	1,103	601
008 NE HAILEY	488	142	0	9	1,096	630
009 SW HAILEY	360	129	0	7	983	489
010 NW WOODSIDE	195	101	0	5	801	296
011 SE WOODSIDE	287	137	0	15	1,081	424
012 POVERTY FLAT	98	102	0	1	472	200
013 BELLEVUE	315	306	0	21	1,333	621
014 CAREY	108	144	0	14	610	252
015 GANNETT / PICABO	89	137	0	4	578	226
016 YALE	1	3	0	0	4	4
Contest Total	4,791	2,439	0	243	15,357	7,230

Blaine County

Consolidated Election - November 4, 2025

November 04, 2025

Detailed Results by Contest

## Ketchum Fire District Commissioner Subdistrict 1

Vote For 1

	Casey Finegan NON	Rachel Williams NON	Over Votes	Under Votes	Total Registered Voters	Total Votes Cast
003 NORTH KETCHUM	399	308	0	135	1,357	707
004 SOUTH KETCHUM	381	367	0	106	1,478	748
Contest Total	780	675	0	241	2,835	1,455

Blaine County

Consolidated Election - November 4, 2025

November 04, 2025

Detailed Results by Contest

## Ketchum Fire District Commissioner Subdistrict 2

Vote For 1

	Susan M. Scovell NON	Alex Monge NON	Over Votes	Under Votes	Total Registered Voters	Total Votes Cast
003 NORTH KETCHUM	342	359	0	141	1,357	701
004 SOUTH KETCHUM	408	345	0	101	1,478	753
Contest Total	750	704	0	242	2,835	1,454

Blaine County

Consolidated Election - November 4, 2025

November 04, 2025

Detailed Results by Contest

## Ketchum Fire District Commissioner Subdistrict 3

Vote For 1

	Pete Schwartz NON	Slater Storey NON	Over Votes	Under Votes	Total Registered Voters	Total Votes Cast
003 NORTH KETCHUM	362	357	0	123	1,357	719
004 SOUTH KETCHUM	411	340	0	103	1,478	751
Contest Total	773	697	0	226	2,835	1,470

Blaine County

Consolidated Election - November 4, 2025

November 04, 2025

Detailed Results by Contest

## Ketchum Cemetery District Commissioner

Vote For 2

	Harry Bolton	Write-In Miguel Goitiandia	Write-In John H. McDonald	Over Votes	Under Votes	Total Registered Voters	Total Votes Cast
001 NORTH BLAINE COUNTY	NON	NON	NON				
001 NORTH BLAINE COUNTY	363	2	3	0	567	1203	368
002 SUN VALLEY	166	0	0	0	262	1380	166
003 NORTH KETCHUM	651	6	5	0	955	1357	662
004 SOUTH KETCHUM	694	4	1	0	926	1478	699
005 QUIGLEY	11	0	0	0	17	1177	11
<b>Contest Total</b>	<b>1885</b>	<b>12</b>	<b>9</b>	<b>0</b>	<b>2727</b>	<b>6595</b>	<b>1906</b>

Blaine County

Consolidated Election - November 4, 2025

November 04, 2025

Detailed Results by Contest

## Blaine County Recreation District Permanent Tax Override Levy

Vote For 1

	YES, I am IN FAVOR of authorizing the permanent tax levy	NO, I am AGAINST authorizing the permanent tax levy	Over Votes	Under Votes	Total Registered Voters	Total Votes Cast
001 NORTH BLAINE COUNTY	304	229	0	3	1,203	533
002 SUN VALLEY	349	263	0	4	1,380	612
003 NORTH KETCHUM	475	350	0	17	1,357	825
004 SOUTH KETCHUM	506	336	0	12	1,478	842
005 QUIGLEY	295	220	0	5	1,177	515
006 DEER CREEK	136	140	0	4	701	276
007 NW HAILEY	400	206	0	1	1,103	606
008 NE HAILEY	433	202	0	4	1,096	635
009 SW HAILEY	337	157	0	2	983	494
010 NW WOODSIDE	182	117	0	2	801	299
011 SE WOODSIDE	250	186	0	3	1,081	436
012 POVERTY FLAT	74	127	0	0	472	201
013 BELLEVUE	271	369	0	2	1,333	640
014 CAREY	39	224	0	3	610	263
015 GANNETT / PICABO	60	167	0	3	578	227
016 YALE	1	3	0	0	4	4
Contest Total	4,112	3,296	0	65	15,357	7,408

## Blaine County

Consolidated Election - November 4, 2025

November 04, 2025

## Voting Statistics

Precinct	Registration at Cutoff	Election Day Registrations	Total Registered	Ballots Cast	Turnout
001 NORTH BLAINE COUNTY	1186	17	1203	536	44.6%
002 SUN VALLEY	1355	25	1380	616	44.6%
003 NORTH KETCHUM	1294	63	1357	842	62.0%
004 SOUTH KETCHUM	1428	50	1478	854	57.8%
005 QUIGLEY	1169	8	1177	520	44.2%
006 DEER CREEK	690	11	701	280	39.9%
007 NW HAILEY	1069	34	1103	607	55.0%
008 NE HAILEY	1071	25	1096	639	58.3%
009 SW HAILEY	960	23	983	496	50.5%
010 NW WOODSIDE	785	16	801	301	37.6%
011 SE WOODSIDE	1040	41	1081	439	40.6%
012 POVERTY FLAT	465	7	472	201	42.6%
013 BELLEVUE	1293	40	1333	642	48.2%
014 CAREY	591	19	610	266	43.6%
015 GANNETT / PICABO	570	8	578	230	39.8%
016 YALE	4	0	4	4	100.0%
<b>TOTAL</b>	<b>14970</b>	<b>387</b>	<b>15357</b>	<b>7473</b>	<b>48.7%</b>

To the Mayor, City Council and valued city employees

It is with regrets that I am respectfully submitting my letter of resignation. Due to ongoing issues from my stroke, and in my continuing effort to improve, I am moving to Boise effective November 24 so that I can benefit from all the opportunities here.

Thanks to everybody for the past 20 years for your support, it's been a great ride, and I will miss seeing you all!

I do plan on spending time in the valley often.

See you later,  
Shaun Mahoney

**Memorandum**

**To:** **Bellevue Common Council**

**From:** **Christina Giordani, Mayor**

**Amy Phelps, City Clerk**

**Re:** **Appointment of New Alderman to Fill Sixth Council Seat Vacancy with term expiring January 1, 2026.**

**Date:** **November 24, 2025**

---

**Background:**

Councilmember Shaun Mahoney has resigned, creating a vacancy on the Bellevue Common Council effective November 24<sup>th</sup>, 2025. Idaho Code § 50-704 authorizes the Mayor to nominate, and the Council to confirm, an appointee to serve until the end of the term. Anders Ard ran unopposed for this council seat in the recent election and will assume office at the first meeting in January 2026. The Mayor recommends appointing Mr. Ard to complete the remainder of the current term in order to ensure continuity in council business and provide a smooth transition.

**Suggested Motion:**

"I move to confirm the Mayor's nomination of **Anders Ard** to fill the council vacancy created by the resignation of Shaun Mahoney, to serve the remainder of the current term ending January 1, 2026."

**Enclosures**

1. Oath of Office

# OATH OF OFFICE

STATE OF IDAHO,

} SS

County of Blaine

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Idaho, and that I will faithfully discharge the duties of Alderman of the City of Bellevue according to the best of my ability.

---

Anders Ard

Subscribed and sworn to before me this 24<sup>th</sup> day of November, 2025

---

Amy Phelps, City Clerk



## Memorandum

**To:** Mayor Giordani and Bellevue Common Council

**From:** Christina Giordani, Mayor

Amy Phelps, City Clerk

**Re:** Common Council Code of Conduct

**Date:** November 24, 2025

---

### **Background:**

The City of Bellevue has long relied on state law, established meeting practices, and general norms of professional conduct to guide the actions of its elected officials. As the responsibilities and visibility of public service continue to grow, many Idaho municipalities have adopted written Codes of Conduct to reinforce public trust, improve meeting efficiency, and ensure consistency in expectations for Council behavior.

The proposed Code of Conduct consolidates ethical standards, meeting procedures, communication guidance, and conflict-of-interest requirements already found in state law, Robert's Rules of Order, and existing City practices. Establishing these expectations in one document will support orderly decision-making, promote respectful dialogue, and clarify roles between the Council, Mayor, and staff.

### **Suggested Motion:**

*Move to adopt the proposed Common Council Code of Conduct as presented*

### **Enclosures:**

1. Resolution No. 25-41
2. City of Bellevue Common Council Code of Conduct
3. Robert's Rules of Order - Simplified

**CITY OF BELLEVUE  
RESOLUTION NO. 25-41**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF  
BELLEVUE, IDAHO, ADOPTING A CODE OF CONDUCT FOR MEMBERS OF THE  
COMMON COUNCIL**

**WHEREAS**, the Common Council (“the Council”) of the City of Bellevue recognizes the importance of promoting public confidence, transparency, and ethical behavior in municipal government; and

**WHEREAS**, the Council desires to establish clear standards of ethical conduct, decorum, and meeting procedures for its members to ensure orderly and effective Council meetings; and

**WHEREAS**, the Council Code of Conduct is intended to supplement applicable Idaho state laws, including but not limited to the Idaho Ethics in Government Act (Title 74, Chapter 4) and the Idaho Open Meetings Law (Idaho Code § 67-2340), and to guide Council members in fulfilling their duties with professionalism and respect; and

**WHEREAS**, the Council desires that all members acknowledge and comply with this Code of Conduct upon adoption and periodically thereafter.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY  
OF BELLEVUE, IDAHO, AS FOLLOWS:**

1. Adoption of City of Bellevue Common Council Code of Conduct. The City of Bellevue Common Council hereby adopts the Common Council Code of Conduct in the form attached hereto as Exhibit A.
2. Acknowledgment of Council Members. Each member of the Council shall sign an acknowledgment of receipt and understanding of the Code of Conduct within 30 days of adoption, and new members shall sign within 60 days of taking office.
3. Compliance. All Council members are expected to comply with the Code of Conduct at all times while performing their official duties.
4. Review and Amendment. The Code of Conduct shall be reviewed periodically, at least once following each municipal election, and may be amended by a majority vote of the full Council at a duly noticed meeting.

5. **Severability.** If any provision of this Resolution or the Code of Conduct is held invalid, such invalidity shall not affect the other provisions, which shall remain in full force and effect.

**PASSED AND ADOPTED** by the Common Council of the City of Bellevue, Idaho, this 24<sup>nd</sup> day of November 2025.

---

Christina Giordani, Mayor

ATTEST:

---

Amy Phelps, City Clerk



# CITY OF BELLEVUE

## COMMON COUNCIL CODE OF CONDUCT

---

### **Purpose**

This Code establishes standards of ethical behavior, decorum, and meeting procedures for members of the City of Bellevue Common Council (the “Council”) and the Mayor. It promotes public trust, orderly meetings, efficient decision-making, and compliance with applicable law. It applies to all Council members when acting in their official capacity.

### **Section 1. General Ethical Standards**

Members of the Council Shall:

1. Serve the public interest and act with honesty, integrity, impartiality, and civility.
2. Place public service above personal or private interests.
3. Councilmembers shall disclose potential conflicts and comply with Idaho conflict-of-interest law § 59-703 and any applicable financial disclosure obligations.
4. Not use public office for private gain; accept no gifts or favors that could reasonably influence official actions.
5. Comply with Idaho’s open-meetings and public-records laws and other applicable state law.
6. Preserve confidentiality when the Council meets in lawful executive session.

### **Section 2. Conduct in Meetings and Official Activities**

1. **Decorum & Civility.** Councilmembers shall treat each other, staff, and the public with courtesy and respect. Debate ideas, not individuals. Interruptions, personal attacks, or abusive language are prohibited.
2. **Presiding Officer.** The Mayor enforces order, recognizes speakers, and preserves the agenda schedule; Councilmembers shall respect rulings and use parliamentary remedies to challenge a ruling.
3. **Addressing Remarks.** Address remarks to the presiding officer and fellow Councilmembers; remain seated while addressing the Council unless otherwise permitted. Follow Robert’s Rules of Order.
4. **Preparation & Focus.** Review agenda materials before meetings and keep remarks relevant to the agenda item. Avoid repeating points already made; wait until others have had an opportunity to speak.
5. **Time Management.** The presiding officer may impose reasonable time limits on Councilmembers’ remarks and public comment to ensure efficient meetings. The presiding officer may enforce time limits consistently.

6. **Consent Agenda.** Items on a consent agenda are intended to be routine; Councilmembers who wish to discuss a consent item in depth rather than ask questions for clarification purposes shall request its removal prior to the vote.

### **Section 3. Social Media & External Communications**

1. Use social media responsibly. Distinguish personal views from official positions.
2. Do not use City letterhead, official email signatures, or City resources to convey personal or campaign messages. Personal communications should be on personal stationery or accounts and must avoid implying the City's endorsement.
3. Do not disclose or use confidential information obtained in official capacity for private advantage.
4. When a Councilmember speaks publicly as an individual, they shall explicitly state they are expressing a personal opinion and not speaking on behalf of the Council. Official statements on behalf of the Council require Council approval or explicit authorization.

### **Section 4. Direction to Staff**

Councilmembers shall not direct staff to take action outside of normal administrative channels; requests for staff action should be made through the Mayor or his/her designee as appropriate.

### **Section 5. Conflict of Interest; Disclosure; Recusal**

1. Disclose any potential or actual conflict of interest at the earliest practical time. Follow Idaho law for recusal, disclosure, and related procedures.
2. A recused member may be counted toward a quorum but shall not participate in debate or vote on the matter in question.
3. When in doubt, err on the side of disclosure and consult the City Attorney.

### **Section 6. Enforcement and Remedies**

Violations of this Code of Conduct may be subject to public admonition or public censure. Conduct that is in violation of City, State or Federal law, will be referred to the appropriate law enforcement agency. This Code is not intended to create a private cause of action. The remedies listed are internal Council remedies and do not preclude civil or criminal enforcement.

### **Section 7. Training & Acknowledgement**

1. New Councilmembers shall receive an orientation on this Code and relevant state law within 60 days of taking office.
2. Each Council member shall sign an acknowledgment of receipt and understanding of this Code when assuming office.

## **Section 8. Implementation, Review & Amendment**

1. This Code may be adopted by resolution and may be amended by majority vote at a properly noticed meeting.
2. The Council shall review this Code following each municipal election and revise as needed.

## **Summary of practical meeting rules:**

1. The Mayor enforces a single “speaking queue” for Council so Councilmembers are heard in turn.
2. Standard suggested speaker time limit for Councilmembers on each agenda item: 5 minutes each, with one follow-up allowed to be adjusted by the Mayor as needed.
3. Let all Councilmembers speak once before allowing anyone to speak a second time.
4. Public comment time limit: 3 minutes per speaker; subject to reasonable aggregate caps, with exceptions at the Mayor’s discretion for agenda items requiring extended public input.
5. Consent-agenda protocol: advance notice to remove an item required before the consent vote.

## Roberts Rules of Order – Simplified

### Guiding Principles:

- Everyone has the right to participate in discussion if they wish, before anyone may speak a second time.
- Everyone has the right to know what is going on at all times. Only urgent matters may interrupt a speaker.
- Only one thing (motion) can be discussed at a time.

A **motion** is the topic under discussion (e.g., “I move that we add a coffee break to this meeting”). After being recognized by the president of the board, any member can introduce a motion when no other motion is on the table. A motion requires a second to be considered. If there is no second, the matter is not considered. Each motion must be disposed of (passed, defeated, tabled, referred to committee, or postponed indefinitely).

### How to do things:

**You want to bring up a new idea before the group.**

After recognition by the president of the board, present your motion. A second is required for the motion to go to the floor for discussion, or consideration.

**You want to change some of the wording in a motion under discussion.**

After recognition by the president of the board, move to amend by

- adding words,
- striking words or
- striking and inserting words.

**You like the idea of a motion being discussed, but you need to reword it beyond simple word changes.**

Move to substitute your motion for the original motion. If it is seconded, discussion will continue on both motions and eventually the body will vote on which motion they prefer.

**You want more study and/or investigation given to the idea being discussed.**

Move to refer to a committee. Try to be specific as to the charge to the committee.

**You want more time personally to study the proposal being discussed.**

Move to postpone to a definite time or date.

**You are tired of the current discussion.**

Move to limit debate to a set period of time or to a set number of speakers. Requires a 2/3<sup>rds</sup> vote.

**You have heard enough discussion.**

Move to close the debate. Also referred to as calling the question. This cuts off discussion and brings the assembly to a vote on the pending question only. Requires a 2/3<sup>rds</sup> vote.

**You want to postpone a motion until some later time.**

Move to table the motion. The motion may be taken from the table after 1 item of business has been conducted. If the motion is not taken from the table by the end of the next meeting, it is dead. To kill a motion at the time it is tabled requires a 2/3<sup>rds</sup> vote. A majority is required to table a motion without killing it.

You believe the discussion has drifted away from the agenda and want to bring it back.  
"Call for orders of the day."

You want to take a short break.  
Move to recess for a set period of time.

You want to end the meeting.  
Move to adjourn.

You are unsure the president of the board announced the results of a vote correctly.  
Without being recognized, call for a "division of the house." A roll call vote will then be taken.

You are confused about a procedure being used and want clarification.  
Without recognition, call for "Point of Information" or "Point of Parliamentary Inquiry." The president of the board will ask you to state your question and will attempt to clarify the situation.

You have changed your mind about something that was voted on earlier in the meeting for which you were on the winning side.  
Move to reconsider. If the majority agrees, the motion comes back on the floor as though the vote had not occurred.

You want to change an action voted on at an earlier meeting.  
Move to rescind. If previous written notice is given, a simple majority is required. If no notice is given, a 2/3<sup>rds</sup> vote is required.

### Unanimous Consent:

If a matter is considered relatively minor or opposition is not expected, a call for unanimous consent may be requested. If the request is made by others, the president of the board will repeat the request and then pause for objections. If none are heard, the motion passes.

- **You may INTERRUPT a speaker for these reasons only:**

- to get information about business –point of information to get information about rules– parliamentary inquiry
- if you can't hear, safety reasons, comfort, etc. –question of privilege
- if you see a breach of the rules –point of order
- if you disagree with the president of the board's ruling –appeal
- if you disagree with a call for Unanimous Consent –object

Quick Reference					
	Must Be Seconded	Open for Discussion	Can be Amended	Vote Count Required to Pass	May Be Reconsidered or Rescinded
Main Motion	✓	✓	✓	Majority	✓
Amend Motion	✓	✓		Majority	✓
Kill a Motion	✓			Majority	✓
Limit Debate	✓		✓	2/3 <sup>rds</sup>	✓
Close Discussion	✓			2/3 <sup>rds</sup>	✓
Recess	✓		✓	Majority	
Adjourn (End meeting)	✓			Majority	
Refer to Committee	✓	✓	✓	Majority	✓
Postpone to a later time	✓	✓	✓	Majority	✓
Table	✓			Majority	
Postpone Indefinitely	✓	✓	✓	Majority	✓



## Memorandum

**To:** Mayor Giordani and Bellevue Common Council

**From:** Amy Phelps, City Clerk

**Re:** Amendment to The City of Bellevue's Personnel Policy

**Date:** November 24, 2025

---

As part of the Clerk's office 2025 Strategic Plan, I conducted a comprehensive review of the City of Bellevue's Personnel Policy Manual to ensure that it remains current, compliant, and reflective of best practices. After careful evaluation, I have prepared an amended version of the Personnel Policy for Council consideration and adoption.

The revisions were based on the most recent ICRMP-approved model policy language, while maintaining consistency with our existing framework. The amendments are intended to clarify certain provisions, align with updated standards, and strengthen administrative accountability. Key amendments include:

- **Vacation Time Accrual:** Updated to improve clarity and equity in accrual rates.
- **Sick Time Payout:** Employees with ten (10) years of uninterrupted service will be eligible for a payout of accrued sick leave at the rate of minimum wage upon separation from employment. (previous policy's did not offer any sick leave payout)
- **Holidays:** Revised to include the removal of Columbus Day from the official holiday list.
- **Cell Phone, Smart Device, and Work-from-Home Policies:** Updated language to better address technology use and remote work expectations.

These updates are designed to ensure consistency and effective personnel management within City operations. Adoption of the amended Personnel Policy will provide clear guidance for both employees and supervisors while maintaining the integrity of the City's administrative processes.

***Suggested Motion:***

*Move to approve Resolution No. 25-43 adopting a new personnel policy to supersede the previous City of Bellevue Personnel Policy.*

**Enclosures:**

1. Resolution No. 25-43
2. Draft of new Personnel Policy

**CITY OF BELLEVUE, IDAHO**  
**RESOLUTION NO. 25-42**

**A RESOLUTION OF THE CITY OF BELLEVUE, IDAHO, ADOPTING A NEW PERSONNEL POLICY TO SUPERSEDE THE PREVIOUS CITY OF BELLEVUE PERSONNEL POLICY; AND PROVIDE FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Bellevue (“City”) recognizes the need for clear, current, and comprehensive personnel policies to guide employment practices and ensure compliance with federal, state, and local laws; and

**WHEREAS**, the City’s existing personnel policies have been reviewed with Idaho Counties Risk Management Program (ICRMP) and updated to reflect current legal standards, best practices, and the operational needs of the City of Bellevue; and

**WHEREAS**, the updated Personnel Policy has been presented to and reviewed by the Mayor and Bellevue Common Council; and

**WHEREAS**, the Mayor and Council find it to be in the best interest of the City of Bellevue and its employees to formally adopt the updated Personnel Policy.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BELLEVUE, IDAHO:**

**1. Adoption of Personnel Policy**

The City of Bellevue hereby adopts the City of Bellevue Personnel Policy, attached hereto as *Exhibit A* and incorporated herein by reference.

**2. Superseding Prior Policies**

All previously adopted or informal personnel policies, handbooks, or procedures inconsistent with the Personnel Policy adopted by this Resolution are hereby repealed or replaced.

**3. Effective Date**

This Resolution shall take effect immediately upon adoption.

**PASSED by the City Council and APPROVED by the Mayor this 24<sup>th</sup> day of November, 2025.**

---

Christina Girdani, Mayor

ATTEST:

---

Amy Phelps, City Clerk



# **City of Bellevue, Idaho**

## Personnel Policy

Approved by the Bellevue Common Council

Date: \_\_\_\_\_

## **WELCOME**

It is our privilege to welcome you to the City of Bellevue. We wish you every success in your new job, and we hope that you quickly feel at home. This Personnel Policy was developed to describe some of the expectations we have for all our employees and what you can expect from us. We hope that your experience here will be challenging, enjoyable, and rewarding.

Again, welcome!

Mayor Christina Giordani, City of Bellevue, Idaho

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## I. THE ORGANIZATION FOR WHICH YOU WORK

The City is a political subdivision of the state of Idaho, though it is not a part of state government. The Bellevue Common Council serves as the governing body of the City, carrying out local legislative duties and fulfilling other obligations as required by law. The Common Council is the general policymaker for the City and has primary authority to establish terms and conditions of employment with the City. The Mayor may appoint personnel to help carry out administrative responsibilities. As with all elected public officials, the Mayor and Common Council are ultimately responsible to the voters of the City.

Each employee should recognize that although he/she may serve as an employee supervised by the Mayor or department head, he/she remains an employee of the City, and not of the official who supervises his/her work. The terms and conditions set forth in this Policy, and in the resolutions and policy statements that support it, cannot be superseded by any other official, without the express written authorization of the Common Council. That is particularly true for terms or conditions that would establish a current or future financial obligation for the City. You may, however, work for a department with an operational policy that provides additional direction to employees on expectations and procedures unique to that department.

## II. YOUR EMPLOYMENT RELATIONSHIP WITH THE CITY

This Policy is designed to introduce you to the City, familiarize you with various policies, practices and procedures currently in effect at the City, and help answer many of the questions that may arise in connection with your employment.

**This Policy is not a contract of employment and does not create a contract of employment.** This Policy does not create a contract, express or implied, guaranteeing you any specific term of employment, nor does it obligate you to continue your employment for a specific period of time. Its purpose is simply to provide you with a convenient explanation of present policies and practices of the City.

All employees of the City are at-will and are employed at the discretion of the Mayor and/or the head of the department in which the employee works. Only a signed written contract authorized by the Common Council can alter the at-will nature of employment regardless of anything written or spoken by the Mayor or supervisor. Employees have no right to continued employment or employment benefits, except as may be agreed to in writing and expressly approved by the Common Council. All provisions of this Policy will be interpreted in a manner consistent with this paragraph. In the event of any irreconcilable inconsistencies, the terms of this paragraph will prevail.

The City reserves the right to modify any of the policies, benefit offerings, and procedures, including those covered in this Policy, at any time, without prior notice to, and consent of, city employees. Changes may be made in the sole discretion of the Common Council.

### **III. EMPLOYEE CODE OF CONDUCT**

Employees are expected to conduct themselves in a professional manner that is both civil and cooperative. City employees are public employees and therefore are exposed to additional public scrutiny in both their public and personal conduct. This Code of Conduct has been established to aid employees in understanding both expected and prohibited conduct.

Violations of the Code of Conduct will be grounds for disciplinary action up to and including termination of employment. This list is illustrative and not all inclusive. Other behaviors and acts of misconduct not specifically detailed here may be grounds for disciplinary action as well. Nothing contained herein is intended to change the at-will nature of employment or limit the reasons for which an employee may be disciplined.

#### **A. EXPECTED CONDUCT**

Each employee is expected to conduct himself/herself in a professional manner. In order to accomplish this, each employee must:

1. Be respectful, courteous and professional. Work cooperatively and constructively with fellow workers and members of the public.
2. Be prompt and regular in attendance at work for defined work schedules or other required employer functions, and follow procedures for exceptions to the normal schedules, including the scheduling and taking of vacation and sick leave.
3. Comply with dress standards established in the department for which the employee works. In the absence of any departmental dress standards, clothing will be appropriate for the functions performed and will present a suitable appearance to the public.
4. Abide by all departmental rules and direction of a supervisor whether written or oral. No employee will be required to follow the directive of a supervisor that violates the laws of the local jurisdiction, state or nation.
5. Maintain the confidential nature of records that are not open to the public in accordance with the direction of the responsible official.
6. Maintain a current appropriate driver's license when work for the City requires the employee to drive a vehicle as part of his/her responsibilities. Each such employee must report any state-imposed driving restrictions to his/her immediate supervisor and notify his/her supervisor if his/her driving abilities are impaired.

7. Follow all workplace safety rules whether established formally by the department or by outside agencies.
8. Report all accidents that occur or are observed on the job, or that involve City property, and cooperate as requested in the reconstruction of any such accident.
9. Avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in the City and related agencies.
10. Adhere to any code of ethics in the employee's profession.

## **B. Prohibited Conduct**

Employees are expected to refrain from behaviors that reflect adversely upon the City, including:

1. Not initiate or participate, or encourage others, in acts or threats of violence, bullying, malicious gossip, spreading of rumors, or any other behavior designed to create discord and lack of harmony, or that willfully interferes with another employee's ability to do his/her job.
2. Not engage in abusive conduct or language, including profanity and loud, threatening or harassing speech, toward or in the presence of fellow employees or the public.
3. Not engage in conduct at or away from work that may reflect adversely upon the City or its officials or otherwise impair the employee's ability to perform.
4. Not engage in prolonged visiting with co-workers, children, friends or family members that interfere with work in the department in which the employee serves.
5. Not use work time for personal business, including the selling of goods or services to the general public.
6. Not use phones or computers in the workplace in a manner that violates policy or that disrupts workplace productivity, including time spent on social media.
7. Not use work time or public premises to promote religious beliefs to members of the public or fellow employees.
8. Not have non-City employment, or serve on any board or commission, that conflicts with duties performed for the City in any meaningful way. Individual offices/departments may determine permissible examples of outside employment.
9. Not knowingly make any false report or complaint regarding behavior of others or participate in such report or complaint.
10. Not release any public record, including personnel records, without the express authority of the public official responsible for custody of the record

11. Not use any substances, lawful or unlawful, that will impair the employee's ability to competently perform his/her work or threaten the safety and well-being of other workers or the public. If the employee is prescribed a medication that may impair the employee's ability to safely do his/her job, the employee is required to provide a physician's note explaining the possible effects of the medication on the employee's ability to do his/her job and the length of the time that the employee will be required to take the medication. The employee may be required to take leave while taking the medication.
12. Not destroy, alter, falsify or steal the whole or any part of a police report or any record kept as part of the official governmental records of the City (I.C. §§ 18-3201 and 18-3202).
13. Not engage in political activities while on duty. This rule does not apply to Elected Officials.
14. Not provide false or misleading information on employment applications, job performance reports or any other related personnel documents or papers.
15. Not engage in conduct that violates the laws of the state of Idaho, including but not limited to I.C. §18-1356 (accepting gifts that exceed a value of \$50), I.C. §74-401 *et seq.* (Ethics in Government Act), I.C. §74-501 *et seq.* (Prohibitions Against Contracts) and I.C. §18-1359 (Using Public Position for Personal Gain).
16. Not accept gifts or gratuities in any personal or professional capacity that, although it may be legal, could create the impression that the giver was seeking favor from the employee or official in violation of I.C. § 18-1356 and I.C. § 18-1357.
17. Not engage in criminal conduct of any kind while on or off duty.

#### **IV. WORKPLACE VIOLENCE**

The City seeks to provide a violence-free workplace. Violence in the workplace poses a threat to the safety of employees and the public. The City will not tolerate acts and behaviors that are likely to result in workplace violence, including, but not limited to, abusive language, hitting or shoving, threats of bodily harm, threats or acts of violence, brandishing of an object which may be used as a weapon, sending threatening, harassing or abusive e-mail and faxes, using the workplace to violate protective orders and stalking.

All employees are responsible for minimizing workplace violence. All acts or threats of violence should be promptly reported to a supervisor, department head or the Mayor. Employees should also report situations that they believe could lead to workplace violence, including but not limited to protective orders or other no-contact orders.

Any employee who is determined to be responsible for acts or threats of violence, or other conduct listed in this section, will be subject to prompt disciplinary action up to and including termination of employment.

## V. UNLAWFUL WORKPLACE DISCRIMINATION, HARASSMENT AND RETALIATION

The City strives to maintain a supportive and civil workplace—one in which employees treat each other with respect and dignity. In keeping with these values, the City prohibits and does not tolerate unlawful workplace discrimination, harassment or retaliation.

The following defined terms are applicable to this section:

**Legally protected class** means a personal characteristic that is protected by law. This includes race, color, national origin, religion, sex, age (40 and over), disability, or any other characteristic protected by law.

**Participation in the workplace** includes all aspects of being an employee at the City, including recruitment, hiring, job performance, performance reviews, training, development, promotion, demotion, transfer, compensation, benefits, educational assistance, layoff and recall, participation in social and recreational programs, termination and/or retirement.

### A. Workplace Discrimination

Workplace discrimination is when one or more persons in a **legally protected class** are treated adversely with respect to their **participation in the workplace**. Adverse employment actions usually involve decisions made by supervisors, department heads, or Elected Officials that affect the workplace status and benefits of employees.

Illegal adverse employment actions may include, but are not limited to, not hiring a qualified applicant due to his/her age, not promoting an employee due to his/her religious beliefs, denying an employee a raise due to his/her race, disciplining an employee more harshly than others due to his/her sex, and terminating an employee due to his/her national origin.

### B. Workplace Harassment

Workplace harassment is unwelcome conduct that is directed to one or more persons in a **legally protected class** that interferes with their **participation in the workplace**. The offensive conduct must be *severe or recurring* such that it creates a work environment that a reasonable person would consider intimidating, hostile or abusive. Petty slights, annoyance, and isolated incidents (unless extremely serious) will not rise to the level of illegality.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures.

### **C. Workplace Sexual Harassment**

Sexual harassment is a specific type of workplace harassment. Since it is particularly destructive to the work environment it is more thoroughly addressed here.

Sexual harassment occurs when one or more persons are subject to unwelcome sexual advances, request for sexual favors, or other verbal, non-verbal, visual or physical harassment of a sexual nature that is so *severe or recurring* such that it creates a hostile or offensive work environment.

Sexual harassment includes sexually harassing others of the same and/or different gender, gender identity or gender expression.

Sexual harassment is unlawful whether it involves co-workers, supervisors, department heads, Elected Officials, or customers of the City.

Sexual harassment may include, but is not limited to:

1. Leering, making sexual gestures, or displaying derogatory and or sexually suggestive objects, pictures, cartoons, posters or drawings;
2. Sexually degrading language, derogatory comments, epithets, slurs, sexually explicit jokes or comments;
3. Verbal or non-verbal unwanted sexual advances or propositions;
4. Threatening or making reprisals after a negative response to sexual advances;
5. Offering employment benefits such as raises, promotions and job retention in exchange for sexual favors;
6. Unwanted physical conduct such as touching, massaging, pinching, patting, hugging; and
7. Physical interference with normal work or movement including impeding or blocking movement.

### **D. Hostile Work Environment**

A hostile work environment is discrimination or harassment in the workplace in which comments or conduct based on a **legally protected class**, unreasonably interferes with **participation in the workplace**. To a reasonable person, the comments or conduct must be *severe or recurring* such that it creates an intimidating or offensive work environment.

Isolated incidents, petty slights, occasional teasing or impolite behavior are generally not sufficient to create a hostile work environment.

Examples of a hostile work environment may include, but are not limited to, being subjected to daily racial slurs, recurring derogatory comments about job performance based on gender, continuous sexual advances or propositions, frequently receiving sexually explicit emails from a coworker, physical harassment like hitting, pushing, groping and other touching.

## **E. Workplace Retaliation**

Workplace retaliation is when an employee is punished or negatively treated because the employee engaged in legally protected activity, including initiating a complaint of discrimination or harassment, providing information or assisting in an investigation or refusing to follow orders that would result in discrimination or harassment. Retaliation can result from employment action taken by a supervisor, department head, Elected Official or from acts of other employees.

Examples of conduct that might be considered retaliation for engaging in protected activity include assigning the employee to less desirable tasks or shifts in the office, denying an employee a promotion or raise, socially isolating an employee, playing practical jokes on the employee, and allowing other employees to be critical of an employee for participating in a workplace investigation into alleged discrimination or harassment.

## **F. RESPONSIBILITIES**

### **1. Employee Responsibilities**

Employees should report incidents of discrimination, harassment, sexual harassment, hostile work environment or retaliation as soon as possible after the occurrence.

Reporting should be made to any of the following:

- Designated Official
- Supervisor
- Department Head
- Human Resources Officer
- Legal Counsel for the City

If the employee's supervisor is the subject of the incident, the employee should instead report the incident to one of the other listed officials. Reporting should be made regardless of whether the offensive act was committed by a supervisor, co-worker, vendor, visitor or customer.

## 2. Supervisor Responsibilities

All supervisors are expected to ensure that the work environment is free from unlawful discrimination, harassment, sexual harassment, retaliation or the development of a hostile work environment. They are responsible for the application and communication of this policy within their work areas. Supervisors should:

- Encourage employees to report any violations of this policy before harassment becomes *severe or recurring*.
- Make sure the Human Resources Office is made aware of any inappropriate behavior in the workplace.
- Create a work environment where sexual and other harassment, discrimination, or retaliation is not permitted.
- Correct any behaviors they observe that could constitute unlawful discrimination, harassment, sexual harassment or hostile work environment.
- Report any complaint of unlawful discrimination, harassment, sexual harassment, retaliation or hostile work environment to the Designated Official.

3. The City designates The City Clerk, or his/her designee, as the Designated Official who will be responsible for directing the procedures of this policy.

## **G. PROCEDURE FOR REPORTING AND INVESTIGATING**

The following steps must be followed to report and investigate incidents of unlawful discrimination, harassment, sexual harassment, retaliation, or the development of a hostile work environment.

1. A person who believes he/she has been unlawfully discriminated, harassed or retaliated against, or who observes or knows about behavior in the workplace that could be unlawful discrimination, harassment or retaliation, should report it to the Designated Official, his/her supervisor, department head, Elected Official, Human Resources Officer or legal counsel for the City. The individual receiving the report must then forward it to the Designated Official. If the Designated Official is the subject of the complaint, the report must then be forwarded to legal counsel for the City.
2. Once such a complaint has been made, the complaint cannot be withdrawn by the complainant without a determination that is was made erroneously.
3. The Designated Official should promptly review the complaint and consult with legal counsel for the City and the Human Resources Officer.

4. In appropriate circumstances, the person who is alleged to have committed the offense may be placed on paid or unpaid administrative leave pending a resolution of the allegations.
5. The Designated Official, in consultation with legal counsel for the City, should engage an appropriate person to investigate the complaint. The investigator should be a neutral party.
6. The investigator should interview the complainant, the person alleged to have committed the offenses, and any relevant witnesses to determine whether or how the alleged conduct occurred.
7. At the conclusion of the investigation, the investigator will submit a report of the findings to the Designated Official, who will then route it as appropriate.
8. The Designated Official and/or the appropriate supervisors and legal counsel for the City will meet separately with both the complainant and the person alleged to have committed the offenses to notify them in person of the findings of the investigation.
9. The complainant and the person alleged to have committed the offenses may submit written statements to the Designated Officials and/or supervisors challenging the factual basis of the findings. Unless circumstances prevent, the statement must be submitted no later than 5 working days after the meeting in which the findings of the investigation are discussed.
10. After the Designated Official and/or supervisors have met with both parties and reviewed the documentation, and after consultation with legal counsel for the City, a decision will be made as to what action, if any, should be taken by the Mayor or department head.
11. At the conclusion of this complaint procedure, the complainant should be informed that appropriate action, if any, has been taken. Because disciplinary personnel matters are confidential, details of the specific discipline should not be shared with the complainant.

## **H. DISCIPLINARY ACTION**

1. If it is determined that unlawful discrimination, harassment or retaliation has occurred, an appropriate course of action will be taken by the City. The action will depend on the following factors:
  - a. The severity, frequency and pervasiveness of the conduct;
  - b. The conduct of the respective employees;
  - c. Prior complaints made against the person alleged to have committed the offenses; and

- d. The quality of the evidence (first-hand knowledge, credible corroboration etc.).
- 2. If problematic conduct is revealed in the investigation, corrective action may be taken even if the investigation is inconclusive or if it is determined that there has been no unlawful discrimination, harassment or retaliation.

## **I. CONFIDENTIALITY**

Confidentiality will be maintained to the fullest extent possible in accordance with applicable federal, state and local law. However, a complete and thorough investigation of the allegations will require the investigator to inform witnesses of certain aspects of the complaint in order to obtain an accurate account of the actions of the parties involved. The City's insurer may also be engaged to assist in all phases of any proceeding or investigation.

## **VI. GENERAL POLICIES**

### **ATTENDANCE AND PUNCTUALITY**

It is important for employees to report to work on time and to avoid unnecessary absences. The City recognizes that illness or other circumstances beyond an employee's control may cause him/her to be absent from work from time to time. However, frequent absenteeism or tardiness may result in disciplinary action, up to and including discharge. Excessive absenteeism or frequent tardiness puts an unnecessary strain on co-workers and can have a negative impact on the success of the City.

Employees are expected to report to work when scheduled. Whenever an employee knows in advance that he/she is going to be absent, the employee should notify his/her immediate supervisor or the designated manager. If the absence is unexpected, the employee should attempt to reach his/her immediate supervisor as soon as possible, but in no event later than one hour before the employee is due at work. In the event the immediate supervisor is unavailable, the employee must speak with department head or his/her designated representative. If the employee must leave a voicemail, he/she must provide a phone number where the employee may be reached if need be.

### **A. SUBSTANCE ABUSE**

The City recognizes alcohol and drug abuse as potential health, safety and security problems. The City expects all employees to assist in maintaining a work environment free from the effects of alcohol, drugs or other intoxicating substances. Compliance with this substance abuse policy is made a condition of employment, and violations of the policy may lead to discipline and/or discharge.

All employees are prohibited from engaging in the unlawful manufacture, possession, use, distribution or purchase of illicit drugs, alcohol or other intoxicants, as well as the

misuse of prescription drugs on City premises or at any time and any place during working hours. While we cannot control the behavior of employees off the premises on their own time, we certainly encourage employees to behave responsibly and appropriately at all times. All employees are required to report to their jobs in appropriate mental and physical condition, ready to work.

Substance abuse is an illness that can be treated. Employees who have an alcohol or drug abuse problem are encouraged to seek appropriate professional assistance. Employees may inform their immediate supervisor, department head, or the Human Resources Office for assistance in seeking help, including possible coverage under the City's medical insurance plan, to address substance abuse.

When work performance is impaired, admission to or use of a treatment or other program does not preclude appropriate action by the City.

## **B. RELATIONSHIP POLICY**

Any supervisor involved in a romantic relationship with a subordinate must immediately notify his/her superior of the existence of any such relationship. Efforts should be made to eliminate supervisory responsibility for one who is romantically involved with a subordinate. Employees involved in such relationship bear a responsibility to the City to cooperate in any effort to avoid the potential conflicts that can arise from such personal relationships in the workplace. Such relationship may result in a change of employment duties.

## **C. NO SMOKING POLICY**

The City buildings and facilities are non-smoking in accordance with state and federal requirements. Use of tobacco products of any kind or e-cigarettes is not allowed within all indoor spaces of the City's buildings and facilities or in City vehicles. Smoking is only permitted outside of City buildings and facilities at least 50 feet away from entrances.

# **VII. EMPLOYEE DISCIPLINE**

## **A. PERFORMANCE/DISCIPLINE FRAMEWORK**

The following framework provides discipline options that may be taken when an employee violates employment policies or fails to adequately perform his/her duties. Nothing contained herein is intended to change the at-will nature of the employee's employment or limit the reasons for which the employee may be disciplined, including termination of employment. Progressive steps may be implemented in order to encourage improved performance or attitude but are not required. The City may take any of the following disciplinary actions, or any other action, in any order when a supervisor deems an action or performance of the employee to be serious enough to warrant a certain discipline.

## B. DISCIPLINARY ACTIONS AVAILABLE

1. The following actions are among the disciplinary actions that may be taken in response to personnel policy violations or performance deficiencies:
  - a. Oral warning
  - b. Written warning or reprimand
  - c. Suspension without pay
  - d. Demotion
  - e. Dismissal
3. Conditions of maintaining employment that relate to particular performance/behavior issues may be established in conjunction with any of these actions.
  1. All employees are at-will. However, an at-will public employee who is being terminated, or demoted with a reduction in pay, based upon allegations of *dishonesty, immorality or criminal misconduct* is constitutionally entitled to a name-clearing hearing when one is requested.
  2. Failure by the employee to pursue this hearing procedure constitutes a waiver of this opportunity.
  3. Issues involving dishonesty, immorality or criminal misconduct are the only issues that will be heard in this procedure.
  4. The procedure for the hearing is as follows:
    - a. Within 14 days of his/her termination or demotion, the employee may submit to the Common Council a written request for a name-clearing hearing and state the basis for it.
    - b. A request for hearing will be denied if the employee misses the deadline for submittal of the request or does not state a valid reason. An employee will be notified if a requested hearing is either granted or denied.
    - c. An employee granted a hearing will meet with the City Council. The hearing will not exceed 1 hour in duration.
    - d. An audio recording of the hearing will be made and maintained as part of the personnel record.

- e. The employee's supervisor may provide a brief written statement at least 24 hours prior to the hearing. The Common Council may require the supervisor to participate in the hearing.
- f. The employee will be provided an opportunity to present evidence upon which the claims are based.
- g. The Common Council may ask questions during this process.
- h. The Idaho Rules of Evidence do not apply to this hearing.

5. After the hearing, the Common Council will consider the information submitted, and other information as might be in the City's records, to arrive at a decision and will issue a written statement setting forth the reasons for the decision.

## **VIII. HIRING POLICIES**

### **A. EQUAL EMPLOYMENT OPPORTUNITY**

- 1. All selection of employees and all employment decisions, including classification, transfer, discipline and discharge, will be made without regard to race, religion, sex, age, national origin, or non-job-related disability, or any other characteristic protected by law. No job or class of jobs will be closed to any individual except where a mental or physical attribute, sex or age is a bona fide occupational qualification.
- 2. All objections to hiring or other employment practices will be brought to the attention of the Mayor, department head, supervisor or Human Resources Office, or in the case of objection to actions undertaken by any of them, to legal counsel for the City.
- 3. Employees can raise concerns and make reports without fear of retaliation. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.
- 4. The City will endeavor to make reasonable accommodations for qualified individuals with known disabilities, unless doing so would result in an undue hardship. An employee should advise either the department head, supervisor or Human Resources Office if he/she requires an accommodation to enable the employee to perform the essential tasks of the job.
- 5. The City will also endeavor to make reasonable accommodations for its employees' religious needs and practices, including those related to appearance and observance of holidays. An employee should advise either the department head, supervisor or Human Resources Office if he/she requires accommodation for religious reasons.

## **B. PREFERENCE FOR HIRING FROM WITHIN**

Qualified City employees may be given preference over outside applicants to fill vacancies in the work force without following the notice and selection procedures normally required for hiring new employees. If the internal preference process is used, it should be completed prior to seeking outside applicants for the position.

## **C. VETERAN'S PREFERENCE AND RIGHTS**

1. The City will grant a preference to U.S. Armed Services veterans, or certain of his/her family members, in accordance with provisions of Idaho Code, Title 65, Chapter 5. In the event of equal qualifications for an available position, a veteran or family member who qualifies for the preference will be employed.
2. Employees who are qualified veterans returning to employment with the City following qualified military leave shall have the rights and responsibilities provided by Idaho Code §65-508 and the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. §4301, et seq. The returning veteran will be restored to his/her position with the same seniority, status and pay that he/she would have had if there had been no military leave. In addition, in accordance with the provisions of these laws, the veteran will not be discharged from his/her position without cause for a period of 1 year after the restoration of his/her employment with the City.

## **D. NEPOTISM/HIRING OF RELATIVE**

1. No person will be employed by the City when the employment would result in a violation of provisions found in Idaho Code, including but not limited to I.C. Title 74, Chapter 4, I.C. §18-1359 and their successors. Any employment made in violation of these sections may be void. The appointment or employment of the following persons is expressly prohibited:
  - a. No person related to the Mayor or a Common Council member by blood or marriage within the second degree will be appointed to any compensated office, position, employment or duty; and
  - b. No public servant, including Elected Officials and employees, will appoint or vote for the appointment of any person related to him/her by blood or marriage within the second degree to any compensated office, position, employment or duty. This means no one related within the second degree to anyone involved in any way in the hiring process can be hired and/or that no one related to an applicant within the second degree can take part in the hiring process.

2. An employee whose relative is subsequently elected may be eligible to retain his/her position and pay increases as allowed by relevant provisions of Idaho law, including Idaho Code § 18-1359(5).

## IX. EMPLOYEE PERSONNEL FILES

### A. Personnel Records

1. The official employee records for the City will be kept in the Human Resource Department/City Clerk.
2. The personnel files should contain records related to employee performance, employee status, and other relevant materials related to the employee's service with the City.
3. The employee's supervisor, Elected Officials and the employee himself/herself may contribute materials to the personnel files deemed relevant to the employee's performance.

### B. Access to Personnel Files

1. Only the employee's supervisors, the Mayor, the Common Council when acting as a board in the course of its official business, attorneys for the City, and the employee are authorized to view materials in a personnel file. Access of others to such files will be allowed only when authorized after consultation with legal counsel for the City.
2. Information regarding personnel matters will only be provided to outside parties with a release from the employee, when deemed necessary by legal counsel for the City, or pursuant to a Court order or a proper subpoena.
3. The City reserves the right to disclose the contents of personnel files to outside state or federal agencies, its insurance carrier or its carrier's agents for risk management purposes, or when necessary to defend itself against allegations of unlawful conduct.
4. Copies of materials in an employee's personnel file are available to that employee without charge, subject to exceptions provided by statutes.

### C. Management of Information in Personnel Files

Each employee will be provided an opportunity to contest the contents of his/her personnel file at any time, by filing a written objection and explanation that will be included in the file along with the objectionable material. In the sole judgment of the Mayor, after consultation with legal counsel for the City, any offending material may be removed upon a finding by the City that it is false or unfairly misleading. In general, there is a presumption that materials are to remain in personnel files accompanied by the

employee's written objection and explanation to provide a complete employment history. Any such approved removal of information will be documented in writing and maintained in the employee's personnel file.

## **X. EMPLOYEE CLASSIFICATION**

For various reasons, employee status must be organized by classes in order to administer employee policies, benefits or otherwise address employment issues. It is generally the responsibility of the employee to assure that he/she is properly categorized for purposes of each issue or benefit type. The City will endeavor to assist with such matters, but the employee is ultimately responsible to assure that his/her service is properly addressed.

### **A. Employee Classification for Employment Status**

1. All employees of the City, including part-time and temporary employees, are **at-will employees**, except as otherwise required by law or pursuant to a written contract approved by the City Council.
2. Employed Attorneys.

Because the Idaho Rules of Professional Conduct govern the relationship between an attorney and his/her client, attorneys employed by the City are at-will employees. They serve at the pleasure of the Mayor and Common Council and can be appointed or removed at their pleasure.

3. Appointed Officials.

The city clerk, treasurer, and any other officials appointed pursuant to the Bellevue City Code, the Bellevue Charter, and Idaho Code § 50-204 may only be removed pursuant to Idaho Code § 50-206.

### **B. Employee Classification for Benefit Purposes**

The classification of the position an employee holds with the City may affect the status of obligations or benefits associated with his/her employment. The primary classes of employees are:

1. Elected Officials  
Elected Officials are not considered regular employees. Elected Officials receive employment benefits as identified in a resolution adopted by the Common Council.
2. Full-Time Regular Employees

Employees whose employment is sustained and continuing and whose typical work week consists of at least 32 hours are considered full-time regular employees. Full-time regular employees are eligible for employee benefits provided by the City. This category includes exempt and non-exempt Employees.

- a. “Exempt employees” are those who are exempt from the provisions of the Fair Labor Standards Act. They are ineligible for overtime pay or compensatory time off for hours worked beyond their regularly scheduled work week but may be eligible for other city benefits. This category consists of volunteers, Department Heads, and other employees qualifying as exempt employees under the Federal Labor Standards Act.
- b. “Full-time non-exempt employees” are those covered by the Fair Labor Standards Act. They are paid on an hourly basis and regularly work at least 30 hours per week. They are eligible for all City benefits as well as overtime pay/compensatory time for hours worked over forty (40) hours in a workweek, except for qualifying law enforcement and fire protection employees.

3. Part-Time Regular Employees

Employees whose employment is sustained and continuing and whose typical work week consists of less than 30 hours on a regular basis are considered part-time regular employees. Part-time regular employees may receive reduced employee benefits as authorized by the Common Council and as required by federal and state law. The scope of benefits received may vary proportionately with the number of hours typically worked for a part-time regular employee. The number of hours worked may also affect the employee's obligation to participate in certain mandatory state benefit programs. Certain benefits may not be available because qualifying thresholds have not been reached.

4. Temporary Employees

Employees who work on an irregular, seasonal or temporary basis are temporary employees. Temporary employees receive no benefits provided to regular employees, except those required by law or authorized by the Common Council.

## **XI. COMPENSATION POLICIES**

### **A. Establishment of Employee Compensation**

Compensation levels for City employees are established through the annual budget process and may be subject to increase, reduction or status quo maintenance for any time period based on the availability of funds. The final decision regarding compensation levels rests with the Mayor. Employees are not necessarily compensated at budgeted compensation levels. Individual compensation is based on good performance and experience.

### **B. Compliance with State and Federal Pay Acts**

The City will comply with all state and federal pay acts governing compensation of its employees.

### **C. Right to Change Compensation and Benefits**

The City may change general compensation for any reason deemed appropriate by the Common Council. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent city budget. Hours worked may be reduced or employees may be laid off as necessary to meet budgetary constraints or as work needs change.

### **D. Overtime/Compensatory Time Policy**

1. In addition to the employee classifications set forth elsewhere in this policy, all employees are classified as exempt (salaried) or non-exempt (hourly) for purposes of complying with the federal Fair Labor Standards Act (FLSA). Exempt employees perform work that qualifies for the professional, executive or administrative exemption and do not qualify for overtime compensation. Employees should contact their department head or the Human Resources Office for further clarification of the employee's FLSA status.
2. Overtime for non-exempt, hourly employees will be allowed only when authorized by the appropriate supervisor or when absolutely necessary in an emergency. Employees may not work any hours outside of their scheduled workday unless the supervisor has given advanced authorization for the unscheduled work. Employees may not start work early, finish work late, work during meal breaks or perform any other extra or overtime work unless they are authorized to do so, and it is reported on the employee's timesheet. Any employee who fails to report, or inaccurately reports, any hours worked will be subject to disciplinary action, up to and including termination.

3. Non-exempt (hourly) employees entitled to overtime compensation will either accrue compensatory (comp) time or overtime pay, as established by policy adopted by the Common Council. Compensatory time or overtime pay for work in excess of 40 hours per week, or in excess of the work period interval established for law enforcement officers or firefighters, will be computed at 1½ hours for each additional hour worked. The Common Council has set a maximum accumulation of 40 hours of compensatory time. Any compensatory time over that amount will be paid in the next pay period unless otherwise approved by the Mayor.
4. Bellevue discourages the use and accumulation of compensatory time and only grants it when requested by the employee and approved in writing in advance of accrual by the employee's Supervising Authority of the Mayor and Council. Compensatory time may be used whenever required by a supervisor or when requested by an employee with the concurrence of a supervisor. Use of requested compensatory time will depend upon the ability of the department to tolerate a requested absence. If repeated requests to use compensatory time are denied by a supervisor, or reasonable opportunities to use such time are unavailing, an employee must be paid for such accrued time.

#### **E. Reporting and Verifying Time Records**

1. Each hourly employee is responsible to timely and accurately record time that he/she has worked in accordance with the procedures authorized by the Common Council and the payroll office. Each report of non-exempt employees must be signed manually or electronically by both the supervisor and the employee and must contain a certification that it is a true and correct record of the employee's actual time worked and benefits used for the time period covered. Any changes to the time record made by a supervisor or the payroll office to correct mistakes must be acknowledged by the employee. Exempt employees may be required to document time worked or benefits used for accountability purposes.
2. Any employee concerned about his/her compensation, rate of pay, payroll status, deductions, *etc.*, must communicate such concerns to the payroll office or his supervisor as soon as any such concern becomes evident. Documentation of any such issue should be maintained in the employee's personnel file.
3. Employees may not falsify their own timesheet or alter another employee's timesheet in any way. Employees must not under- or over-report hours worked by themselves or other employees, or conceal any falsification of time records, even if instructed to do so by a supervisor, department head, an Elected Official or other person. If instructed to do so, the employee must immediately report it to legal counsel for the City.

## **F. Work Periods**

1. The workweek for all non-law enforcement, non-exempt employees who are subject to the FLSA begins at 12:00 a.m. on Sunday of each week and concludes at 11:59 p.m. of the succeeding Saturday.
2. The work period for sworn law enforcement officers and firefighters may be up to the 28-day work period allowed by the FLSA, 29 U.S.C. § 207(k), as adopted by the Common Council.

## **G. Payroll Procedures and Paydays**

1. Employees are paid biweekly throughout the year. Paychecks or direct deposit receipts are issued every other week on Wednesday throughout the year. Paychecks compensate employees for work performed in the pay period preceding the week in which the check is issued.
2. Every effort will be made to ensure that employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. Each employee must monitor the accuracy of compensation received and review his/her paper or electronic paycheck stub when received to make sure it is correct. Information shown on the employee's paycheck stub is provided for information only. Actual practices regarding the issuance of paychecks and allocation of employee benefits must be consistent with official policy of the City. In the event of disagreement between the computer-generated paycheck stub and official policy, as interpreted by the Common Council, the policy will prevail. Employees are obligated to call to the City's attention any such errors, whether to the advantage or disadvantage of the employee. When mistakes are made and are called to the City's attention, the City will correct the mistake as soon as possible.

## **H. Compensation while Serving on Jury Duty or as a Witness in a Court Proceeding**

1. The City encourages employees to fulfill their civic responsibilities by serving on jury duty when required. Leave will be granted, and full pay provided, to employees called to serve as a court witness in matters specifically related to City operations, or called to serve on jury duty.
2. Employees must show the jury duty summons or notice to their supervisor as soon as possible so that the supervisor can make arrangements to accommodate their absence. Employees are expected to report for work whenever the court schedule permits.

## **I. Military Leave**

An unpaid leave of absence will be granted to an employee to participate in ordered and authorized field training in accordance with Idaho Code §§ 46-407 and 46-409, and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

## **J. Payroll Deductions**

No payroll deductions will be made from an employee's paycheck unless authorized in writing by the employee, or as required by law (Idaho Code § 45-609).

## **K. Travel Expense Reimbursement**

An employee on approved City business will be reimbursed for expenses incurred in completing his/her assignment in accordance with the policies established by the Common Council. Each employee is responsible for providing verified receipts for any expenses for which reimbursement is requested.

## **L. On-the-Job Injuries**

1. Employees are covered by worker's compensation insurance for on-the-job injuries. All on-the-job injuries must be reported to the employee's supervisor within 72 hours so that a worker's compensation claim can be filed. Return to employment will be authorized on a case-by-case basis in consultation with the supervising official and the State Insurance Fund, and may require a fitness for duty medical review. Concerns associated with injured worker status may be brought before the Mayor or Human Resources Office for review.
2. The City will handle worker's compensation claims for sworn law enforcement officers pursuant to [Idaho Code, Title 72, Chapter 11.](#)

## **XI. EMPLOYEE BENEFITS**

The City offers a number of employee benefits for full-time and part-time regular employees. These benefit offerings are subject to change or termination in the sole discretion of the Common Council. Each benefit offering is subject to the specific terms of its respective insurance policy and/or official resolution of the Common Council.

### **A. Vacation Leave**

1. Vacation leave is available to full-time and part-time regular employees and accrues from the start of employment and upon accrual may be used in accordance with this Manual. Regular full-time employees receive vacation as follows upon their anniversary date:

- 1 month to 5 years of employment 80 hours – accrues at a rate of 3.08 hours per pay period
- 5 to 9 years of employment 120 hours – accrues at a rate of 4.62 hours per pay period
- 10 + years of employment 160 hours – accrues at a rate of 6.15 hours per pay period

2. Vacation leave can only be accrued up to the maximum of 200 hours. Once an employee reaches accruals of that amount, no additional vacation leave will accrue until the employee's accrued hours are reduced below the maximum.
3. Vacation leave is to be scheduled with consent of the responsible department supervisor. Efforts will be made to accommodate the preference of the employee in vacation scheduling, but first-priority will be the orderly functioning of affected departments. Upon separation from employment, unused vacation leave up to the maximum allowed accrual will be compensated by lump-sum payment at the then-current hourly or daily rate.

## B. Sick Leave

1. Sick leave benefits are provided to regular full-time employees at the rate of 8 hours per month. Part-time regular employees accrue sick leave per month at the rate of 1/5 of the hours worked in a typical week. Sick leave is a benefit to provide relief to the employee when an illness or injury prevents the employee from working productively or safely, or when an immediate family member's (spouse, child, parent) illness presents no practical alternative for necessary care. Sick leave must be requested at least within two hours of the time the scheduled work period is to begin, unless circumstances outside the control of the employee prevent such notice. The City may require the employee to provide a doctor's note, or require, at the City's expense, an independent review of reported illness by a competent medical authority.
2. Sick leave can only be accrued up to the maximum of twenty four (24) days or up to 240 hours. Once an employee reaches the maximum accrual, no additional sick leave will accrue until the employee's accrued hours are reduced below the maximum.
3. Sick leave benefit recipients will receive their normal compensation when using sick leave.
4. Employees who separate from employment with the City after ten (10) or more years of continuous service shall be compensated for all accrued but unused sick leave at the **current Idaho minimum wage rate** at the time of separation, regardless of the employee's regular rate of pay. This payout shall apply only upon separation and

does not apply to short-term absences, or employees terminated for cause. Sick leave payout will be subject to all applicable payroll deductions and reporting requirements. For all other employees, unused sick leave will be forfeited without compensation upon separation from employment.

5. **Donated Sick Leave.** Employees may donate their accrued sick leave hours that exceed 100 hours to other employees with serious personal or family medical situations that have exhausted their accrued sick days, vacation days, compensatory time, and other accrued leave. Employees seeking to make such donations must, however, provide a written request to their Supervising Authority, who with the Common Council decide whether to authorize the donation. Donations to a specific employee by several other employees may not total more than 48 days. One employee cannot donate more than 30 hours to another employee. The Common Council has the right to schedule how the recipient may use the donated leave. Employees who report a personal incapacity to work at the end of leave may be required to provide medical certification of such incapacity. If employees return to work before their donated sick leave has been exhausted, the donated sick leave will be returned to its donors on a prorated basis.

### **C. Holidays**

Twelve official holidays are provided for full-time regular employees. Full-time regular employees receive compensation for that day even though they do not work.

Unscheduled emergency work on holidays will be compensated at a rate of 1½ times the employee's regular rate of pay.

City offices will be closed on the below listed holidays. If a holiday falls on a weekend, City Hall will close on the preceding Thursday or the following Monday, consistent with State or Federal banking schedules. Additional legal holidays may be declared at the discretion of the Mayor.

Full-time temporary/seasonal employees, as well as full-time non-exempt and exempt employees, will receive 10 hours of holiday pay for each observed holiday, based on the City's four (4), ten (10)-hour workday schedule.

#### **Recognized Holidays:**

- New Years Day
- Martin Luther King, Jr. Day
- President's Day

- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Eve
- Christmas Day

#### **D. Bereavement Leave**

Up to 3 days of paid leave of absence will be provided for a death in the immediate family (spouse, parents, grandparents, children, grandchildren, brothers and sisters, including in-laws). Employees have the right to use accrued vacation leave beyond the leave of absence allowed by this section.

#### **E. Leaves of Absence**

Up to 30 days of unpaid leave of absence can be granted by the Mayor for any justifiable purpose. Paid leave in any amount or unpaid leave in excess of 30 days will require written approval from the Mayor.

#### **F. Benefits for Temporary Employees**

All temporary employees will receive benefits as required by law, including worker's compensation insurance. All other benefits are to be determined in the discretion of the Common Council.

#### **G. Insurance Coverage Available to Employees**

The City of Bellevue provides comprehensive health insurance to full-time non-seasonal employees who work 30 hours per week or more. Dental and vision insurance are provided to full-time non-seasonal employees who regularly work 30 hours or more. The City provides insurance benefits to employee and offers family coverage at employee's option and expense. The Human Resource Office should be contacted to learn of sign-up and claims procedures. Other insurance offerings, such as supplemental insurance, are available at employees expense. Insurance coverage begins on the first day of the month following the employee's first day of non-seasonal full-time employment, if enrollment documents have been fully completed by the employee. Employees are responsible for oversight of their claims.

#### **H. Retirement Program Offering**

The City participates in the retirement program of the Public Employees Retirement System of Idaho (PERSI) and with Social Security (FICA). PERSI requires the City to withhold a percentage of an employee's gross salary for pension purposes, and to

contribute an additional larger amount on behalf of the employee. Contact the Human Resource Office for further information.

#### **I. Transfer of Benefits with Employee Transfer**

Accrued benefits continue when the employee transfers from one department to another within the City. However, upon such transfer, the employee is only eligible for those benefits authorized for the particular position and employment status.

#### **J. Miscellaneous Benefits**

In addition to the benefits listed on the previous pages, the following are examples of miscellaneous benefits, subject to change in the sole discretion of the Common Council, that may be available to employees for participation in accordance with the terms of their respective policy or agreement:

1. Deferred compensation plans handled by payroll deduction.
2. Employee-requested deduction programs.
3. Allowance for uniforms, tools, equipment, etc..
4. Training and higher education reimbursement or tuition refund.

### **XII. Family Medical Leave Act (FMLA)**

**Since the City does not employ at least 50 employees at this time, FMLA DOES NOT apply to City of Bellevue employees, and they are not entitled to 12 weeks of job-protected FMLA leave.**

### **XIII. AMERICANS WITH DISABILITIES ACT**

#### **A. Eligibility**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAA) prohibit employers with 15 or more employees from discriminating against individuals with disabilities.

#### **B. Reasonable Accommodation**

The City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job, unless:

1. doing so causes a direct threat to these individuals or others in the workplace, and the threat cannot be eliminated by reasonable accommodation; or

2. the accommodation creates an undue hardship to the City.

Employees should contact their supervisor or the Human Resources Office with any questions or requests for accommodation.

## **XIV. FITNESS FOR DUTY EXAMS**

### **A. Safe Work Environment**

The City is committed to maintaining a safe and productive workplace. Every employee is required to report to work fit to perform his/her job in a safe, appropriate and effective manner.

### **B. Conditions for Exam**

The City may require a fitness for duty evaluation as part of a physical exam of the employee to determine the employee's physical, mental and emotional readiness to perform the essential functions of his/her job with efficiency and safety for himself/herself and others. Fitness for duty evaluations may be done in the following circumstances:

1. following a conditional offer of employment;
2. prior to return to work following a leave related to injury or illness;
3. when an employee expresses concern about his/her ability to perform the functions of his/her job; or
4. when there is reasonable belief that the employee cannot safely perform the functions of his/her job.

## **XV. IDAHO WHISTLEBLOWER PROTECTION**

### **A. Scope**

Idaho Code, Title 6, Chapter 21, provides protections to public employees who experience adverse employment actions as a result of the good faith reporting of the existence of any waste of public funds, property or manpower, or of a violation, or suspected violation, of law, rule or regulation of the City, state of Idaho or the United States of America.

### **B. Reporting**

Any such report must be made at a time, and in a manner, which gives the City a reasonable opportunity to correct the waste or violation.

### **C. Protection**

The City may not take adverse action against an employee because the employee in good faith reports the suspected waste or violation, or participates or gives information in an investigation, hearing, court proceeding or any other form of administrative review of the report.

### **D. Enforcement of Rights**

If the employee believes that he/she has experienced an adverse employment action protected by the Whistleblower Act, he/she may bring a civil action in District Court within 180 days of the occurrence of the violation of the Act.

## **XVI. CANDIDACY FOR ELECTIVE OFFICE**

### **A. First Amendment**

While the City recognizes that the First Amendment provides Constitutional protections for the political activity of its employees, it also recognizes that this right is not absolute when balancing the right of the individual to become a candidate for office and the City's interest in promoting the efficiency of the public services it performs through its employees.

### **B. Reasonable Prediction of Disruption**

1. If an employee initiates candidacy against an Elected Official and there is a reasonable prediction of disruption, the employee must resign or face possible employment action, including being placed on an unpaid leave of absence or termination.
2. A reasonable prediction of disruption is based upon any of the following factors:
  - a. The size of the department in which the employee works—the smaller the department, the greater the likelihood of disruption;
  - b. Whether the employee candidate holds a position of trust and confidence to the incumbent—the closer the ties, the greater the likelihood of disruption;
  - c. Whether the employee candidate is running for a position in which he/she would replace or become superior to his/her current supervisor—in such circumstances the likelihood of disruption would be greater; or
  - d. The nature of the relationship between the employee candidate and the incumbent and the degree of contact they have with one another—the greater the amount of contact and interaction, the greater the likelihood of disruption.
  - e. Not all of the above factors must be met to find a reasonable prediction of disruption.

### C. Evaluation and Action

1. The Elected Official should consult with legal counsel for the City in determining whether there exists a reasonable prediction of disruption and the appropriate employment action to take.
2. The Elected Official should set out in writing the factual basis for finding that there exists a reasonable prediction of disruption using the above factors and his reasoning for taking the specific action. The written findings should be provided to the employee and placed in the employee's personnel file.
3. All other applicable procedures that allow an opportunity to be heard, as set out in this policy, will apply.

## XVII. SEPARATION FROM EMPLOYMENT

### A. REDUCTIONS IN FORCE (RIF)

When financial circumstances or changes of workload require, the City may reduce forces in such manner as it deems necessary to maintain the effective functioning of the City services. Employee assignments may be affected by reductions in force made due to economic conditions or to changes in staffing and work needs. The Mayor, in conjunction with the **Common Council**, may make any changes in the work force or assignment of resources deemed to be in the City's best interests.

### B. COBRA BENEFITS

Employees who currently receive medical benefits and who resign or are terminated from their employment may be eligible to continue those medical benefits for a limited time in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). Employees with questions regarding the right to continue health coverage after termination of their employment should contact the Human Resources Office.

### C. EXIT INTERVIEW

Each employee who terminates from employment is encouraged to participate in an exit interview with the designated representative of the City. In such interview, the City should notify the employee when certain benefits will terminate, when final pay will be issued and review the process to receive COBRA benefits. The employee should be invited to inform the interviewer about his/her impressions of employment. An employee exit form may be completed and will be retained in the employee's personnel file.

## D. RESIGNATION POLICY

1. Written and oral resignations are effective upon receipt by a supervisor or Elected Official. Oral resignations should be documented by the supervisor after consultation with the Mayor or department head. Evidence of the written or oral resignation should be provided to the employee and placed in the employee's personnel file.
2. Employees who have an unexcused or unauthorized absence of three or more working days in a row may be considered to have resigned through abandonment of his/her position. If an employee's words or actions indicate an intent to resign, including having an unexcused or unauthorized absence of three or more working days in a row, the City will consider the employee as having resigned and immediately notify him/her of such.

## XVIII. TECHNOLOGY SYSTEMS POLICY

### 1. SCOPE

This Policy applies to all users of The City of Bellevue's technology systems, herein referred to as "Technology Systems". Use of City of Bellevue Technology Systems, even when carried out on privately owned computers or other devices that are not owned, managed or maintained by The City of Bellevue, is governed by this Policy.

### 2. PURPOSE

The purpose of this Policy is to ensure a technology infrastructure that promotes the basic missions of The City of Bellevue. In particular, this Policy aims to promote the following goals:

- A. Ensure the integrity, reliability, availability, and superior performance of Technology Systems;
- B. Ensure that use of Technology Systems is consistent with the principles and values that govern use of other City of Bellevue facilities and services;
- C. Ensure that Technology Systems are used for their intended purposes; and
- D. Establish processes for addressing policy violations and sanctions for violators.

### 3. DEFINITIONS

#### A. TECHNOLOGY SYSTEMS

Servers, any kind of personal computing devices, applications, printers, networks (virtual, wired and wireless), online and offline storage media and related equipment, software, and data files that are owned, managed, connected to or maintained by The City of Bellevue.

## B. USER

Any person, whether authorized or not, who makes any use of any Technology System from any location.

## 2. APPROPRIATE USE

- a. All Technology Systems are City of Bellevue property and anything you create or load on the Technology Systems becomes City of Bellevue property.
- b. Technology Systems are in place to facilitate your ability to efficiently and productively do your job. To that end, these Technology Systems are solely for business purposes. Only incidental personal use that does not interfere with work or consume Technology Systems resources will be allowed. Personal use may be permitted on an occasional, limited basis within the guidelines established by this policy provided that such use does not result in a cost to The City of Bellevue or interferes with The City of Bellevue business operations or the employee's job performance.
- c. The City of Bellevue reserves the right to intercept, monitor, copy, review and download any communications or files you create or maintain on the Technology Systems, at any time, without prior notice to you. Be advised that regular monitoring will occur.
- d. The City of Bellevue purchases and licenses the use of various computer software programs for business purposes. The City of Bellevue does not own the copyright to this software or its related documentation. Unless authorized by the software developer, The City of Bellevue does not have the right to reproduce such software for use on more than one computer. Users may only use software on Technology Systems or according to the software license agreement. Illegal duplication of software and its related documentation for personal use is prohibited.
- e. Each user is prohibited from sharing their network password with anyone. The Mayor or her/his designee has the right and capability to change any user's network password at any time when required to gain access to information from any individual user's network profile. The user will be notified of this password change wherein the user must change their network password after such activity for confidentiality.
- f. Stealing or coercion to obtain another user's code or password as well as using

or disclosing a user's code or password is strictly prohibited. Also, attempting to break into any The City of Bellevue Technology Systems is strictly prohibited.

- g. E-mail and Internet access is provided by The City of Bellevue to enhance communications and provide access to work related information and technology. Consequently, users should always ensure the business information contained in Internet E-mail messages and other transmissions is legal, accurate, appropriate and ethical. The following are examples of prohibited uses of E-mail and Internet systems:
  - i. Sending or posting discriminatory, harassing, or threatening messages or images;
  - ii. Using The City of Bellevue time and resources for personal gain;
  - iii. Unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material;
  - iv. Engaging in unauthorized transactions that may incur cost to The City of Bellevue or initiate unwanted Internet or e-mail services and transmissions;
  - v. Sending or posting messages or material that could damage The City of Bellevue image or reputation;
  - vi. Participating in the viewing or exchange of pornography or obscene materials, that are not work related;
  - vii. Sending or posting messages that defame or slander other individuals;
  - viii. Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities;
  - ix. Using the Internet for political causes or activities, religious activities, or any sort of gambling;
  - x. Jeopardizing the security of the organization's electronic communications systems;
  - xi. Passing off personal views as representing those of The City of Bellevue;
  - xii. Sending anonymous e-mail messages;
  - xiii. Engaging in any other illegal activities while using The City of Bellevue Technology Systems.

## 4. MANAGING YOUR AVAILABILITY

This section sets forth the requirements for users managing their availability through the use of The City of Bellevue's telephone and email systems. Each user should answer and/or respond to calls and emails within one business day. Each user must recognize that our email and telephone systems are integrated and each system controls the other. With this in mind, the following applies:

### A. TELEPHONE SYSTEMS

Each user is responsible for ensuring their City telephone and its accompanying messaging system is appropriately set with the correct availability status as follows:

1. All users must set their availability/unavailability through the telephone system's desktop or mobile unified communications application.
2. In office availability should be noted as either Available or Unavailable/Do Not Disturb status on each user's telephone. Calls should be accepted, if your status is set to Available.
3. Remote users should forward their City of Bellevue telephone extension to the telephone number at which the user can be reached. Users must also ensure that they set the voicemail greeting on their personal remote telephone to a generic professional greeting.
4. For absences longer than 1 work day, each user must forward their telephone extension to another employee who will handle calls for the absent employee. When a user is unable to do this remotely, the employee's manager should forward the extension to the appropriate person.

### B. EMAIL SYSTEMS

Each user is responsible for ensuring their email account is appropriately set with the correct availability status as follows:

1. In office availability is the default setting for incoming e-mails.
2. For absences of more than 1 consecutive work day, each user must initiate automatic email "out of office" replies for both inside and outside our organization that informs the recipient of the users return date and availability and provide an alternate e-mail address for someone to contact. When a user is unable to do this remotely, the employee's manager should initiate automatic email "out of office" replies as described above.

## 5. EXTERNAL DEVICES

This section provides standards and rules of behavior for the use of personally-owned smart phones, tablets, or external storage devices by users to interface with The City of Bellevue's Technology Systems. Access to and continued use of Technology Systems is granted on condition that each user follows The City of Bellevue's policies concerning the use of these devices and services.

### A. PROHIBITED DEVICES

1. No personally owned storage devices may be used to transfer or download any City-related files or documents, this includes but is not limited to: External Hard Drives, USB Thumb Drives, Memory Cards or any other type of storage media.

### B. EXPECTATIONS

1. Privacy. The City of Bellevue will respect the privacy of your personal device and will only request access to the device to implement security controls, as outlined below or to respond to legitimate discovery requests arising out of administrative, civil, or criminal proceedings. This differs from policy for City-provided equipment/services, where users do not have the right, nor should they have the expectation, of privacy while using City equipment or services. While access to the personal device itself is restricted, The City of Bellevue's Technology Systems Policy regarding the use and access of City e-mail and other Technology Systems remains in effect.
2. Only upon written authorization from the Mayor or his/her designees will connection to external devices be granted. Connection to our Technology Systems may be disabled by The City of Bellevue at any time.
3. The City of Bellevue is not responsible for any loss or theft of, damage to, or failure in the device that may result from use of third-party software and/or use of the device in this program.
4. Contacting vendors for trouble-shooting and support of third-party software is the user's responsibility, with limited configuration support and advice provided by The City of Bellevue staff.
5. Business use may result in increases to the user's personal monthly service plan costs. The City of Bellevue will not reimburse any business-related data/voice plan usage of user's personal device.
6. If the user chooses to discontinue connection of the external device, user will allow The City of Bellevue to remove and disable any City provided third-party software and services from the personal device.

## C. REQUIREMENTS FOR ACCESSING CITY OF BELLEVUE TECHNOLOGY SYSTEMS

1. User will not download or transfer sensitive business data to their personal devices. Sensitive business data is defined as documents or data whose loss, misuse, or unauthorized access can adversely affect the privacy or welfare of an individual (personally identifiable information), the outcome of a claim, proprietary information, or agency financial operations;
2. User will protect the mobile device with a four-digit numeric PIN/Password;
3. User agrees to maintain the original device operating system and keep the device current with security patches and updates, as released by the manufacturer. The user will not install software that allows the user to bypass standard built-in security features and controls (Jail Break) the device;
4. User agrees the device will not be shared with other individuals or family members, due to the business use of the device;
5. User agrees to delete any sensitive business files that may be inadvertently downloaded and stored on the device through the process of viewing e-mail attachments.
6. If the device is lost or stolen, the user must notify their supervisor within eight hours. The City of Bellevue will lock the device and a full erase of the device's data and programs will be completed. Failure to report the lost or stolen device may result in disciplinary action, up to and including termination.

## 6. REMOTE SYSTEMS WORK AND ACCESS

The purpose of this section is to address requirements and expectations for employees desiring to work outside of The City of Bellevue's home office located in Bellevue, Idaho. This practice is herein referred to as "remote". The work needs of The City of Bellevue and the security of Technology Systems are the first considerations in granting remote work and remote access. Working remotely requires employees to be focused and disciplined in order to avoid personal distractions that may not be present in an office environment. Remote work also requires trust from management that employees are productive and professional in their work. Remote work and the technology supporting it are evolving rapidly. Hence, this policy serves only as a basic outline of requirements and expectations. It does not serve as the absolute position of The City of Bellevue on remote work and access practices.

### A. REMOTE WORK APPROVAL

1. Granting authority for remote work opportunity and remote access to The City of Bellevue Technology Systems resides with the Mayor, who may delegate this authority to department heads. Only upon written authorization from the Mayor or his/her designees will remote work or remote access be granted.

## B. REQUIREMENTS FOR REMOTE ACCESS

1. Secure remote access must be strictly controlled. Control will be enforced via one-time password authentication or public/private keys with strong pass-phrases. At no time should any user provide their login or email password to anyone, not even family members.
2. Users with City of Bellevue provided hardware that connects to City of Bellevue's network using a virtual private network (VPN) connection must ensure they are not connected to any other network using a VPN connection at the same time. This excludes the local network (i.e., Home, Hotel, Public Wireless), the remote user may use to connect to the internet.
3. Users with remote access privileges to The City of Bellevue's corporate network must not use non-The City of Bellevue email accounts (i.e., Hotmail, Gmail, Yahoo), or other external resources to conduct City business, thereby ensuring that official business is never confused with personal business.
4. All hosts that connect to The City of Bellevue internal network must meet the following minimum security baseline:
  - a. Anti-Virus software must be installed and kept up-to-date. This software is required to be operating on the computer at all times in real time protection mode. The anti-virus library definitions shall be updated at least once per day. Anti-virus scans shall be done a minimum of once per week. If your anti-virus software does not already provide separate spyware/malware protection, you must install separate applications to prevent these items.
  - b. A software firewall must be installed and enabled. If not using an operating system that has a built-in firewall, a separate firewall program must be installed and kept up-to-date.
  - c. The operating system of the device must be kept up to date with the most current available security patches, service packs and updates at all times.

## 7. ENFORCEMENT

Your consent to and compliance with all of the above items is a term and condition of your employment. Failure to abide by these rules may be grounds for disciplinary action, up to and including termination.

## 8. ACKNOWLEDGMENT

This policy outlines the appropriate use of City issued and personal cellphone/smart devices. This policy covers all employees and appointed or elected officials who use City-owned cell phones and smartphone devices or who use personally owned devices during work hours. It does not include permanent vehicle-installed or hand-held two-way (trunked) Radios (i.e., law enforcement, public works and fire department communication equipment). This policy ensures operationally responsive and cost-effective use of all City-owned cell phones and smart devices. City of Bellevue employees/officials issued any City-owned devices must observe and comply with this policy. This policy outlines personal calls/media use on personal cellphones during work hours to ensure productivity and the limit the City's exposure. This policy is an addendum to the City's Personnel Policies and Procedures Manual dated August 19, 2013. Inappropriate or excessive use of City-provided cellphones/smart devices are subject to discipline, up to and including termination of employment.

### A. City-provided Cellphones/smart devices

When job duties or business needs demand, the City may issue a cellphone/smart device to an employee or elected official for City-related communications. Those issued City-owned cellphone/smart device should use that device for City business purposes.

Non-work use of City-owned cellphone/smart device should be kept to a minimum and only in emergency situations. Non-employees/officials should not be allowed to use City provided cellphones/smart devices nor any of the City paid services associated with the device. A City-provided cellphone/smart device is not a replacement for a personal device or personal data services.

Employees/Officials in possession of City-owned cellphones/smart devices are expected to protect the equipment from loss, damage or theft. The theft of equipment should be reported within 24 hours to the Treasurer and/or Departmental Supervisor and to the Marshal for theft report completion. Employees/Officials will be expected to reimburse the City for repair or replacement cost of a damaged, lost, or stolen cell phone or smartphone device, if its damage, loss or theft was due to their negligence.

Since City-owned cellphone/smart device use and locally stored data are subject to Idaho's Public Records Laws, there should be no expectation of privacy. All City devices may be inspected or audited at any time by the Mayor or their designee.

The City of Bellevue reserves the right to monitor the use of all City-owned cellphones/smart devices. Monthly calls and data usage will be reviewed for appropriateness using vendor provided reports. The City may use software designed to track location, limit usage and store all types of messages/transactions on its cellphones/smart devices. Each user is responsible and accountable for the content and use of their assigned cellphone/smart device. City-owned

cellphones/smart devices must not be used to harass anyone. Harassing messages received on a City-owned device are to be immediately reported to the Marshal's Office for tracking research and possible legal action.

Should a personally owned device be used for City business purposes, the employee or appointed/elected official must comply with public records laws including archival of data. It will be the responsibility of the employee or appointed/elected official to retain those messages in accordance with Idaho Statutes.

Upon non-election, resignation or termination of employment, the employee or appointed/elected official will be asked to return the City-owned device and all accessories in good condition. The City will retain ownership of all City phone numbers. Numbers, cell phones and smart devices may be reassigned and remain within the original department for continuity.

Personal and City Cellphones/smart devices should be turned off or set to silent or vibrate mode during meetings, conferences and in any circumstance where incoming calls may be disruptive. Allowing calls to go to Voicemail is appropriate and Employees are expected to return calls regarding non-urgent City matters by the next business day. Messages regarding urgent matters should be returned the same day.

## **B. Safety Issues for Cellphones/smart device Use**

All employees are expected to follow applicable local, state, and federal laws and regulations regarding distracted driving at all times.

Employees whose job responsibilities include regular or occasional driving are expected to refrain from using either City-owned cell phones and smart devices or personally owned devices while driving/operating a City-owned vehicle or City-owned piece of equipment. Use of a cellphone while driving/operating a City-owned vehicle or City-owned piece of equipment is not required by the City. Allowing calls to go to Voicemail is appropriate and safety must come before all other concerns. Employees are expected to return calls regarding non-urgent City matters by the next business day. Messages regarding urgent matters should be returned the same day.

Regardless of the circumstances, including slow or stopped traffic, employees are required to use hands-free operations or pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Employees are encouraged to refrain from discussion of complicated or emotional matters and to keep their eyes on the road while driving at all times. Special care should be taken in situations where there is traffic or inclement weather, or the employee is driving in an unfamiliar area.

Basic hands-free equipment will be provided with City-issued phones to facilitate the provisions of this policy. The Treasurer will maintain a supply of basic hands-free equipment to provide to Employees/Officials as requested. Employees/Officials who wish to purchase/use

Different types of hands-free devices with their City-owned cellphones/smart device may do so using their own funds but will not be reimbursed for the cost of same.

Reading or sending emails, text or social media messages while driving is strictly prohibited.

Employees/Officials who are charged with traffic violations resulting from the use of either their Personal or City Cellphone/smart device will be solely responsible for all liabilities that result from such actions.

### **C. On-Call Employees**

Departments should identify positions and employees who are required as a condition of employment to be on-call to come back to work outside of the employee's regular shift. Employees assigned as on-call must keep their City-owned cellphone/smart device turned on during the entirety of the assigned period.

### **D. Video or audio recording devices**

The use of camera or other video or audio recording-capable devices on a City-provided Cellphone/smart device is prohibited unless authorized for business reasons. The use of camera or other video or audio recording-capable devices on a personal Cellphone/smart device is also prohibited during normal work hours unless authorized for business reasons. Video or audio recording in restrooms/locker rooms/changing areas is strictly prohibited.

### **E. Personal Calls/Media Use on Personal cellphones**

Employees are permitted to carry personal cell devices during work hours. While at work, employees are expected to exercise discretion in using personal cellphones. Excessive personal calls, texts or social media use during the workday can interfere with employee productivity and be distracting to others. Employees are expected to limit personal calls, texts or social media use during work hours as to not limit productivity. Should a personal device be used for City business purposes, the employee or appointed/elected official must comply with public records laws including archival of data.

The City of Bellevue will not be liable for the loss or damage of personal cellphones, personal smart devices or personal accessories at any work location, in City vehicles or in/on City equipment.

## **F. Procurement and Administration**

Procurement (purchasing new equipment; activation/termination of service; repair and/or replacement of damaged, lost, or stolen equipment; periodic replacement and upgrading to new technology, etc.) and Administration (reassignment/transfer, monitoring usage, reviewing usage charges, paying invoices, managing the budget, etc.) of all City of Bellevue cell phones and smartphone devices will be done through the Clerk's office.

## **G. Consequences for Violators**

Employees violating this policy will be subject to discipline, up to and including termination of employment.

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This Personnel Policy was ADOPTED by the Bellevue Common Council on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

---

Christina Giordani, Mayor

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Date

Attest:

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Amy Phelps, City Clerk

## APPENDIX "A"

## ACKNOWLEDGMENT OF RECEIPT OF the City of Bellevue PERSONNEL POLICY

I, \_\_\_\_\_ acknowledge receipt of the \_\_\_\_\_ Personnel Policy, adopted on \_\_\_\_\_.

- I understand that it is my responsibility to read and review this Policy.
- I understand that I am an at-will employee of the City, that this Policy is not an employment contract, that none of the provisions of this Policy can create a contract and that the Policy is not a guarantee of any particular length or term of employment.
- I understand that I am obligated to perform my duties of employment in conformance with the provisions of this Personnel Policy and any additional rules, regulations, policies or procedures imposed by the department in which I work whether or not I choose to read the new Policy.
- I understand that this Policy may be modified without prior notice to me.
- I understand that should this Policy be modified that I will be provided with a copy of the modifications.
- I understand that this Policy may be provided to me in either paper format or by electronic access.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Employer)

I, \_\_\_\_\_, provided a copy (either electronically or by paper) of the City of Bellevue's Personnel Policy, as adopted by the Common Council on \_\_\_\_\_ to \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Name - Title - Department)



## MEMORANDUM

TO: Mayor Giordani and City Council Members

FROM: Shelly Shoemaker, Finance Manager / Treasurer

RE: Audit FY25

DATE: November 24, 2025

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Audit Background

Since 2019, Workman & Company, led by auditor Dennis Brown, has conducted the City's annual financial audit. The annual audit fee also covers the Bellevue Urban Renewal Agency (BURA), which is included as a component unit of the City.

Recommendation

Approve the Resolution, attached.

*Suggested motion: I move to approve Resolution No. 25-42 authorizing the mayor to execute a contract for services with Workman & Company for annual audit of City financials for FY25 in an amount not to exceed \$11,300.*

## Enclosures

Resolution No. 25-42

Proposal Letter

Engagement Letter

**CITY OF BELLEVUE IDAHO**  
**RESOLUTION NO. 25-42**

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF BELLEVUE IDAHO, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR SERVICES WITH WORKMAN & COMPANY FOR ANNUAL AUDIT OF CITY FINANCIALS FOR FY25 IN AN AMOUNT NOT TO EXCEED \$11,300.

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BELLEVUE, IDAHO, AS FOLLOWS:

The Mayor and Common Council of the City of Bellevue, Idaho, shall enter into an agreement for professional services with Workman & Company for audit services for FY25 as detailed in the attached October 27, 2025 engagement letter in an amount not to exceed \$11,300.

PASSED by the Common Council and approved by the Mayor of the City of Bellevue, Idaho this 24<sup>th</sup> day of November 2025.

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Christina Giordani, Mayor

ATTEST:

---

Amy Phelps, City Clerk



2190 Village Park Avenue, Suite 300 • Twin Falls, ID 83301 • 208.733.1161 • Fax: 208.733.6100

October 27, 2025

City of Bellevue, Idaho  
115 East Pine  
Bellevue, ID 83313

Attached are documents containing our proposed contract for audit services. The essence of this contract is as follows:

1. We will audit the City's financial statements for the year ended September 30, 2025.
2. Our fee for this work will not exceed \$ 9,300 (unless additional work is necessary which would be negotiated.) This fee includes an audit of the BURA that comprises a component unit of the City. If federal funds are expended in excess of \$750,000 a single audit would be required, and our proposed fee would be \$11,300.
3. We will begin our audit services approximately November 10 and issue our report by January 31, 2026.

We are very sensitive to the budget constraints of our audit clients. We try to limit increases in our fees, but with inflation and increases in our audit software costs we are increasing our fees modestly this year.

We are pleased to propose our services to the City. If you accept our proposed contract, please sign and return a copy to our offices.

Sincerely yours,

*Workman & Company*

Certified Public Accountants



2190 Village Park Avenue, Suite 300 • Twin Falls, ID 83301 • 208.733.1161 • Fax: 208.733.6100

October 27, 2025

City of Bellevue, Idaho  
115 East Pine  
Bellevue, ID 83316

We are pleased to confirm our understanding of the services we are to provide the City of Bellevue, Idaho (City) for the year ended September 30, 2025. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of City of Bellevue, Idaho as of and for the year ended September 30, 2025. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) Budgetary Information.

We have also been engaged to report on supplementary information other than RSI that accompanies the City's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole, in a separate written report accompanying our auditor's report on the financial statements.

### **Audit Objectives**

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of the City and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of my audit of the City's financial statements. Our report will be addressed to the City Council of the City of Bellevue, Idaho. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise

in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or may withdraw from this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The paragraph will also state that the report is not suitable for any other purpose. If during my audit we become aware that the City is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

#### **Audit Procedures—General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because We will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by me, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. Our responsibility as auditor is limited to the period covered by our audit and does not extend to any later periods for which We are not engaged as auditor.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

#### **Audit Procedures—Internal Control**

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that I consider relevant to preventing and detecting errors and fraud that

are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

### **Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance, and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

### **Other Services**

We will also assist in preparing certain portions of the following: the financial statements, schedule of expenditures of federal awards, and related notes of the City in conformity with U.S. generally accepted accounting principles based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements, schedule of expenditures of federal awards, and related notes services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities. The fee for these other services will be determined in a separate contract.

### **Management Responsibilities**

Management is responsible for (1) establishing and maintaining effective internal controls, including internal controls over federal awards, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards, and all accompanying information in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations (including federal statutes) and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit, (3) additional information that we may request for the purpose of the audit, and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud

could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that we report.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon or make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements, related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of any of the following: the financial statements and related notes and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

#### **Engagement Administration, Fees, and Other**

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to the City of Bellevue, Idaho; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Workman and Company, CPAs and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to

others, any federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Workman and Company, CPAs personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the parties contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately November 10, 2025, and to issue our reports no later than January 31, 2026. Brady Workman is the engagement manager and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fee for these services will not exceed \$ 9,300 for a yellow book audit and \$ 11,300 if a single audit is required. These fees are based on anticipated cooperation of City personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before incurring the additional costs. We appreciate the opportunity to be of service to the City of Bellevue, Idaho and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

*Workman & Company*

RESPONSE:

This letter correctly sets forth the understanding of the City of Bellevue, Idaho.

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



## Memorandum

**To:** **Bellevue Common Council**

**From:** **Brian Parker, Community Development Director, Floodplain Administrator**

**Re:** **FEMA Flood Map Update Process**

**Date:** **November 10, 2025**

---

### **Background**

The Federal Emergency Management Agency, Idaho Department of Water Resources, and land use jurisdictions in Blaine County have been in the process of updating the Flood Insurance Study (FIS) and associated maps. The current FIS has been in effect since November 26, 2010. Improvements to modeling technology, changes in land use and stream channel characteristics, and changes in weather patterns necessitate periodic updates to the FIS and maps.

### **Floodplain Management Refresher**

#### Flood Zones

The flood maps establish areas that are regulated by Title 12 of Bellevue City Code. Bellevue contains the following flood zones:

- Regulatory Floodway - This is the area that is specifically reserved for the transport of flood waters. Development within the regulatory floodway is very tightly regulated and must demonstrate that the development will not increase upstream or downstream flood risks, typically through a “no-rise” study of the hydraulics and hydrology of the proposed changes.
- 1% Annual Flood Hazard Area – This is considered the “Area of Special Flood Hazard” and is the primary area where regulated floodplain development occurs. Floodplain development permits are required for development within this area, and flood insurance is required for federally-backed mortgages within this area.
- 0.2% Annual Flood Hazard Area – This area has been modelled and has a risk of flooding, but floodplain development permits and flood insurance are not required for this area.
- Zone X – This is the area where the modeling has determined a less than 0.2% of annual flooding. It is worth noting that the floodplain modeling is focused on riverine and sheet flooding, but other forms of flooding can occur and are not modeled for. An example specific to Bellevue is “flood after fire” occurrences where a wildfire denudes a hillside of vegetation, then a storm event occurs while the hillside is unable to absorb the rainwater and flooding occurs.

Specific, temporary products are available for this situation, but are not a part of the regular flood modeling and mapping.

#### Flood Insurance Study

The details of the hydraulics and hydrology study that established the flood zone boundaries is contained in the Flood Insurance Study (FIS). The most frequently used portion of the FIS is the flood profile for a given stretch of river. The flood profile provides the specific flood elevation along the river corridor and is the official source of determining the “base flood elevation.” Bellevue City Code Section 12-2-1 establishes the “flood protection elevation” as two feet (2') above the base flood elevation, and Bellevue City Code Section 12-5-1 requires the lowest floor to be constructed at or above the flood protection elevation.

#### Floodplain Ordinance

Bellevue’s floodplain ordinance is based on FEMA’s model ordinance. By adopting and utilizing this ordinance, Bellevue is classified by FEMA as a “participating community” meaning flood insurance premiums are substantially less expensive than in a nonparticipating community.

These flood zones are specifically related to risk of flooding and managing associated insurance risk. The floodplain ordinance does not generally address environmental, aesthetic, personal safety, or other matters relating to development within the riverine corridors. Bellevue City Code Section 12-5-1(A) restricts development within one hundred feet (100') of the mean high-water mark of the Big Wood River, which is not the same as the floodplain.

#### Floodplain Development Permit

A floodplain development permit is required for any development within the 1% floodplain. Bellevue City Code Section 12-2-1 defines “development” as “any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.” Floodplain development permits are an important component to demonstrating compliance with FEMA regulations and can be helpful tools in future flood studies.

#### **Flood Map & Study Updates**

An updated study of flood hazard areas within Blaine County has been drafted. The preliminary floodplains were distributed on July 25, 2025, and a meeting of floodplain administrators was held on October 22, 2025.

The next step is to gather public comment. Anyone is welcome to provide comment on the floodplain, but outreach efforts will primarily be focused on property owners where the regulatory floodplain is changing. The resources identified below, particularly in conjunction with talking to Staff, are useful ways of learning about the proposed changes.

The public outreach phase will be open until Spring of 2026, when the formal ninety (90) day appeal period opens. Once the appeal period ends, the updated maps and study are finalized, and the City will have six (6) months to formally incorporate the updated maps into the floodplain ordinance. The anticipated effective date of the maps is Spring of 2027.

## Resources

1. Flood Map Update Story Map: <https://tinyurl.com/floodstorymap>
2. Effective/Preliminary Flood Map Comparison Tool: <https://tinyurl.com/floodcompare>
3. Staff



## Memorandum

**To:** **Bellevue Common Council**

**From:** **Brian Parker, Community Development Director**

**Re:** **Titles 10 through 12 Cleanup Text Amendment Work Session**

**Date:** **November 24, 2025**

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### **Background**

The Community Development Department maintains notes on the City of Bellevue's Zoning (Title 10), Subdivision (Title 11), and Floodplain (Title 12) ordinances throughout the summer for opportunities to improve the existing code for readability, consistency, enforcement, and similar. These notes are then compiled into a "cleanup" amendment to be processed over the winter. The intent of this amendment is not to introduce or significantly change policies, but rather to improve the existing policies in code.

### **Recommendation and Next Steps**

The Council should review the proposed modifications and discuss whether the changes are consistent with existing policies and desired outcomes. Where more substantial shifts in policy direction are desired, the Council should note that and provide direction to staff for further research, outreach, and code development.

### **Enclosures**

1. Annotated proposed modifications to Titles 10, 11, and 12 of Bellevue City Code.

## 11-6-1: PROCEDURE:

~~An owner or subdivider wishing to readjust lot lines, as defined in section 11-2-1 of this title, shall be required to file two (2) copies of a plat and application with the Administrator for administrative review. Additional information reasonably required for thorough review of the application and plat may be required by the Administrator to be provided by the applicant. Waivers shall be requested according to chapter 13 of this title. The Council shall remand any application and/or waiver request to the commission for recommendation prior to taking final action. The Administrator shall provide written notice of said application to owners of property immediately adjacent to the subject property. Said notice shall inform adjacent property owners they may comment on the application during a period of not less than ten (10) days after mailing of the notice and prior to final action on said application. Following expiration of the said comment period and upon a finding by the Administrator that the plat conforms to the readjustment of lot line definition and is in compliance with the provisions of this title, the Administrator shall approve same or approve with conditions necessary to find same in compliance with the provisions of this title. Upon a finding by the Administrator that the application does not conform to said definition or is not in compliance with this title, the Administrator shall deny the application and shall state the reasons therefor in writing, and a copy signed by the Administrator, attached to one copy of the plat, shall be returned to the applicant. Upon Council approval of an application and upon satisfaction by the applicant of any conditions attached thereto, the Administrator shall inform the City Clerk and the City Clerk shall sign the plat. Any questions with regard to the interpretation and/or applicability of this section or other sections shall be referred to the Council by the Administrator for determination.~~  
~~(Ord. 91-01, 12-2016)~~

### A. Eligibility:

An owner may readjust lot lines through the process identified herein, provided that the following criteria are met:

1. The readjustment of lot lines will not result in any reduction in lot area, frontage, width, depth, building setback lines, or applicable dimensional standards below the minimum requirements for the zone(s) involved.
2. No additional parcels will be created through the readjustment.
3. The readjustment does not impair existing access or easements or create the need for new easements or access to any adjacent lots.
4. The readjustment does not create or exacerbate any violations of this Title or Title 10 of this Code.

### B. Application:

The owner shall submit the following:

1. A completed Lot Line Readjustment Application as provided by the Administrator
2. A title report for the affected property
3. A preliminary record of survey drawn to scale, prepared by a professional land surveyor licensed to operate in Idaho showing the following:
  - a. All existing and proposed boundaries of the affected lots with dimensions.
  - b. All existing structures with dimensions and distances to existing and proposed boundaries.
  - c. Existing utilities to the affected lots.
  - d. Existing and proposed street frontages and accesses of the affected lots.
4. Application fees as determined by resolution.

C. Procedure:

1. Upon the receipt of a complete application and a determination that the application is eligible for a lot line readjustment, the Administrator and City Engineer shall review and approve the record of survey. The City Engineer shall affix their certificate of approval to the record of survey.

The current lot line readjustment standards and procedures are extremely unclear. The proposed changes establish clear standards and enable administrative approval of routine applications. Applications requiring waivers of Code would still require approval of the City Council (see changes to Chapter 11-13). Appeals to administrative decisions are available (see changes to Chapter 11-13).

## CHAPTER 13 WAIVERS AND APPEALS

### 11-13-1: WAIVERS:

- A. Commission Recommendation; Council Approval: Waiver of any of the requirements of this title may be granted by the Council on a case basis upon the recommendation of the commission.
- B. Application For Waiver:
  - 1. Application for such waiver(s) must be in writing and must show that there are special physical characteristics or conditions affecting the property in question where a literal enforcement of this title would result in undue hardship not the result of actions by the subdivider, and that the waiver would not be detrimental to the public welfare, health, and safety, nor injurious to the property owners in the immediate area.
  - 2. Applications shall be made to the Administrator in writing at the time of subdivision application. Said waiver, together with such related data and maps as are necessary to fully illustrate the relief sought, shall be filed at the same time. Such application shall be processed and considered ~~with the preliminary plat application concurrently with the preliminary plat or lot line readjustement application. Hearings before the commission and Council shall be noticed as a public hearing.~~

Clarifies that notice and public hearing procedures are required for waivers.

### 11-13-2: APPEALS:

Any interested party may appeal in writing the decision of the commission, Administrator, or building inspector relative to any matter(s) with regard to this title. Said appeal shall be filed in writing with the City Clerk within fifteen (15) days from the date of the decision. The appeal shall state the exact decision or recommendation appealed and the reasons therefor. If no appeal is filed within fifteen (15) days as herein provided, the decision shall be final. Appeals shall be heard in accordance with Section 10-3-3 of this Code.

The current code for Title 11 appeals does not specify who the appellant body is, or what the procedure is.

## **CHAPTER 1 TITLE; PURPOSE; INTERPRETATION**

### **10-1-1: TITLE:**

This title shall be known and may be cited to as the BELLEVUE ZONING ORDINANCE. (Ord. 2015-02, 4-20-2015)

### **10-1-2: STATUTE AUTHORITY; PURPOSE:**

This title is adopted pursuant to the authority granted by Idaho Code section 67-6501 et seq., and article 12, section 2 of the Idaho Constitution. It is enacted for the purpose of promoting the public health, safety, morals, comfort, and general welfare; to conserve and protect property and property values; to secure the most appropriate use of lands; to control the density of population; to prevent undue traffic congestion; to preserve the scenic and aesthetic values of the City; to assure the economical provision of adequate public improvements; and to implement the policies set forth in the Bellevue Comprehensive Plan. (Ord. 2015-02, 4-20-2015)

### **10-1-3: APPLICATION AND INTERPRETATION:**

- A. Minimum Requirements: In their interpretation and application, the provisions of this title shall be held to be minimum requirements.
- B. Conflicting Provisions: Whenever the requirements of any other lawfully adopted rules, regulations ordinances, or resolutions may apply, the most restrictive rules or those imposing the higher standards shall govern.
- C. Separability: Should any section or provision of this title be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this title as a whole or any part hereof other than the part so declared to be unconstitutional or invalid. (Ord. 2015-02, 4-20-2015)

#### **10-1-4: PRESERVATION OF PRIVATE PROPERTY RIGHTS:**

This title shall be interpreted to equally protect each citizen from the undue encroachment of his private property by his neighbors' use of his own private property. Each citizen shall have the maximum use of his property without placing undue burden upon his neighbor. Every resident of the City shall at all times have the right to appear in person or by his agent before the Council to freely petition for the relief of an alleged burden created by this title, and to appeal any decision of the commission pursuant to the procedure stated herein. The enforcement of this title shall apply equally to each person and property in similar circumstances. (Ord. 2015-02, 4-20-2015)

## **CHAPTER 2 DEFINITIONS**

#### **10-2-1: DEFINITIONS:**

When used in this title, the following words and terms shall have the meanings ascribed to them in this section:

##### ***ADU (ACCESSORY DWELLING UNIT):***

An attached or detached dwelling which is secondary in nature to a primary **general residential unit, transitional unit, business unit, light industrial unit, light industrial/mixed business unit and limited business/residential unit** ~~structure located on the same lot, that cannot be sold separately from the primary unit~~. An accessory dwelling unit provides complete, independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation. ~~on the same lot as the primary unit. Accessory dwelling units may be allowed in conjunction with a general residential, transitional, business, light industrial, light industrial/mixed business and limited business/residential unit and are not to be constructed as an addition to a duplex or multi-family unit. Accessory dwelling unit sizes for the General Residential, Transitional, and~~

~~Limited Business/Residential Districts shall comply with table A depicted below. Accessory dwelling units shall be subject to design review application approval. Accessory dwelling units shall be assessed for applicable water and sewer connections and a monthly user fee equal to a primary residence.~~

~~—TABLE A~~

<del>Lot Size</del>	<del>Accessory Dwelling Unit Size (Gross Square Feet)</del>
<del>6,000 sq. ft. - 7,999 sq. ft.</del>	<del>600</del>
<del>8,000 sq. ft. - 9,999 sq. ft.</del>	<del>700</del>
<del>10,000 sq. ft. - 19,999 sq. ft.</del>	<del>850</del>
<del>20,000 sq. ft. - 1 acre</del>	<del>1,000</del>
<del>Over 1 acre</del>	<del>1,200</del>

Where possible, regulatory standards should not be included in definitions. This makes it easy to overlook requirements, is not obvious for the general public to find, and reduces enforceability. These standards have been relocated to appropriate sections within this code.

***ACCESSORY USE:***

A use or structure subordinate to the principal use on the same lot or premises and serving a purpose customarily incidental to the permitted use of the principal building. Accessory uses are authorized uses which do not require a conditional use permit. ~~There shall be no accessory use in the Business, Light Industrial, and Limited Business/Residential Zoning Districts without an existing permitted primary use on the property in question.~~

Where possible, regulatory standards should not be included in definitions. This makes it easy to overlook requirements, is not obvious for the general public to find, and reduces enforceability. These standards have been relocated to appropriate sections within this code.

The words “conditional use” have been added prior to permit to reduce confusion on the need for other types of permits such as encroachment, setback, or water/sewer permits.

***AFFECTED PERSON:***

One having an interest in real property which may be affected by the issuance or denial of a permit authorizing development.

***AGRICULTURAL PURPOSES:***

Refers to the growing of timber or crops, including grazing, horticulture, floriculture, nurseries, fruit trees, berry bushes, and the necessary accessory uses for processing, packing, treating, or storing the produce. The operation of any such accessory use shall be secondary to that of normal crop or timber growing and shall not include feedlots, slaughterhouses, rendering plants, or sawmills.

***ANIMAL HOSPICE:***

A facility where lost animals are temporarily housed until permanent homes are either found for them or they are destroyed.

***ANIMAL HOSPITAL:***

A place used for the care, grooming, diagnosis, and treatment of sick or injured animals, and for the care of those who are in need of medical or surgical attention, including overnight accommodations for recuperation and observation purposes.

***APPRECIABLE DEGRADATION:***

Any dust, odor, fumes, detectable pollution, noise or flashing light which is perceptible without instruments more than two hundred feet (200') from the boundaries of the construction or maintenance work.

***ASPHALT BATCH PLANT:***

A facility which manufactures asphalt.

***AUTO WRECKING YARD:***

Any use of premises whereon currently nonlicensed motor vehicles not in operating condition are standing more than sixty (60) days, or on which such motor vehicles or parts thereof are dismantled or stored.

***AUTOMOTIVE REPAIR:***

An enclosed facility which provides for the maintenance of vehicles, RVs, ATVs, and snowmobiles, including, but not limited to, engine repairs, transmission work, body fender repair, painting and detailing.

***BANK:***

~~The ordinary high water level of a stream, river, lake or impoundment which, in the absence of evidence to the contrary, shall be presumed to be the edge of the vegetation growing along the shore.~~

To provide clarity, this has been relabeled as “Stream Bank” and moved to the appropriate alphabetical location.

***BUILDING:***

Any structure used or designed to be used for supporting or sheltering any use or occupancy per City adopted International Building Code.

***BUILDING, AGRICULTURAL:***

A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or horticultural products, but not for the purpose of human habitation or processing of agricultural products.

***BUILDING COVERAGE:***

The total square footage contained by the exterior building foundation, plus all horizontal projections which constitute a "building" as defined in this section, but not including roof overhangs that are three feet (3') or less or uncovered decks less than thirty inches (30") above grade.

***BUILDING, EXISTING:***

A building erected prior to the effective date hereof, or one for which a valid building permit has been issued prior to the effective date hereof.

***BUILDING FOOTPRINT:***

That area of a building that is within the perimeter of the foundation or the exterior walls on the building and including, without limitation, all enclosed or covered portions, such as attached garages, carports, decks, porches, solariums and similar enclosed extensions.

***BUILDING, PRINCIPAL:***

Buildings in which permitted uses are conducted on a lot.

***BUILDING SETBACK LINE:***

An imaginary line that requires all buildings to be set back a certain distance from property boundary lines or lot lines, measured from the drip line of the building, not the wall or foundation, to the boundary line or lot line.

***BULK REQUIREMENTS:***

The combination of land use regulations that establishes the maximum size of a building and its location on the lot, including, without limitation:

A. Building setback, height, and size requirements for the particular zoning district the building is located in; and

B. The size and shape of the building and other structures in relation to the neighboring buildings and structures.

***BUSINESS USE:***

The purchase, sale or other retail transaction, indoor or outdoor, involving the handling or disposition of any article, service, substance or commodity for livelihood or profit, or the ownership or management of office buildings, offices, recreation or amusement enterprises or the maintenance and use of business offices by professionals and tradespeople rendering services.

***CAMPGROUND:***

A facility where camper/recreational vehicles may stop or park overnight for short periods of time.

***CEMETERY:***

Land used or intended to be used for the burial of the human dead, including crematoria, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

***CITY:***

City of Bellevue, Idaho.

***COMMERCIAL USE:***

The purchase, sale or other transaction involving the handling or disposition of any article, service, substance, or commodity for livelihood or profit, or the ownership or management of office buildings, offices, recreation or amusement enterprises, or the maintenance and use of offices by professionals and tradespeople rendering services.

***COMMISSION:***

The Bellevue City Planning and Zoning Commission.

***COMMUTER RIDE FACILITY, PRIVATE AND PUBLIC:***

Land and/or structures used twenty four (24) hours a day, seven (7) days a week for the parking and storing of commuter vans, buses, associated patron vehicle parking and associated patron customer services.

***COMPREHENSIVE PLAN:***

The Bellevue Comprehensive Land Use Plan, as amended from time to time.

***CONDITIONAL USE:***

A use permitted only upon issuance of a conditional use permit.

***CONTRACTOR'S OFFICE:***

The business office and shop for building contractors, carpenters, plumbers, electricians, and similar tradespeople rendering services to the public.

***CONTRACTOR'S STORAGE YARD:***

Indoor or outdoor storage of building materials and equipment owned by the contractor and commonly used in the construction business, ~~, provided the yard is entirely screened from all streets and other public ways by a solid fence six feet (6') in height or landscaping of at least eight foot (8') tall evergreen trees placed no more than every fifteen feet (15') apart with an automatic irrigation system installed to each.~~

Where possible, regulatory standards should not be included in definitions. This makes it easy to overlook requirements, is not obvious for the general public to find, and reduces enforceability.

These standards have been relocated to appropriate sections within this code.

***COUNCIL:***

The Common Council of Bellevue, Idaho.

***DENSITY:***

A unit of measurement; the number of dwelling units per acre of land.

***DENSITY, GROSS:***

The total area of a development, including public and private rights-of-way, divided by the total number of dwelling units.

***DENSITY, NET:***

The number of dwelling units allowed per acre in a subdivision after subtracting the land occupied by public or private rights-of-way.

***DIMENSIONAL STANDARDS:***

Bulk and setback regulations.

***DUPLEX:***

A building which contains two (2) dwelling units ~~and two (2) separate kitchens~~.

This is redundant as the definition of “dwelling unit” requires that there are permanent provisions for cooking.

***DWELLING, MULTI-FAMILY:***

A structure or portion thereof designed for and used as the living quarters for two (2) or more families or housekeeping groups.

***DWELLING, SINGLE-FAMILY:***

A structure designed for and used as the living quarters for a single-family or housekeeping group and which contains no more than one kitchen. A mobile home shall not be considered a single-family dwelling unless it is a unit from which the wheels and tongue have been removed, which is on a permanent foundation, which satisfies the Building Code, and which meets the definition of and requirements for manufactured housing set forth in this title. Manufactured housing shall not be considered a single-family dwelling unless it meets definition of and requirements for manufactured housing set forth in this title.

***DWELLING UNIT:***

A single building or part thereof providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating and sanitation.

***EASEMENT:***

A nonpossessory interest in real property which gives the holder of such interest the right to use some part, or all, of the real property of another.

***EXTRACTION:***

Removal and processing of any mineral; mining, quarrying, separating, or cleaning mineral resources.

***FEEDLOT:***

An open area where domesticated livestock, which have been purchased from other ranches, are grouped together for intensive feeding purposes prior to their sale for slaughter.

***FLOOD OF ONE HUNDRED YEAR FREQUENCY:***

A flood, the magnitude of which has a one percent (1%) chance of being equaled or exceeded in any given year, as determined by probability analysis of historical hydrological data.

***FLOODWAY:***

The channel, watercourse, or portion of the floodplain adjoining the channel which is reasonably required to carry and discharge the bulk of the floodwaters of any river or stream, with a maximum allowable rise of one foot (1') due to potential building encroachment.

***GRAVEL OR SHALE PIT:***

Any point where stone, sand, gravel or other mineral resources are removed, extracted, crushed or stockpiled.

***GROSS FLOOR AREA:***

The square footage within the building footprint plus the square footage of additional floors measured from the exterior of the walls.

***GROUPED RETAIL TRADE:***

A combination of two (2) or more individual retail trades (e.g., a shopping center)

***HAZARDOUS AREA OR DISTRICT:***

A parcel of land that is determined to be susceptible to physical hazards such as flooding, avalanche, geologic instability, steep slopes, or low flying aircraft.

***HEAVY INDUSTRIAL USE:***

Any manufacturing, processing, or testing of goods and materials, including the production of power, where the byproducts of such use include noise, smoke, odor, glare, gas, vibration, dust, light, or traffic which may have a detrimental effect on neighboring property.

***HEIGHT OF BUILDING:***

The vertical distance measured at any point from the highest point of the roof directly to the lowest point of natural grade along the building foundation perimeter prior to any site excavation, grading or filling or to the lowest point of the grade existing as of the effective date hereof, whichever is lowest. This definition shall not apply to flagpoles, lightning rods, weather vanes, antennas or chimneys, but not chases constructed with regard thereto.

***HIGH WATER MARK:***

See definition of bank.

***HOME OCCUPATION:***

Self-employment by the inhabitant in a dwelling, which is clearly incidental and secondary to its use as a dwelling.

***HOSPITAL:***

An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients, but distinguished from a nursing home by offering primarily short term rather than long term care.

***HOUSE TRAILER:***

Shall mean any device which is built on a permanent chassis, designed to be occupied as a dwelling unit, drawn by another motor vehicle, and is not required to have a State license.

***HOUSEKEEPING GROUP:***

A group of unrelated persons living together.

***INDIVIDUAL RETAIL TRADE:***

Any retail business or business allowed in an applicable zoning district that: a) shares check stands or storage areas; or b) shares management; or c) is owned, leased, possessed or otherwise controlled, in any manner, directly or indirectly, by the same or different individual(s) or entity(ies), including, without limitation, corporation(s), partnership(s), limited liability company(ies) or trust(s) where:

- A. Such individuals or entities have a controlling ownership or contractual right with other individuals or entities; or
- B. The same individual(s) or entity(ies) acts in any manner as an employee, owner, partner, agent, stockholder, director, member, officer or trustee of the entity(ies), and is located within one or more separate buildings or structures within three hundred feet (300') of one another.

***JUNKYARD:***

An outdoor space where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, dismantled, stored, or hauled.

***KENNEL:***

Any lot or premises on which six (6) or more domesticated animals are housed, groomed, bred, boarded, or trained in return for compensation, or sold, and which may offer incidental medical treatment.

***LIGHT INDUSTRIAL USES:***

Warehousing, manufacturing, and/or processing of goods and materials which do not emit offensive odor, dust, smoke, glare, gas, light, noise, or vibration which cannot be confined to the site itself. Wholesaling will be allowed as a light industrial use only if the items are manufactured on site and are not for sale as retail merchandise to the general public.

***LOT:***

A parcel, plot, tract, or other contiguous land area.

***LOT AREA:***

The area of any lot exclusive of street and road easements.

***LOT LINE, FRONT:***

The property line dividing a lot from a street. On a corner lot, only one street property line shall be considered the front lot line, and the shorter street frontage shall be considered the front lot line, unless determined otherwise by the Administrator based on the orientation and layout of the lot and surrounding lots in order to have a uniform front lot line for all such lots.

***LOT LINE, REAR:***

The property line opposite the front lot line. For lots in blocks containing an alley, the rear lot line shall be the property line dividing the lot from the alley.

***LOT LINE, SIDE:***

Any lot line other than the front lot line and the rear lot line.

***LOT OF RECORD:***

A lot which is part of a subdivision recorded in the Office of the County Recorder; or a lot or parcel described by metes and bounds, the description of which has been so recorded prior to the effective date hereof; or a lot recorded as part of the official plat of the City of Bellevue.

***MANUFACTURED HOUSING:***

A structure constructed after June 15, 1976, according to HUD/HFA mobile home construction and safety standards, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except, that the term shall include any structure which meets all the requirements of this definition, except the size requirements and, with respect to which the manufacturer, has filed all certifications required by the Secretary of HUD and complies with the standards established under 42 USC 5401, et seq., and all applicable laws of the State of Idaho and the City of Bellevue, Idaho.

***MECHANICAL AREAS:***

Those spaces within a building devoted exclusively to furnaces/heating systems, cooling systems, elevators, walk-in freezers and similar systems, which are not habitable spaces.

***MEZZANINE:***

An intermediate level or levels between the floor and ceiling of any story of a building with a floor area of not more than one-third (1/3) of the area of the room or space in which the level or levels are located. Such mezzanines shall be part of the calculation of the gross floor area of a building.

***MOBILE HOME:***

A single-family dwelling which may be transported on flatbed or other trailers, which arrives on a site complete and ready for occupancy except for minor assembly operations, location on jacks or foundation, and connection to utilities, and which may be disassembled and moved to another

location. A mobile recreational or camper vehicle specifically designed for highway travel on its own wheels shall not be considered a mobile home.

***MOBILE HOME SUBDIVISION:***

A subdivision designed for mobile home residential use.

***MOTEL:***

A building or group of buildings which contain: a) separate sleeping accommodations, each with its own exterior entrance, offered for rent to the traveling public on a nightly basis; and b) has an on site office with a person in charge twenty four (24) hours per day.

***NET FLOOR AREA:***

The floor area square footage of that portion of a building consistently used by customers, patrons and employees of the use. Net floor area shall not include areas used exclusively for kitchens, hallways, elevators, bulk storage and freezer areas, employee break areas, restrooms, and mechanical rooms. Net floor area shall be calculated for the entire building and each portion thereof.

***NONCONFORMING BUILDING:***

Any building existing at the effective date hereof, or any amendment hereto, which does not conform to the use regulations of this title, or any amendment hereto.

***NONCONFORMING USE:***

Any use existing at the effective date hereof, or any amendment hereto, which does not conform to the use regulations of this title, or any amendment hereto.

***NURSERY, COMMERCIAL:***

A combination of land, buildings, and structures for the sale of live trees, plants, shrubs, or gardening products, or landscaping services.

***NURSERY FOR CHILDREN:***

A facility charging a fee to provide care for preschool age children; includes daycare centers.

***NURSERY, OUTDOOR:***

A farm or plantation growing trees, shrubs, and plants intended for transplanting elsewhere, whose commercial use is limited to the sale of those mentioned above actually grown on the premises.

***NURSING HOME:***

A facility for the care and treatment of more than three (3) elderly patients; includes rest homes and retirement homes.

***OFF STREET LOADING AREA:***

An open, hard surfaced tract of land, other than a street or public way, the principal use of which is for motor vehicle standing, loading, and unloading.

***OFF STREET PARKING:***

An open area, other than a street or public way, for the temporary location of motor vehicles.

***100-YEAR FLOODPLAIN:***

The low land near the channel of a river, street, or other body of water which has been or may be covered by the water of the flood of one hundred (100) year frequency, as established by the engineering practices of the Federal Emergency Management Agency.

***OPEN SPACE:***

A land or water area devoid of buildings, streets, or other physical structures.

***OPEN SPACE RECREATIONAL USE:***

Recreational uses not requiring buildings or structures.

***OUTDOOR RECREATIONAL FACILITY:***

Facilities such as golf courses, marinas, shooting ranges, rod and gun clubs, and dude ranches whose use is primarily outdoor rather than indoor recreation, for which buildings are incidental and accessory.

***OWNER:***

The individual, firm, association, syndicate, partnership, corporation, or other entity having proprietary interest in the land to be subdivided. A leasehold interest is excluded from such proprietary interest.

***PARK AND RIDE FACILITY, PUBLIC OR PRIVATE:***

A parcel of land located in the Light Industrial District essential to being utilized for parking of unattended vehicles for an unlimited number of days and hours, and cycling of commuter vans and buses. This conditional use may be allowed only on lands zoned Light Industrial, and such use shall be set back a minimum of two hundred fifty feet (250') from all Main Street/Highway 75 rights-of-way.

***PERMITTED USE:***

An authorized use in a particular zone district which does not require a conditional use permit but which is subject to the restrictions particular to that district.

The words "conditional use" have been added prior to permit to reduce confusion on the need for other types of permits such as encroachment, setback, or water/sewer permits.

***PERSONAL SERVICES:***

A commercial enterprise which primarily offers services to the general public such as, without limitation, barbershops, beauty salons, shoe repair, watch repair, and similar activities; also referred to as "repair and personal services".

***PUBLIC FACILITIES:***

Structure for the use and benefit of the community limited to a school, hospital, or cultural building.

***PUBLIC UTILITY AND PUBLIC SERVICE FACILITIES:***

Structures essential to furnishing the public with electric power, gas, water supply, water treatment, services, including power plants or substations, water treatment plants or pumping stations, fire stations or police stations.

***RECREATIONAL VEHICLE (RV):***

A motor home, travel trailer, truck camper, fifth-wheel trailer, a park model recreational vehicle (as defined by Idaho Code, Titles 39 and 49), converted bus, van or other vehicle, or camping trailer that is designed and used for temporary living quarters. The RV may be under its own power or be mounted or drawn by another vehicle. In no case shall a recreational vehicle be considered a dwelling.

***RETREAT:***

A building or complex of buildings which may include overnight accommodations and kitchen facilities, specifically intended to provide an opportunity to individuals or groups of people for one or more of the following: spiritual renewal, a change of pace from normal daily routines, post-professional educational training, educational seminars, professional counseling, or pursuit of the arts.

***RIGHT-OF-WAY:***

A strip of land dedicated or acquired for use as a public thoroughfare, which normally includes streets, sidewalks, and other public utilities or service areas.

**STREAM BANK:**

The ordinary high water level of a stream, river, lake or impoundment which, in the absence of evidence to the contrary, shall be presumed to be the edge of the vegetation growing along the shore.

**STREET:**

A right-of-way which provides access to adjacent properties and that has been officially accepted. Street shall include the terms highway, thoroughfare, parkway, road, avenue, boulevard, and place.

**SUBDIVISION:**

The division of a lot, tract, or parcel of land into two (2) or more parts for the purpose of sale, lease, or building development, whether immediate or in the future.

**TOURIST HOMES:**

Establishments located in traditionally residential structures which provide short term occupancy (less than 30 continuous days) to the traveling public; also referred to as "bed and breakfast inns".

**TOWNHOUSE DEVELOPMENT:**

A planned project of two (2) single-family units with a common adjoining wall, each unit being separated from the adjoining unit by a one hour fire resistant wall or walls extending from the basement floor to the roof along the dividing townhouse subplot line, each unit having its own access to the outside, and no unit located over another unit in part or in whole. All townhouse developments shall be platted under the procedures contained in the subdivision ordinance in effect and shall be required to obtain design review approval prior to building permit issuance. There shall be separate water and sewer connections for each unit.

***TOWNHOUSE SUBLOTS:***

Minimum six thousand (6,000) square foot lots resulting from platting a townhouse development. Sublots shall not be buildable for structures other than a townhouse unit as defined herein. Platting of sublots shall follow the procedures set forth in the subdivision ordinance and other applicable codes in effect.

Each townhouse unit may have a detached garage, and it must be sited on the same townhouse sublot as the residential unit.

***TOWNHOUSE UNIT:***

One or more rooms, including a bathroom and a single kitchen, designed for or occupied as a unit by one family for living and cooking purposes, located in a townhouse development on a platted townhouse sublot.

***TRAILER:***

Any unit operated under its own power or drawn by or mounted on another vehicle that is designed for or used as a temporary living quarter. This definition includes, without limitation, a travel trailer, camping trailer, truck camper, fifth-wheel camper, motor home, and recreational vehicle.

***TRANSPORTATION FACILITIES:***

Roads, parking areas, turnarounds, bike paths, horse trails, ski or scenic lifts, or any other thoroughfare associated with moving people or materials.

***UNDUE HARSHIP:***

Special conditions depriving the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this title, but not merely a matter of convenience and profit.

***USE:***

The specific purposes for which land or a building is being used.

***USE, EXISTING:***

Any use legally existing at the effective date hereof.

***UTILITIES:***

Installations for conducting water, sewage, gas, electricity, television, stormwater, and similar facilities providing service to and used by the public.

***YARD:***

An open space on the same lot with a principal building, which is unoccupied and unobstructed.

***ZONE DISTRICT:***

A portion of the incorporated territory of Bellevue defined by this title and designated on Zoning Maps to which the provisions of this title apply. (Ord. 2015-02, 4-20-2015; amd. 2018 Code; Ord. 2019-06, 7-30-2019)

## **CHAPTER 3 ADMINISTRATION AND ENFORCEMENT**

***10-3-1: ADMINISTRATOR:***

The Council shall appoint an Administrator to administer this title. The Administrator, commonly referred to as the Community Development Director, may be provided with the assistance of such other persons as the Council may direct. The Administrator's duties include, but are not limited to, the following:

- A. Advise interested citizens of the provisions of this title.
- B. Inform the news media regarding land use and zoning matters of public interest, particularly the time and place of public hearings.
- C. Prepare the agenda for the monthly meetings of the commission.

- D. Aid applicants in the preparation of required forms and permit applications. Where practical, he/she may combine related permits for the convenience of the applicant.
- E. Investigate all violations of this title, and notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation.
- F. Receive, file, and transmit to the commission or Council all applications, petitions, transcripts, and other communications on which they must act. Advise the commission and the Council of pertinent provisions of this title regarding development proposals.
- G. Maintain permanent and current records of applications, reclassifications, variances, and conditional use permits and of the hearings and actions thereon.

- H. Review and make, ~~or recommend~~, decisions as follows:

~~1. Reductions in front yard setbacks to no less than 10 (ten) feet from the property line.~~

~~2.1. The Administrator, with concurrence from the Chair or the Chair's designee, has the authority to review and grant design review approval of Accessory Dwelling Units (ADU's) in the General Residential (GR) Zoning District For applications identified in this Title as subject to administrative approval.~~

This is an incomplete list of administratively approvable-items (signs, fences, etc.).

~~3.2. The Administrator, with concurrence from the Chair or the Chair's designee, has the authority to approve minor modifications to projects that have received design review approval by the Commission prior to, and for the duration of a valid building permit. The Administrator shall make the determination as to what constitutes minor modifications and may include, but are not limited to, changes to landscape plans, changes to approved colors and/or siding materials, changes to colors, changes to dumpster enclosures, changes to exterior lighting fixtures and location, or changes to windows that do not~~

significantly affect project design, appearance or function. All approved modifications must be documented in a memo to the project file and on the approved set of plans on file with the building department. For modifications to design review approval that are determined by the administrator not to be minor, the Administrator has the authority to recommend approval or denial of such modifications, subject to final decision by the commission on its consent or new business agenda. Such recommendations for approval or denial shall be in the form of findings of fact, and conclusions of law.

While the likely outcome of placing an item on the consent agenda is that the Commission would opt to remove it, that is not guaranteed, and some items should be specifically placed on the new business agenda for discussion.

4.3. All applications shall be held and noticed in the regular meeting format and noticed according to Idaho Code 67-2343. (Ord. 2015-02, 4-20-2015; amd. Ord. 2019-10, 9-23-2019)

#### **10-3-2: PLANNING AND ZONING COMMISSION:**

- A. Commission Established: A Planning and Zoning Commission is hereby established.
- B. Membership; Appointment And Term:
  1. The membership and appointment of the commission shall be governed by the provisions of Idaho Code section 67-6504, as amended, and applicable ordinances of the City. (Ord. 2015-02, 4-20-2015)
  2. The commission shall consist of no more than five (5) voting members. Each member shall be appointed by the Mayor and confirmed by the Council. The Council, in creating the commission, shall provide that the areas and interests within its jurisdiction are broadly represented on the commission. Each member shall have been a resident of the City for the two (2) years prior to appointment to the commission and shall be a resident

of the City at the time of appointment; except, that one member may reside outside the corporate limits of the City but within the City's Area of Impact, in which case, the member shall have been a resident of Blaine County for the two (2) years prior to appointment. Each member shall serve for a term of three (3) years from the date of his/her appointment. No person shall serve more than two (2) full consecutive terms without specific concurrence by two-thirds (2/3) of the Council adopted by motion and recorded in the minutes. (Ord. 2015-02, 4-20-2015; amd. 2018 Code)

- C. Compensation: Commission members may receive such compensation as provided by the Council for reimbursement for related associated costs to perform the functions or the duties as Planning and Zoning Commissioners.
- D. Organization: The commission shall elect a Chair and create any additional offices it may deem necessary. The commission may establish subcommittees, advisory committees, or neighborhood groups to advise and assist in carrying out the responsibilities under this section. The commission may enact a set of bylaws to guide its operation.
- E. Meetings, Records And Voting: At least one regular meeting shall be held each month for not less than nine (9) months in a year. Additional special or workshop meetings may be scheduled as necessary. All meetings and records shall be open to the public. A record of meetings, hearings, resolutions, studies, findings, permits, and actions taken shall be maintained. All members shall have voting rights. A majority of the members of the commission shall constitute a quorum.
- F. Responsibilities And Duties: The commission shall hold public meetings, hearings, surveys, etc., to obtain input to the planning process. The commission may also conduct informational meetings to consult with public officials and agencies, civil or professional organizations,

etc. As a result of such meetings, the commission may submit recommendations to the Council concerning the planning process. Further, the commission shall:

1. Initiate amendments to this title, the subdivision ordinance, and the Comprehensive Plan.
2. Periodically review all privately proposed amendments to this title, the subdivision ordinance and the Comprehensive Plan, and make recommendations to the Council.
3. Review development proposals according to the process outlined in the subdivision ordinance.
4. Review applications for zoning reclassification and make recommendations to the Council.
5. Review, grant, or deny conditional use permit applications and applications for variances.
6. Hear and decide appeals when it is alleged that an error has been made by the Administrator.

G. Conflict Of Interest: A member or employee of the commission shall not participate in any proceeding or action when the member or employee (or his employer, business partner, associate, or any person related to him by affinity or consanguinity within the second degree) has an economic interest in the procedure or action.

H. Retroactive Effect Of Amendments: The amendments to this section shall apply retroactively to commission members appointed before the effective date hereof. (Ord. 2015-02, 4-20-2015)

### **10-3-3: APPEALS:**

A. Appeals From Decisions Of Administrator:

1. Notice Of Appeal: Any person aggrieved by a decision of the Administrator made in interpreting or enforcing this title may appeal such a decision to the commission by filing a notice of appeal with the commission within fifteen (15) days of such decision, stating

the date and nature of the decision from which appealed and the grounds for the appeal. If no notice of appeal is so filed, the decision of the Administrator shall be final and not subject to further appeal or review.

2. Copies Of Record On Appeal: Within twenty (20) days of the filing of the notice of appeal, the Administrator shall provide the appellant and file with the commission copies of the record on appeal, including all applications and other documents and exhibits pertinent to the appeal, together with the Administrator's certificate stating that the documents listed comprise the complete record of the decision under appeal.
3. Hearing By Commission: The commission shall hold a public hearing on all appeals from the decisions of the Administrator within thirty (30) days of the Administrator's certification of the record on appeal. The appeal shall be based and heard solely upon the record before the Administrator. The commission shall, within thirty (30) days after the hearing, enter a written order affirming, reversing or modifying the Administrator's decision. The order shall also contain the reasons for the commission's decision.
4. Decision By Commission: The commission shall, within ten (10) days after the hearing, enter a written order affirming, reversing, or modifying the Administrator's decision. The order shall also contain the reasons for the commission's decision.

**B. Appeals To Council:**

1. Notice Of Appeal; Estimated Costs: Any person aggrieved by any final action of the commission may appeal the commission's decision to the Council by filing a notice of appeal within fifteen (15) days from the date of the decision. The notice of appeal shall state the date and substance of the decision appealed from and state the grounds for the appeal. Copies of the notice of appeal shall be filed with both the Council and the

commission. The Administrator shall provide any such aggrieved person with a written statement of the estimated cost of transcript preparation. (Ord. 2015-02, 4-20-2015; amd. 2018 Code)

2. **Transmission Of Record:** Within thirty (30) days after a notice of appeal is filed, the commission shall prepare three (3) copies of a summary of the proceedings from which appealed and forward said summary to the Council. A transcript of the proceedings may be prepared at the appellant's expense. The cost of the transcripts shall be paid in full before the transcript may be forwarded to the Council. The commission shall serve one copy of the summary or transcript on the appellant and one copy on the attorney for the respondent. The commission shall submit to the Council with the summary or transcript all documents, exhibits, and orders pertinent to the appeal.
3. **Hearing By Council:** The Council shall hold a hearing on the appeal as soon as possible following receipt of the Administrator's certificate and the commission's record. The Council shall publish a notice specifying the time, date and place of the hearing and stating the subject of the appeal. The notice shall be published once in the official newspaper at least fifteen (15) days prior to the hearing. The Council may not take additional evidence at the hearing. The parties to the appeal may present briefs to the Council. Each party may present not more than fifteen (15) minutes of oral argument to the Council.
4. **Decision By Council:** The Council shall enter an order within fifteen (15) days after the hearing affirming, reversing, or modifying the commission's decision. The order shall contain a statement of the decision.

C. Request For Reconsideration: An applicant or affected person who seeks judicial review of a decision by the administrator, hearing examiner, commission or council must first seek reconsideration of the final decision within fourteen (14) days. A request for reconsideration shall be made to the person or body who makes a recommendation. A request for reconsideration must allege and identify specific deficiencies in the decision. Upon a reconsideration, the decision may be affirmed, reversed or modified after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or request is deemed denied. A decision shall not be deemed final for purposes of an appeal or judicial review unless the process required herein has been followed. The time to file an appeal or seek judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.

D. Mediation:

1. Authority: The mediation of land use decision will be governed by the provisions in Idaho Code Section 67-6510, as amended, and this title.
2. Public Hearing: If mediation occurs after a final decision, any resolution of differences through mediation must be the subject of another public hearing, consistent with the type of hearing which resulted in the original decision, before the decisionmaking body.
3. Action by the Council: The council shall act on the mediation recommendations within sixty (60) days of the receipt of the recommendation. The mediation process shall not be part of the official record regarding consideration of the application upon which the mediation is based. (Ord. 2015-02, 4-20-2015; amd. Ord. 2019-02, 4-22-2019)

**10-3-4: ENFORCEMENT AND PENALTIES:**

The provisions of this title shall be enforced in the following manner:

A. Whenever a violation of this title occurs, or is alleged to have occurred, any person may file a written complaint with the Administrator stating the causes and bases thereof. The Administrator shall investigate and forward to the City Attorney the results of such investigation and the complaint. (Ord. 2015-02, 4-20-2015)

B. A violation of this title shall be a misdemeanor, punishable as provided in section 1-4-1 of this Code. Each day that such a violation continues shall constitute a separate criminal offense. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains such violation may be found guilty of such a violation.

C. In addition to the criminal sanctions in subsection B of this section, whenever a violation of this title occurs, the City Attorney may institute proceedings in the District Court seeking civil penalties not to exceed one thousand dollars (\$1,000.00) or six (6) months' imprisonment. (Ord. 2015-02, 4-20-2015; amd. 2018 Code)

D. Whenever it appears to the Council that any person has engaged in or is about to engage in any act or practice violating any provision of this title, the Council may institute a civil action in the District Court to enforce compliance with this title.

E. Nothing herein shall be construed as preventing any private citizen from pursuing any available civil remedy for the prevention of any activity which constitutes a violation of this title. (Ord. 2015-02, 4-20-2015)

## CHAPTER 4 ZONING DISTRICTS AND MAP

### **10-4-1: PURPOSES:**

The designated zoning districts have been made to realize the general purposes stated in the Bellevue Comprehensive Plan. The specific purposes of each zoning district are stated in the appropriate chapters of this title. (Ord. 2015-02, 4-20-2015; amd. 2018 Code)

**10-4-2: DISTRICTS CREATED:**

The following districts are created:

GR General Residential District

B Business District

LB/R Limited Business/Residential District

LI/B Light Industrial/Mixed Business District

LI Light Industrial District

T Transitional District

RGB Recreation Green Belt District

AVO Avalanche Overlay District

**10-4-3: OFFICIAL ZONING MAPS:**

Official Zoning Maps, dated March 6, 2013, depicting the boundaries of the zoning districts described in this chapter are hereby established as shown on the Official Zoning Maps of the City. These Official Zoning Maps are located in the City Clerk's Office in the City Hall and on the City website, and are hereby adopted by reference. (Ord. 2015-02, 4-20-2015; amd. 2018 Code)

**10-4-4: DISTRICT BOUNDARIES:**

A. Boundaries Established:

1. Unless otherwise defined on the zoning maps, district boundaries shall be lot lines, the centerlines of streets and alleys, highway right-of-way lines, the centerline between two (2) main tracks of any railroad line, extended quarter-section, half-section or section lines, contour lines, Municipal corporate boundaries, centerlines, or banks of streambeds or other bodies of water or noticeable points of change in natural landforms.

2. Where district boundaries appear approximately parallel to the centerlines of streets or parallel to the centerlines or rights-of-way of highways, such lines shall in fact constitute the boundaries on the Official Zoning Map. If no distance is indicated, the boundary shall be determined by the use of the scale shown on the Official Zoning Map.

3. Where district boundaries appear to follow lot lines, the lot lines shall constitute boundaries.

B. Interpretation Of Boundaries: The Zoning Administrator shall have the authority to interpret boundaries in accordance with this title. Interpretation by the Administrator may be appealed to the commission according to the procedure in section 10-3-3 of this title. (Ord. 2015-02, 4-20-2015)

#### **10-4-5: ZONING OF VACATED STREETS OR ALLEYS:**

Whenever a street or alley is vacated and that street or alley has not been given a zone classification, the land of the vacated street or alley shall have the same zone classification as the land adjacent or abutting land owned or on the same side of the centerline of the former street or alley to which such land reverts or to whom said land becomes vested by operation of law. (Ord. 2015-02, 4-20-2015; amd. 2018 Code)

## **CHAPTER 5 RECLASSIFICATION OF ZONING DISTRICTS (REZONES)**

#### **10-5-1: INITIATION OF RECLASSIFICATION; COMPLIANCE WITH COMPREHENSIVE PLAN:**

A reclassification may be initiated by the commission, the Council, or property owners or holders of valid options to purchase property. Any proposed reclassification shall be in conformance with the adopted Comprehensive Plan and Comprehensive Plan Map. (Ord. 2015-02, 4-20-2015)

**10-5-2: APPLICATION FOR RECLASSIFICATION:**

A. Any person seeking reclassification shall apply to the commission on a form provided by the Administrator, accompanied by the fees. The application shall include a vicinity map showing the lots and parcels of land within three hundred feet (300') of the exterior boundaries of the property in question, together with a list of names and addresses of the owners of each parcel within three hundred feet (300').

B. In granting rezone applications for light industrial and business uses, the Council shall require the zones to be screened. The cost of the screening is to be borne by the individual(s) obtaining the rezone.

C. Prior to any consideration of a rezone, the Council shall require the following information:

1. A statement describing detrimental and/or beneficial impacts on existing adjacent lands and uses.

2. Design and plan which shows:

a. Existence of natural screening, or the provision of reasonable alternatives, to give separation of the proposed use from surrounding existing uses. The cost of the screening is to be borne by the individual(s) obtaining the light industrial or business rezone.

b. Location of utilities (water, sewer, gas and electricity).

c. Proposed layout of building(s) including lot coverage and building area.

d. Plans for snow removal. (Ord. 2015-02, 4-20-2015)

**10-5-3: PUBLIC HEARING AND NOTICE OF APPLICATION REVIEW:**

A. Each application will be reviewed at a public hearing for which adequate public notice will be given. A completed application will be heard by the commission at a public hearing within forty five (45) days of its receipt.

B. Notice of the time, date, and place of the hearing, and a summary of the proposal shall be given by one publication in a newspaper of general circulation in the County at least fifteen (15) days prior to the hearing, and a second publication within the week immediately prior to the scheduled date.

C. The Administrator shall also give notice by United States mail to each property owner whose name appears on the list accompanying the application, giving the time, date, and place of the hearing, the relief sought, the identification of the property under consideration, and such other facts as may be prescribed by the Administrator. Individual mailings may be waived when the aforementioned list includes the names of more than two hundred (200) property owners or residents.

D. In any public hearing on a reclassification application, the presiding officer may order the hearing to be continued up to fifteen (15) days at the same place, in which case, no further published notice shall be required. (Ord. 2015-02, 4-20-2015)

**10-5-4: CRITERIA FOR REVIEW:**

The commission shall consider at least the following criteria in acting upon an application for a reclassification:

- A. Whether there was a mistake in the original zoning.
- B. Whether there has been a change in the surrounding neighborhood since the zoning ordinance was passed.
- C. Whether the property owner is presently being denied a reasonable use of his property.
- D. To what extent the public health, safety, or general welfare may be adversely affected by the reclassification.
- E. Whether present zoning classifications are in conformity with existing uses of adjacent property.

- F. Whether the property in question is within the Transitional District.
- G. Additional criteria for proposed light industrial rezones shall include, but are not necessarily limited to, the following:
  - 1. Before approving any rezone application for a Light Industrial Zone, the Council must find that the following required standards are met:
    - a. Existence of natural screening or the provision of a reasonable alternative to give separation from existing uses.
    - b. Minimum size of area to be rezoned is one acre, unless it is to be located adjacent and contiguous to an existing Light Industrial Zone.
  - 2. In considering any rezone application for a Light Industrial Zone, the Council shall consider the following factors as favoring the application:
    - a. Location adjacent to existing industrial uses in the City.
    - b. Accessibility of the proposed area to employee and product transportation lines.
    - c. Provision of expanded employment opportunities in the City.
    - d. Economic benefit to the City when compared to the cost of City services needed.
  - 3. In considering any rezone application for a Light Industrial Zone, the Council shall consider the following factors as being unfavorable to the application:
    - a. Utilization of residential accesses to serve the industrial area.
    - b. Adverse comments from area landowners. (Ord. 2015-02, 4-20-2015)

#### **10-5-5: ADMINISTRATIVE ACTION:**

- A. Action By Commission:

- 1. The commission shall enter an order recommending for or against the application within fifteen (15) days after conclusion of the public hearing, together with the reasons therefor.

2. The commission shall have the option to recommend the expansion of the boundaries of any application to the Council after the initial public hearing. In such case, a second public hearing must be held to consider the revised boundaries, after giving public notice in the same manner prescribed above. In such case, the Administrator shall determine the names and addresses of the owners of each parcel of land within three hundred feet (300') of the amplified boundaries and notify them by United States mail of the upcoming hearing.

B. Notification By Administrator: The Administrator shall give the applicant written notice of the commission's recommendation by certified mail within ten (10) days after the commission has reached a decision. The Administrator shall file the commission's written recommendation with the City Clerk within ten (10) days after such recommendation has been made.

C. Action By Council:

1. At its next regular meeting after receipt of the commission's recommendation, the Council shall enter an order approving, disapproving, or modifying the recommendation. If the Council disapproves the commission's recommendation, it shall enter an order stating its reasons. If the Council approves a reclassification application, it shall prepare an ordinance of amendment, which shall not become effective until a public hearing has been held.

2. The Council shall hold a public hearing on the application at its earliest convenience. Public notice of the time and place of the hearing shall be published in the official newspaper at least fifteen (15) days in advance. Public input shall be taken into consideration by the Council.  
(Ord. 2015-02, 4-20-2015)

#### **10-5-6: RESUBMISSION OF APPLICATION:**

No application for the reclassification of a piece of property which has been denied by the Council or withdrawn by the applicant shall be resubmitted in less than one year from the date of final action thereon. (Ord. 2015-02, 4-20-2015)

## CHAPTER 6 GR GENERAL RESIDENTIAL DISTRICT

### 10-6-1: PURPOSE:

The purpose of the General Residential District is to permit and protect residential use of property from other noncompatible uses. (Ord. 2015-02, 4-20-2015)

### 10-6-2: PERMITTED USES:

Permitted uses in this district are limited to the following:

~~Accessory buildings and uses.~~

~~Accessory dwelling: One accessory dwelling unit in addition to one single family dwelling unit.~~

~~Accessory dwelling unit sizes shall comply with table A depicted in section 10-2-1 of this title and are subject to administrative design review approval.~~

By definition, accessory buildings and accessory dwelling units are accessory uses, so they have been moved to the “Accessory Uses” section of this chapter.

Agriculture such as gardens, orchards, etc.

Churches, parks, playgrounds and golf courses.

Essential public utility and public service installations and facilities for the protection and welfare of the surrounding area, provided business offices and repair and storage facilities are not included.

Hospitals.

Medical clinics.

Multiple family dwellings, including townhouses, shall be allowed on no less than a ~~six thousand~~  
~~(6,000)~~5,900 square foot lot per dwelling in the platted and unplatted portions of the City unless a reduced lot size is approved by the City through a planned unit development, annexation agreement, development agreement, design review or other similar process, or when the City deems it as a benefit for providing affordable housing. The Planning and Zoning Commission

shall review and approve a design review application that requires a minimum of on-site parking for single-family and two-family dwellings and access is off an improved street, not alley and there is compliance with front, rear and side setbacks. The approved reduced lot size shall not be less than ~~three thousand (3,000)~~<sup>2,950</sup> square feet per dwelling unit.

While the original plat of the Bellevue Townsite established a series of fifty foot (50') wide by 120' deep parcels (6,000 square feet), the actual placement of the property boundaries was inexact, meaning that some are larger than 6,000 square feet, and some are smaller. Reducing the minimum lot size to be eligible to construct multifamily dwellings by 100 square feet, an additional 249 parcels (24.2% of the parcels in Bellevue City Limits) are able to utilize this provision.

Nursery schools.

Nursing homes and sanitariums.

~~One family dwellings, single family dwellings shall be allowed on not less than a six thousand (6,000) square foot lot in the City limits unless a reduced lot size is approved by the City through a planned unit development, annexation agreement, development agreement, design review or other similar process, or when the City deems it as a benefit for providing affordable housing. The City Planning and Zoning Commission shall review and approve a design review application that requires a minimum of on-site parking, access is off an improved street, not an alley, and there is compliance with front, rear and side setbacks. The approved reduced lot size shall not be less than three thousand (3,000) square feet per dwelling unit.~~Single family dwellings

The additional requirements identified here are unnecessary and conflict with Section 10-20-8.

Public and private schools for elementary and high school education. (Ord. 2015-02, 4-20-2015; amd. Ord. 2022-02, 7-11-2022)

### **10-6-3: ACCESSORY USES:**

The accessory uses for this district shall be limited to:

Farm and garden buildings/portable storage shed, greenhouse.

#### Accessory buildings and uses.

#### Accessory dwelling unit (ADU), subject to the following criteria:

1. The gross square footage of the ADU shall not exceed the amount identified below:

<u>Lot Size</u>	<u>Accessory Dwelling Unit Size (Gross Square Feet)</u>
<u>Less than 8,000 square feet (sq. ft.)</u>	<u>600</u>
<u>8,000 sq. ft. – 10,000 sq. ft.</u>	<u>700</u>
<u>10,000 sq. ft. – 20,000 sq. ft.</u>	<u>850</u>
<u>20,000 sq. ft. - 1 acre</u>	<u>1,000</u>
<u>Over 1 acre</u>	<u>1,200</u>

2. Only one ADU shall be allowed per parcel.

3. ADUs are not to be constructed as an addition to a duplex or multi-family dwelling structure.

4. Accessory dwelling units are subject to administrative design review approval.

5. Accessory dwelling units are subject to a separate water and sewer capitalization fee from the primary structure in accordance with Title 8 of this Code.

The applicable regulations for accessory dwelling units that were previously in the definition have been moved here and improved for readability.

Recreational Vehicle Occupancy: Occupancy of recreational vehicles, subject to the criteria identified in section 10-14-2 of this Title.

1. It shall be unlawful to occupy or for an owner of a lot or parcel to allow an RV to be occupied for more than twenty-one (21) consecutive days within any six (6) month period.

1. ~~2. Occupied shall mean eating, sleeping, living, cooking or other use of the unit for human habitation.~~

The mechanics of monitoring and documenting RV occupancy for twenty-one (21) consecutive days makes this standard extremely difficult to enforce. Additionally, it is unclear what happens when a streak is broken. Updated standards have been added to 10-14-2 for the ease of applicability in other zones (if the Council chooses to do so in the future).

Storage of boats, campers, and travel trailers by resident owners. (Ord. 2015-02, 4-20-2015; amd. Ord. 2019-06, 7-30-2019)

**10-6-4: CONDITIONAL USES:**

Conditional uses in this district are limited to:

Governmental emergency service ~~WCF~~wireless communication facilities.

Home occupations.

Mobile home parks.

Nursery for children.

Public facilities.

Buildings in excess of twenty eight thousand (28,000) square feet in gross floor area, up to a maximum floor area not to exceed thirty six thousand (36,000) square feet in gross floor area.

(Ord. 2015-02, 4-20-2015; amd. Ord. 2022-01, 4-11-2022)

**10-6-5: DIMENSIONAL, BULK AND BUILDING COVERAGE STANDARDS AND REQUIREMENTS:**

The dimensional, bulk and building coverage standards and requirements for this district are the following:

A. Minimum Lot Area: The minimum lot area in the City limits shall be six thousand (6,000) square feet in the platted portion and six thousand (6,000) square feet in the unplatted portion, unless a reduced lot size is approved by the City through a planned unit development, annexation

agreement, development agreement or other similar process, or when the City deems it as a benefit for providing affordable housing. The approved reduced lot size shall not be less than three thousand (3,000) square feet per dwelling unit.

B. Minimum Lot ~~WidthFrontage~~: Fifty feet (50'), unless otherwise approved by the City through a planned unit development, annexation agreement, development agreement or other similar process, or when the City deems it as a benefit for providing affordable housing, ~~which is linked to an affordable housing~~.

Frontage is a much more straightforward to measure than width. The statement “which is linked to an affordable housing” appears to be a misplaced appendage.

C. Minimum Front Yard:

1. Minimum distance of any building from the front lot line: Twenty (20) feet, except all garage portions of a building shall remain at twenty five (25) feet. (Ord. 2015-02, 4-20-2015, amended Ord. 2019-05, 6-24-2019)
2. A ten foot (10') minimum distance of any building from the front lot line may be approved by the City through an ~~approved~~ design review application, ~~a planned unit development, annexation agreement, development agreement or other similar process~~. Reduced setbacks shall be considered to encourage architectural features such as extended rooflines over entries, covered or enclosed on site parking and covered porches. All applications applying for reduced setbacks shall provide on site snow storage and parking. No building shall obstruct the vision triangle at an intersection. Setbacks shall be measured from the extremities of the building to the property line.

Design review is the appropriate tool for approving setback reductions. This can be completed concurrently with the other entitlements listed.

3. Detached Ggarden buildings/~~portable~~, storage shed structures and greenhouses ~~which do not require a City building permit, are less than one hundred twenty (120) square feet and shall not be used to house farm animals~~ may have a minimum (front) setback from the property line of ten feet (10'). ~~Setbacks for garden buildings/portable storage shed structures on a lot having dual street frontage shall be not less than ten feet (10') from the property line. The property owner shall be responsible for determining his or her property lines prior to placing the structure. Structures shall not restrict the minimum number of required on site vehicle parking spaces. The property owner shall be responsible for removing the structure if it is placed over utilities. The property owner shall comply with applicable CC&Rs. Maximum square footage for the structures defined herein shall not exceed a single structure or multiple structures of two hundred (200) square feet per single family dwelling, utilizing the reduced setbacks stated herein. All structures over one hundred twenty (120) square feet shall obtain an approved building permit~~less than 120 square feet may utilize a ten foot (10') front yard setback. Only one structure per parcel may utilize this provision.

**Simplified for clarity.**

D. Minimum Side and Rear Yards: (Minimum distance of any building from each side and rear lot lines.) These restrictions shall be followed in all cases:

1. A ten foot (10') Minimum distance of any building from the front lot line may be approved by the city through an approved design review application, a planned unit development, annexation agreement, development agreement or similar process. Reduced setback shall be considered to encourage architectural features such as extended rooflines over entries, covered or enclosed on site parking and covered porches.

**Repetition of 10-6-5(C)(2), and not related to side or rear yard setbacks.**

2. No residence or outbuilding shall be placed closer than six feet (6') from any side or rear property line, unless otherwise approved by the City through an approved design review application, ~~a planned unit development, annexation agreement, development agreement or other similar process~~. The reduced side and rear property line setbacks shall not be less than four feet (4'). All applications proposing to utilize reduced setbacks shall provide on site snow storage and not obstruct the vision triangle at an intersection. Setbacks shall be measured from the extremities of the building to the property line.

3. There shall be nothing that would possibly obstruct the vision triangle placed closer than fifteen feet (15') from the property line at a corner or intersection. Any fences, shrubs, etc., that are placed on the property lines shall not exceed a height of three and one-half feet (3 1/2') where they could possibly interfere with vision at intersections.

4. Minimum front, side and rear yards for a townhouse development, multi-unit housing, nursing home, condominium, educational facility, church, and other institutional housing shall meet the same setback requirements as indicated ~~in subsections C-1, D1 and D2 of~~ this section; except, that townhouse development, multi-unit housing, nursing home, condominium, educational facility, church, and other institutional housing complexes shall be allowed zero setbacks from common wall lot lines.

~~5. Garden buildings/portable storage shed structures and greenhouses which do not require a City building permit, are less than one hundred twenty (120) square feet and shall not be used to house farm animals may have a minimum side and rear setback from the property line of ten feet (10'). Setbacks for garden buildings/portable storage shed structures on a lot having dual street frontage shall not be less than ten feet (10') from the property line. The property owner shall be responsible for determining his or her property lines prior to placing the structure. Structures~~

~~shall not restrict the minimum number of required on site vehicle parking spaces. The property owner shall be responsible for removing the structure if it is placed over utilities. The property owner shall comply with applicable CC&Rs. The maximum square footage for the structures defined herein shall not exceed a single structure or multiple structures of two hundred (200) square feet per single family dwelling, utilizing the reduced setbacks stated herein. An approved building permit shall be obtained for all structures over one hundred twenty (120) square feet.~~

Repeated from elsewhere.

E. Maximum Floor Area:

1. The gross floor area for buildings in the GR zone shall not exceed thirty six thousand (36,000) square feet. All buildings in excess of twenty-eight thousand (28,000) square feet in gross floor area per lot or parcel shall apply for and obtain a conditional use permit, pursuant to chapter 10-15 of this Code. All buildings in excess of twenty-eight thousand (28,000) square feet shall have a minimum setback of ten feet (10').
2. Exemptions: Churches and public facilities, as defined in chapter 10-2, shall be exempt from the maximum floor area provision. (Ord. 2015-02, 4-20-2015; amd. 2018 Code; Ord. 2019-05, 6-24-2019; amd. Ord. 2020-02, 1-27- 2020; Ord. 2022-01, 4-11-2022; Ord. 2023-01, 2-13-2023)

**10-6-6: OTHER RESTRICTIONS:**

- A. All residences shall be placed on a lot so that there shall be adequate parking for no fewer than two (2) cars. This parking shall be exclusively on the private property. City street property shall not be included.
- B. No residence shall be more than two (2) stories above ground level or thirty five feet (35'). Basements shall be excluded from such measurement.

C. The maximum height of any accessory building, excluding structures containing accessory dwelling units, shall not be more than twenty feet (20'), and the height shall be measured from the lowest point of natural grade along the building foundation perimeter.

E. —D. Any permitted or conditionally permitted shop, hobby or small business activity in residential areas shall be housedenclosed in a structure.

Improved for clarity.

E.F. Only one house may be constructed on each residential lot. (Ord. 2015-02, 4-20-2015) A twenty-foot (20') height limit on accessory structures makes it very difficult to construct an ADU above a garage, which is a fairly standard form. As this section is isolated from other ADU related standards, it appears that the height limit was an oversight. Compliance with this standard typically takes on the form of breezeways and other creative forms of attachment to the primary structure.

## CHAPTER 7 B BUSINESS DISTRICT

### 10-7-1: PURPOSE:

It is the purpose of the Business District to designate space for business. (Ord. 2015-02, 4-20-2015)

### 10-7-2: PERMITTED USES:

Permitted uses for this district are limited to the following:

Business, professional, public or social services offices.

Gas stations, restaurants, bars, theaters, banks, motels, tourist homes, hotels, and car washes.

Nursery for children, nursing homes.

One accessory dwelling unit for each six thousand (6,000) square feet of lot area; provided, that it is: a) in the same building as the business use of the property; b) clearly ancillary and

~~secondary to the business use which shall, by application, be the primary use of the property; e) of less square footage than the business use of the building; and d) in the back of and/or on an upper floor of the building so as not to adversely reduce the ground level, street frontage business space available. Accessory dwelling units shall be subject to administrative design review approval.~~

By definition, accessory dwelling units are accessory uses, so they have been moved to the “Accessory Uses” section of this chapter.

Public utility business offices, repair, and storage facilities.

Recreational facilities, including bowling alleys.

Repair and personal services.

Retail stores and related storage, including commercial nursery and building supply outlets.

Wireless communication facilities (WCFs) (see additional requirements in section 10-23-7 of this title). (Ord. 2015-02, 4-20-2015)

### **10-7-3: ACCESSORY USES:**

The accessory uses for this district include, but are not limited to, the following:

Temporary buildings incidental to construction work on the premises; such buildings to be removed upon completion of construction work.

One accessory dwelling unit for each six thousand (6,000) square feet of lot area; provided, that it is:

1. In the same building as the business use of the property;
2. Clearly ancillary and secondary to the business use which shall, by application, be the primary use of the property;
3. Of less square footage than the business use of the building; and

4. In the back of and/or on an upper floor of the building so as not to adversely reduce the ground level, street frontage business space available. Accessory dwelling units shall be subject to administrative design review approval.
5. Accessory dwelling units are subject to administrative design review approval.
6. Accessory dwelling units are subject to a separate water and sewer capitalization fee from the primary structure in accordance with Title 8 of this Code.

All accessory uses within this district must be accompanied by a permitted primary use on the property.

**10-7-4: CONDITIONAL USES:**

Conditional uses for this district are limited to the following:

Churches.

Governmental emergency service wireless communications facilities-WCFs.

Motor vehicle sales and leasing with no use of banners, flags, balloons and other display techniques except signage which complies with this title.

Parking lots and garages.

Public facilities.

Small engine repairs and maintenance incidental to the primary use.

Buildings in excess of twenty-eight thousand (28,000) square feet in gross floor area, up to a maximum floor area not to exceed thirty-six thousand (36,000) square feet in gross floor area.

(Ord. 2018-01, 4-23-2018; amd. Ord. 2022-01, 4-11-2022)

**10-7-5: DIMENSIONAL, BULK AND BUILDING COVERAGE STANDARDS AND REQUIREMENTS:**

The dimensional, bulk, and building coverage standards and requirements for this district are the following:

A. Maximum Building Height: The maximum height of a building shall be forty feet (40').

B. Minimum Lot Width And Area: The minimum lot width shall be fifty feet (50'), and the minimum lot area shall be six thousand (6,000) square feet.

C. Parking Requirements: For parking requirements, refer to chapter 21 of this title.

D. Maximum Floor Area:

1. The gross floor area for buildings in the B zone shall not exceed thirty six thousand (36,000) thousand square feet. All buildings in excess of twenty-eight thousand (28,000) square feet in gross floor area per lot or parcel shall apply for and obtain a conditional use permit, pursuant to chapter 10-15 of this Code. All buildings in excess of twenty-eight thousand (28,000) square feet shall have a minimum setback of ten feet (10').

2. Exemptions: Public facilities, as defined in chapter 10-2, shall be exempt from the maximum floor area provision. (Ord. 2015-02, 4-20-2015; amd. Ord. 2022-01, 4-11-2022)

## **CHAPTER 8 LB/R LIMITED BUSINESS/RESIDENTIAL DISTRICT**

### **10-8-1: PURPOSE:**

The purpose of the Limited Business/Residential District is to designate space and permit and protect limited business uses and residential use of these properties from other noncompatible uses and provide a buffer between the Business District on Main Street and the General Residential District that begins on the east side of 2nd Street and runs to the eastern borders of the City. The theme the City wishes to generate over time is a "pedestrian friendly" area where residences may be adapted to business use, and where businesses of moderate size and scale have the appearance of homes. (Ord. 2015-02, 4-20-2015)

### **10-8-2: PERMITTED USES:**

Permitted uses for this district are limited to the following:

~~Accessory dwelling unit: One accessory dwelling unit for each six thousand (6,000) square feet of lot area; provided, that it is in the same building as the business use of the property and is clearly ancillary and secondary to the limited business use which shall, by application, be the primary use of the property, is of less square footage than the limited business use of the building and is in the back of and/or on an upper floor of the building so as not to adversely reduce the ground level, street frontage business space available. Accessory dwelling units shall be subject to administrative design review approval.~~

By definition, accessory dwelling units are accessory uses, so they have been moved to the “Accessory Uses” section of this chapter.

Agriculture limited to small gardens or orchards for personal use. The keeping of farm animals including, but not limited to, horses, pigs, sheep, and cows will not be permitted except as grandfathered for such existing uses prior to the effective date hereof.

Business and professional offices including, but not limited to, legal, medical, dental, tax consulting and preparation (CPA), and other similar businesses.

Home occupations as defined in sections 10-2-1 and 10-14-3 of this title.

Multiple (two) family dwellings, including duplexes and townhouses. The minimum lot size for these applications shall be not less than twelve thousand (12,000) square feet.

Nursery schools for children.

Nursing or assisted living homes on a small scale.

Parks and playgrounds.

Personal services as defined in section 10-2-1 of this title.

Restaurants and bed and breakfast tourist homes with exceptions. No restaurants or other businesses shall have vehicle drive-through services.

Retail stores such as antique stores.

Single-family dwellings. (Ord. 2015-02, 4-20-2015)

**10-8-3: ACCESSORY USES:**

The accessory uses for this district include the following:

Accessory dwelling unit: One accessory dwelling unit for each six thousand (6,000)

square feet of lot area; provided, that it is:

1. In the same building as the business use of the property and is clearly ancillary and secondary to the primary use.
2. Is of less square footage than the primary use of the building
3. Is in the back of and/or on an upper floor of the building so as not to adversely reduce the ground level, street frontage business space available.
4. Accessory dwelling units are subject to administrative design review approval.
5. Accessory dwelling units are subject to a separate water and sewer capitalization fee from the primary structure in accordance with Title 8 of this Code.

Accessory/garden buildings and other storage buildings not to exceed two hundred (200) square feet.

Detached garages for vehicle storage up to six hundred (600) square feet per six thousand (6,000) square foot lot. If additional lot(s) are included, the garage square footage may be increased by one hundred (100) square feet for every three thousand (3,000) square feet of additional land included, up to a maximum of one thousand two hundred (1,200) square feet.

Storage of boats, campers, and travel trailers by resident owners in off street parking areas.

Temporary buildings incidental to construction work on the premises; such buildings to be removed upon completion of construction work. (Ord. 2015-02, 4-20-2015)

All accessory uses within this district must be accompanied by a permitted primary use on the property.

**10-8-4: CONDITIONAL USES:**

Conditional uses are limited to the following for this district. Conditional uses shall be judged by the standards and criteria of this title and factors including, but not limited to, traffic generated, impact on infrastructure, safety, and noise.

Churches.

Parking lots.

Public facilities: Essential public utility and public service installations and facilities for the protection and welfare of the surrounding area; except, that high traffic generating business offices are not permitted. Repair and storage facilities associated with these applications will not be permitted. (Ord. 2015-02, 4-20-2015)

**10-8-5: DIMENSIONAL AND BULK STANDARDS:**

The minimum dimensional and bulk standards for limited business and residential applications in this district are the following: (Ord. 2015-02, 4-20-2015)

A. Lot Area: The minimum lot area in this district shall be six thousand (6,000) square feet. One single-family dwelling shall be permitted for each six thousand (6,000) square feet. (Ord. 2015-02, 4-20-2015; amd. 2018 Code)

B. Building Area: No building shall exceed three thousand (3,000) square feet gross floor area on a single six thousand (6,000) square foot lot. Credits for additional land area shall be two hundred fifty (250) square feet of gross floor area for each additional three thousand (3,000)

square feet of land, providing for up to a maximum of four thousand (4,000) square feet gross floor area.

C. Lot Width: Fifty feet (50') for single lot business or residential applications and one hundred feet (100') for two (2) lot or multiple (two) family dwellings.

D. Front Yard: The distance of any building shall be twenty five feet (25') from the front yard lot line to the extremes of the building (such as roof overhang). Within the original platted part of the City, the front yard is defined as the opposite end of the lot from the platted alleyway.

E. Side Yards: The distance of any building from each side lot line shall be six feet (6') and shall be measured from the extremes of the building.

F. Rear Yard: The distance of any building from the rear lot line, or the side adjoining the alleyway, shall be six feet (6') measured from the extremes of the building.

G. Safety And Vision: There shall be nothing that would possibly obstruct the view of a motorist or pedestrian placed closer than fifteen feet (15') from the corner of a lot adjoining a street intersection. Any fences, shrubs, or other objects that are placed within this area or on property lines shall not exceed a height of three and one-half feet (3 1/2') for a distance of thirty feet (30') from the corner of the lot. The branch overhang of any trees planted or existing within this area shall be maintained at a height of not less than ten feet (10') above the ground.

H. Multiple (Two) Family Residences: Minimum front, side and rear yards for a townhouse development or a duplex shall meet the same setback requirements as indicated in this section; except that, townhouse units shall be allowed zero setbacks from the common wall lot lines created by a townhouse subplot.

I. Nonconforming Building Setbacks: Any building that does not comply with the setback requirements of this section may be expanded and otherwise improved, provided such expansion

or improvement does not encroach within any required setback and does not increase the degree of nonconformity.

J. Building Height: No building shall be more than two (2) stories above ground level or thirty five feet (35') in height. No accessory building shall be more than twenty feet (20') in height.  
excluding structures containing accessory dwelling units. (Ord. 2015-02, 4-20-2015)

A twenty-foot (20') height limit on accessory structures makes it very difficult to construct an ADU above a garage, which is a fairly standard form. As this section is isolated from other ADU related standards, it appears that the height limit was an oversight. Compliance with this standard typically takes on the form of breezeways and other creative forms of attachment to the primary structure.

#### **10-8-6: PARKING:**

All buildings shall be placed on a lot so that there shall be adequate parking for no fewer than two (2) cars placed exclusively on the private property. The maximum area for parking shall be four (4) spaces for a single-family residence and six (6) spaces for a multiple (two) family townhouse. All limited businesses shall provide adequate parking for the specific business type applied for. City street or alley rights-of-way shall not be included. See chapter 21 of this title for dimensional standards and definitions. Specific to the LB/R Limited Business/Residential District, the following shall apply:

Type Of Use	Number Of Parking Spaces
Bed and breakfast	For boarding or rooming houses, 1 per each sleeping room or every 3 beds, whichever is greater
Medical/dental offices	1 per each 200 square feet of net floor area used by patrons, plus 1 per employee on duty

Nursing homes	1 per each 3 beds
Restaurants	For small restaurants, 1 per each 250 square feet of net floor space used by patrons, plus 1 per employee on duty
Retail	For basic retail stores, 1 per each 500 square feet of net floor area used by customers or patrons, plus 1 per every 750 square feet of net storage area, plus 1 per employee on duty
Other	Parking shall be as set forth in chapter 21 of this title

(Ord. 2015-02, 4-20-2015)

**10-8-7: OTHER RESTRICTIONS:**

~~All~~ny permitted and conditionally permitted workshops, hobby craft, or small business activity in this district shall be housed enclosed in a structure and shall not create dust, noise, or odors perceptible from the exterior of the property. (Ord. 2015-02, 4-20-2015)

Improved for clarity.

## CHAPTER 9 LI/B LIGHT INDUSTRIAL/MIXED BUSINESS DISTRICT

**10-9-1: PURPOSE:**

It is the purpose of the Light Industrial/Mixed Business District to designate space for business uses and restrict LI Light Industrial uses on land fronting Highway 75 that are currently zoned LI. Some LI uses are not appropriate for fronting on Highway 75, and generally, the best use of Highway 75 frontage property is business. (Ord. 2015-02, 4-20-2015)

**10-9-2: PERMITTED USES:**

Permitted uses for this district are limited to the following:

Business uses: professional, public or social services offices.

Contractor offices.

Food catering services.

Gas stations, restaurants, bars, theaters, banks, motels, tourist homes, hotels, hospitals, commercial nursery and car washes.

Nursery for children, nursing homes.

~~One accessory dwelling unit for each six thousand (6,000) square feet of lot area; provided, that it is: a) in the same building as the business use of the property; b) clearly ancillary and secondary to the business use which shall, by application, be the primary use of the property; c) of less square footage than the business use of the building; and d) in the back of and/or on an upper floor of the building so as not to adversely reduce the ground level, street frontage business space available. Accessory dwelling units shall be subject to design review approval.~~

Public facilities.

Public utility business offices.

Recreational facilities, including bowling alleys.

Repair and personal services.

Retail stores and related storage, including commercial nurseries and building supply outlets.

(Ord. 2015-02, 4-20-2015)

### **10-9-3: ACCESSORY USES:**

The accessory uses for this district include, but are not limited to, the following:

Temporary buildings incidental to construction work on the premises; such buildings to be removed upon completion of construction work. (Ord. 2015-02, 4-20-2015)

One accessory dwelling unit for each six thousand (6,000) square feet of lot area;  
provided, that it is:

1. In the same building as the business use of the property;

2. Clearly ancillary and secondary to the business use which shall, by application, be the primary use of the property;
3. Of less square footage than the business use of the building; and
4. In the back of and/or on an upper floor of the building so as not to adversely reduce the ground level, street frontage business space available. Accessory dwelling units shall be subject to administrative design review approval.
5. Accessory dwelling units are subject to administrative design review approval.
6. Accessory dwelling units are subject to a separate water and sewer capitalization fee from the primary structure in accordance with Title 8 of this Code.

All accessory uses within this district must be accompanied by a permitted primary use on the property.

#### **10-9-4: CONDITIONAL USES:**

Conditional uses for this district are limited to the following:

Animal hospitals and kennels.

Assembly, light manufacturing processing, packaging, treatment, and fabrication of goods and merchandise, including laboratories and research offices, bottling and distribution plants, light repair facilities, and wholesale storage/distribution warehouses.

Auto detailing within an enclosed site built building.

Bulk storage of flammable liquids underground or gases, subject to the approval of the Fire Chief of the City Fire Department.

Churches.

Contractor storage yards, provided the yard is entirely screened from all streets and other public ways by a solid fence six feet (6') in height or landscaping of at least eight foot (8') tall evergreen trees placed no more than every fifteen feet (15') apart with an automatic irrigation system installed to each.

Moved from definitions.

Light industrial uses with commercial business outlets which remain primarily business rather than light industrial.

Machine shops, printing services.

Motor vehicle and RV sales, leasing, or renting with no use of banners, flags, balloons and other display techniques except signage which complies with this title.

Motor vehicle repairs, auto body repairs, vehicle detailing, sand blasting, repair shops, all completely enclosed in a site built building.

Outdoor nursery/primarily wholesale.

Outdoor storage/nonenclosed limited to building/landscape materials.

Self-storage units.

Buildings in excess of twenty-eight thousand (28,000) square feet in gross floor area, up to a maximum floor area not to exceed thirty-six thousand (36,000) square feet in gross floor area.

(Ord. 2015-02, 4-20-2015; amd. Ord. 2022-01, 4-11-2022)

**10-9-5: DIMENSIONAL, BULK AND BUILDING COVERAGE STANDARDS AND REQUIREMENTS:**  
The dimensional, bulk and building coverage standards and requirements for this district are the

following:

- A. Maximum Building Height: The maximum height of a building shall be forty feet (40').
- B. Minimum Lot Width And Area: The minimum lot width shall be fifty feet (50'), and the minimum lot area shall be six thousand (6,000) square feet.

C. Parking Requirements: Parking requirements as depicted in chapter 21 of this title shall apply to all established uses regardless of zoning designation.

D. Maximum Floor Area:

1. The gross floor area for buildings in the LI/MB zone shall not exceed thirty six thousand (36,000) square feet. All buildings in excess of twenty-eight thousand (28,000) square feet in gross floor area per lot or parcel shall apply for and obtain a conditional use permit, pursuant to chapter 10-15 of this Code. All buildings in excess of twenty-eight thousand (28,000) square feet shall have a minimum setback of ten feet (10').

2. Exempting churches and public facilities from the maximum square footage provision.

(Ord. 2015-02, 4-20-2015; amd. Ord. 2022-01, 4-11-2022)

## CHAPTER 10 LI LIGHT INDUSTRIAL DISTRICT

### **10-10-1: PURPOSE:**

The Light Industrial District is established to provide lands for light industrial uses that can be designed to operate compatibly in close proximity to adjoining business and residential uses.

This district is not intended for residential purposes. (Ord. 2015-02, 4-20-2015)

### **10-10-2: PERMITTED USES:**

Permitted uses for this district are limited to the following:

Animal hospitals and kennels.

Assembly, light manufacturing processing, packaging, treatment, and fabrication of goods and merchandise, including laboratories and research offices, bottling and distribution plants, light repair facilities, and wholesale storage/distribution warehouses.

Contractor offices.

Contractor storage yards, provided the yard is entirely screened from all streets and other public ways by a solid fence six feet (6') in height or landscaping of at least eight foot (8') tall evergreen trees placed no more than every fifteen feet (15') apart with an automatic irrigation system installed to each.

**Moved from definitions**

Food catering services.

Machine shops, printing services.

Motor vehicle repairs, auto body repairs, and vehicle detailing shops.

One accessory dwelling unit shall be allowed for each six thousand (6,000) square feet of lot area, provided it is located on the same premises; provided, that it is in the same building as the business and is of a size and function that is clearly subordinate and ancillary to the light industrial use which shall be the primary use of the property. Accessory dwelling units shall be subject to administrative design review approval.

Outdoor nursery and commercial nursery.

Wireless communication facilities (WCFs) (see additional requirements in section 10-23-7 of this title). (Ord. 2015-02, 4-20-2015)

**10-10-3: ACCESSORY USES:**

The accessory uses for this district include, but are not limited to, the following:

Incidental accessory retail sales comprising not more than twenty five percent (25%) of the net floor area of the principal permitted use. The area for such retail sales shall be calculated for each floor of a building by use and shall not be transferred between the floors of a building.

Temporary buildings necessary for construction work on the premises; such buildings to be removed upon completion or abandonment of construction work. (Ord. 2015-02, 4-20-2015)

**10-10-4: CONDITIONAL USES:**

Conditional uses for this district are limited to the following:

Bulk storage of flammable liquids or gases, subject to the approval of the Fire Chief of the City

Fire Department.

Churches.

Fire stations, police stations, ambulance, or other public emergency services including dwelling unit(s) occupied exclusively by employees of the governmental entity in the same building as and in a size and function that is clearly subordinate and ancillary to the principal use of the property.

Gas stations that shall not have retail sales except as an accessory use.

Governmental emergency service WCFs.

Light industrial uses with commercial outlets but which remain primarily light industrial rather than commercial.

Motels.

Motor vehicle sales and leasing, including the sales of trailers (not including a mobile home, house trailer or manufactured housing).

Office buildings.

Park and ride facilities - private/public.

Public utility and service installations, including repair and storage facilities.

Restaurants.

Self-storage units. (Ord. 2015-02, 4-20-2015; amd. 2018 Code)

**10-10-5: DIMENSIONAL, BULK AND BUILDING COVERAGE STANDARDS AND REQUIREMENTS:**  
The dimensional, bulk and building coverage standards and requirements for this district are the

same as those specified for the Business District. (Ord. 2015-02, 4-20-2015)

## CHAPTER 11 T TRANSITIONAL DISTRICT

### **10-11-1: PURPOSE:**

The Transitional District is established to encompass all of those lands within the City previously zoned agricultural. While the permitted, accessory and conditional uses for this district are the same as those for the General Residential District, it is expressly noted and recognized that certain lands within this district have either been used for or are suitable for designation as Business or Light Industrial. Consequently, it is recognized that applications for rezoning will very likely be filed in the future for lands within this district and should be treated on a case by case basis. (Ord. 2015-02, 4-20-2015)

### **10-11-2: PERMITTED USES:**

All those listed for the General Residential District. (Ord. 2015-02, 4-20-2015)

### **10-11-3: ACCESSORY USES:**

Same as the General Residential District. (Ord. 2015-02, 4-20-2015)

### **10-11-4: CONDITIONAL USES:**

Same as the General Residential District.

Campgrounds.

Governmental emergency service WCFs. (Ord. 2015-02, 4-20-2015)

### **10-11-5: DIMENSIONAL, BULK AND BUILDING COVERAGE STANDARDS AND REQUIREMENTS:**

Same as the General Residential District. (Ord. 2015-02, 4-20-2015)

## CHAPTER 12 RGB RECREATION/GREEN BELT DISTRICT

### **10-12-1: PURPOSE AND INTENT:**

A. The purpose of the RGB Recreation/Green Belt District shall be one or more of the following:

1. To provide areas of recreational activities.
2. To provide areas for nonvehicular transportation system improvements.
3. To create and preserve open space areas for natural habitat.
4. To provide areas for aesthetic, natural environmental habitat values and for public use.
5. To protect the character of the community and its economic viability.

B. Uses within the RGB District shall be compatible with the protection of natural and scenic resources as defined in section 10-12-2 of this chapter for the benefit of present and future generations.

C. This zoning district is intended to include those areas designated as "Green Belt/Recreation" in the Bellevue Comprehensive Plan, identified as "Parks and Recreational Green Space" in the Bellevue Parks Master Plan, lands with a slope greater than twenty five percent (25%) and other lands deemed appropriate by the City for this RGB zoning designation.

(Ord. 2015-02, 4-20-2015)

**10-12-2: PERMITTED USES:**

Nonmotorized, recreational pathways and trails.

Open space, green belts and natural habitat preserves.

Parks, playgrounds and active space. (Ord. 2015-02, 4-20-2015)

**10-12-3: CONDITIONAL USES:**

Outdoor recreational facilities, such as golf courses, swimming pools, rodeo grounds, skateboard parks, Nordic ski facilities, and similar uses, excluding health clubs, and campgrounds.

Public facilities and public utility and public service facilities. (Ord. 2015-02, 4-20-2015)

**10-12-4: DIMENSIONAL STANDARDS:**

Dimensional standards for this district are the following:

A. Minimum lot width: None.

- B. Side and rear yard setbacks: Ten feet (10') for the first ten feet (10') of building height and five feet (5') for each additional ten feet (10') of building height.
- C. Minimum front yard setback: Twenty five feet (25').
- D. Maximum building height: Thirty five feet (35'). (Ord. 2015-02, 4-20-2015)

## **CHAPTER 13 AVO AVALANCHE OVERLAY DISTRICT**

### **10-13-1: DESCRIPTION:**

The AVO Avalanche Overlay Zoning District is hereby established to include all those areas within the City where high or moderate avalanche potential exists. Avalanches are caused by steepness of slope, exposure, snowpack composition, wind, temperature, rate of snowfall and other little understood interacting factors. Due to the potential avalanche hazard, special regulations are appropriate within the district. (Ord. 2015-02, 4-20-2015)

### **10-13-2: PURPOSES:**

The Avalanche Overlay Zoning District is established as a zoning overlay district for the following purposes:

- A. To identify those areas within the City where, after due investigation and study, moderate or high avalanche potential is found to exist;
- B. To give notice to the public of those areas within the City where such avalanche potential has been found to exist;
- C. To minimize health and safety hazards, disruption of commerce and extraordinary public expenditures; and
- D. To promote the general public health, safety and welfare. (Ord. 2015-02, 4-20-2015)

**10-13-3: DISTRICT BOUNDARIES:**

The Avalanche Overlay Zoning District boundaries shall be an "overlay district", and those areas within the City subject to potential moderate or high avalanche danger are hereby included within said district. The Avalanche Overlay Zoning District shall consist of two (2) subzone designation areas: the High (Red) Avalanche Zone and the Moderate (Blue) Avalanche Zone, as delineated by site specific scientific investigation and study. (Ord. 2015-02, 4-20-2015)

**10-13-4: APPLICATION OF PROVISIONS:**

As an "overlay district", the additional restrictions and requirements of the Avalanche Overlay Zoning District shall apply to all parcels of real property located in the district. If any of the regulations specified in this chapter differ from corresponding regulations specified for a district within which the Avalanche Overlay Zoning District is combined, the regulations contained in this chapter shall apply and govern. (Ord. 2015-02, 4-20-2015)

**10-13-5: USE RESTRICTIONS:**

The following restrictions are imposed upon construction, development and use of all real property located within the Avalanche Overlay Zoning District:

- A. No residential buildings or dwelling units shall be constructed or placed within the Avalanche Overlay Zoning District, however, accessory uses (other than accessory dwelling units) are permitted within the district.
- B. All utilities installed after the effective date hereof for development of a subdivision or providing utility services to a building, or replacing existing utility services to a building or subdivision shall be installed underground in order to minimize possible avalanche damage to such utilities and injury to persons and property.
- C. Avalanche protective, deflective and preventative structures, devices or earthwork which threaten to deflect avalanches toward property of others or otherwise threaten to increase the

danger to persons or property are prohibited. The construction of such structures, devices or earthwork shall be permitted only as a conditional use. Prior to the granting of a conditional use permit, the applicant shall submit to the City plans signed by an engineer licensed in the State of Idaho, certifying that the proposed construction will withstand the avalanche forces set forth in the avalanche studies on file with the City and that the proposed construction will not deflect avalanches toward the property of others. Other information and engineering studies may be requested in consideration of an application for a conditional use permit. As a further condition of any conditional use permit, appropriate landscaping may be required where such structures, devices or earthwork alter the natural slope or beauty of the land. This shall not apply to reforestation. Alteration or removal of any existing natural barriers is prohibited.

D. There shall be no further subdivision of any property, including lot splits, which would result in the creation of a lot or building envelope, in whole or part, within the Avalanche Overlay Zoning District, unless a lot can be created in which the building envelope conforms to all other provisions of this chapter and is located entirely outside of the Avalanche Overlay Zoning District.

E. All subdivision plats shall identify and designate each lot and block, or portions thereof, located within the Avalanche Overlay Zoning District, together with applicable subzone designation by a stamp or writing in a manner providing reasonable notice to interested parties.

F. During periods of avalanche danger, City services may be suspended or otherwise not be provided to property within the Avalanche Overlay Zoning District; nor shall the City accept responsibility for or guarantee that such services, rescue efforts or emergency services will be provided during periods of avalanche danger. (Ord. 2015-02, 4-20-2015)

**10-13-6: WARNING AND DISCLAIMER OF SAFETY AND LIABILITY:**

Avalanches occur naturally, suddenly and unpredictably based upon steepness of slope and runout area, exposure, snowpack composition, wind, temperature, rate of snowfall and other little understood interacting factors. The Avalanche Overlay Zoning District designated in this chapter is considered reasonable for regulatory purposes and is based upon and limited by the engineering and scientific methods of study. This chapter does not represent or imply that areas outside the Avalanche Overlay Zoning District are free from avalanches or avalanche danger. The fact that the City has not prohibited all development, construction or use of real property within the Avalanche Overlay Zoning District does not constitute a representation, guarantee or warranty of any kind as to the safety of any construction, use or occupancy. The granting of any permit or approval for any structure or use, or the declaration or failure to declare the existence of an avalanche hazard shall not constitute a representation, guarantee or warranty of any kind or nature by the City, or any official or employee, of the practicality or safety of any construction, use or occupancy thereof, and shall create no liability upon or cause of action against the City, or its officials or employees, for any injury, loss or damage that may result. (Ord. 2015-02, 4-20-2015)

## CHAPTER 14 GENERAL ZONING PROVISIONS

**10-14-1: PROHIBITED USES:**

- A. All uses not permitted under the terms of this title are prohibited.
- B. Any use that constitutes a public nuisance, as defined in Idaho Code sections 52-101 and 52-102, is prohibited. (Ord. 2015-02, 4-20-2015)

**10-14-2: ACCESSORY USES:**

- A. Recreational vehicle occupancy is subject to the following provisions:

- 1. Occupancy shall not occur more than ten (10) days out of any thirty (30) day period.

2. A recreational vehicle shall be presumed to be occupied if one or more of the following conditions are observed:

- a. Skirting or materials have been installed to enclose the underside of the recreational vehicle.
- b. Awnings, stairs, expandable alcoves, or similar features are deployed.
- c. The recreational vehicle is on stabilizing jacks.
- d. Lights are on in the recreational vehicle after hours in patterns that are consistent with occupancy of the recreational vehicle.

3. Any connection to the City of Bellevue water or sewer system must be in compliance with Title 8 of this code.

~~No provisions at this time. (2018 Code)~~

These standards are more easily identified and enforceable as the time period has been reduced, the days of occupancy are not required to be consecutive, and the standards for determining occupancy are generally identifiable without entering the RV.

#### **10-14-3: HOME OCCUPATIONS:**

A home occupation shall meet all the following conditions:

- A. They shall be carried on only by the inhabitant living on the premises.
- B. They shall use less than one-fourth (1/4) the floor area of the dwelling unit.
- C. There shall be no display or exterior storage associated with the use except a sign no more than two feet (2') square.
- D. They shall not emit noise, vibration, smoke, dust, odors, heat or glare which is noticeable at or beyond its own property lines such that its presence in the neighborhood is obtrusive.
- E. They shall provide adequate off street parking as specified in chapter 21 of this title.
- F. They shall not change the residential character of the neighborhood.

G. Items shall not be offered for sale unless the raw materials used have been so modified that the final product is unquestionably manufactured on the site. (Ord. 2015-02, 4-20-2015)

H. They shall be conditional uses in the Transitional and Residential Districts. (Ord. 2015-02, 4-20-2015; amd. 2018 Code)

I. Those that have no customers visiting the premises, deliveries, signs or impacts detectable outside of the home in which conducted and which have and maintain a current, valid City business license shall be considered incidental home occupations not requiring a conditional use permit. (Ord. 2015-02, 4-20-2015)

**10-14-4: BUILDING OR SETBACK PERMIT REQUIRED:**

It shall be unlawful to commence construction on any building without having first obtained a valid written building or setback permit. A building permit shall be required for all habitable buildings. (Ord. 2015-02, 4-20-2015)

**10-14-5: SEWAGE TREATMENT APPROVAL REQUIRED:**

Sewage disposal facilities for all residential dwelling units must be approved by the building inspector and Public Works Director of the City. (Ord. 2015-02, 4-20-2015)

**10-14-6: CURB, GUTTER, SIDEWALK AND STREET TREE REQUIREMENTS:**

Within the B Business Zoning District, LB/R Limited Business/Residential Zoning District, LI Light Industrial Zoning District and LI/B Light Industrial/Mixed Business Zoning District, curbs, gutters, sidewalks and street trees are required and shall be installed along the street frontage of each lot or parcel of real property upon which a new building is constructed or a major addition (defined as requiring a building permit and having a cost of construction exceeding \$55,000.00). Such improvements shall be constructed in accordance with the applicable construction standard and ordinances of the City. (Ord. 2015-02, 4-20-2015)

**10-14-7: MANUFACTURED HOUSING:**

All manufactured housing placed within the City shall comply with the following standards and regulations:

- A. Be multi-sectional and enclose an interior space of not less than one thousand (1,000) square feet of living area and, when assembled, shall be a minimum width of not less than sixteen feet (16').
- B. Be placed on an excavated and backfilled permanent concrete foundation and enclosed at the perimeter such that the home is located not more than twelve inches (12") above the grade of the parcel of real property prior to the placement of any fill material; except, in designated floodplain areas, applicable floodplain regulations shall apply.
- C. Have a pitched roof of a slope not less than three feet (3') in height for each twelve feet (12') in width, and which meets the structural snow load requirements of the City's adopted Building Codes.
- D. Have the exterior siding and roofing materials commonly used on residential dwellings within the City, and more particularly, siding material shall be wood, stone or brick, and roofing material shall be wood shake, wood shingle, asphalt composite, or nonreflective earth tone metal.
- E. Meet all minimum standards of the State of Idaho, the United States of America, including, without limitation, the Department of Housing and Urban Development ("HUD") and the Federal Housing Administration ("FHA"), and all applicable Building, Fire and Safety Codes of the City in effect at the time of the issuance of a building permit. (Ord. 2015-02, 4-20-2015)

**10-14-8: RESIDENTIAL DWELLINGS IN AVALANCHE ZONES:**

No person shall construct a residential dwelling unit in an area determined by scientific study to be subject to High (Red Zone) or Moderate (Blue Zone) avalanches. The City may require a site specific avalanche study of a parcel of real property potentially subject to avalanches prior to the

issuance of any permit for development thereof. Use and improvement of such property is subject to chapter 13 of this title. (Ord. 2015-02, 4-20-2015)

#### **10-14-9: BUILDING ON HILLSIDE SLOPES:**

No person shall construct any building or structure on a hillside slope that exceeds twenty five percent (25%) and areas above that twenty five percent (25%) slope, except for fences, public utilities and structures for public utilities pursuant to all Federal, State and City permits. (Ord. 2015-02, 4-20-2015)

### **CHAPTER 15 CONDITIONAL USE PERMITS**

#### **10-15-1: PERMIT REQUIRED:**

A. It is recognized that certain uses possess unique and special characteristics with respect to their location, design, size, method of operation, circulation, and public facilities. In order to protect the public welfare and guarantee conformance with the Comprehensive Plan, permits are required for such uses upon review by the commission.

B. In any zone, a conditional use permit shall be required for "aquaculture", which is defined as the commercial raising of fish in a fish hatchery. The operation of a processing plant shall be considered a conditional use and must be secondary to the fish hatchery. (Ord. 2015-02, 4-20-2015)

#### **10-15-2: APPLICATION FOR PERMIT:**

A. An application for a conditional use permit shall be filed with the Administrator by at least one holder of an interest in the real property for which such conditional use is proposed, accompanied by the fees. The application shall include at least the following information:

1. Name, address, and phone number of the applicant.
2. Legal description of the property.

3. Description of existing use.
4. Zoning district.
5. Description of proposed conditional use.
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, easements, existing and proposed grade, landscaping, refuse and service areas, utilities, signs, rendering of building exteriors, property lines, north arrow, and such other information as the commission may require to determine if the proposed conditional use meets the intent and requirements of this title.
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Comprehensive Plan. (Ord. 2015-02, 4-20-2015)
8. A list of the names and addresses of all property owners within three hundred feet (300') of the external boundaries of the land being considered. (Ord. 2015-02, 4-20-2015; amd. 2018 Code)

B. A conditional use permit application may be submitted and reviewed concurrently with other applications affecting the same piece of property, with the approval of the Administrator. The Administrator may specify additional time for review of concurrent applications. Concurrent submissions will be voted on separately. (Ord. 2015-02, 4-20-2015)

**10-15-3: STANDARDS OF EVALUATION:**

The commission 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 for the zoning district involved;

- B. Will be harmonious with and in accordance with the general objectives or with any specific objectives 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, dust, odors, vibration, water pollution or safety hazards;
- H. Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public thoroughfares;
- I. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance; and
- J. Will be adequately screened from public ways and neighboring properties by means of fencing or landscaping. (Ord. 2015-02, 4-20-2015)

**10-15-4: PUBLIC HEARING AND NOTICE:**

- A. Each application will be reviewed at a public hearing, for which adequate public notice will be given.
- B. A completed application will be heard by the commission at a public hearing within forty five (45) days of its receipt. (Ord. 2015-02, 4-20-2015)
- C. Notice of time, date, and place of the hearing and a summary of the proposal shall be given by one publication in a newspaper of general circulation in the County at least fifteen (15) days prior to the hearing, by mailing such notice to all property owners within three hundred feet (300') and by posting such notice on the property. (Ord. 2015-02, 4-20-2015; amd. 2018 Code)
- D. The Administrator shall also give notice by United States mail to each property owner whose name appears on the list accompanying the application, giving the time, date, and place of the hearing, the relief sought, the identification of the property under consideration, and such other facts as may be prescribed by the Administrator. Individual mailings may be waived when the aforementioned list includes the names of more than two hundred (200) property owners or residents.
- E. In any public hearing on a conditional use permit application, the presiding officer may order the hearing to be continued up to fifteen (15) days at the same place, in which case, no further published notice shall be required. (Ord. 2015-02, 4-20-2015)

**10-15-5: ACTION BY COMMISSION; NOTICE OF DECISION:**

- A. The commission shall enter an order approving, conditionally approving, or disapproving the application within fifteen (15) days after conclusion of the public hearing, together with the reasons therefor. Conditional uses are subject to the conditions specified prior to issuance of their permits. Conditions which may be attached include, but are not limited to, those which will:
  1. Minimize adverse impact on other development.

2. Control the sequence, timing, and duration of development.
3. Assure that development is maintained properly.
4. Designate the exact location and nature of development.
5. Require the provision for on site or off site public facilities or services.
6. Mitigate foreseeable social, economic, fiscal, and environmental effects.
7. Require more restrictive standards than those generally required in this title.

B. The Administrator shall give the applicant written notice of the commission's decision by mail within ten (10) days after the commission has reached a decision. (Ord. 2015-02, 4-20-2015)

**10-15-6: EXPIRATION AND RENEWAL OF CERTAIN PERMITS:**

It is recognized that certain types of conditional uses have the potential to become public nuisances if mismanaged or operated improperly. Periodic review of such conditional uses is therefore desirable. As a result, conditional use permits for gravel or shale pits, concrete batch plants, mills refining mineral ore, feedlots, processing plants, bulk storage of flammable liquids or gases, and solid waste incineration shall expire two (2) years after their issuance or most recent renewal. In each case, the Administrator shall be responsible to notify the applicant of the date of expiration for his permit, and of the date on which the commission shall discuss renewal of the permit. The commission is vested with the authority to renew each permit that has expired and, in its deliberations, shall consider any public comment offered. No fee is required for renewal of a conditional use permit. (Ord. 2015-02, 4-20-2015)

**10-15-7: SPECIAL PROVISIONS:**

A. The issuance of a conditional use permit shall not be considered a binding precedent for the issuance of other conditional use permits.

B. A conditional use permit is not transferable from one parcel of land to another. (Ord. 2015-02, 4-20-2015)

## CHAPTER 16 [RESERVED]

## CHAPTER 17 DESIGN REVIEW

### **10-17-1: AUTHORITY AND PURPOSES:**

This chapter and its regulations are adopted pursuant to the authority and purposes of article 12, section 2 of the Idaho Constitution, enabling statutes, the Bellevue Charter, Idaho Code section 67-6501, the Bellevue Comprehensive Plan, and this title, each incorporated herein by reference, and for the following purposes:

- A. To ensure that the general appearance of building design and construction shall be orderly and harmonious;
- B. To protect the historical character and significance of the community;
- C. To ensure appropriate and adequate landscaping;
- D. To protect and enhance the beauty and character of the community;
- E. To minimize the impact of vehicular traffic on adjacent streets to prevent traffic congestion;
- F. To provide for proper ingress and egress with safe, adequate and efficient pedestrian and vehicular traffic systems;
- G. To coordinate on site vehicular and nonvehicular traffic circulation patterns with adjacent transportation systems;
- H. To ensure efficient arrangement of on site parking, building location, adequate accesses and uses of lands; and to minimize visual impact;

- I. To provide for and protect existing light, air, solar access and orientation, privacy, views and vistas by proper and efficient location of building sites and design layout;
- J. To protect and preserve wildlife, streams, natural topography and other desirable natural features and qualities such as, but not limited to, skyline ridgetops, knoll ridges, established trees and shrub masses, topsoil, streambeds and stream banks, and drainage swales;
- K. To provide adequate usable open space in a manner which is appropriate for the development and uses of lands;
- L. To prevent unnecessary excavation or fill for building foundations, access roads, driveways and similar improvements;
- M. To protect and conserve the economic base of the community, including property values;
- N. To encourage and promote energy conservation and alternative energy sources as well as other advanced technologies; and
- O. To prevent soil erosion and flood damage. (Ord. 2015-02, 4-20-2015)

**10-17-2: DEFINITIONS:**

- A. All definitions set forth in this title, including subsequent amendments hereto and subsequent zoning ordinances adopted by the City, are hereby adopted and incorporated herein by reference.
- B. The word "print", for the purpose of this chapter, shall mean any copy of an original which reproduces exactly the original drawing. (Ord. 2015-02, 4-20-2015)

**10-17-3: DESIGN REVIEW APPROVAL REQUIRED:**

- A. Business, Limited Business/Residential, Light Industrial, Light Industrial/Mixed Business, And Transitional Districts: No person shall commence construction repairs on any new building, or placement of any building upon property, or construction of any addition, alteration, or change to or demolition of the exterior of any building, excluding necessary maintenance, within the

Business Zoning District, Limited Business/Residential Zoning District, Light Industrial/Mixed Business Zoning District, Light Industrial Zoning District, or Transitional Zoning District in the City without first receiving applicable design review approval as required by this chapter. No application for a building permit, demolition permit or other permit shall be received or such permit issued by the City for such construction or other work, excluding necessary maintenance, until design review approval has been obtained as applicable herein. (Ord. 2015-02, 4-20-2015; amd. 2018 Code)

B. Change Of Use: Change of use shall require an approved large scale conditional use permit for any building exceeding a twenty eight thousand (28,000) square foot building per parcel or lot and shall be in compliance with defined uses per sections 10-7-2 and 10-7-4 of this title and shall comply with chapter 16 of this title.

C. ADU (Accessory Dwelling Unit), Multi-Family And Townhouses In All Zoning Districts: No person shall commence construction or placement of any ADU, multi-family dwelling or townhouse, or make any addition, alteration or change to the exterior of any such building, or commence demolition, excluding necessary maintenance thereof, within any zoning district within the City without first having obtained design review approval therefor under the procedures, requirements, standards and criteria of this chapter. The design review application shall provide all the information required in section 10-17-4 of this chapter. In order to receive approval, the application shall meet the standards and criteria set forth in subsections 10-17-5A1 through A10, inclusive; subsections 10-17-5B1b through B1d; and subsections 10-17-5C1 through C7, inclusive, of this chapter. (Ord. 2015-02, 4-20-2015)

**10-17-4: APPLICATION PROCEDURE:**

A. The following materials and information, together with the application form and fees, shall constitute a complete application for design review and shall be filed by the applicant prior to consideration of the application by the commission:

1. Site map of the property upon which the proposed construction is to occur shall be submitted in sufficient detail to show the following:
  - a. Exterior boundary lines of the property, together with dimensions.
  - b. Location of proposed and existing structures, with dimensions thereof, showing the setback of each structure from the nearest property line.
  - c. Location of on site parking spaces, ADA accessible spaces, loading zones and access thereto, including the dimensions of the spaces and the width and length of access.
  - d. Location and dimensions of snow storage areas.
  - e. Location of dumpster and/or garbage can storage areas including the dimensions and proposed fencing or other screening.
  - f. Designation of the zoning district in which the project is located.
  - g. Location of vehicular and pedestrian circulation patterns, easements and proposed improvements with regard thereto.
  - h. Contour lines of five foot (5') intervals to show proposed slope and topography of the property.
  - i. Location of existing and proposed adjacent street rights-of-way, fire hydrants, sewer lines, water lines and other utilities, and plans for the separate connection to and extension of each utility to each unit or building.
  - j. Indication of direction of snow slide from the roof and drip line of all buildings.
  - k. Location of existing structures on adjacent properties.

1. Location of on site trash and personal property storage.
- m. One large vicinity map and one reduced vicinity map depicting adjacent streets, floodplains, and applicable zoning and comprehensive land use designations.
2. Preliminary schematic drawings of the proposed construction shall be submitted to show the following:
  - a. Floor plan at not less than one-eighth inch (1/8") scale.
  - b. Seven (7) reduced exterior elevations with facades and other exterior elements shown in color.
  - c. Type and color of exterior materials and roofing, with samples thereof.
  - d. Location and type of exterior lighting.
  - e. A colored model for all new buildings not including additions or buildings less than three thousand (3,000) square feet.
3. Landscape plan and legend shall be submitted in sufficient detail to show the following:
  - a. One large and seven (7) proposed landscape plans of the project including calculations depicting percentage of land area being landscaped, types and size of trees, ground cover and other vegetation.
  - b. Proposed excavation or land fill including resulting slope grades.
  - c. Location and height of walls or fences.
  - d. Drip or other low consumption irrigation system for landscaping.
  - e. Drainage plan including off site improvements.
  - f. Street trees shall be a minimum of three inch (3") caliper and planted at spacing not less than one tree for every thirty five feet (35') of public street right-of-way, excluding alleys. All

trees shall comply with the Bellevue Street Tree Guidelines, and an approved encroachment permit shall be obtained from ITD or the City.

B. The applicant shall file the application form and fees, together with the materials required by subsection A of this section, with the City Planning and Zoning Administrator not less than fifteen (15) days prior to a regularly scheduled meeting of Planning and Zoning Commission. Prior to the meeting or thereafter, the applicant shall provide such other information as may be reasonably requested by the commission or by the Administrator. Construction plans or working drawings are not required prior to design review, but will be at the time of a building permit.

C. At a noticed Planning and Zoning Commission meeting, the application shall be presented, together with required materials and information. A design review application is not a public hearing. The commission shall be briefed of the application by staff, receive comment from the applicant, and may take public comment from interested persons. The commission shall approve, deny or conditionally approve the application based on design review standards and criteria, and notify the applicant of the commission's decision by the close of the commission's next noticed scheduled meeting, not to exceed thirty (30) days from the design review meeting, except the commission may table an application until it receives requested information, or for additional review due to the complexity of the application, or problems with regard thereto. (Ord. 2015-02, 4-20-2015)

#### **10-17-5: DESIGN REVIEW STANDARDS AND CRITERIA:**

The following list of design review criteria shall be met by each applicant seeking design review approval. The Planning and Zoning Commission shall use said criteria to determine whether a project is to be approved or denied. A building which is allowed by right in this title may be reduced in bulk, height or other physical dimension by requirement of the commission only if found necessary to protect the public health, safety and/or welfare. If a development project is to

be built in phases, each phase shall be subject to the design standards and criteria described in this section, and each phase independently shall meet said criteria and standards.

A. Site Planning:

1. Buildings shall be situated in a manner that preserves existing land forms, trees and other significant vegetation and shall not interrupt waterways or change other natural drainage patterns in a manner which adversely affects adjacent property. Removal of existing trees of greater than six inch (6") caliper is subject to review.
2. Buildings shall be sited so that their form does not break prominent natural ridge lines.
3. Buildings and parking areas shall be clustered to provide for more usable open space. All accesses from alleys shall require improvements installed by the applicant/owner when applicable including, but not limited to, an asphalt surface or compacted gravel surface as determined by the City Public Works Department. The applicant/owner shall be responsible for relocation of applicable City services/utilities, repair of any damaged City services, snow plowing and snow removal.
4. The alignment of roads and driveways shall follow the contours of the site, and cuts and fills shall be minimized.
5. Retaining walls shall be discouraged, and such walls over three feet (3') high shall be stepped to form a number of benches to be landscaped.
6. Exterior lighting systems shall not create glare nor cast light on neighboring properties. Night lighting shall be only what is needed to promote safe use, preferably with energy conserving lighting of low intensity.
7. A snow storage plan, as a component of the site plan, is required. The plan shall comply with the following requirements:

- a. Use of sidewalks and required parking areas for snow storage is prohibited.
- b. Snow storage within one hundred feet (100') of stream banks is prohibited.
- c. Use of landscaped areas for snow storage may be allowed under the approved snow storage plan.
- d. Snow storage areas shall be incorporated in site design as well as designs that anticipate snow shedding areas.
- e. Snow storage areas shall not adversely affect neighboring properties.
- f. Building design shall prevent water from dripping or snow from sliding on pedestrian areas, entrances of buildings, garages and adjacent properties.
- g. Snow storage areas for parking lots containing twenty (20) spaces or more shall be located on site in an amount which is equal to at least one-third (1/3) of the hard surfaces proposed with the project. The one-third (1/3) amount may be reduced by the use of a snowmelt system, or for good cause demonstrated.
- h. Where snow storage areas cannot be provided on site because of existing buildings or approved building design, an adequate snow hauling plan shall be submitted for and subject to approval by the Planning and Zoning Commission.

The Planning and Zoning Commission may impose such restrictions on snow removal operations as are necessary to reduce the effects of noise or traffic on surrounding areas.

8. Visual impact of on site parking, service, trash and loading areas shall be minimized whenever possible by locating these areas to the rear of the building and providing screening with landscaping or fences from adjacent properties and public ways.
9. Adequate enclosed on site storage for trash shall be provided for each unit of accessory dwelling units, multi-family and townhouses.

10. All utilities shall be installed underground in accordance with the City standards and in a manner and location approved by the City Engineer.

11. Building and parking areas shall be designed to provide proper ingress and egress; safe, adequate and efficient pedestrian and vehicular traffic circulation; and the efficient and safe arrangement of on site parking, building location, and circulation.

12. Multi-family and townhouses shall provide a minimum of two (2) on site parking spaces for each unit. Accessory dwelling unit parking requirements shall be one off street parking space for a one bedroom ADU and two (2) parking spaces for ADUs with two (2) to three (3) bedrooms.

13. Adequate unobstructed access for emergency vehicles, snowplows, garbage trucks and similar service vehicles to all necessary locations within the proposed project shall be provided.

B. Architecture:

1. Generally:

a. Building and storefront design and construction shall reflect historical architecture styles and shall incorporate building materials, architectural design and features representative of that historical period in Bellevue between 1880 and 1910. That architectural style includes frame and brick construction, frame and shiplap siding construction, horizontal log construction, and similar westward expansion motifs. Also, building design and construction shall preserve and incorporate any such existing structures and features, signage, exterior fixtures and other items from that period.

b. A building exceeding eight thousand five hundred (8,500) square feet of building coverage shall incorporate a change in facade design, materials, color and/or height, or a combination thereof, that such building appears to be more than one building. These changes

shall occur at a minimum of every fifty feet (50') of wall facade visible by the general public and at the ceiling line of the first floor on two-story buildings. In addition, the facade shall change in depth a minimum of two feet (2') at each such change in facade.

c. All buildings in the B Business District shall have a minimum setback from wall/foundation to property line adjacent to Main Street/Highway 75 of three feet (3'), providing an area for covered seating, planters, special event advertising units and displays of merchandise, in addition to the specified requirements of subsection B1b of this section.

d. All exterior mechanical equipment shall be screened on all sides with materials and colors matching the approved structure.

e. Mechanical equipment and solar panels shall be hidden or de-emphasized.

f. Metal siding shall not be permitted on buildings on parcels of real property abutting Main Street (State Highway 75) unless deemed appropriate by the Planning and Zoning Commission. All such buildings shall be constructed of or faced with materials that are similar in texture, finish, and appearance to natural materials. The use of natural materials such as wood, brick and stone shall be encouraged, and exterior wall colors shall be of natural earth tones.

g. Exterior lighting systems shall not create glare nor cast light on neighboring properties. Night lighting shall be only what is needed to promote safe use, preferably with energy conserving lighting of low intensity.

h. Accessory dwelling unit sizes shall comply with section 10-2-1 of this title.

2. Multi-Family And Townhouses: Multi-family and townhouses shall maintain traditional rural, small town development patterns and architectural styles in keeping with the existing character of the area and location of the site. Multi-family and townhouse design, style, scale, and aesthetics shall blend with its neighborhood. There shall be no repetitive side by side

development of buildings. The City is looking for individual buildings by varying types and styles to make for a pleasant streetscape experience.

3. Accessory Dwelling Units (ADUs): ADUs shall maintain traditional rural, small town development patterns and architectural styles in keeping with the existing character of the area and emulate the primary structure of the site. Design, style, scale, and esthetics shall blend with its neighborhood. Building materials and exterior architectural design shall be reflective of existing structures on the subject site and take into consideration the architectural style and materials of the general vicinity.

C. Landscaping; Parking; Lighting:

1. Exterior light fixtures and signs shall be nonglaring in design and installation so as not to adversely affect adjacent properties and public ways.

2. The design of fences, walls and retaining walls shall harmonize with the site and buildings in scale as well as in materials.

3. Preservation of significant natural features such as water, view, topography, and vegetation shall be incorporated in the landscape plan.

4. Site conditions, drought tolerance and local hardiness shall be considered to select appropriate plant species, including grasses for lawn areas.

5. Landscaping shall provide a substantial buffer between incompatible land uses and shall be used to screen from view and to mitigate visual impact of parking areas, loading areas, and garbage containers from adjacent properties and public ways.

6. Installation of adequate drip or other low consumption irrigation systems shall be required. Landscaping shall be properly irrigated and maintained, and landscaping, or any portion thereof, shall be replaced when it dies or is otherwise destroyed.

7. Adequate drainage shall be provided on site.

8. A minimum of ten percent (10%) of the parking area of parking lots with twenty (20) spaces or more shall be landscaped with islands, dividers, or a combination of the two. Parking lots with twenty (20) spaces or more will have a minimum of fifty percent (50%) of the required landscaped area installed adjacent to Main Street/Highway 75 unless otherwise approved by the commission due to extensive curb cuts and vision safety concerns.

9. All public rights-of-way adjacent to subject property including alleys shall be improved with, but not limited to, asphalt/concrete/compacted gravel, and applicable curbing, gutter, drainage, ADA standards, lighting, sidewalks and striping as recommended by the Public Works Director.

D. Curbs, Gutters, Sidewalks And Street Tree Requirements: Within the B Business, LB/R Limited Business/Residential, LI/B Light Industrial/Mixed Business and LI Light Industrial Zoning Districts, curbs, gutters, sidewalks and street trees are required and shall be installed along the street frontage of each lot or parcel of real property upon which a new building or a "major addition" (defined as requiring a building permit and having a cost of construction exceeding \$50,000.00) is constructed. Such improvements shall be constructed in accordance with the applicable construction standards and ordinances of the City. (Ord. 2015-02, 4-20-2015)

**10-17-6: BUILDING PERMIT; OCCUPANCY; SECURITY:**

The building inspector shall not issue a building permit for any structures or work required to obtain design review approval unless and until the building plans submitted comply with design review approval. Furthermore, the building inspector shall not issue a Certificate of Occupancy for any such structure until, upon final inspection, the project is constructed in accordance with the approved design review application and plans, and all improvements, amenities and landscaping have been installed, or until the applicant has posted with the City an irrevocable

letter of credit or certified funds or other security which has been accepted by the City Council in the sum of one hundred fifty percent (150%) of the bona fide estimate of the cost of installing said improvements, landscaping and amenities. Said security shall require full performance within a period not to exceed twelve (12) months and shall be accepted only in situations where inclement weather or other similar circumstances prevents completion prior to occupancy. In the event the improvements are not constructed within the time allowed by the City Council, the Council may order the improvements installed at the expense of the owner and the surety. In the event the cost of installing the required improvements exceeds the amount of the security, the owner shall be liable to the City for the additional costs thereof. The cost of installing required improvements that exceed the amount of the security shall automatically become a lien upon the subject property. (Ord. 2015-02, 4-20-2015)

**10-17-7: TERM OF AND LIMITATIONS OF APPROVAL:**

- A. The term of design review approval shall be one year from the date of final action by the commission or, upon appeal, the date the approval is granted by the Council. Such approval is subject to changes in zoning or other regulations applicable to the project.
- B. Failure to file a complete building permit application for a project in accordance with the design review approval, or the abandonment, forfeiture or loss of a building permit, shall constitute termination of any design review approval, and said approval shall then be null and void. (Ord. 2015-02, 4-20-2015)

**10-17-8: MAINTENANCE, REPAIR AND REPLACEMENT OF DESIGN REVIEW IMPROVEMENTS AND LANDSCAPING:**

- A. All design review improvements and landscaping shall be installed, maintained, repaired and replaced in accordance with City standards or, in the absence thereof, in accordance with prevailing engineering or industry standards within Blaine County.

B. No person shall permit any improvement set forth in the approved design review plans to be in a state of disrepair or any landscaping to die. All design review improvements and landscaping shall be maintained, repaired and replaced in accordance with the approved design review plans. All such repair shall be completed within thirty (30) days of damage or disrepair, and all replacement shall be completed within thirty (30) days of the damage or destruction of said improvements or death of said landscape item. (Ord. 2015-02, 4-20-2015)

## CHAPTER 18 VARIANCES

### **10-18-1: DEFINITION AND LIMITATIONS:**

A. A variance is defined as a modification of the requirements on this title regarding lot size, lot coverage, lot width, lot depth, front yard, side yard, rear yard, setbacks, parking space and location, height of buildings, or other provisions affecting the size or shape of a structure or the placement of a structure upon lots, or the size of lots.

B. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site, and only when the variance will not conflict with the public interest. (Ord. 2015-02, 4-20-2015)

### **10-18-2: APPLICATION FOR VARIANCE:**

A. Any person seeking a variance shall apply to the commission on a form provided by the Administrator, which shall be accompanied by the fees. This application shall include a map showing the lots and parcels of land within three hundred feet (300') of the exterior boundaries of the property in question, together with a list of the names and addresses of the owners of each parcel within the three hundred feet (300').

B. A variance application may be submitted and reviewed concurrently with other applications affecting the same piece of property, with the approval of the Administrator.

Additional time for review of concurrent applications may be specified by the Administrator.

Concurrent submissions will be voted on separately. (Ord. 2015-02, 4-20-2015)

**10-18-3: PUBLIC HEARING AND NOTICE:**

Each application will be reviewed at a public hearing, for which adequate public notice will be given.

A. A completed application will be heard by the commission at a public hearing within forty five (45) days of its receipt.

B. Notice of the time, date and place of the hearing, and a summary of the proposal, shall be given by one publication in a newspaper of general circulation in the County at least fifteen (15) days prior to the hearing, and a second publication within the week immediately prior to the scheduled date.

C. The Administrator shall also give notice by United States mail to each property owner whose name appears on the list accompanying the application giving the time, date, and place of the hearing, the relief sought, the identification of the property under consideration, and such other facts as may be prescribed by the Administrator.

D. In any public hearing on a variance application, the presiding officer may order the hearing to be continued up to fifteen (15) days at the same place, in which case, no further published notice shall be required. (Ord. 2015-02, 4-20-2015)

**10-18-4: CRITERIA FOR REVIEW:**

The commission has the authority to grant variances and shall consider the following factors in ruling on a variance application:

A. Whether the granting of the variance will conflict with the public interest as expressed in the Bellevue Comprehensive Plan.

B. Whether there are exceptional conditions creating an undue hardship applicable only to the property involved or the intended use thereof which do not apply generally to the property or class of use in the zone or district.

C. Whether the granting of such relief will be detrimental to the public health, safety or welfare.

D. Whether the owner can derive a reasonable use of his land without a variance.

E. Whether the variance will effect a change in zoning.

F. Whether the variance will be injurious to the property or improvements of others. (Ord.

2015-02, 4-20-2015)

**10-18-5: ACTION BY COMMISSION; NOTICE OF DECISION:**

A. The commission shall enter an order approving, conditionally approving or disapproving the application within fifteen (15) days after conclusion of the public hearing, together with the reasons therefor. In acting upon such applications, the commission may specify that approval shall be contingent upon the acceptance of conditions it deems necessary to protect the general welfare and the rights of all affected property owners. The application shall be denied upon a finding by the commission that granting such relief will be detrimental to the public health, safety, or welfare.

B. The Administrator shall give the applicant written notice of the commission's decision by mail within ten (10) days after the commission has reached a decision. (Ord. 2015-02, 4-20-2015)

**10-18-6: RESUBMISSION OF APPLICATION:**

No application for a variance that has been denied by the commission or the Council or withdrawn by the applicant may be resubmitted within one year of the final date of action thereon. (Ord. 2015-02, 4-20-2015)

**10-18-7: EXPIRATION OF VARIANCE:**

All variances shall expire one year after their issuance if a building permit has not been obtained for the purpose of exercising the variance. (Ord. 2015-02, 4-20-2015)

## **CHAPTER 19 AMENDMENTS**

**10-19-1: AUTHORITY TO AMEND:**

Whenever the public necessity, convenience, or general welfare, or good zoning practices require, the Council may, by ordinance, amend, supplement or repeal the provisions of this title in accordance with the procedures of this chapter. (Ord. 2015-02, 4-20-2015)

**10-19-2: DEFINITION:**

As used in this chapter, the word "amendment" shall mean any change, supplement, or repeal of the provisions of this title. (Ord. 2015-02, 4-20-2015)

**10-19-3: INITIATION OF AMENDMENTS:**

Amendments may be initiated by adoption of a motion by the commission or Council or by the filing of an application with the Administrator by any person. Application for amendments shall contain at least the following information:

- A. Name, address and phone number of applicant.
- B. Proposed amendment.
- C. Present land use.
- D. Present zoning district and proposed zoning district.
- E. Proposed use.
- F. A vicinity map at a scale approved by the Administrator showing property lines, thoroughfares, existing and proposed zoning and such other items as the Administrator may require.

G. A list of all property owners and their mailing addresses who are within three hundred feet (300') of the external boundaries of the land being considered.

H. A statement on how the proposed amendment relates to the Comprehensive Plan, availability of public facilities, and compatibility with the surrounding area. (Ord. 2015-02, 4-20-2015)

**10-19-4: REVIEW OF PROPOSED AMENDMENT; ACTION BY COMMISSION:**

A. Commission Review: The commission shall review proposed amendments in the following manner:

1. Proposed amendments, by application or by motion of the commission or Council, shall be submitted to the commission which shall evaluate the proposal to determine the nature and extent of the amendment, and whether or not it is in accordance with the Comprehensive Plan.

2. If the proposal is in accordance with the Comprehensive Plan, the commission may recommend and the Council may adopt or reject the amendment under the notice and hearing procedures as herein provided.

3. If the proposal is not in accordance with the Comprehensive Plan, the commission shall notify the applicant of this finding and inform the applicant that he or she must apply for an amendment to the Comprehensive Plan before this title may be amended in accordance with the provisions herein.

B. Public Hearing: The commission shall hold a public hearing and make recommendations on proposed amendments.

C. Text Or Map Amendments: Amendments may consist of text or map revisions.

1. Text Amendments: The commission, prior to recommending a text amendment to the Council shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and

place and a summary of the amendment shall be published in a newspaper of general circulation within Blaine County. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the Council.

2. Map Amendments: The commission, prior to recommending to the Council a map amendment that is in accordance with the Comprehensive Plan, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the amendment shall be published in the official newspaper. Additional notice shall be provided by mail to property owners and residents within the land being considered, within three hundred feet (300') of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change as determined by the commission. When notice is required to two hundred (200) or more property owners or residents, in lieu of the mail notification, three (3) notices in the official newspaper is sufficient; provided, that, the third notice appears ten (10) days prior to the public hearing. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the Council.

D. Recommendations: Within sixty (60) days from the receipt of the proposed amendment, the commission shall transmit its recommendations to the Board. The commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. The commission

shall ensure that any favorable recommendations for amendments are in accordance with the Comprehensive Plan and established goals and objectives.

E. Recordkeeping: The commission shall maintain verbatim records of all hearings, recommendations to the Council, and reasons for such recommendations. (Ord. 2015-02, 4-20-2015)

**10-19-5: ACTION BY COUNCIL:**

A. The Council, prior to adopting, revising, or rejecting the amendment as recommended by the commission, shall conduct at least one public hearing using notice and hearing procedures set forth in subsection 10-19-4C2 of this chapter. Following the Council's hearing, if the Council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Council adopts the amendment.

B. The Council shall accept the recommendation of the commission unless rejected by a vote of a majority of the members.

C. Upon adopting, revising, or rejecting a proposed amendment, the Council shall specify the reasons for its decision.

D. Upon approval of an amendment as recommended by the commission or as revised by the Council, the Council shall pass an ordinance making said amendment a part of this title. (Ord. 2015-02, 4-20-2015)

**10-19-6: RESUBMISSION OF APPLICATION:**

No application for a reclassification of any property which has been denied by the Council shall be resubmitted in either substantially the same premises or the same purposes within a period of one year from the date of such final action, unless there is an amendment in the Comprehensive Plan which resulted from a change in conditions as applying to the specific property under consideration. (Ord. 2015-02, 4-20-2015)

## CHAPTER 20 NONCONFORMITIES

### **10-20-1: PURPOSE:**

It shall be the policy of this title to allow the continuation of existing nonconforming uses and buildings, but not to encourage their survival or allow an increase in size or intensity of use.

(Ord. 2015-02, 4-20-2015)

### **10-20-2: CONTINUATION OF USE OR BUILDING:**

A nonconforming use or building may be continued except as elsewhere provided in this chapter.

(Ord. 2015-02, 4-20-2015)

### **10-20-3: CHANGE OF USE:**

A nonconforming use may be changed to a conforming use but may not be changed to another category of nonconforming use. (Ord. 2015-02, 4-20-2015)

### **10-20-4: EXPANSION OF USE OR BUILDING:**

A. Use: Nonconforming uses shall not be enlarged or extended after the effective date hereof. Criteria used to determine enlargement or expansion of use shall include, but are not limited to, square footage of building or use space, traffic generated, area of land covered, and number of dwelling units. A nonconforming use shall not be used as justification for adding other structures or uses prohibited in the same district.

B. Building: A nonconforming building may be enlarged so long as the enlargement does not increase the degree of nonconformity or create additional nonconformities with respect to such matters including, but not limited to, setbacks, parking requirements, and use. (Ord. 2015-02, 4-20-2015)

### **10-20-5: DISCONTINUANCE OF USE:**

If active and continuous operations are not carried on in a nonconforming use during a continuous period of six (6) months, the building or tract of land shall thereafter be used only for

a conforming use. The intent to resume active operation shall not be considered active and continuous operation, unless written intent of continuation, including a timetable therefor, is filed with the Council within the six (6) month period, and such timetable is reasonable and there is compliance therewith. (Ord. 2015-02, 4-20-2015)

**10-20-6: REPAIRS:**

- A. On any nonconforming structure, or portion of a structure containing a nonconforming use, ordinary repair work may be done, including repair or replacement of nonbearing walls, fixtures, wiring or plumbing; provided, that the repair does not increase the degree of nonconformity of the use or the building.
- B. Any structural alteration that would reduce the degree of nonconformity or change the use to a conforming use is permitted.
- C. Any structure containing a nonconforming use or any nonconforming building or portion thereof declared unsafe by the building inspector may be strengthened or restored to a safe condition. (Ord. 2015-02, 4-20-2015)

**10-20-7: RESTORATION OF USE OR BUILDING:**

A nonconforming building or a building containing a nonconforming use which has been damaged by natural causes may be restored to its original condition, provided such work is started within six (6) months of such damage. A nonconforming building or use that is moved or torn down by the owner cannot be replaced. (Ord. 2015-02, 4-20-2015)

**10-20-8: SINGLE NONCONFORMING LOTS OF RECORD:**

- A. In any district in which single-family dwellings are permitted, a single-family dwelling and accessory building may be erected on any single lot of record at the effective date hereof, or amendment hereto, except where such lots are located in identified hazardous areas and thereby limited. This provision shall apply even though such lot fails to meet the requirements for lot

area or width, or both, that are generally applicable in the district; provided, that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

B. A residential building on an undersized lot shall not be considered a nonconforming building, provided the building meets the bulk and setback requirements in that district. (Ord. 2015-02, 4-20-2015)

**10-20-9: EXISTING ILLEGAL USES AND BUILDINGS:**

All buildings and uses that existed prior to the effective date hereof and that were, at that time, in violation of the then existing State Statutes or City zoning regulations shall continue to be considered illegal uses. (Ord. 2015-02, 4-20-2015)

## **CHAPTER 21 OFF STREET PARKING AND LOADING**

**10-21-1: PARKING AND LOADING FACILITIES REQUIRED:**

Accessory parking and loading facilities shall be provided as required herein for every building and structure erected and every land use established after the effective date hereof. (Ord. 2015-02, 4-20-2015)

**10-21-2: GENERAL PARKING AND LOADING REQUIREMENTS:**

A. Design And Location Of Parking And Loading Areas:

1. Whenever a new parking or loading area is located in or adjacent to a residential area, it shall be effectively screened on all sides that adjoin or face any property used for residences by a wall, fence, or planting screen not less than four feet (4') in height. The space between such fence, wall, or planting screen and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition.

2. Parking spaces for commercial, industrial, or institutional uses shall be located not more than four hundred feet (400') from such use, provided such parking shall not be located in a residential zoning district.

3. Parking spaces for apartments, dormitories, or multi-family dwellings shall be located not more than three hundred feet (300') from such use.

B. Access: All spaces must have unobstructed access to and from streets or alleys by means of a driveway not less than ten feet (10') wide. The total length of curb cuts onto any one street shall be limited to twenty feet (20'), except there shall be no limitation for parking accessed from an alley. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private street.

C. Surface And Drainage: Off street parking and loading areas shall be surfaced with asphalt, concrete, compacted gravel, crushed rock, or other dustfree durable material. Drainage of surface water adequate to prevent flows of water onto adjacent properties or walkways shall be provided.

D. Increase In Intensity Of Use; Change Of Use: When the intensity of any use of any building, structure, or premises is increased through the addition of dwelling units, net floor area, seating capacity or other units of measurement as specified in this title, parking and loading facilities as required herein shall be provided for such increased intensity of use. If the building was erected prior to the effective date hereof, additional parking and loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use. No required off street parking space may be converted to any other use unless an equivalent amount of additional parking space is provided. (Ord. 2015-02, 4-20-2015)

10-21-3: ADDITIONAL PARKING REQUIREMENTS:

A. Parking Space Dimensions: The minimum parking dimensions are as follows:

Angle	Width	Length	Aisle Width
90°	9.0'	19'	24'
60°	9.0'	21'	16'
45°	9.0'	19.8'	15'
Parallel	8.0'	23'	14'

B. Lighting: Any lights used to illuminate a parking area shall be downcast and arranged such that adjoining property will not be affected, and shall be in conformance with all other lighting regulations.

C. Joint Use: When times of use for several buildings do not normally overlap, off street parking may be provided collectively and used jointly after obtaining approval from the Council. Such joint use shall be evidenced by a recorded agreement between the property owners and the City, which shall be approved by the City Attorney.

D. Curbside Parking Is Counted: All existing improved parking spaces along the public rights-of-way adjacent to a parcel of real property shall be counted toward the on site parking requirements of such parcel set forth in this title, provided such parking spaces are asphalt and have curbs, gutters, sidewalks and drainage facilities installed in accordance with the City street standards ordinance, and subsequent amendments thereto.

E. Credits For On Street Parking Improvements:

1. Nonresidential uses within the Business Zoning District and Limited Business/Residential Zoning District may improve City public street rights-of-way within said zoning districts within six hundred feet (600') of the real property on which the use is located and

may be credited with one on site parking space for each two (2) on street parking spaces created by that right-of-way improvement as provided in this subsection.

2. Any real property or business owner wishing to construct such on street parking improvements shall make written application to the Common Council. The application shall include construction drawings of the proposed improvements stamped by a civil engineer licensed in the State of Idaho. The application form shall be furnished by the City, and the applicant shall provide all other information as may be reasonably required by the City. The applicant shall also reimburse the City for all engineering costs incurred by the City in the review of the application prior to final consideration of the application by the City. The Council shall determine the location of new parking spaces to be created by such on street parking improvements. Such on street parking requirements shall include concrete curbs, gutters and sidewalks, asphalt paving, storm drainage, street trees and irrigation, parking lines, street lighting and any other improvements considered necessary or appropriate by the Council. The location of the construction of such on street parking improvements shall begin at street corners and thereafter be constructed in a continuous manner. If construction of such on street parking improvements begins at a corner, then the applicant shall improve the entire corner to the point where parking spaces may begin again. The Administrator shall give notice by United States mail to each property owner within three hundred feet (300') of the external boundaries of the land being considered for parking improvements of the date of the meeting at which the City Council shall consider the application.

3. All on street improvements for parking spaces shall be constructed in accordance with the City street standards ordinance and other applicable City standards.

4. No parking created within any public right-of-way shall be held or used for the exclusive parking of any business or property, but shall be open to the use by the general public subject to the police powers of the City and Idaho Transportation Department. (Ord. 2015-02, 4-20-2015)

**10-21-4: NUMBER OF PARKING SPACES:**

Every use shall provide at least the minimum number of parking spaces required for that use based on the formula listed in this section. Off street parking spaces, each containing at least one hundred eighty (180) square feet or as set forth in subsection 10-21-3A of this chapter shall be required in all districts for residential, commercial, industrial, and institutional uses, as follows. All areas counted as off street parking space shall be unobstructed and free of other uses and shall be located totally outside of any street or alley right-of-way. Parking requirements for a use not specifically mentioned shall be the same as for a use specified below which has similar traffic generating characteristics, as determined by the Planning and Zoning Administrator or Commission.

A. Residential Uses: The following are the off street parking requirements for residential uses in all zoning districts:

Type Of Use	Number Of Spaces Required
Boarding and rooming houses, ADUs, dormitories	1 space for each sleeping room or every 3 beds, whichever is greater
Duplexes and townhouse developments	2 spaces for each residential unit
Manufactured/mobile home parks	2 spaces for each mobile home
Single-family residences	2 spaces minimum with a maximum of 5 spaces

B. Business District Uses: The following are the off street parking requirements for the uses within the Business Zoning District:

Type Of Use	Number Of Spaces Required
Type Of Use	Number Of Spaces Required
For all uses not listed in this subsection	1 space for every 800 square feet of net floor area
Auditoriums, arenas, theaters	1 space for each 4 persons at the rated maximum occupancy of the building (per Fire Code)
Auto gas stations	1 space for each gas pump (spaces adjacent to gas pumps count), plus 1 space for each on shift employee
Auto rental	1 space for each vehicle to be rented
Auto service stations and repair garages	2 spaces for each service bay (excludes interior bay space), plus 1 space for each on shift employee and 1 space for every 600 square feet of net floor area; 1 exterior space in front of each service bay door may be counted
Automobile sales	1 space for each 5,000 square feet of lot area, plus 1 space for each vehicle displayed
Bowling alleys	3 spaces for each bowling lane, plus 1 space for each 250 square feet of restaurant and/or cocktail lounge floor area
Car washes	2 spaces for each bay or stall (interior bay spaces count), plus 1 space for each vacuum or drying machine
Cartage, express, and parcel delivery and trucking businesses	1 space for each 3 employees, plus 1 space for each vehicle maintained and 1 space for each 250 square feet of net floor area

Convenience stores	1 space for each 200 square feet of net floor area, plus 1 space for each employee on shift
Funeral parlors, mortuaries	1 space for each 200 square feet of net floor area
Hotels, motels, and tourist homes	1 space for each sleeping room, plus 1 space for each 2 employees on shift
Offices, administration buildings	1 space for each 300 square feet of net floor area
Outdoor areas for display of goods for sale, lease, or rental	1 space for each 1,000 square feet of land area used as such
Outdoor athletic fields, parks, or basketball or tennis courts	1 space for each 5,000 square feet of gross land area
Restaurants, taverns, bars, nightclubs	1 space for each 500 square feet of net floor space
Retail stores	1 space for each 500 square feet of net floor area
Tennis courts (indoor)	1 space for each tennis court, plus the spaces required for accessory uses

C. Institutional Uses: The following are the off street parking requirements for institutional uses in all zoning districts:

Type Of Use	Number Of Spaces Required
Type Of Use	Number Of Spaces Required

Cemeteries	1 space for each employee on shift
Churches	1 space for each 4 persons at the rated maximum occupancy of the building (per Fire Code)
Hospitals	1 space for each 2 beds, plus 1 space for each 2 employees on shift
Libraries	1 space for each 400 square feet of net floor area
Medical and dental clinics	1 space for each 200 square feet of net floor area
Nursing homes, homes for the aged	1 space for each 3 beds, plus 1 space for each 2 employees on shift
Post Office	1 space for each 100 post office boxes, plus 1 space for each 2 employees on shift

D. Schools: The following are the off street parking requirements for schools in all zoning districts:

Type Of Use	Number Of Spaces Required
Colleges and trade schools	1 space for each 3 students and 1 space for each teacher and each employee on shift
Elementary schools	1 space for each teacher and for each employee on shift or 1 space for every 2 persons rated capacity of assembly areas (per Fire Code), whichever is greater
High schools	1 space for each 5 students and 1 space for each teacher and for each employee on shift, or 1 space for each 2 persons rated capacity of all assembly areas (per Fire Code), whichever is greater
Junior high/middle	1 space for each teacher and for each employee on shift, or 1 space for

schools	every 2 persons rated capacity of assembly areas (per Fire Code), whichever is greater
Nursery schools, daycare centers	1 space for each 500 square feet of net floor area; minimum of 2 spaces per building

E. Light Industrial Uses: The following are the off street parking requirements for all types of manufacturing, storage, wholesale distribution and all other light industrial uses:

Type Of Use	Number Of Spaces Required
Type Of Use	Number Of Spaces Required
For all uses except those as set forth in this subsection	1 space for each 600 square feet of net gross floor area
Auto repair service	2 spaces per service bay, plus 1 space per employee, plus 1 space per every 600 square feet of net gross floor area; 1 exterior space in front of each service bay door may be counted; 1 interior space per service bay may be counted
Industrial laundry use and manufacturing/processing	1 space for each 600 square feet of net gross floor area
Landscape nurseries and lumberyards	1 space per every 250 square feet of net gross retail floor area, plus 1 space per each 2,500 square feet of net gross warehouse area or land area, plus 1 space per each company owned vehicle used for the subject business
Light industrial uses	1 space for each 600 square feet of net gross floor area
Offices	1 space for each 600 square feet of net gross floor area

Storage 1 space for each 750 square feet of net gross floor area

(Ord. 2015-02, 4-20-2015)

**10-21-5: ADDITIONAL LOADING REQUIREMENTS:**

- A. Adequate off street loading spaces for commercial, industrial and institutional uses shall be provided so that loading need not take place from public streets.
- B. Off street loading facilities such as a dock or platform shall not project into the public right-of-way setback area. They shall be conveniently accessible from streets or alleys.
- C. The required off street loading berths shall not be part of the same area used to satisfy the off street parking requirements.
- D. Only alleys located west and east of Main Street/Highway 75 in the Business, Light Industrial, Light Industrial/Mixed Business, and Limited Business/Residential Districts shall be allowed to be used as a required off street loading space/facility. (Ord. 2015-02, 4-20-2015)

## **CHAPTER 22 SIGNS, LIGHTING AND FENCES**

**10-22-1: PURPOSE; STATUTE AUTHORITY:**

It is the purpose of this chapter to establish standards for the fabrication, erection, and use of signs, lighting, and fences within the City. These standards are designed to protect and promote the public welfare, health, and safety of persons within the community; to protect property values; to promote traffic safety; to provide visibility and to aid in the development and promotion of business by providing regulations which encourage aesthetic creativity, effectiveness, flexibility in the design and use of such devices; and to promote energy conservation; and is adopted in accordance with the authority granted in Idaho Code sections 67-6518 and 67-6511 and all applicable laws. (Ord. 2015-02, 4-20-2015)

## ARTICLE A. SIGNS

### **10-22A-1: PURPOSE:**

The purpose of this article is to establish standards for the fabrication, erection, and use of signs, symbols, markings, and advertising devices within the City. These standards are enacted to:

- A. Protect the public health, safety, and welfare of persons within the community.
- B. Aid in the development and promotion of business and industry.
- C. Encourage aesthetic creativity, effectiveness and flexibility in the design of such devices without creating a detriment to the general public.
- D. Reduce hazardous situations, confusion and visual clutter caused by proliferation, improper placement or illumination, and/or bulk of signs which compete for the attention of pedestrian and vehicular traffic. (2018 Code)

### **10-22A-2: DEFINITIONS:**

When used in this article, the following words and phrases shall have the meanings ascribed to them in this section:

#### ***ABANDONED SIGN:***

A sign which no longer advertises a bona fide business, owner, lessor, product or activity conducted.

#### ***ANIMATED SIGN:***

Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

#### ***ARCHITECTURAL BLADE:***

A roof sign or projecting sign with no visible legs or braces, designed to look as though it could have been part of the building structure rather than something suspended from or standing on the building.

***AREA OF SIGN:***

The area of the face of the sign per side which forms the integral part of the display including letters and art, but excluding the necessary supports, background or uprights on which the signage area may be placed.

***ART:***

Any form that is used to depict form or beauty that is not part of the commercial message of the sign such as scenery.

***AWNING:***

A shelter supported entirely by the exterior wall of the building or structure it is attached to.

***BANNER OR PENNANT:***

A temporarily placed piece of cloth, plastic, paper, or other such material varying in size, shape, or design, erected as an advertising device.

***BUILDING COMPLEX:***

A building or group of buildings within a single architectural plan (like the NAPA building), housing two (2) or more commercial units separated by fire walls, and having their own outside entrance, or entrance from a common lobby like a mall, such as shopping centers, professional office buildings, etc. The building owner may elect to designate a building a complex.

***BUILDING FACE OR WALL:***

All wall area, including windows and doors, of a building in one plane or elevation.

***BUILDING FRONTRAGE:***

The linear width of a principal building fronting the street address right-of-way.

***CANOPY, AWNING OR MARQUEE SIGN:***

Any such sign attached to or constructed in or on a canopy, awning or marquee.

**CANOPY, STRUCTURAL:**

Any cover or structure that uses a permanent roof structure to provide protection from weather supported by upright support columns or the principal building itself.

**CHANGEABLE COPY SIGN, AUTOMATIC:**

An electronically or electrically controlled time, temperature and date sign, message center or reader board where different copy changes are shown on the same sign structure or location.

**CHANGEABLE COPY SIGN, MANUAL:**

A sign on which copy or sign panels may be changed manually, such as boards with changeable letters or changeable pictorial boards.

**CITY:**

The City of Bellevue, Idaho.

**COMMUNITY OR CIVIC EVENT:**

A public event which is of interest to the community as a whole. This does not include any commercial product, goods or services.

**CONSTRUCTION SIGN:**

A temporary sign identifying a building or construction site and the architects, engineers, financial institutions, contractors, and suppliers involved.

**COPY:**

The wording on a sign surface.

**DESIGN REVIEW COMMISSION:**

This commission shall be the Planning and Zoning Commission.

**FENCE:**

A barrier, railing, hedge, wall, lattice work, screen, or other upright structure, typically of wood or wire, enclosing an area of ground to make a boundary.

***FLASHING SIGN:***

Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source.

***FREESTANDING SIGN:***

Any sign separate from a building, being supported by itself or on legs. A sign structure constructed of multiple upright supports, or a monument style. ~~No single pole structures shall be allowed. All pole signs, excluding antiqued ornamental iron (like Southern Belle) or decorative logs, a minimum of fourteen inches (14") in diameter shall be designed and cased as a monument style sign structure.~~

Removed from definition to applicable standards.

***HEIGHT OF SIGN:***

The vertical distance measured from the adjacent street grade or upper surface of the street curb to the highest point of said sign.

***INTERNAL LIGHTED SIGN:***

A sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.

***MARQUEE SIGN:***

Any permanent rooflike structure projecting beyond a building. This is generally designed to provide protection from the weather and usually has changeable copy letters on it (i.e., a theater marquee).

***MURAL:***

A picture or scene painted directly on a wall for aesthetic purposes.

***NEON SIGN:***

Any sign or portion of a building illuminated or outlined by tubes using electrically stimulated neon or other gas.

***NONCONFORMING SIGN:***

Any advertising structure or sign which was erected and maintained prior to the effective date hereof, and any amendments hereto, and which fails to conform to all applicable regulations and restrictions of this article.

***PERMANENT SIGN:***

Any sign other than a temporary sign.

***PORTABLE SIGN:***

Any sign not permanently attached to the ground or building, and designed to be easily relocated; also referred to as a "sandwich board sign".

***PREMISES:***

An area of land with its appurtenances and building(s) which, because of its unity, is one unit of real property.

***PRINCIPAL BUILDING:***

The building in which the primary use for the property is conducted.

- A. In a single use, one business per building.
- B. In a complex, multiple units located in a single building located under one roof/architectural plan from which each business conducts its primary business, having its own entrance from outside or from a common lobby or common corridor like a mall.

***PROJECTING SIGN:***

A sign, other than a wall sign, which is attached to and projects from a structure or building face (~~like Oak Street Deli~~).

Examples should be used (and updated) in separate guidance documents, not legal definitions and standards.

***ROOF SIGN:***

Any sign erected upon, against, or directly above the primary roofline of a building.

***SIGN:***

A. Every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interest of any person, entity, product, or service. This definition shall also include the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of others.

B. Any structure or natural object or part thereof, or device attached thereto, or painted or represented thereon, which shall be used to attract attention to any product, place, activity, person, institution, organization, or business; or which displays or includes any letter, word, model, banner, flag, insignia, device or representation used as, or which is in the nature of, an announcement, direction or advertisement.

***TEMPORARY BUSINESS SIGN:***

A temporary business name sign that may be displayed until a permanent business sign is acquired. ~~A permit shall be acquired for such sign, and the display period shall not exceed thirty (30) days.~~

Already in applicable standards

***TEMPORARY SIGN:***

~~A sign which is not permanently affixed and has a limited display period, after which it is removed.~~

Redundant with above definition.

**TOTAL SIGNAGE:**

The sum of all areas encompassing letters, symbols and associated art, excluding background and supports.

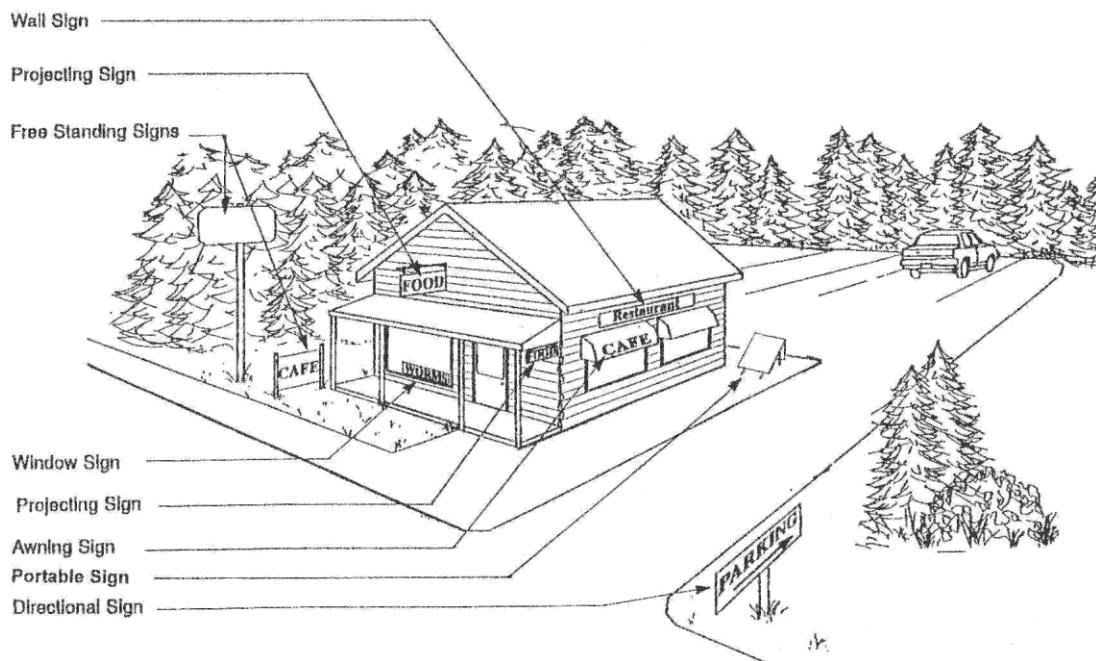
**WALL SIGN:**

A sign painted on any surface area of a building, including windows and doors attached to or erected against a wall, window or door of a building with the face parallel to the building wall.

**WINDOW SIGN:**

Any sign installed within a building for the purpose of viewing from the outside.

Improved for clarity.

**SIGN DEFINITIONS**

(Ord. 2015-02, 4-20-2015; amd. 2018 Code; Ord. 2021-06, 4-26-2021)

**10-22A-3: PERMIT REQUIREMENTS:**

- A. Permit Required: It is unlawful to erect, construct, reconstruct, alter, paint, or change the use of any sign, as defined in this article, without first obtaining a sign permit from the Planning and Zoning Administrator.
- B. Application For Permit: All applications for sign permits shall be accompanied by site plans drawn to scale which show the following specifications: dimensions, lighting, colors, clearances, location, and setbacks to property lines.
- C. Denial Of Permit: The City Planning and Zoning Administrator and/or the Planning and Zoning Commission shall have the authority to deny a sign permit application for any sign that does not comply with the requirements of this article. (Ord. 2015-02, 4-20-2015)

**10-22A-4: RESTRICTIONS; PROHIBITED SIGNS:**

- A. It shall be unlawful for any person to erect, construct, alter, maintain, or use any sign except as provided in this chapter.
- B. No sign shall be placed in or over any public right-of-way without receiving an approved encroachment permit from the applicable jurisdiction, ITD or the City, except for public signs such as traffic control and directional signs.
- C. No sign in any zone shall be erected in such a manner as to obstruct the free and clear vision of vehicular traffic and pedestrians, or at any location where, by reason of similarity of position, shape, color, words or symbols, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- D. The following signs are prohibited or have specified restrictions in any zone:
  1. Flashing, revolving, moving intermittent, or oscillating signs, parts, attachments or lights.
  2. Roof signs.

3. Outdoor signs featuring visible neon tubes. ~~Neon signs on outsides of buildings unless neon tubes are used for indirect illumination of lettering, not themselves visible (like Valley Car Wash-Hailey).~~

Improved for clarity.

4. ~~Clocks shall be exempt.~~

Moved to Exempt Signs section.

5. Signs which advertise the sale of a product or business not located within the City.

6. Signs using "day-glo", fluorescent, or brilliant luminescent colored ~~or neon lit~~ backgrounds.

Removed conflict with #3.

7. Any sign covering or obscuring windows, doors, storefronts, building entrances, or other architectural elements.

8. Animated signs or part of a sign that changes physical position.

8.9. Single-pole freestanding signs.

Moved from definitions.

E.—No banners or temporary signs may be used as permanent signs. After they have exceeded their allowed use time, they shall be taken down.

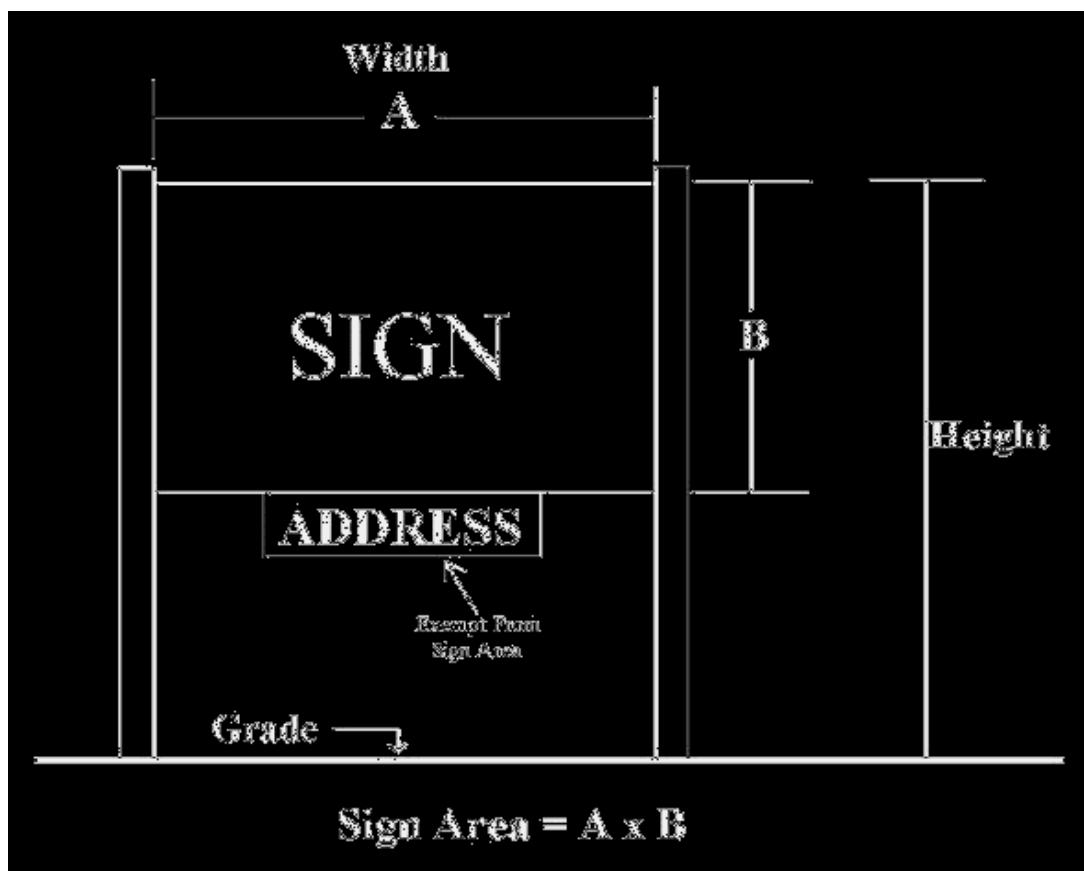
**10-22A-5: HOME OCCUPATION SIGNS PERMITTED IN ALL DISTRICTS:**

One professional or home occupation sign not to exceed two (2) square feet of signage area may be erected in any district. (Ord. 2015-02, 4-20-2015)

**10-22A-6: PERMITTED SIGNS FOR USES CONDUCTED ON SAME PREMISES (ON SITE) IN BUSINESS, LIGHT INDUSTRIAL/MIXED BUSINESS, LIGHT INDUSTRIAL AND LIMITED BUSINESS/RESIDENTIAL DISTRICTS:**

A. Sign Area:

1. Except as otherwise provided herein, the maximum allowable individual building signage area in the Business, Limited Business/Residential, Light Industrial, and Light Industrial/Mixed Business Districts shall not exceed two (2.0) square feet of sign area per linear foot of building frontage up to a maximum of one hundred fifty (150) square feet per building. If the business is located at the intersection of two (2) streets, a second sign may be located on the nonaddress side, not to exceed ten (10) square feet. (Ord. 2015-02, 4-20-2015)



(2018 Code)

2. Internally lighted signs shall not exceed a total of seventy five (75) square feet of sign area per building.

3. Total combined signage area for multiple detached buildings on single parcels shall not exceed two hundred (200) square feet of allowable signage area, including, but not limited to, wall, freestanding, portable and projecting.
4. A square footage bonus will be added to the total square footage allowed for each wall sign made of wooden materials or antiqued pre-aged metals in the Business, Limited Business/Residential, Light Industrial/Mixed Business and Light Industrial Districts. The bonus shall be equal to ten percent (10%) of the total square footage of each such approved sign.

B. Number Of Signs: The maximum number of signs for a building complex including, but not limited to, portable A-frame sidewalk signs, in the Business, Limited Business/Residential, Light Industrial/Mixed Business and Light Industrial Districts shall be as follows: One freestanding sign not to exceed sixty (60) square feet per side for the complex, and one wall sign for each business not to exceed thirty (30) square feet each, and they shall have a common design.

C. Ranch Or Farm Identification Signs: Ranch or farm identification signs incorporated into the entry gate shall not exceed thirty (30) square feet per side.

D. Temporary Business Signs: Temporary business signs shall be permitted after approval of the application is given by the Planning and Zoning Administrator.

E. Inside Window Neon Signs: Inside window neon signs are permitted. The total of all such signs shall not exceed four (4) square feet.

F. Art: Any art that is an integral part of the lettering shall be considered as part of the sign.

G. Illuminated Signs:

1. A sign lit by an external light source shall specifically illuminate the signage area.

2. Signs using backlighting or internal lighting shall only illuminate the signage area (letters-art). All other areas, including background, shall be designed, treated and colored in a manner which makes those areas appear opaque.

H. ~~Neon Nonflashing, Nonchasing Signs: A maximum of one neon nonflashing, nonchasing sign shall be allowed per building, regardless of whether a sign permit is required, with a signage area not to exceed 1.5 square feet. All pole signs, unless constructed utilizing antiqued ornamental iron or decorative logs, shall have a pole diameter of fourteen inches (14") or greater, and shall be designed and cased to appear as a monument sign.~~

Redundant with (E). Pole sign standards moved from definitions.

**10-22A-7: OFF SITE SIGNS IN ALL DISTRICTS:**

A. Off site, nonilluminated signs for identification of commercial, tourist, recreational, or cultural use shall be permitted, provided the use's location is off Main Street. Off site signs shall be limited to one with a maximum sign area of ten (10) square feet per side.

B. Any property owner leasing, renting, loaning, or donating space for an off site sign to a commercial, tourist, recreational, or cultural use shall forfeit that same amount of sign area for the property owner's own use.

C. Off site signs on vacant lots are prohibited except for a directional sign to a business in the City limits which has a current, valid business license. One sign is allowed per lot, with the size not to exceed ten (10) square feet per side. (Ord. 2015-02, 4-20-2015)

**10-22A-8: EXEMPT SIGNS:**

The following signs are exempt from provisions of this chapter:

A. All signs erected in a public right-of-way by a public agency controlling or directing traffic.

B. Political signs pertaining to a specific election displayed within any district, provided they shall be removed within five (5) days after the election.

C. Real estate signs:

1. One unlighted real estate sign in any zone not to exceed four (4) square feet of sign area per side, provided it is located on the premises and shall not occupy any portion of the public right-of-way.
2. One unlighted real estate sign advertising two (2) or more lots for sale not to exceed twenty (20) square feet in area per side, provided it is located on the premises and shall be removed upon the sale of the last lot.
3. One unlighted real estate sign advertising the sale or lease of a farm or ranch ten (10) square feet per side, provided it is located on the premises.

D. One unlighted construction sign announcing the construction of a building or project, with sign area not to exceed twenty (20) square feet per side, provided the sign shall be removed upon occupancy of the building or sale of the land for which the sign was intended. Signs shall not be erected until a building permit is approved.

E. Flags, either official or historical, of any state or nation. The pole height shall not exceed ten feet (10') above the real roofline, and the flag shall not exceed forty (40) square feet.

F. One owner identification or occupant identification sign, and one for rent, warning or trespass sign in the Residential Zone which shall not exceed two (2) square feet per side.

G. Warning signs in commercial and light industrial zones, such as "no parking", and directional signs, such as "entrance", not to exceed two (2) square feet per side.

H. Temporary signs including, but not limited to, portable A-frame sidewalk signs, banners or pennants announcing daily or promotional information for special sales for businesses for profit. Temporary signs shall be removed immediately at the conclusion of the event and may be displayed on the outside of the primary business building or in the on site window area or

off site in the ITD or City right-of-way/sidewalk area, provided an encroachment permit has been approved for placement of signage in the right-of-way. Temporary business signage depicting the name of the business may be permitted for a period not to exceed thirty (30) days unless approved by the Administrator for a longer period, provided permanent signage order documents are provided where installation has not been done due to signage components not available to be installed. Temporary signage shall not exceed twenty (20) square feet at any one time.

- I. Temporary signs, banners, or pennants announcing community events and conventions, which shall be removed immediately at the conclusion of the event. (Ord. 2015-02, 4-20-2015)
- J. Murals. (Ord. 2015-02, 4-20-2015; amd. 2018 Code)
- K. Signs for charitable, service and other nonprofit organizations. Signs shall not be more than four (4) square feet per side.
- L. The Veteran's Memorial sign and the Coca Cola sign on the Odd Fellows building on Main Street, which are hereby declared historical landmarks, and any such other signs so declared by resolution of the Council to be such landmarks.

M. All City signage.

M.N. Clocks

**10-22A-9: NONCONFORMING OR DAMAGED OR DETERIORATING SIGNS:**

- A. Lawful nonconforming signs shall not be replaced with nonconforming signs.
- B. Deteriorating or damaged signs shall be repaired or improved within thirty (30) days of notification. (Ord. 2015-02, 4-20-2015)

**10-22A-10: DESIGN AND CONSTRUCTION STANDARDS:**

A. No freestanding, projecting, or wall sign shall be designed, constructed, or erected which extends above the primary roofline of the building containing the business it advertises. In any case, no sign shall exceed fifteen feet (15') from ground level to the signage area top unless it is a wall sign. These signs may be mounted up to the real roofline or parapet wall of the building.

B. No projecting or freestanding sign, canopy, or marquee shall extend from a private property boundary over a public right-of-way more than four feet (4') beyond the private property line. All projecting signs shall be set back a minimum of eighteen inches (18") from the street curbing. Prior to extending any sign beyond a property line, the applicant shall obtain and provide an approved encroachment permit from applicable jurisdictions including, but not limited to, ITD and the City. The bottom of any projecting sign may not be lower than twelve feet (12') above any public right-of-way. ITD may approve a canopy or marquee projecting sign with a minimum distance from the bottom of the sign to the ground of eight feet (8'). No sign shall extend above a vehicle passageway.

C. No lettering on any sign, including cutout letter signs, shall exceed twenty four inches (24") in height, except the lettering on a sign located one hundred fifty feet (150') or more from the public street or highway to which it faces and shall not exceed thirty six inches (36") in height.

D. All supports for all signs or sign structures shall be placed in and upon private property unless approved by the applicable owner and the Planning and Zoning Administrator. (Ord. 2015-02, 4-20-2015)

**10-22A-11: MAINTENANCE AND REPAIR:**

Every sign shall be maintained in a safe, presentable and good structural condition at all times, including the repair or replacement of defective parts, painting, cleaning, and other acts required

for maintenance. If the sign is not made to comply with adequate safety and maintenance standards, the Planning Administrator and/or the building inspector shall require its removal in accordance with section 10-22A-12 of this article. (Ord. 2015-02, 4-20-2015)

**10-22A-12: REMOVAL AND DISPOSITION OF CERTAIN SIGNS:**

A. Abandoned Signs: Any sign that is located on property that is vacant and unoccupied for a period of six (6) months or more; pertains to a time, event, or purpose which no longer applies; or advertises products, services, or facilities which have not been available to the public for a period of six (6) months shall be deemed abandoned. Permanent signs applicable to a business temporarily suspended because of a change in ownership, management or seasonal closure shall not be deemed abandoned unless the property remains vacant six (6) months or more. Abandoned signs shall be removed by the owner of the premises. Signage depicting incorrect information such as the name of business, hours of operation, phone numbers and addresses shall be removed immediately.

B. Dangerous Or Defective Signs: No person shall maintain or permit to be maintained on any property owned by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the premises or the owner of the sign. Upon failure of the owner to remove or repair a dangerous or defective sign, the building inspector and/or the Planning and Zoning Administrator shall proceed as described in subsection C of this section.

C. Removal Of Signs: The Planning and Zoning Administrator or building inspector shall cause to be removed any sign that endangers the public safety, such as signs that are abandoned or dangerous structurally, materially, or electrically. The building inspector and/or the Planning and Zoning Administrator shall send a notice by certified mail to the owner of the property on which the sign is located specifying the violation involved. If the sign is not removed or the

violation not corrected within thirty (30) days from the date of the mailing, the sign shall be removed in accordance with the provisions of this section. If any such person is unknown or cannot be found, notice shall be mailed to the last known address and posted on the sign or premises.

D. Appeals: The determination of the Planning and Zoning Administrator or building inspector ordering removal or compliance may be appealed by filing written notice with the Planning and Zoning Commission within ten (10) days after receipt of notice.

E. Immediate Removal Of Dangerous Signs: In cases of imminent danger to public safety, the Planning Administrator and/or building inspector may cause immediate removal of a dangerous sign without notice.

F. Disposal Of Signs; Costs: Any sign removed by an agent of the City pursuant to the provisions of this section shall become the property of the City and may be disposed of in any manner deemed appropriate. The cost of removal shall be considered a debt owed to the City by the sign owner or property owner, and may be recovered in court action or result in a lien against the property. (Ord. 2015-02, 4-20-2015)

**10-22A-13: COLORS AND MATERIALS FOR SIGNS IN THE HISTORICAL OVERLAY DISTRICT:**

In the Historical Overlay Zone, per the Bellevue Comprehensive Plan, signage should be encouraged to utilize the use of natural colors and indigenous materials such as wood, rock, logs, pre- antiqued iron metals and brick. (Ord. 2015-02, 4-20-2015)

## **ARTICLE B. LIGHTING**

**10-22B-1: TITLE AND PURPOSE:**

This article shall be known and may be cited as the BELLEVUE OUTDOOR LIGHTING ORDINANCE. The purpose of this article is to protect and promote the public health, safety and welfare, the quality of life, and the ability to view the night sky, by establishing regulations and a

process for review of exterior lighting. This article establishes standards for exterior lighting in order to accomplish the following:

- A. To provide safe roadways for motorists, cyclists and pedestrians, and ensure that sufficient lighting can be provided where needed to promote safety and security;
- B. To protect against direct glare and excessive lighting;
- C. To protect the nighttime use and enjoyment of property and curtail the degradation of the nighttime visual environment, and thereby help preserve the quality of life in the City;
- D. To prevent light trespass in all areas of the City;
- E. To promote energy efficient and cost effective lighting in all areas of the City;
- F. To allow for flexibility in the style of lighting fixtures;
- G. To define practical and effective measures by which the obtrusive aspects of outdoor light usage can be minimized, and provide lighting practices that direct appropriate amounts of light where and when it is needed; and
- H. To provide assistance to property owners with this article. (Ord. 2015-02, 4-20-2015)

#### **10-22B-2: DEFINITIONS:**

Unless specifically defined in this section, words or phrases used in this article shall be interpreted so as to give them the meanings they have in common usage and to give this article its most reasonable application. When used in this article, the following words and terms shall have the meanings ascribed to them in this section:

#### ***AREA LIGHT:***

A luminaire equipped with a lamp that produces over one thousand eight hundred (1,800) lumens. Area lights include, but are not limited to, streetlights, parking lot lights and yard lights. (See section 10-22B-9, table 1 of this article for light output of various lamps.)

***AVERAGE HORIZONTAL FOOT-CANDLE:***

The average level of illuminance for a given situation (with snow cover if that is to be expected in the given situation), measured at ground level, with the light meter placed parallel to the ground.

***BUILDING INSPECTOR:***

The City of Bellevue building inspector.

***CITY:***

The City of Bellevue, Idaho.

***EIGHTY FIVE DEGREE CUTOFF TYPE OF LUMINAIRES:***

Luminaires that do not allow light to escape above an eighty five degree ( $85^\circ$ ) angle, measured from a vertical line from the center of the lamp extended to the ground (see section 10-22B-9, figure 2 of this article).

***EXTERIOR LIGHTING:***

Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Luminaires that are indoors that are intended to light something outside are considered exterior lighting for the purpose of this article.

***FLOODLIGHT:***

A lamp that produces up to one thousand eight hundred (1,800) lumens and is designed to flood a well defined area with light. (See section 10-22B-9, table 1 of this article for light output of various lamps.)

***FOOT-CANDLE (FC):***

The American unit used to measure the total amount of light cast on a surface (illuminance). One foot-candle is equivalent to the illuminance produced by a source of one candle at a distance of one foot (1'). For example, the full moon produces 0.01 foot-candle (foot-candles are measured

with a light meter). One foot-candle is approximately equal to ten (10) lux, the British unit used to measure illuminance.

***FULL CUTOFF LUMINAIRES:***

A luminaire designed and installed where no light is emitted at or above a horizontal plane running through the lowest point on the luminaire. (See section 10-22B-9, figure 1 of this article.)

***FULLY SHIELDED:***

The luminaire incorporates a solid barrier (the shield), which permits no light to escape through the barrier. (See section 10-22B-9, figure 4 of this article.)

***GLARE:***

Stray, unshielded light striking the eye that may result in:

- A. Nuisance or annoyance glare such as light shining into a window;
- B. Discomfort glare such as bright light causing a squinting of the eyes;
- C. Disabling glare such as bright light reducing the ability of the eyes to see into shadows; or
- D. Reduction of visual performance.

***HOLIDAY LIGHTING:***

Strings of individual lamps where the output per lamp is not greater than fifteen (15) lumens.

***IESNA:***

Illuminating Engineering Society of North America (IES or IESNA). The professional society of lighting engineers.

***IESNA RECOMMENDED PRACTICES:***

The current publications of the IESNA setting forth illuminance levels.

***ILLUMINANCE:***

The amount of light falling on any point of a surface measured in foot-candles or lux.

**LAMP:**

A. The generic term for an artificial light source, to be distinguished from the whole assembly (see definition of luminaire). Commonly referred to as "bulb".

B. The form of radiant energy acting on the retina of the eye to make sight possible.

**LIGHT POLLUTION:**

Any adverse effect of manmade light including, but not limited to, discomfort to the eye or diminished vision due to glare, light trespass, uplighting, the uncomfortable distraction of the eye, or any manmade light that diminishes the ability to view the night sky.

**LIGHT TRESPASS:**

Light falling on the property of another or the public right-of-way when it is not required to do so.

**LIGHTING:**

Any or all parts of a luminaire that function to produce light.

**LIGHTING ADMINISTRATOR:**

The Bellevue Planning and Zoning Administrator-Development Service Director who shall administer, interpret, and enforce this article and make recommendations hereunder.

**LUMEN:**

The unit used to quantify the amount of light energy produced by a lamp at the lamp. Lumen output of most lamps is listed on the packaging. For example, a sixty (60) watt incandescent lamp produces nine hundred fifty (950) lumens while a fifty five (55) watt low pressure sodium lamp produces eight thousand (8,000) lumens.

**LUMINAIRE:**

A complete lighting unit, consisting of a lamp or lamps, together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power. When used, the term includes ballasts and photocells. Commonly referred to as "fixture".

***MAINTAINED ILLUMINANCE:***

The condition that occurs after two hundred (200) hours of lamp use prior to a point where luminaire cleaning is necessary. Measurements are taken at ground level with the sensor parallel to the ground for horizontal illuminance and measured at five feet (5') above the ground with the sensor perpendicular to the ground for vertical illuminance.

***NONESSENTIAL LIGHTING:***

Lighting that is not necessary for an intended purpose after the purpose has been served. The term does not include any lighting used for safety and/or public circulation purposes.

***OPAQUE:***

The effect of a part or parts of a luminaire that provide(s) a barrier above and, in some cases, around, the lamp, that does not allow any light to pass through.

***PARTIALLY SHIELDED:***

The luminaire incorporates a translucent barrier, the "partial shield" around the lamp, that allows some light to pass through the barrier while concealing the lamp from the viewer. (See section 10-22B-9, figure 3 of this article.)

***PLANNING AND ZONING ADMINISTRATOR-DEVELOPMENT SERVICE DIRECTOR:***

The City of Bellevue Planning and Zoning Administrator.

***SKYGLOW:***

The overhead glow from light emitted sideways and upwards. Skyglow is caused by the reflection and scattering of light by dust, water vapor and other particles suspended in the atmosphere. Skyglow reduces one's ability to view the night sky.

***TEMPORARY LIGHTING:***

Lighting that is intended to be used for a special event for seven (7) days or less.

***TRANSLUCENT:***

The effect of a part or parts of a luminaire that provide(s) a barrier around the lamp that allows some light to pass through the barrier in a diffused manner such that the lamp cannot be clearly distinguished. (See section 10-22B-9, figure 3 of this article.)

***UNSHIELDED:***

The luminaire only incorporates clear glass, which permits all light to escape. (See section 10-22B-9, figure 5 of this article.)

***UPLIGHTING:***

Fully shielded lighting that is directed in such a manner as to shine light rays above the horizontal plane.

***WALL WASH:***

The reflectivity of artificial lighting from the exterior surface of a building or structure. (Ord. 2015-02, 4-20-2015)

***10-22B-3: GENERAL STANDARDS:***

- A. All exterior lighting, excluding street lighting and lighting associated with law enforcement facilities and emergency response facilities, shall be designed, located and lamped in order to prevent or minimize:
  1. Overlighting.
  2. Energy waste.
  3. Glare.
  4. Light trespass.
  5. Skyglow.
  6. Public nuisance.

B. All nonessential exterior commercial, recreational, and residential lighting shall be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes. Residential exterior lighting shall not create a public nuisance by light trespassing.

C. Canopy lights, such as service station lighting or covered entries, shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent properties.

D. Area lights, excluding public street lighting shall be a minimum of eighty five degree (85°) full cutoff type luminaires.

E. Idaho Power shall not install any luminaires after the effective date hereof that lights the public right-of-way without first receiving approval for any such application by the Lighting Administrator. (Ord. 2015-02, 4-20-2015)

**10-22B-4: TYPES OF LUMINAIRES:**

No unshielded or clear glass luminaires shall be allowed. All exterior lighting shall use full cutoff luminaires with the light source downcast and fully shielded, with the following exceptions:

A. Luminaires that have a maximum output of one thousand (1,000) lumens per fixture, regardless of number of lamps (equal to one 60-watt incandescent lamp) may be partially shielded, provided the lamp is not visible and the luminaire has an opaque top or is under a solid overhang. (See section 10-22B-9, figure 3 of this article.)

B. Floodlights with external shielding shall be angled; provided, that no light is directly above a thirty degree (30°) angle measured from the vertical line from the center of the light extended to the ground, and only if the luminaire does not cause glare or light to shine on adjacent property or public rights-of-way (see section 10-22B-9, figure 6 of this article). Photocells with

timers that allow a floodlight to go on at dusk and off by eleven o'clock (11:00) P.M. are encouraged.

C. Residential holiday lighting is allowed from November 1 to March 15. Flashing holiday lights on residential properties are discouraged. Holiday lights shall be turned off by eleven o'clock (11:00) P.M.

D. Commercial holiday lighting is allowed from November 1 to March 15. Commercial holiday lights shall be turned off by eleven o'clock (11:00) P.M. or the close of business, whichever is later.

E. Sensor activated luminaires, provided:

1. They are located in such a manner as to prevent glare and lighting onto properties of others or into a public right-of-way.
2. The luminaire is set to only go on when activated and to go off within five (5) minutes after activation has ceased.
3. The luminaire shall not be triggered by activity off the subject property.

F. All temporary emergency lighting needed by the Fire and Police Departments or other emergency services.

G. Uplighting for flags, provided the flag is a United States of America or State of Idaho official flag and the maximum lumen output is one thousand three hundred (1,300) lumens. Flags may be taken down at sunset to avoid the need for lighting. (Ord. 2015-02, 4-20-2015)

H. Uplighting for landscaping is prohibited. (Ord. 2015-02, 4-20-2015; amd. 2018 Code)

I. Lighting of radio, communication and navigation towers, provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this article.

J. Exterior neon lights are prohibited pursuant to this chapter unless they meet the provisions as set forth in subsection 10-22A-4D3 of this chapter. (Ord. 2015-02, 4-20-2015)

**10-22B-5: PLACEMENT AND HEIGHT OF LUMINAIRES:**

A. Parking area luminaires shall be no taller than seventeen feet (17') from the ground to their tallest point. Parking area lights are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level.

B. Freestanding luminaires on private property in residential zones shall be mounted at a height no greater than twelve feet (12') from ground level to the top of the luminaire.

C. Streetlights used on arterial roads may exceed twenty feet (20') in height, with the approval recommendation by the Common Council, and only with a finding that exceeding twenty feet (20') is necessary to protect the safety of the residents of the City.

D. Luminaires used for playing fields shall be exempt from the height restriction, provided all other provisions of this section are met, and the light is used only while the field is in use. (Ord. 2015-02, 4-20-2015)

**10-22B-6: ILLUMINANCE LEVELS AND TYPES OF LAMPS:**

A. Illuminance levels for parking lots, sidewalks, and other walkways affected by side mounted building lights and freestanding sidewalk lights (non-streetlights) shall not exceed illuminance levels listed in the most current IESNA Recommended Practices. The City recognizes that not every such area will require lighting.

B. Parking lot and parking structure lighting shall not exceed an overall average illumination of 1.5 foot-candles.

C. The use of flood lighting for exterior wall washing is prohibited for residences, condominiums and apartments; the use of recessed eave lighting to achieve wall washing is permitted. Suggested maximum average limits for wall washing are:

1. Dark colored exterior surfaces: 1.0 foot-candle.
2. Light colored exterior surfaces: 0.5 foot-candle.

Illuminance measurements of indirect light creating wall wash shall be measured with an illuminance meter four feet (4') from ground level, with the meter held horizontally and touching the wall surface.

D. Streetlights shall be high pressure sodium, low pressure sodium or metal halide, unless otherwise determined that another type is more efficient. Streetlights along residential streets shall be limited to a seventy (70) watt high pressure sodium (hps) light with a lumen output of six thousand four hundred (6,400). Streetlights along nonresidential streets or at intersections shall be limited to one hundred (100) watts hps, with a lumen output of nine thousand five hundred (9,500); except, that lights at major intersections on State highways shall be limited to two hundred fifty (250) watts hps. If a light type other than high pressure sodium is permitted, then the equivalent output shall be the limit for the other light type (see section 10-22B-9, table 1 of this article).

E. All existing and/or new exterior lighting, excluding street lighting and lighting associated with law enforcement facilities and emergency response facilities, shall not cause light trespass and shall protect adjacent properties from glare and excessive lighting. (Ord. 2015-02, 4-20-2015)

**10-22B-7: PROCEDURES:**

A. All applications for design review, conditional use permits, subdivision approvals, applicable sign permits, or building permits shall include lighting plans showing location, type, height, lumen output, and illuminance levels in order to verify that lighting conforms to the provisions of this article. The Lighting Administrator may waive the requirement for illuminance level information only if the Lighting Administrator finds that the illuminance levels conform to

this article. For all other exterior lights which must conform to the requirements of this article, an application shall be made to the Lighting Administrator showing location, type, height, lumen output and illuminance levels.

B. The Lighting Administrator shall review any new exterior lighting or any existing exterior lighting on subject property that is part of an application for design review, conditional use permit, subdivision approval, applicable sign permits or building permit to determine whether the exterior lighting complies with the standards of this article.

C. The Lighting Administrator shall convey in writing a recommendation whether the exterior lighting complies with the standards of this article to the Building Official, the City Planning and Zoning Commission, or the Mayor and Common Council of the City, as the case may be, before any review or hearing on a building permit, design review, conditional use permit, subdivision application, or applicable sign permit.

D. For all other exterior lighting which must conform to the requirements of this article, the Lighting Administrator shall issue a decision whether the exterior lighting complies with the standards of this article. All such decisions may be appealed pursuant to subsection 10-3-3A of this title, as amended, to the City Planning and Zoning Commission within thirty (30) days of the decision. (Ord. 2015-02, 4-20-2015)

#### **10-22B-8: VIOLATIONS:**

If the Lighting Administrator finds that any provision of this article is being violated, the Lighting Administrator shall give notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that the violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice. The Planning and Zoning Administrator shall be available to assist in working with the violator to correct said violation. If the violation is not abated within the thirty

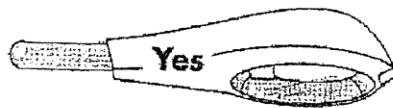
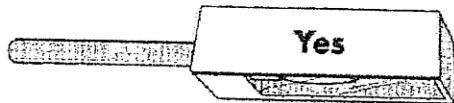
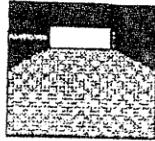
(30) day period, the Lighting Administrator may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this article or bring a criminal complaint against the violator. (Ord. 2015-02, 4-20-2015)

**10-22B-9: FIGURES AND TABLES:**

The figures and information sheets in this section shall be incorporated into this article as guidelines for the public and the City for use in enforcing this article. The City does not endorse or discriminate against any manufacturer or company that may be shown, portrayed or mentioned by the examples. Additional information is provided at the City Planning Department.

FIGURE 1

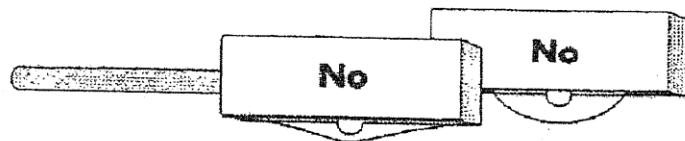
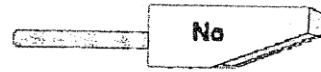
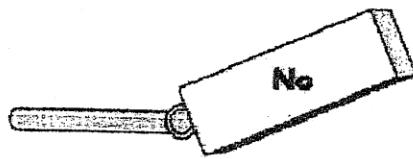
What is a true full cutoff outdoor lighting fixture?



Flat glass lens, eliminates or minimizes direct glare, no upward throw of light. The housings for these fixtures are available in many styles.



Same fixture as above mounted incorrectly - defeating the horizontal mounting design. The fixture now produces direct glare, and can also produce uplight at steeper mounting angles.



Known as just "cutoff" center "drop" or "sag" lens with or without exposed bulb, produces direct glare.

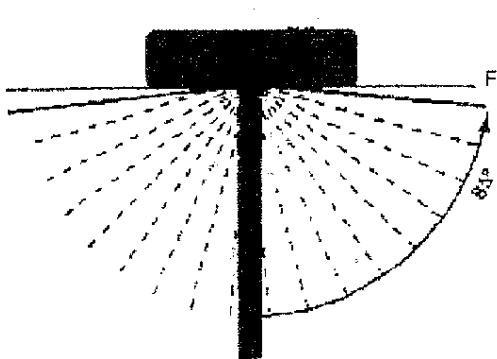


FIGURE 2  
85° Full Cut-Off Fixture

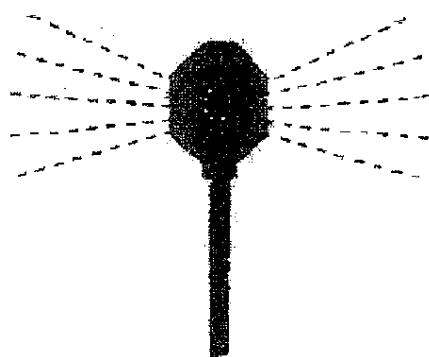


FIGURE 3  
Partially Shielded  
(translucent siding - bulb not visible)

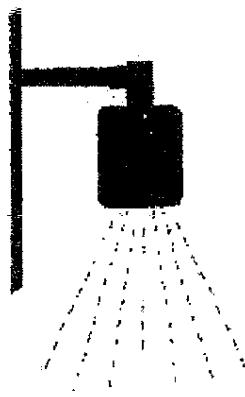


FIGURE 4  
Shielded

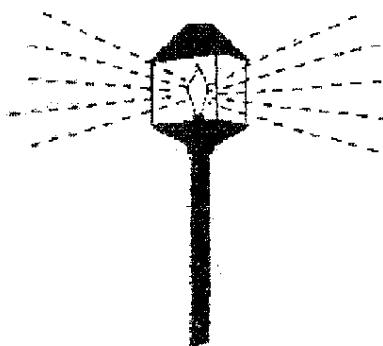


FIGURE 5  
Unshielded With Opaque Top  
(less than 375 lumens)

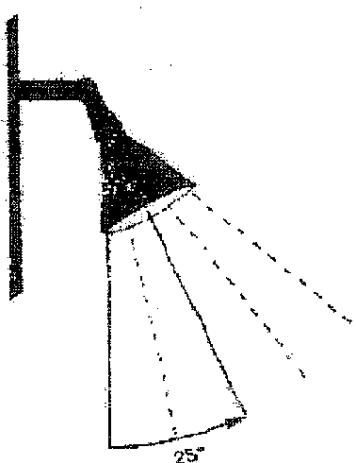


FIGURE 6  
Angle Of Flood Light  
With External Shielding

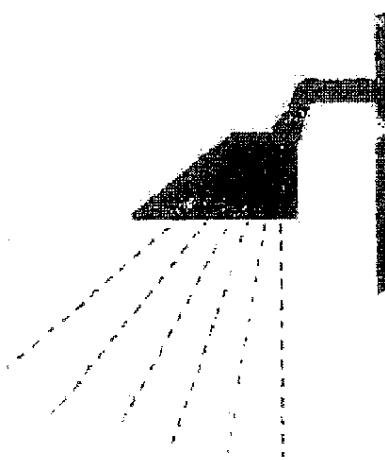


FIGURE 7  
Directional Flood Light

TABLE 1

## INITIAL RATED LIGHT OUTPUT OR VARIOUS LAMPS

(Information from Sylvania #PL-150, General Electric #9200 and Phillips #SG-100 large lamp catalogs)

Lamp Type	Lamp Wattage	Initial Lumen
Lamp Type	Lamp Wattage	Initial Lumen
Incandescent lamp (frosted) (Syl.)	25	235
Incandescent lamp (frosted) (Syl.)	40	375
Incandescent lamp (frosted) (Syl.)	60	890
Incandescent lamp (frosted) (Syl.)	100	1,690
Incandescent lamp (frosted) (Syl.)	150	2,850
Incandescent flood or spot (G.E.)	75	765
Incandescent flood or spot (G.E.)	120	1,500
Incandescent flood or spot (G.E.)	150	2,000
Quartz halogen lamp (frosted) (Syl.)	42	665
Quartz halogen lamp (frosted) (Syl.)	52	885
Quartz halogen lamp (frosted) (Syl.)	72	1,300
Quartz halogen lamp (frosted) (Syl.)	300	6,000
Quartz halogen lamp (frosted) (Syl.)	500	10,500
Quartz halogen lamp (frosted) (Syl.)	1,000	21,000
Quartz halogen mini flood or spot (G.E.) (12 volt MR-16 type)	20	260
Quartz halogen mini flood or spot (G.E.) (12 volt MR-16 type)	42	630
Quartz halogen mini flood or spot (G.E.) (12 volt MR-16 type)	50	895

Quarts halogen mini flood or spot (G.E.) (12 volt MR-16 type)	75	1,300
Fluorescent lamp (Phillips)	7	400
Fluorescent lamp (Phillips)	9	600
Fluorescent lamp (Phillips)	13	900
Fluorescent lamp (Phillips)	22	1,200
Fluorescent lamp (Phillips)	28	1,600
Fluorescent lamp (G.E. cool white)	40	3,150
Low pressure sodium lamp (Phillips)	18	1,800
Low pressure sodium lamp (Phillips)	35	4,800
Low pressure sodium lamp (Phillips)	55	8,000
Low pressure sodium lamp (Phillips)	90	13,500
Low pressure sodium lamp (Phillips)	135	22,500
Low pressure sodium lamp (Phillips)	180	33,000
High pressure sodium lamp (diffuse) (G.E.)	35	2,250
High pressure sodium lamp (diffuse) (G.E.)	50	4,000
High pressure sodium lamp (diffuse) (G.E.)	70	6,400
High pressure sodium lamp (diffuse) (G.E.)	100	9,500
High pressure sodium lamp (diffuse) (G.E.)	150	16,000
High pressure sodium lamp (diffuse) (G.E.)	250	27,500
High pressure sodium lamp (diffuse) (G.E.)	400	50,000

TABLE 2

## MOUNTING HEIGHT/LAMP OUTPUT RECOMMENDATIONS

Table 2 of this section lists the maximum lumen levels standards at various heights above ground level. It provides specific examples listing the common types of lighting sources, lumen levels, and permitted mounting heights.

Mounting Height (Feet)	Max Lumens
6	1,000
8	600 to 1,600
10	1,000 to 2,000
12	1,600 to 2,400
16	2,400 to 6,000
20	4,000 to 8,000
24	6,000 to 9,000
28	8,000 to 12,000
32	9,000 to 24,000
36	12,000 to 28,000
40	16,000 to 32,000

TABLE 3

## MOUNTING HEIGHT RECOMMENDATIONS PER LAMP TYPE

## LOW PRESSURE SODIUM

Wattage	180W	135W	90W	55W	35W	18W
Wattage	180W	135W	90W	55W	35W	18W
Mounting heights	>40'	30' - 32'	28'	24'	16' - 20'	10'
Initial lumens	33,000	22,500	13,500	8,000	4,800	1,800
Mean lumens	33,000	22,500	13,500	8,000	4,800	1,800
Lamp wattage	180	135	90	55	35	18
Circuit wattage	220	180	125	80	60	30
Initial lum/watt	150	125	108	100	80	60
Mean lum/watt	150	125	108	100	80	60
Annual kWh use	902	738	513	328	216	123

### HIGH PRESSURE SODIUM

Wattage	400W	250W	200W	150W	100W	70W	50W	35W
Wattage	400W	250W	200W	150W	100W	70W	50W	35W
Mounting heights	>50'	32' - 36'	30'	28'	24'	20'	16'	12'
Initial lumens	50,000	28,500	22,000	16,000	9,500	6,300	4,000	2,250
Mean lumens	45,000	25,700	19,800	14,400	8,550	5,470	3,600	2,025
Lamp wattage	400	250	200	150	100	70	50	35
Circuit wattage	465	294	246	193	130	88	66	46
Initial lum/watt	108	97	89	83	73	72	61	49
Mean lum/watt	97	87	80	75	66	64	55	44

Annual kWh use	1,907	1,205	1,009	791	533	361	271	189	
Wattage	1,000W	400W	250W	175W	150W	100W	70W	50W	32W
Wattage	1,000W	400W	250W	175W	150W	100W	70W	50W	32W
Mounting heights	>60'	>36'	>30'	>28'	>24'	>20'	>16'	>12'	>10'
Initial lumens	110,000	36,000	20,500	16,600	13,000	9,000	5,500	3,500	2,500
Mean lumens	88,000	28,800	17,000	10,350	8,700	6,400	4,000	2,500	1,900
Lamp wattage	1,000	400	250	175	150	100	70	50	32
Circuit wattage	1,070	456	295	215	184	115	88	62	43
Initial lum/watt	103	79	69	77	71	78	63	56	58
Mean lum/watt	82	63	58	48	47	56	45	40	44
Annual kWh	4,387	1,870	1,210	882	754	472	361	254	176

(Ord. 2015-02, 4-20-2015)

## ARTICLE C. FENCE REQUIREMENTS

### 10-22C-1: FENCE REQUIREMENTS:

- A. Fences in all zoning districts, including the replacement of existing fences, shall be permitted by an application and fee.
- B. All fences shall be constructed on the property owner's property, inside the boundary lines.
- C. Property owners in all zoning districts shall be required to identify property pins with either a survey or marking their locations. (Ord. 2021-06, 4-26-2021)

**10-22C-2: OBSTRUCTING VISION PROHIBITED:**

A. Sight obscuring fences, hedges, walls, lattice work, or screens shall not be constructed in such a manner that vision necessary for safe operation of motor vehicles, bicycles, or pedestrians is obstructed.

B. Fences, hedges, etc., placed on the property line of lots located at the intersection of two (2) streets or a street and an alley shall not exceed a height of three and one-half feet (31/2') beginning at the corner point of the private property boundary and extending a distance of thirty feet (30') down the applicable rear, front or side lot lines. (Ord. 2015-02, 4-20-2015; amd. Ord. 2021-06, 4-26-2021)

**10-22C-3: MAINTENANCE AND REPAIRS:**

All fences shall be maintained in good condition and repair. (Ord. 2015-02, 4-20-2015; amd. Ord. 2021-06, 4-26-2021)

**10-22C-4: HEIGHT IN CERTAIN DISTRICTS:**

Fences in the General Residential and Transitional Zoning Districts shall not exceed four feet (4') in height for the front of the property and shall not exceed six feet (6') in height for side and rear of the property unless a conditional use permit has first been obtained therefor. (Ord. 2015-02, 4-20-2015; amd. Ord. 2021-06, 4-26-2021)

**10-22C-5: FENCES IN BUSINESS AND LIGHT INDUSTRIAL DISTRICTS:**

A sight obscuring fence shall be required by the commission for any use in the Business or Light Industrial District which abuts any residentially owned lot. Said fence shall be stained or painted a single solid color, shall not be used for advertising, and shall be maintained in good repair. (Ord. 2015-02, 4-20-2015; amd. Ord. 2021-06, 4-26-2021)

## CHAPTER 23 WIRELESS COMMUNICATION FACILITIES

### **10-23-1: SHORT TITLE:**

This chapter, including all subsequent amendments hereto and codifications hereof, may be referred to as the BELLEVUE WIRELESS COMMUNICATION FACILITIES ORDINANCE or as the BELLEVUE WCF ORDINANCE for purposes of reference in any ordinance, resolution or public notice of the City. (Ord. 2001-09, 6-14-2001)

### **10-23-2: INTENT AND PURPOSE:**

A. The unique small town character, landscapes, scenic vistas, and aesthetic values of the City are among its most valuable assets. Preserving and promoting those assets is, in the long range, to protect and preserve the social and economic well-being of the City and its inhabitants and the community values as expressed in the Comprehensive Plan and land use ordinances of the City. Protecting these assets and values requires sensitive placement and design of wireless communication facilities ("WCFs"), including, but not limited to, personal wireless communication facilities so that such facilities remain in scale and harmony with and do not adversely impact the existing unique character of the City.

B. This chapter is intended to provide reasonable standards and procedures for the development, placement, construction and modification of WCFs that will serve the inhabitants, traveling public, service providers, and others within the City in order to:

1. Encourage location, construction, operation, maintenance and modification of appropriate WCFs within the City and the provisions of WCF service to the inhabitants of and traveling public in the City.
2. Preserve the small town character, viability and property values of areas which are in close proximity to WCFs by minimizing the adverse impacts thereof and by protecting the public

safety with regard to such facilities through careful placement, design, construction, modification and screening thereof.

3. Provide the development, placement, construction and modification of WCFs compatible in appearance with the allowed uses of the underlying zoning district in which such facilities are placed.

4. Facilitate the City's permitting process to encourage fair and meaningful competition and extend to all people in all areas of the City wireless communication services at reasonable costs to promote the public welfare.

5. Encourage WCFs that have the least impact on and the greatest compatibility with the character of the City, surrounding land uses and the general public health, safety and welfare thereof.

6. Encourage joint use, clustering and concealment of antenna sites, when and where appropriate.

7. Preserve the aesthetic values and the small town character of the City, the quality of life enjoyed by inhabitants and visitors alike, and preserve and promote the local tourist industry which is dependent thereon.

8. Protect the health, safety and welfare of persons living or working in the area surrounding such WCFs from possible adverse impacts (within the confines of the Federal Telecommunications Act of 1996) relating to the placement, construction or modification of such facilities. (Ord. 2001-09, 6-14-2001)

### **10-23-3: APPLICATION OF PROVISIONS:**

The placement, use or modification of any WCF within the City is subject to the provisions of this chapter. (Ord. 2001-09, 6-14-2001)

**10-23-4: DEFINITIONS:**

For the purposes of this chapter, the following terms shall have the meanings ascribed to them in this section:

***ABOVE GROUND LEVEL (AGL):***

The actual height of the WCF from the ground to highest part of the mount or antenna or support structure, whichever is higher.

***ACOUSTICAL ENGINEER:***

A professional engineer with demonstrated education, accreditation and experience to perform and certify noise measurements.

***ANTENNA:***

Any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves including equipment attached to a tower or building for the purpose of providing personal wireless services. Antennas include the following types:

- A. Omni-Directional (Or Whip) Antenna: Receives and transmits signals in a three hundred sixty degree (360°) pattern, and is up to fifteen feet (15') in height and up to four inches (4") in diameter.
- B. Directional (Or Panel) Antenna: Receives and transmits signals in a directional pattern typically encompassing an arc of one hundred twenty degrees (120°).
- C. Parabolic (Or Dish) Antenna: A bowl shaped device that receives and transmits signals in a specific directional pattern.
- D. Ancillary Antenna: An antenna that is less than twelve inches (12") in its largest dimension and that is not directly used to provide personal wireless communication services. An example would be a global positioning satellite antenna (GPS).

E. Other: All other similar transmitting or receiving equipment.

***APPLICANT:***

The person or entity that submits an application under this chapter for a WCF permit and shall include both the owner of the real property upon which the WCF is proposed for location and the owner of the proposed WCF.

***BELLEVUE:***

The City of Bellevue, Idaho.

***BUILDING:***

Any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which:

- A. Is permanently affixed to the land; and
- B. Has one or more floors and a roof.

***CAMOUFLAGE:***

A way of painting, texturing or mounting a WCF to reduce the visibility of the WCF by having it blend into and appear as part of a building or other surroundings or background.

***CARRIER:***

A company that provides wireless services.

***CITY:***

The City of Bellevue, Idaho.

***CITY CLERK:***

The duly appointed City Clerk of the City of Bellevue, Idaho.

***CITY STREET SYSTEM:***

The streets and alleys within the City highway system as defined in Idaho Code section 40-104(C)(1).

***CO-LOCATION:***

The use of a single support system by more than one carrier (vertical co-location) and/or several support systems on an existing building or support structure by more than one carrier.

***COMMON COUNCIL:***

The Common Council of the City of Bellevue, Idaho.

***CONCEAL:***

To enclose a WCF within a building or part thereof resulting in the WCF being hidden from view from surrounding parcels of real property and public streets at ground level.

***DISGUISE:***

To design a WCF to appear to be something other than a WCF.

***EIA:***

The Electronic Industries Association.

***EQUIPMENT ENCLOSURE:***

A small enclosed structure, shelter, cabinet, box or vault within which are housed batteries and electrical and other equipment for a WCF.

***FAA:***

The Federal Aviation Administration.

***FCC:***

The Federal Communications Commission.

***FACADE ATTACHED ANTENNA:***

Any antenna directly attached or affixed to the elevation of a building.

***FREESTANDING TOWER:***

A tower, except street poles and independent WCF alley poles, not physically attached to a building or structure. The tower is attached to the ground by a foundation.

***FULLY AUTOMATED WCF:***

No on site personnel required for the daily operation of the WCF.

***GOVERNMENTAL EMERGENCY SERVICES WCF:***

A WCF owned and operated by a governmental entity to provide noncommercial emergency services for police, fire, ambulance and/or other emergency governmental communications.

***GUY WIRE:***

Diagonal cables utilized to tie towers to the ground or other surfaces.

***HAZARDOUS SUBSTANCE:***

A substance (whether solid, liquid or gas) defined, listed or otherwise classified as a pollutant, hazardous waste, hazardous substance, hazardous material, or words of similar meaning or regulatory effect in any environmental law (which means any present or future Federal, State or local law, rule or regulation relating to the protection of human health and/or the environment or to any hazardous substance, including, but not limited to, the following Federal laws: the Comprehensive Environmental Response Compensation and Recovery Act, the Resource Conservation and Recovery Act, the Clean Water Act, the Toxic Substances Control Act, the Safe Drinking Water Act, the Water Pollution Control Act, and the National Environmental Policy Act).

***HEIGHT:***

The height of a WCF from the ground (at the grade existing prior to any excavation or fill with regard to said facility) to the highest part of the facility or of any antenna, mount, support structure, equipment or appurtenance placed thereon or attached thereto.

***INDEPENDENT WCF ALLEY POLE (IWCFAP):***

A pole of wood or steel located within the right-of-way of an alley running through Block 41, 36, 35, O, C, D, E, H, S, T, 2, 25 or 98, Bellevue Townsite, Bellevue, Idaho, and constructed in

accordance with the requirements of this chapter. Such an IWCFAP is located within the City street system and is not within the definition of "street pole" in this section.

***LATTICE TOWER:***

A support structure that consists of a network of crossed metal braces, forming a tower that is usually triangular or square in cross section.

***LICENSED CARRIER:***

A company authorized by the FCC to construct and operate commercial mobile radio services systems.

***MODIFICATION:***

Any change in or addition to a WCF or any component thereof. All modifications require a permit issued by the City pursuant to this chapter.

***MONOPOLE:***

The shape of mount that is self-supporting with a single shaft of wood, steel, concrete or other material and antenna(s) thereon or therein.

***NONAUTOMATED:***

A WCF with on site personnel.

***NONRESIDENTIAL STRUCTURE:***

A building or structure not constructed or used for residential purposes.

***PERSON:***

Any person, corporation, partnership, joint venture, trust or other entity.

***PERSONAL WIRELESS COMMUNICATION FACILITY (PWCF):***

A facility for the provision of personal wireless services, as defined by section 704 of the Telecommunications Act of 1996, including, but not limited to, antenna, support structure, transmission cables, power cables, cable trays, equipment enclosure, equipment, and components

thereof and improvements with regard thereto. Personal wireless services facilities are not public utility and public service facilities or utilities and are not included within such definitions thereof contained in City ordinances.

***PERSONAL WIRELESS SERVICES:***

Any personal wireless service defined in the Federal Telecommunications Act which includes FCC licensed commercial wireless telecommunications services, including, without limitation, cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging as well as unlicensed wire services and common carrier wireless exchange access services and functionally equivalent services. "Personal wireless services" are not public utility or public service facilities or utilities and are not included within the definitions thereof contained in City ordinances.

***PHOTOSIMULATION:***

Computer generated photographs or renderings showing the existing condition of the subject property and improvements with the proposed WCF and related improvements superimposed thereon at scale.

***RIGHT-OF-WAY:***

Means and includes all public streets, alleys and utility easements now and hereafter owned by Bellevue or other public entity.

***ROOF MOUNTED WCF:***

A WCF antenna mounted on the top of the roof of a building.

***SECURITY BARRIER:***

A wall, fence or other structure that completely seals an area from unauthorized entry or trespass.

***SEPARATION:***

The distance between one carrier's antenna array and another carrier's antenna array.

***SERVICE AREA:***

Area within which a wireless communication facility is able to transmit clear signals, generally circular in form.

***SITE:***

The precise portion of the parcel of real property (subject property) upon which the WCF is located or proposed to be located.

***STREET POLE:***

A streetlight, traffic control signal, telephone, electric or cable television pole located in a developed public street or alley right-of-way within the City street system or on other City owned property. A street pole is not included within the definition of independent WCF alley pole in this section.

***STRUCTURE:***

Anything constructed which requires permanent or indefinite location or attachment on the ground, not including fences.

***SUBJECT PROPERTY:***

The specific parcel of real property upon which a WCF is located or proposed to be located.

***SUPPORT STRUCTURE:***

The structure to which an antenna and other necessary associated hardware is attached. Support structures include, but are not limited to, the following:

- A. Independent WCF alley pole.
- B. Building.
- C. Street pole.
- D. Tower.

***TOWER:***

A mast, pole, monopole, or other structure, except independent WCF alley pole and street pole, designed and primarily used to support antennas and/or other WCF equipment.

***UNLICENSED WIRELESS SERVICES:***

Commercial mobile services that can operate on public domain frequencies and therefore need no FCC license for their sites or facilities.

***WHIP ANTENNA:***

See definition of antenna: omni-directional antenna.

***WIRELESS COMMUNICATION FACILITY (WCF):***

A facility that transmits and/or receives electromagnetic signals, including antennas, microwave dishes, parabolic antennas, directional antennas and other types of equipment for the transmission or reception of such signals, towers or similar structures supporting the equipment, transmission cables, power cables, cable trays, equipment buildings, shelters, cabinets, parking area, and other accessory development. WCFs include, but are not limited to, personal wireless services and facilities as defined by section 704 of the Telecommunications Act of 1996, and broadcast service facilities. Wireless services facilities are not public utilities or utilities nor included within such definitions thereof contained in City ordinances. (Ord. 2001-09, 6-14-2001)

***10-23-5: RIGHT-OF-WAY USE LEASE REQUIREMENTS:***

A. Intent And Purpose: This section is adopted to accompany this chapter and to further the intent, purpose and provisions of this chapter. This section is to be read and construed in conjunction with this chapter.

B. Definitions: For the purposes of this section, the following terms shall have the meanings ascribed to them in this subsection:

***CITY:***

The City of Bellevue, Idaho.

***CITY STREET SYSTEM:***

The streets and alleys within the City highway system as defined in Idaho Code section 40-104(C)(1).

***PERSON:***

Any person, corporation, partnership, joint venture, trust or other entity.

***WIRELESS COMMUNICATIONS FACILITY (WCF):***

A facility that transmits and/or receives electromagnetic signals, including antennas, microwave dishes, parabolic antennas, directional antennas and other types of equipment for the transmission or reception of such signals, towers or similar structures supporting the equipment, transmission cables, power cables, cable trays, equipment buildings, shelters, cabinets, parking area, and other accessory development. WCFs include, but are not limited to, personal wireless services and facilities as defined by section 704 of the Telecommunications Act of 1996, and broadcast service facilities.

C. Lease Required; Authority To Grant: No person may construct, place or maintain a wireless communication facility ("WCF") or any portion thereof on, upon, underneath or otherwise within any public street or alley right-of-way within City street system without first having obtained a right-of-way use lease from the City therefor. The granting of any such lease shall remain in the sole discretion of the Common Council of the City ("Common Council") upon such terms and conditions as it deems in the best interests of the City and the inhabitants thereof. The granting of a lease under this section shall not be deemed to set any precedent or establish any right for the granting of any other or subsequent lease by the City.

D. Required Findings; Term Of Lease: Any lease entered into for use of a portion of a public street or alley right-of-way (jointly referred to as "public right-of-way") for a wireless communication facility under this section shall require findings by the Common Council that: 1) the property subject to said lease is not presently needed for public transportation purposes; 2) the proposed use will not substantially impair passage through the public right-of-way in question; and 3) it is in the best interests of the City and its inhabitants to enter into said lease. Granting of any such lease shall not be deemed a finding or determination by the City that said public right-of-way or any portion thereof is abandoned for public transportation purposes or that said right-of-way or the portion subject to such lease will not be necessary for public transportation in the future. Said lease and the term thereof shall remain subordinate and subject to use for public transportation purposes, and any such lease shall be subject to termination by the Common Council upon a finding by the Council, in its sole discretion, that the property subject thereto needs to be put to use for public transportation purposes. (Ord. 2001-11, 6-14-2001)

**10-23-6: PERMIT REQUIREMENTS:****A. Permit Required; Ineligibility:**

1. No person shall commence construction of or operate a WCF within the Municipal boundaries of the City without having obtained a valid WCF permit under this section. It shall be unlawful for any person within the City without a valid WCF permit to: a) commence construction of a WCF; or b) operate a WCF; or c) modify, alter, add to or change a WCF.
2. No WCF permit shall be issued to any applicant when, in the application review process or otherwise, the City finds that the applicant has an existing WCF within the City that is in violation of this chapter.

3. No building permit shall be issued for a WCF or any component thereof unless and until a valid WCF permit has been duly issued therefor by the City.

B. Permit Granting Authority:

1. The Bellevue Planning and Zoning Administrator ("Administrator") shall review and be the permit granting authority for WCF permits for WCFs located on IWCFAPs and concealed roof mounted WCFs within the Business Zoning District and the Light Industrial Zoning District. The Administrator may attach reasonable conditions to the approval of such applications including, but not limited to, those which will minimize adverse impacts on adjacent properties or public ways and/or assure the WCF is constructed and maintained in accordance with this chapter. At the time of filing a WCF application, the applicant may request in writing review and approval of said application by the Bellevue Planning and Zoning Commission ("commission") rather than by administrative review. An applicant who does not so elect review by the commission is deemed to have waived any and all objections to administrative review and shall be limited to the appeal provisions set forth in this chapter.

2. Design review applications and/or conditional use permit applications for WCFs shall be processed at the same time as WCF permit applications in accordance with the procedures and provisions set forth in this chapter.

3. Prior to issuance of any WCF permit for a WCF on an IWCFAP or other structure within a public right-of-way within the City street system, the applicant shall obtain a right-of-way use lease or other agreement with the Common Council therefor.

C. Application Filing Requirements: An application for a WCF permit must be determined to be complete by the Administrator prior to processing. The City shall deem an application

complete when the application contains the information described below. The following shall be included with an application for a WCF permit:

1. The application form shall include, at a minimum:

- a. Name, address and telephone number of the applicant and any co-applicants as well as any agents for the applicant and co- applicants. The applicant or co-applicant shall be a licensed carrier, except for an application solely filed by and for a WCF by an unlicensed carrier.
- b. Name, address and telephone number of the property owner(s).
- c. Original signatures of the applicant and all co-applicants applying for a WCF permit. If the applicant or co-applicant will be represented by an agent, the original signature authorizing the agent to represent the applicant and/or co-applicant.
- d. A complete legal description of the subject property. (Ord. 2001-09, 6-14-2001)
- e. A basic WCF permit application fee is hereby established by resolution. Said fee shall be paid at the time of the filing of said application and shall be in addition to such other fees and charges as provided in this chapter and other applicable ordinances. The Common Council may hereafter amend said fee by resolution. (Ord. 2001-09, 6-14-2001; amd. 2018 Code)
- f. Map showing the subject property and all properties, roads and alleys within one thousand feet (1,000').

g. List of property owners within three hundred feet (300') according to records maintained by the Office of the Blaine County Assessor, Hailey, Idaho.

2. A site plan drawn to scale of not less than one inch equals twenty feet (1" = 20'), specifying the following:

- a. Location of the subject property, siting of the WCF on the building located thereon, together with the precise type, design, components and height of the proposed WCF, antennas,

equipment enclosure, security barrier, transmission cable locations and other components of the WCF with setbacks and dimensions.

- b. On site structures, land uses and zoning.
- c. Circulation, including adjacent roadways, ingress and egress from such roadways, parking and pedestrian circulation and access.
- d. Property lines of the subject property with dimensions, adjacent land uses, structures and zoning.
- e. Information demonstrating compliance with the standards, criteria and requirements of this chapter.
- f. North arrow, scale and legend.

3. Siting elevations or views at grade from north, south, east and west from adjacent properties at least fifty feet (50') from the proposed WCF and from all existing roadways, public and private, from which the proposed WCF would be visible. Elevations shall be at either one-fourth inch equals one foot (1/4" = 1') or one-eighth inch equals one foot (1/8" = 1') scale and showing antennas, mounts, security barrier, equipment enclosure and other improvements or appurtenances with dimensions and total height of the WCF. Also, photo simulations at scale showing the location, height and dimensions of the WCF, support structure, equipment enclosure and other components shall be submitted.

4. With regard to a WCF permit application for an IWCFAP or for co-location for a concealed roof mounted WCF within an existing concealed roof mounted WCF facility, the Administrator (upon a finding that such information is redundant with that provided in a prior application or not reasonably applicable to the WCF application) may waive any the

requirements set forth in subsection C2 through C6, C9 through C12, C14, C15, or C17 through C21 of this section.

5. Elevations of proposed aboveground equipment enclosures showing all dimensions, materials, colors and proposed landscaping.
6. A map indicating the service area of the facility.
7. A map indicating locations and service areas of other WCF sites operated by the applicant and sites of other provider facilities within the City and within one mile of the City's corporate limits.
8. Four (4) copies of all plans and one (1) eleven inch by seventeen inch (11" x 17") paper reduction of each plan.
9. Equipment brochures for the proposed WCF such as manufacturer's specifications or trade journal reprints. These shall be provided for the antennas, mounts, equipment enclosures, cables, as well as cable runs, and security barrier, if any.
10. Written documentation demonstrating a good faith effort to locate the WCF in accordance with the priorities of section 10-23-8 of this chapter.
11. A statement of the technical reasons for the design and configuration of the WCF.
12. For concealed roof mounted WCFs, a signed and notarized statement by the applicant that:
  - a. The proposed concealed roof mounted site will accommodate co- location of additional antennas, and the property owner will enter into leases with other providers within such concealed site.
  - b. Certification that the antenna usage shall not interfere with other adjacent or neighboring transmission or reception functions.

c. The licensed carrier and property owner of the subject property each independently agrees to remove the WCF within ninety (90) days after use of the site is discontinued, abandoned or the permit terminated or revoked.

d. Compliance with all EIA standards and applicable Federal and State laws and regulations, including, but not limited to, FAA and FCC regulations.

13. For concealed roof mounted WCFs, a lease agreement with the landholder that:

a. Allows the landowner to enter into leases with other providers.

b. Specifies that if the provider fails to remove the WCF and equipment within ninety (90) days of its use being discontinued or abandoned or the permit terminated or revoked, the landowner shall remove same within thirty (30) days.

c. Provides the lease is binding on the heirs, successors and assigns of the parties.

d. Provides that the above lease terms cannot be amended, modified or otherwise canceled or terminated without the prior written consent of the City.

14. The applicant shall provide the following:

a. Copy of Form 600 Application filed with the FCC;

b. FCC license (Radio Authorization Form);

c. AGL to the radiation center and to the top of the highest projection on the WCF.

15. A completed right-of-way use lease agreement with the City if the WCF or any portion thereof is to be located within a public right-of-way.

16. A list of all hazardous substances, chemicals, petroleum products, batteries, and similar items or substances which will be used or stored on the WCF site.

17. A list of all types of materials used in the construction of and which will be visible on the exterior of the WCF facility, together with the finishes and colors thereof upon completion.

18. Certification that the proposed WCF complies with all applicable FCC guidelines, and an RFR report (radio frequency radiation) for the proposed WCF prepared by a qualified engineer.

19. For any site requiring an environmental assessment ("EA") under NEPA pursuant to FCC regulations, a copy of the EA.

20. A written statement from the FAA of any required lighting of the proposed WCF and all available lighting and/or painting alternatives which will also meet that requirement. The City shall have the ability to condition permit approval on the least intrusive lighting and/or painting alternative if there is no other alternative location, site or design which will not require such lighting. If lighting is required, no strobe or flashing lights or white lights shall be permitted (unless no other alternative can meet FAA requirements) and only solid red lights will be permitted.

21. Two (2) alternative proposals for the WCF facility in terms of location, siting, height, and/or design, each of which complies with the provisions of this chapter. Such alternatives shall be substantively different from the primary proposal. If the applicant does not provide the alternatives or the City finds other alternatives may exist that more fully comply with the provisions of this chapter, the City may retain a private expert under section 10-23-14 of this chapter to develop such alternative proposals. The City shall not further process the WCF permit application, and the time frame for processing the application shall toll until thirty (30) days after the expert's report is received by the City.

D. Issuance Of Permit: Upon approval, the City shall issue the applicant a WCF permit in written form stating the exact WCF approved and the conditions, if any, of said permit.

E. Term Of Permit: Each WCF permit shall be for a term of five (5) years. A WCF permit shall expire by its own terms on the fifth anniversary date of the date of issuance.

F. Annual Report A Condition Of Permit: As a condition of each WCF permit, the applicant shall file with the City on each anniversary date of the issuance of the permit an annual report containing the following information:

1. Name of permittee, landowner and each carrier located on the site including the FCC permit number, the Bellevue WCF permit number, and an emergency (24 hours/7 days a week) telephone number for each.
2. Any co-location added to the site or removed from the site within the preceding year.
3. Any modifications to the site or any component thereof in the preceding year.
4. Updated list of hazardous substances as set forth in subsection C16 of this section, together with a plan of the site showing the exact location of and access in case of emergency to each such substance.
5. Date of the last physical inspection of the site by the permittee and by each carrier on the site.
6. The name and telephone number of the contact person for required maintenance of the site.
7. Failure to timely file an annual report shall be grounds for revocation of the WCF permit.

G. Revocation Of Permit; Notice And Hearing:

1. Grounds For Revocation: A permit issued pursuant to this chapter may be revoked for any of the following reasons:
  - a. Construction, and/or maintenance, and/or operation of a WCF at an unauthorized location or of unauthorized equipment;

b. Construction, operation or modification of a WCF in violation of any of provision of this chapter, and/or any condition attached to the WCF permit or other permit regarding the WCF, or of any provision of the Building Code or any other applicable ordinance of the City or State or Federal law;

c. Misrepresentation by or on behalf of an applicant, permittee or carrier in any application or written or oral statement upon which the City substantially relies in making the decision to grant, review or amend any permit pursuant to this chapter;

d. Abandonment of the WCF as set forth in this chapter; or

e. Failure to promptly cure a violation of the terms or conditions of the permit.

2. Notice Of Violation Or Noncompliance: In the event the City believes that grounds exist for revocation of a permit, the permittee shall be given written notice, by certified mail, of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the permittee a reasonable period of time, not exceeding thirty (30) calendar days, to furnish evidence that corrective action has remedied the violation or noncompliance and/or that rebuts the alleged violation or noncompliance.

3. Hearing:

a. In the event that a permittee fails to provide evidence reasonably satisfactory to the City as provided in subsection G2 of this section, the City shall refer the apparent violation or noncompliance to the commission.

b. The commission shall provide the permittee notice and reasonable opportunity to be heard concerning the matter, and a public hearing shall be conducted.

- c. Within thirty (30) calendar days of the completion of the hearing, the commission shall issue a written decision revoking the WCF permit or imposing such lesser sanctions as it may be deemed appropriate under the circumstances.
- d. In making its decision, the commission shall apply the following factors:
  - (1) Whether the misconduct was egregious;
  - (2) Whether substantial harm resulted;
  - (3) Whether the violation was intentional;
  - (4) Whether there is a history of prior violations of the same or other requirements;
  - (5) Whether there is a history of overall compliance;
  - (6) Whether the violation was voluntarily disclosed, admitted or cured; and
  - (7) Other factors determined relevant by the City based upon the specific facts of the case. (Ord. 2001-09, 6-14-2001)

#### **10-23-7: REGULATIONS IN SPECIFIC ZONING DISTRICTS:**

##### A. Business District:

1. A WCF attached to an independent WCF alley pole ("IWCFAP") within the alley right-of-way within Blocks 41, 36, 35, O, C, D, E, H, S, T, Z, 2, and 25, Bellevue Townsite, Bellevue, Idaho, is a permitted use in the Business Zoning District upon issuance of a WCF permit in accordance with this chapter.
2. A concealed roof mounted WCF is a permitted use in the Business Zoning District upon issuance of a WCF permit in accordance with this chapter and design review approval in accordance with this title.
3. A governmental emergency service WCF is a conditional use within the Business Zoning District.
4. All other WCFs are prohibited in the Business Zoning District.

B. Light Industrial District:

1. A WCF attached to an independent WCF alley pole ("IWCFAP") located in the alley right-of-way within Block 98, Bellevue Townsite, Bellevue, Idaho, is a permitted use in the Light Industrial Zoning District.
2. A concealed roof mounted WCF is a permitted use in the Light Industrial Zoning District upon issuance of a WCF permit in accordance with this chapter and design review approval in accordance with this title.
3. Governmental emergency service WCFs are a conditional use within the Light Industrial District.
4. All other WCFs are not a permitted use in the Light Industrial Zoning District.

C. General Residential District: WCFs are not permitted in the General Residential Zoning District, except a governmental emergency service WCF is a conditional use therein.

D. Transitional District: WCFs are not permitted in the Transitional Zoning District, except a governmental emergency service WCF is a conditional use therein.

E. Future Districts: In any zoning district hereafter duly created, WCFs shall not be a permitted or a conditional use unless the ordinance establishing such zoning district expressly provides for any such use. (Ord. 2001-09, 6-14-2001)

**10-23-8: LOCATION AND FACILITY TYPE STANDARDS AND PRIORITIES:**

A. Location And Facility Type Selection Criteria: Subject to the provisions of section 10-23-7 of this chapter, WCF permit applications shall be reviewed and approved in the following priority order:

1. On an independent WCF alley pole ("IWCFAP").
2. If no location set forth above is possible, then a concealed roof mounted WCF on City owned building is permissible.

3. If no location set forth above is possible, then a concealed roof mounted WCF on another building is permissible.

4. If no location set forth above is possible, a freestanding facility incorporated into or designed to look like streetlights, traffic signals, street furniture or similar disguise with a street or alley right-of-way which is part of the City street system is permissible.

5. If no location set forth above is possible, location on independent poles in street rights-of-way within the City street system is permissible.

6. If no location set forth above is possible, location on street poles in street rights-of-way within the City street system is permissible.

B. Independent WCF Alley Poles: It is hereby found by the Common Council that location of WCFs on independent WCF alley poles is the preferred siting alternative in the City. This is because such location is the least visually intrusive installation alternative as the WCF is located off the Main Street visual corridor, and it provides the City with the greatest degree of control over the placement, construction and maintenance of WCFs. Consistent therewith, in the Business Zoning District and the Light Industrial Zoning District, applications for a WCF permit for an IWCFAP shall require only administrative review as set forth in this chapter.

C. Concealed Roof Mounted WCF: If, under the provisions of this chapter, a WCF cannot be located on an IWCFAP, then it is to be a concealed roof mounted WCF. Concealed roof mounted WCFs are found by the City to be the next least visually obtrusive type of facility because the equipment is substantially concealed from view at ground level. Such roof mounted WCFs may be concealed in newly constructed buildings or additions to existing buildings that are designed to be compatible and harmonious with the surrounding land uses, such as in steeples, clock towers, cupolas, and other architectural features or by shielding WCFs from view. Concealed

roof mounted locations shall be designed and constructed to camouflage back haul dishes to look like an integral part of the structure. Furthermore, co-location of concealed roof mounted WCFs is encouraged because the construction of such sites will minimize the number of such WCF sites within the City and provide for more effective review and monitoring thereof.

D. Minimize Adverse Impacts: In order to minimize the adverse impacts of WCFs and to promote the purposes of this chapter, the provisions of this chapter may result in an applicant or licensed carrier having to install more, smaller WCFs rather than fewer, larger WCFs. (Ord. 2001-09, 6-14-2001)

#### **10-23-9: STANDARDS AND CRITERIA OF EVALUATION:**

The applicant has the burden of proving compliance with each of the following standards and criteria of evaluation. The Administrator or commission shall review the application and determine if there is adequate and substantial evidence in the record to make a positive finding on each standard and criteria.

##### A. General Regulations:

1. Height: No WCF shall exceed the maximum permissible height of a building in the zoning district in which said WCF is located.
2. Setbacks: All WCFs, except IWCFAPs and street poles, shall comply with the building setback provisions of the zoning district in which the WCF is located.
3. Lighting: Facility lighting shall be designed so as to meet, but not exceed, the minimum requirements for security, safety and FAA regulations. Lighting of WCFs shall be prohibited unless required by the FAA and no other alternative is available. In all instances, the lighting shall be designed so as to avoid glare and minimize illumination on and visibility from adjacent properties and rights-of-way. No strobe or flashing light or white light shall be permitted unless no other lighting can meet FAA regulations and the applicant provides written confirmation from

the FAA that the specific WCF under review cannot meet FAA regulations by the use of any other alternative other than such lighting.

4. Signs: Signs shall be limited to those needed to identify the emergency telephone numbers, public safety warnings, and other required information. The sign shall, at a minimum, set forth the name of the permittee, landowner and all carriers located on the site including the FCC permit number, the City WCF permit number, and an emergency (24 hours/7 days a week) telephone number for each. Each sign shall comply with the requirements of the City's general sign regulations unless more stringent dimensions or design requirements are set by the Administrator or commission.

5. Access: In addition to ingress and egress requirements of the International Building Code and the International Fire Code, no WCF or equipment shall be located in a required parking space, traffic lane or vehicle/pedestrian circulation area. The WCF shall be secured from access by the general public, but access for emergency services shall be ensured.

6. Environmental Standards: No hazardous substance shall be discharged on the site of any WCF. If any hazardous substance is to be used or stored on site, there shall be provisions for full containment of such materials as provided by the Fire Code, Building Code and other applicable Federal, State and local laws, rules and regulations. An enclosed containment area shall be provided with a sealed floor, designed to contain at least one hundred ten percent (110%) of the volume of the hazardous substance stored or used on site. The use and storage of hazardous substances shall be in full compliance with all Federal, State and local laws, rules and regulations.

7. Noise: Aboveground equipment for WCFs shall not generate noise in excess of fifty (50) decibels (dB) at the property line of the subject property as measured by a qualified acoustical engineer.

8. Guy Wire Restrictions: No guy wire or other support wires shall be used in connection with any WCF antenna, antenna array or support structure except when used to anchor the antenna or antenna array to an existing building to which such antenna or antenna array is attached.

B. Independent WCF Alley Poles ("IWCFAPs"): In addition to all other requirements of this chapter, an IWCFAP shall comply with the following:

1. The WCF shall not extend above the top of the pole upon which it is located.
2. There shall be no more than two (2) IWCFAPs per block, unless the Common Council determines that it is appropriate to have more in any one block.
3. Only one WCF shall be permitted on any IWCFAP.
4. A WCF on an IWCFAP shall consist of a directional (panel) antenna flush mounted on the side of the pole and shall not extend more than eight inches (8") out from the side of the pole.

The antenna shall be equal to or less than six feet (6') in height, including the support system, if any. Surface area of an antenna shall not exceed five hundred eighty (580) square inches. The antenna and any dish shall be either fully concealed within the pole or camouflaged to appear to be an integrated part of the pole.

5. The pole shall be not larger than twelve inches (12") in diameter at its base and eight inches (8") in diameter at its top.
6. The IWCFAP shall be painted a wood color brown to disguise same.

7. All electrical wires and transmission line cable to and from the pole shall be installed underground or within the pole or camouflaged.

8. Any back haul dish on the pole shall not be larger than two feet (2') in diameter and shall be removed upon fiber optic, T-1 telephone line or equivalent technology being provided to the site or within two (2) City blocks of the site.

9. For WCFs located within developed streets, there shall be a minimum horizontal separation of three hundred feet (300') between the WCFs of a single licensed carrier and a minimum horizontal separation of one hundred feet (100') between the WCFs of any other licensed carrier.

10. Equipment enclosures shall be underground or, unless otherwise approved by the Common Council, at an appropriate aboveground location, in which case, such enclosure shall be the minimum necessary to serve the IWCFAP in question.

11. A right-of-way use lease shall be applied for as part of the WCF application and shall be obtained by the applicant from the Common Council prior to issuance of the WCF permit.

C. Concealed Roof Mounted WCFs ("CRWCF"): In addition to all other requirements of this chapter, a concealed roof mounted WCF shall comply with the following:

1. No portion of the CRWCF shall extend above the highest portion of the building.
2. Aboveground structures shall comply with all setback and other requirements of the underlying zoning district in which the subject property is located.
3. All concealed roof mounted WCFs shall be concealed from view from surrounding properties and from roads (public and private), except for the back haul dish which shall be disguised in a manner not to appear to be such a dish to the greatest extent feasible. Such back haul dish shall be of the smallest size possible. All concealed roof mounted WCFs shall be

compatible with existing architectural elements, building materials, colors and other site characteristics.

4. Equipment enclosures shall be designed be located, whenever possible, within an existing building. If an exterior equipment enclosure is necessary, it shall be designed consistent with the requirements of this chapter and obtain design review approval under this title. Exterior equipment enclosures shall be designed, installed and maintained to blend with the existing site. Landscaping and screening shall be installed to visually screen the aboveground equipment enclosure from adjacent properties and public rights-of-way. Upon completion, the permittee(s) of the facility shall be jointly and severally responsible for the continued maintenance and replacement of all required landscaping and screening materials.

D. Governmental Emergency Services WCFs ("GESWCF"): Governmental emergency services WCFs shall comply with the provisions of this chapter and the provisions of this title regarding conditional use permits and design review approval. A GESWCF may be granted a waiver from any requirement of this chapter (except, that no non- GESWCF may be co-located thereon) upon a finding by the Common Council that the proposed emergency service is necessary for the public health safety and welfare, and no reasonable alternative to that proposed WCF exists to provide such governmental emergency service.

E. Review Of Alternatives: In reviewing the alternatives submitted with regard to an application under subsection 10-23-6C21 of this chapter, the City shall compare the WCF as proposed in the application with the alternatives to determine which best meets: 1) the location and facility type standards in section 10-23-8 of this chapter; and 2) the standards and criteria set forth in this section; and 3) which is the least intrusive on the values set forth in the intent and purposes set forth in this chapter. (Ord. 2001-09, 6-14-2001)

**10-23-10: SAFETY STANDARDS:**

All WCFs shall meet current standards and regulations of the FAA, the FCC, and any other governmental agency with the authority to regulate same. If such standards and regulations are changed, then the owner of a WCF governed by this chapter shall bring such WCF into compliance with the revised standards and regulations within three (3) months of the effective date of the revised standards and regulations, unless a more stringent compliance schedule is mandated by the controlling Federal law or agency. Failure to bring a WCF into compliance with such revised standards and regulations shall constitute grounds for relocation of the WCF permit.

(Ord. 2001-09, 6-14-2001)

**10-23-11: MAINTENANCE REQUIREMENTS:**

Each permittee shall maintain its WCF in a good and safe condition, preserving the original appearance and concealment, disguise or screening elements incorporated into the design at the time of approval and in a manner which complies with all applicable Federal, State and local requirements. Such maintenance shall include, but not be limited to, such items as painting, repair of equipment and maintenance of landscaping. If the permittee fails to maintain the facility, the City may undertake the maintenance at the expense of the permittee or terminate the permit, at its sole option. Failure to properly maintain a WCF shall be grounds for revocation of the WCF permit. (Ord. 2001-09, 6-14-2001)

**10-23-12: MODIFICATION OF WIRELESS COMMUNICATION FACILITIES:**

A. New Permit: Any proposed modification, change or addition to any WCF shall require the issuance of a new WCF permit, pursuant to the requirements of this chapter. This subsection shall not apply to routine maintenance of a WCF or to the replacement of any portion of the WCF with identical equipment on a WCF in conformance with this chapter.

B. Facility Upgrade: At the time of modification or replacement of any existing WCF component, such component shall be replaced with equipment of equal or greater technical capacity and reduced in size so as to reduce visual impact.

C. Existing Uses: Any WCF lawfully existing on the effective date hereof shall be allowed to continue operation as it presently exists. Routine maintenance and repair shall be permitted. However, any exterior modification, change, addition to or replacement of the WCF or any component thereof shall comply with all the requirements of this chapter. (Ord. 2001-09, 6-14-2001)

**10-23-13: ABANDONMENT OR DISCONTINUATION OF USE:**

A. Construction or activation of a WCF shall commence within ninety (90) days of issuance of the WCF permit or the permit shall be null and void ab initio. An additional ninety (90) day extension may be granted by the Administrator due to weather conditions or other extenuating circumstances beyond the control of the applicant. Requests and approvals of any such extension shall be made in writing prior to the expiration of the time period sought to be extended.

B. At such time that any carrier plans to abandon or discontinue operation of a WCF, such carrier shall notify the City by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the WCF shall be considered abandoned upon such discontinuation of operations. In the event that more than one provider is using the WCF, the WCF shall not be considered abandoned until all such users cease using the structure as provided in this chapter.

C. Upon abandonment or discontinuation of use or termination or revocation of a WCF permit, the carrier shall physically remove the WCF within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to,

removal of antennas, support structures, equipment enclosures and security barriers from the subject property and proper disposal of the waste materials from the site in accordance with Federal, State and local laws, rules and regulations.

D. If a carrier fails to remove a WCF in accordance with this chapter, the City may cause the facility to be removed, and all expenses of removal shall be paid by the owner of the subject property where the facility is located. Said cost shall become a lien upon said real property and foreclosed by the City. (Ord. 2001-09, 6-14-2001)

**10-23-14: RECOVERY OF CITY COSTS AND SPECIAL REVIEW FEES:**

The wireless communication providers use various methodologies and analysis tools, including geological based computer software, to determine the specific technical parameters of personal wireless services and low power mobile radio facilities, such as expected coverage area, antenna configuration, topographic constraints that affect signal paths, etc. In certain instances, there may be need for expert review by a third party of the technical data submitted by the applicant and/or to develop alternative proposals as required under this chapter. The Administrator or the commission shall require such technical review to be paid for by the applicant as a special review fee. The applicant shall pay the City the estimated cost of the expert review prior to further processing of the application by the City. If additional costs are incurred, the applicant shall pay those prior to issuance of the WCF permit, and if not all of the estimated fees are used by the City to pay the expert, the remainder of said funds shall be refunded to the applicant by the City at the time of issuance of the WCF permit. The selection of the third party expert shall be at the City's sole discretion. Based on the results of the third party review, the City may require changes to the application for the WCF that comply with the recommendations of the expert. The expert review of the technical submission may include, but not be limited to, any of the following: the accuracy and completeness of any of the information submitted; the applicability

of analysis techniques and methodologies; review or development of alternative WCF proposals under this chapter; the validity of conclusions reached; and/or any specific technical issues designated by the City. (Ord. 2001-09, 6-14-2001)

**10-23-15: EXEMPT FACILITIES:**

- A. The requirements imposed by this chapter shall not apply to antennas designed to receive video programming signals from direct broadcast satellite (DBS) services, multichannel multipoint distribution providers (MMDS), or television broadcast stations (TVBS); provided, that: 1) the antenna measures thirty nine inches (39") (1 m) or less in diameter; 2) the antenna is attached to a building; and 3) the antenna is not used to provide commercial service or service to any third party.
- B. The requirements of this chapter shall not apply to the installation of a television satellite dish antenna for personal, noncommercial use when attached to a residential structure and the antenna measures thirty nine inches (39") (1 m) or less in diameter.
- C. The requirements of this chapter shall not apply to amateur radio facilities owned and operated by a Federally licensed amateur radio operator or used exclusively as noncommercial, receive only antennas. However, such facilities shall not be co- located on a WCF unless and until a WCF permit is obtained under this chapter. (Ord. 2001-09, 6-14-2001)

**10-23-16: APPEALS:**

- A. Appeal From Decision Of Administrator:
  - 1. Any person aggrieved by a decision of the Administrator made in interpreting or enforcing this chapter may appeal such a decision to the commission by filing a written notice of appeal with the City Clerk within twenty (20) days of such decision, stating the date and nature of the decision appealed from and the grounds for the appeal. If no notice of appeal is so filed, the decision of the Administrator shall be final and not subject to further appeal or review.

2. Within twenty (20) days of the filing of the notice of appeal, the Administrator shall provide the appellant and file with the commission copies of the record on appeal, including all applications and other documents and exhibits pertinent to the appeal, together with the Administrator's certificate stating that the documents listed comprise the complete record of the decision under appeal.

3. The commission shall hold a hearing at a regular meeting of the commission within thirty (30) days of the Administrator's certification of the record on appeal. The appeal shall be based and heard solely upon the record before the Administrator. The commission shall, within thirty (30) days after the hearing, enter a written order affirming, reversing or modifying the Administrator's decision. The order shall also contain the reasons for the commission's decision.

B. Appeal From Decision Of Commission:

1. Any person aggrieved by the decision of the commission may appeal the commission's decision to the Common Council by filing a written notice of appeal with the City Clerk within twenty (20) days of the commission's final decision. The notice of appeal shall state the date and the substance of the decision appealed from and state the grounds for the appeal. If no notice of appeal is so filed, the decision of the commission shall be final and not subject to further appeal or review.

2. Within twenty (20) days after the filing of the notice of appeal, the appellant may order a transcript of the proceedings to be prepared, and the estimated cost of the transcript shall be paid by the appellant prior to ordering the transcript. The actual cost of the transcript shall be paid for by the appellant in full before the transcript may be forwarded to the Common Council. Within twenty (20) days after receipt of the transcript, the Administrator shall serve to the appellant and the Common Council one copy of the transcript, and the record of the appeal including all

applications, minutes and other documents and exhibits pertinent to the appeal, together with the Administrator's certificate stating that the documents listed comprise the complete record of the proceedings under appeal.

3. At a regular meeting, the Common Council shall hold a hearing on the appeal within thirty (30) days of the Administrator's certification of the transcript and record on appeal. The appeal shall be based and heard solely upon the record before the commission. Each party may not present more than fifteen (15) minutes of oral argument to the Common Council. The Common Council shall enter an order within thirty (30) days after the hearing affirming, reversing, or modifying the commission's decision. The order shall contain a statement of the reasons for the Common Council's decision. (Ord. 2001-09, 6-14-2001)

**10-23-17: ENFORCEMENT AND PENALTIES:**

A person who violates any provision of this chapter shall be guilty of a misdemeanor, punishable as provided in section 1-4-1 of this Code. Each day that a violation of this chapter occurs shall be deemed a separate offense. In addition, the City may seek to enforce this chapter by appropriate civil remedies and/or revocation of a permit issued hereunder. (Ord. 2001-09, 6-14-2001; amd. 2018 Code)

## **CHAPTER 24 PLANNED UNIT DEVELOPMENTS (PUDs)**

**10-24-1: TITLE, PURPOSE AND INTERPRETATION:**

- A. Title: This chapter shall be known and may be cited as the BELLEVUE PLANNED UNIT DEVELOPMENT OR PUD ORDINANCE.
- B. Authority And Purpose: The City of Bellevue recognizes that strict adherence to the bulk regulations set forth in traditional zoning ordinances is not always the most effective manner in which to carry out the intent of such ordinances or the goals and objectives of the Bellevue

Comprehensive Plan. The planned unit development (PUD) process encourages flexibility and creativity in the development of land in order to improve the design, character, and quality of new development. Specific purposes of the planned unit development process include: promoting flexibility in the type, design, and siting of structures; encouraging more efficient use of land, public streets, utilities, and government services; avoiding or mitigating hazardous areas; preserving open space for the benefit of residents of planned unit developments, as well as the community in general; and, achieving a compatible relationship between the uses in the planned unit developments, surrounding areas and the community in general.

This chapter is adopted pursuant to authority granted by Idaho Code sections 67-6501, et seq., including without limitation sections 67-6512, 67-6515, and 67-6513, and article 12, section 2 of the Idaho Constitution. The PUD permit required under this chapter is a special use permit authorized under Idaho Code 67-6512 and this chapter shall be deemed part of the Bellevue zoning regulations. The provisions for planned unit developments contained in this chapter are intended to encourage the total planning of developments. In order to provide the flexibility necessary to achieve the purposes of this chapter, waivers or modifications to standard zoning requirements may be permitted subject to the granting of a PUD permit. The review process prescribed in this chapter is intended to assure compatibility and harmonious development between a PUD and surrounding properties and the City at large.

This chapter is enacted for the general purposes of promoting the public health, safety, comfort, and general welfare of the City of Bellevue and its inhabitants; to conserve and protect property and property values; to secure the most appropriate use of lands; to control the density of population; to prevent undue traffic congestion; to preserve the scenic, historic, and aesthetic values of Bellevue; to insure the economical provision of adequate public improvements and

facilities; to protect and enhance important historical and environmental features; to protect natural resources and wildlife habitat; to avoid undue concentrations of population and the overcrowding of land; to ensure that development of land is commensurate with the physical characteristics of the land; to protect life and property in areas subject to natural hazards; to avoid undue water and air pollution; and, to implement the goals and policies set forth in the Bellevue Comprehensive Plan, this title, and the Bellevue subdivision ordinance.

C. Minimum Requirements: The provisions of this chapter are the minimum requirements for PUDs. Except for waivers and modifications as specifically provided for in this chapter, whenever the requirements of any other lawfully adopted ordinance, rule, regulation or resolution apply, the most restrictive or highest standards shall govern. In addition, it may be determined appropriate by the commission or the Common Council to apply reasonable requirements greater than the minimum standards due to special physical characteristics of the land or characteristics of the development. Subjects not covered in this chapter shall be governed by other applicable ordinances, rules and regulations. (Ord. 2006-15, 8-10-2006)

**10-24-2: DEFINITIONS:**

As used in this chapter, each of the following words shall have the meaning set forth below. For the interpretation and administration of this chapter, when not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural; the masculine shall include the feminine and neuter; the word "shall" is mandatory, and the word "may" indicates the use of discretion in making a decision.

All of the definitions set forth in this title, as amended, and the Bellevue subdivision ordinance 91-01, as amended, are each hereby adopted by reference as if fully set forth in this section. All definitions set forth herein or adopted herein by reference shall apply whether or not the defined words or terms have the first letter of each word capitalized or in lower case letters.

***ACTIVE RECREATIONAL USES:***

Means improved parks, play fields, swimming pools, equestrian centers, golf courses, recreational bike paths and trails, skate parks, tennis courts, recreation centers and similar recreation facilities in accordance with the City Park Master Plan. Only twenty five percent (25%) of the required active recreational uses may be located within an avalanche area.

***ADJACENT:***

Means parcels of real property which are separated only by intervening public right-of-way, easement or waterway.

***ADMINISTRATOR:***

Means the Planning and Zoning Administrator of the City of Bellevue, Idaho.

***BELLEVUE SUBDIVISION ORDINANCE:***

Means Bellevue ordinance 91-01 and amendments thereto.

***CITY:***

Means the City of Bellevue, Idaho.

***COMMISSION:***

Means the Bellevue Planning and Zoning Commission.

***COMPREHENSIVE PLAN:***

Means the Bellevue Comprehensive Plan and amendments thereto.

***CONDITIONAL USE:***

Means a use or occupancy of land permitted only upon the issuance of conditional use permit, and subject to the limitations and restrictions specified in such permit. A conditional use is also referred to as a special use permit under Idaho Code section 67-6512.

***CONTIGUOUS AND ADJOINING:***

Mean parcels of real property which have a common property line.

***COUNCIL:***

Means the Common Council of Bellevue, Idaho.

***DULY NOTICED PUBLIC HEARING:***

Means a public hearing with notice as required by the applicable laws of the State of Idaho.

***NATURAL RESOURCES:***

Means wetlands, riparian areas, wildlife habitat, wildlife migration corridors, significant existing trees and significant geological features.

***NET LAND AREA:***

Means all lands within a proposed PUD except land: a) with a slope of more than fifteen percent (15%) or laying above such slope line or b) within a floodway or c) within streets or parking areas.

***OWNER:***

Means the individual, firm, association, syndicate, partnership, corporation, or other entity having an interest in the real property proposed for development as a PUD by ownership or option to purchase.

***PARKING AREA:***

Means the entire parking and vehicular circulation area(s) associated with the planned unit development, including parking spaces, access drives and aisles, and loading areas.

***PERMITTED USE:***

Means an authorized use in a particular zone district which does not require a conditional use permit, but which is subject to the restrictions particular to that district.

***PLANNED UNIT DEVELOPMENT OR PUD:***

Means development of land in which the standard land use regulations may be modified or waived in order to promote beneficial development of an entire tract of land in conformance with an approved PUD permit and development plan accentuating useable open space, recreational

uses, public amenities, and harmonious development with surrounding properties and the City at large.

***RESIDENTIAL DEVELOPMENT DENSITY:***

Means the total number of residential dwelling units permitted under this title within the net land area of the PUD, but excluding the areas proposed for commercial, light-industrial and other non-residential uses.

***USEABLE OPEN SPACE:***

Means green belts and landscaped common areas devoid of buildings, streets, parking areas, or structures. Useable open space shall not include the area within any floodway, or the riparian setback of the Big Wood River or the area with a slope of greater than fifteen percent (15%). The areas of active recreational uses shall also be included in the calculation of useable open space.

(Ord. 2006-15, 8-10-2006)

***10-24-3: PLANNED UNIT DEVELOPMENT PERMITS AND APPLICATIONS:***

A. PUD Is A Conditional Permit Within All Zoning Districts: A planned unit development shall be a conditional use within all zoning districts within the City.

B. A PUD Permit And A Conditional Use Permit Are Required: Any owner wishing to develop a planned unit development shall comply with the requirements of this chapter and also shall apply for and obtain a PUD permit under this chapter and a conditional use permit under chapter 15 of this title. The PUD permit application shall be submitted and reviewed concurrently as the conditional use permit application as required by chapter 15 of this title and any other application as may be required by this chapter, such as a large block plat preliminary plat application. The applicant may also concurrently file other appropriate land use applications affecting the same piece of property the applicant desires subject to the approval of the

Administrator. Decisions on concurrent applications shall be voted separately by the commission and the Council.

C. PUD Application And Development Plan: An applicant for a PUD permit shall file with the Administrator each of the following:

1. PUD Permit Application: The PUD permit application shall be made upon forms furnished by the Administrator, and as part thereof shall include ten (10) copies of the PUD application, PUD development plan, large block subdivision plat, and supporting exhibits. Also, a conditional permit application under chapter 15 of this title shall be simultaneously filed with the Administrator. A PUD application shall not be deemed filed with the City until all required plans, plats information, documents and concurrent applications have been filed with and all required fees paid to the Administrator. The Administrator shall certify the date when a PUD permit application and the conditional use permit application are each deemed complete and filed with Bellevue. The original application shall be kept on file at Bellevue City Hall and a copy of the certified application form shall be given to the applicant. The PUD permit application shall consist of the following:

a. PUD Application: The application shall contain the following information and exhibits:

- (1) Name, address and telephone number of applicant.
- (2) Legal description of the property.
- (3) A vicinity map at a scale approved by the Administrator, showing property lines, streets, existing zoning and such other items as the Administrator may reasonably require.
- (4) A current title report together with a copy of the owner's recorded deed to said property or copy of the document establishing the applicant's interest in the subject property. If the applicant is acting as the agent of the owners, a written and notarized appointment as agent of

the owner(s) of record of said real property shall be filed. If the owner is a partnership or limited liability company or closely held corporation the name and address of each person having an interest therein.

- (5) Proposed schedule for the development of the project and construction of infrastructure.
- (6) A map showing the lots and parcels of land within three hundred feet (300') of the exterior boundaries of the property in question, together with a list of the names and addresses of the property owner and residents of each parcel within the three hundred feet (300') together with stamped envelopes addressed to each of the names on said list.
- (7) Payment of the applicable fees established by resolution of the Council.
- (8) Additional studies and information may be reasonably required prior to or during the review process by the Administrator, Commission or Council of the social, economic, fiscal or environmental effects of the proposed development.

b. PUD Development Plan: As part of the application, a PUD Development Plan shall be submitted which shall contain the following:

- (1) The scale, northpoint and date;
- (2) The name of the proposed development;
- (3) The name, address, mailing address and telephone number of each engineer, surveyor, or other person preparing the development plan and/or accompanying information or documents;
- (4) The scaled location of existing buildings, water bodies and courses, adjacent streets, alleys, and easements, public and private, and exterior boundary lines of the property together with dimensions; and, the location of existing structures on adjacent properties;

- (5) Location of zoning district lines within the proposed project and within the immediate vicinity;
- (6) The location of existing and proposed street rights-of-way, including dimensions and proposed street names, lots and lot lines, and easements (public and private);
- (7) The location, size and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed development;
- (8) The preliminary design, location, size and type of sanitary and storm sewers, water mains and facilities, culverts, utilities, street improvements, street lighting, curbs, gutters, sidewalks, private irrigation systems, and all other existing and proposed utilities and other surface or subsurface structures within, immediately adjacent to, or proposed to serve the development. Except for the large block subdivision plat, these plans need not be construction level drawings, but shall be prepared by an Idaho licensed engineer;
- (9) The boundaries of the floodplain, floodway, wetlands, and avalanche hazard areas within or affecting the development;
- (10) Proposed lot area of each lot;
- (11) A surveyed contour map of the existing topography of the property and a contour map of the proposed development with contour lines at a maximum interval of five feet (5') to show the existing and proposed configuration of the land together with the documentation upon which such contour maps were prepared;
- (12) A survey plat of the property;
- (13) General building design standards for each phase or housing type within the project. This shall include elevations and floor plans showing the general design elements of building types proposed within the PUD, including, without limitation, approximate square

footages, heights and materials. A PUD or portion thereof limited to construction of single family dwellings on lots meeting the minimum lot size, need not submit elevations and floor plans, but general building design standards to prevent construction of homes of substantially similar design. This does not constitute a design review application and any design review application and approval will be subject to the ordinances in effect at the time of such application;

(14) A general drainage plan showing the location, size and direction of all water courses and drainage flows, all drainage canals and structures, the proposed method of disposing of runoff water, and the approximate location and size of all drainage easements, whether they are located within or outside of the proposed development;

(15) A landscaping plan showing the location and size of existing mature trees, and established shrub masses, and conceptually showing the location, and a list of the size and type of proposed landscaping of the project;

(16) Tabulation of the anticipated average percentage of lot coverage by proposed buildings, and percentage of lot coverage by proposed parking areas shown by uses together with the total square footage of the parcel of property. A PUD or portion thereof limited to construction of single family dwellings on lots meeting the minimum lot size, need not submit such information;

(17) A map showing existing vegetation, significant wildlife habitat, migration corridors, breeding areas and critical winter range within the property;

(18) Studies may be reasonably required prior to or during the review process by the Administrator, Commission or Council of the social, economic, fiscal environmental or other impacts or effects of the proposed development;

(19) Additional information as reasonably required at the discretion of the Administrator, Commission or Council prior to or during the review process.

c. PUD Large Block Subdivision Plat: As part of the application, a preliminary large block subdivision plat shall be prepared in accordance with the requirements of this chapter and the Bellevue subdivision ordinance of all large blocks proposed within the PUD. In addition, the large block plat shall include for each large block the maximum allowable residential densities and housing types, square footages of structures thereon, non- residential uses, location of required building envelopes, location of all streets, alleys, pathways, easements, open spaces, parks, and other recreational facilities, public spaces and lands. As a condition of final PUD permit approval, the applicant shall prepare a final large block subdivision plat in accordance with the requirements of the Bellevue subdivision ordinance and the PUD permit approval, and cause the same to be recorded in the Office of the Blaine County Recorder.

d. Waivers And Modifications: Waiver or modification of any of the requirements of the bulk, setback, lot size or other physical standards of this title or Bellevue subdivision ordinance may be granted as the Council deems appropriate on a case-by-case basis under the standards and criteria of this chapter and chapter 15 of this title subject to such conditions, limitations and/or additional development standards as the Council may prescribe: 1) to mitigate adverse impact thereof, 2) to further the land use policies of the City, 3) to ensure that the benefits derived from the development justify a departure from the traditional zoning and subdivision regulations, 4) to meet the intent of this chapter, 5) protect the public health, safety and welfare, and/or 6) not be detrimental to property owners and residents of the immediate area or the City. As part of the PUD permit application, an applicant shall file a written list of waivers or modifications requested for the proposed PUD. This list may be modified to reflect any changes

in the application during the review process. The granting of any requested waiver or modification shall be expressly stated in the written PUD permit to be valid and shall be subject to such conditions as the Council determines are appropriate.

e. **Phased Development Schedule And Agreement:** The development of the PUD may be planned in phases provided that as part of the PUD permit application a development schedule is submitted by the applicant and such schedule approved by the Council as part of a Phased Development Agreement between the applicant and City. The development schedule shall contain a detailed statement of which large blocks are within each phase and the time schedule for the construction of infrastructure improvements, amenities, recreational facilities, open space, useable open space and improvements, and public facilities and dedications in each phase. Each phase shall be planned with regard to infrastructure, public services and facilities to be self-sufficient and not dependent on later phases and so that failure to proceed to the subsequent phases of a PUD will not have any adverse impacts on the PUD, the surrounding area or the community in general.

f. **Fees:** The applicant shall pay to the City the PUD permit application fee set by resolution of the Council to reimburse the City for the reasonable costs to administer and review the application. (Ord. 2006-15, 8-10-2006)

#### **10-24-4: STANDARDS AND CRITERIA:**

A. **Application Of Standards And Criteria:** The standards and criteria set forth in this chapter shall apply to review of all PUD permit applications. The standards and criteria shall be used to review and evaluate the proposed PUD in comparison to the manner of development and effects of permitted uses and standard development allowed on the property in question. Modification or waiver from certain standard zoning and subdivision requirements may be permitted pursuant to subsection 10-24-3C1d of this chapter. In order for a PUD permit application to be approved, the

Council shall make a positive finding that each of the following evaluation standards and criteria have been met. The evaluation standards and criteria are as follows:

1. The tract or parcel of land proposed for PUD development shall be at least one acre in size and be under one ownership or the subject of an application filed jointly by the owners of all the property included therein. All land within the development shall be contiguous except for intervening waterways. Parcels that are not contiguous due to intervening streets are discouraged. However, under appropriate circumstances, commission and the Council may consider lands that include intervening streets on a case by case basis;
2. That the proposed PUD will not be detrimental to the present and permitted uses of surrounding areas;
3. That the proposed PUD will have a beneficial effect not normally achieved by standard subdivision development;
4. The PUD shall be in harmony with the surrounding area;
5. Densities and uses may be transferred between zoning districts within a PUD as permitted under this chapter, provided the residential development density of units and the total aggregate gross floor area of uses shall be no greater than that allowed in the zoning district or districts in which the development is located. Notwithstanding the above, the Council may grant additional density bonus above the aggregate overall allowable density pursuant to subsection B of this section or permit certain limited uses not otherwise permitted pursuant to subsection C of this section;
6. That the proposed vehicular and non-motorized transportation system:
  - a. Is adequate to carry anticipated traffic consistent with existing and future development of surrounding properties.

- b. Will not generate vehicular traffic to cause undue congestion of the public street network within or outside the PUD.
- c. Is designed to provide automotive and pedestrian safety and convenience, and connectivity with existing streets, bike paths and other public pathways.
- d. Is designed to provide adequate snow removal and storage.
- e. Is designed so that traffic ingress and egress will have minimum impact on adjacent residential uses except where connecting to existing streets is determined by the Council to be appropriate. This includes design of roadways and access to connect to arterial streets wherever possible, and design of ingress, egress and parking areas to have the least impact on surrounding uses.
- f. Includes the use of landscape buffers or other physical separations to buffer vehicular movement and parking areas from adjacent uses or significant public view corridors.
- g. Is designed so that roads are placed so that disturbance of natural features and existing vegetation is minimized.
- h. Includes bikepaths, trails and sidewalks that create an internal circulation system and connect to surrounding bikepaths, trails and walkways.
- i. In each case where a PUD is located adjacent to public lands, public easements to those lands shall be provided;

- 7. That the development plan promotes the purposes and goals of the Bellevue Comprehensive Plan, this title, and other applicable ordinances of the City;
- 8. That the development plan preserves the site's significant natural resources;
- 9. Substantial buffer planting strips or other barriers are provided where no natural buffers exist;

10. Adequate useable open space shall be provided for the PUD. The following minimum requirements shall apply to usable open space:

- a. Not less than ten percent (10%) of the total net land area shall be usable open space in a configuration useable and convenient to the residents of the PUD and the public.
- b. The applicant shall dedicate the useable open space and improvements to the homeowners or to the City or other appropriate public entity as determined appropriate by the Council.
- c. Provision shall be made for adequate and continuing management and funding of all useable open spaces and all common facilities to ensure proper operation and maintenance;

11. Location of buildings, parking areas and common areas shall seek to provide adequate privacy within the PUD and in relationship to adjacent properties and reasonably protect solar access to adjacent properties;

12. In addition to the useable open space set forth in subsection A10 of this section, adequate public and private recreational facilities shall be provided. The public active recreational uses shall be in accordance with the City's Comprehensive Plan and its Park Master Plan. Only twenty five percent (25%) of required active recreational uses may be located within an avalanche area. Provision of adequate on-site recreational facilities may not be required if it is found that the project is of insufficient size or density to warrant same and the occupant's needs for recreational facilities will be adequately provided by payment of a recreation fee in lieu of such facilities to the City for development of additional active park facilities;

13. There is an adequate project center or building of sufficient size to provide for offices for homeowner administrative functions and meetings, and for weddings, reunions and other special events for the residents of the project. If the Common Council determines that the PUD is

of insufficient size to create the demand for such a facility, the Common Council may waive this requirement;

14. There shall be special development objectives and special characteristics or physical conditions of the site that justify the granting of the PUD permit;

15. That public services, facilities and utilities are adequate to serve the proposed PUD and anticipated development within the appropriate service areas;

16. That the PUD will be adequately served by essential public services and facilities, such as police, fire, schools, water and sewer, transportation and recreation without substantial costs to the public;

17. All utilities, including telephone and electrical systems, shall be installed underground;

18. The proposed development can be completed within one year of the date of approval or in the case of a phased development that each phase contains all the necessary elements and improvements to exist independently from proposed future phases of the PUD and a Phasing Agreement has been entered between the applicant and the Council;

19. That the application complies with each of the standards of evaluation and approval for a conditional use permit under chapter 15 of this title;

20. That the project complies with all applicable ordinances, rules and regulations of the City of Bellevue, Idaho, including but not limited to this title and the Bellevue subdivision ordinance, except as modified or waived as permitted under this chapter;

21. Prior to and as a condition of issuance of a building permit for each single family home constructed within the project, the application shall be reviewed by the City Planning and Zoning Administrator, Building Official and Chairman of the Planning and Zoning Commission, which three (3) member group is herein referred to as the "PUD Design Review Conformance

Committee" ("DRCC"). The DRCC shall review all building permit applications and approve or deny same based upon the standard of: do the plans conform to the General Constructions Standards and the PUD permit. All decisions of the DRCC shall be in writing. A decision of the DRCC is subject to appeals in the manner and within the time limits as set forth in subsection 10-24-5N of this chapter;

22. The project is designed to reflect traditional neighborhood interaction and values, and to be connected to and integrated with the community.

B. Density Bonus: An application that meets all of the requirements of subsection A of this section, may be granted the following maximum increases in residential development density as the Council deems appropriate based upon the specifics of the project:

1. Ten percent (10%) if a recreational resource such as tennis courts, ball fields, swimming pool or gymnasium (including land, improvements, regulation of prices, and provision for appropriate long-term funding) are dedicated to the City or made available to the general public under an agreement accepted by the Council;
2. Five percent (5%) for incorporation of alternative energy, energy saving design, construction and materials;
3. Ten percent (10%) for public transportation facilities or other public buildings provided to the City by the applicant;
4. Five percent (5%) for the restoration or improvement of natural resources, particularly streams and wetlands; and/or
5. Ten percent (10%) for provision of community housing above that which is then required.

C. Additional Uses May Be Allowed: In addition to the permitted uses allowed by this title within the PUD, up to ten percent (10%) of the net land area may be directed to other commercial, industrial, and public uses that are not allowed within the zoning district upon the Council finding each of the following:

1. That the uses are appropriate with the permitted and primary uses within the PUD and nearby properties;
2. That the uses are intended to serve principally the residents of the PUD;
3. That the uses are planned as an integral part of the PUD and appropriately phased during the build out of the PUD;
4. That the uses are located and designed as to provide direct access to a collector or arterial street without creating congestion or traffic hazards; and
5. That the uses are not detrimental to the nearby properties, the existing non-residential zoning districts with the City or existing economic base of the City. (Ord. 2006-15, 8-10-2006)

**10-24-5: PROCEDURES FOR REVIEW; CONDITIONS, AMENDMENT, REVOCATION OF PERMITS; APPEALS; FEES:**

A. Pre-Application Meeting: Prior to filing an application, the applicant shall confer with the Administrator to allow the applicant and the City staff to informally review the general proposal. The topics of discussion may include, but not be limited to:

1. Characteristics of the site and surrounding area; significant natural and man-made features; natural hazards, resources or other special considerations of the site; services to and accessibility of the site; surrounding development and land uses; and existing zoning;
2. The nature of the development proposed, including proposed land use, coverages and densities; the placement of proposed buildings and other improvements; the location, type and method of maintenance of common open space or treatment of public use areas; the preservation

of natural features; proposed parking areas and internal circulation system, including easements; types of water and sewage treatment systems proposed;

3. Community policy considerations including the review process and likely conformity of the proposed development with the policies and regulations of applicable ordinances;

4. Applicable regulations, review procedures and submission requirements.

B. Administrative Review: The Administrator upon receiving a PUD permit application and fees shall have thirty (30) days to certify same as complete or submit in writing to the applicant all deficiencies that exist with regard to such application not being so certified as complete. The applicant shall have thirty (30) days to cure such deficiencies. If such deficiencies are not cured within such time period, the application shall be deemed denied on the basis of an incomplete application subject to appeal of that administrative decision as provided in this chapter.

C. Commission Action: Upon certification of a PUD permit application, the Administrator shall refer the application and information to the appropriate City departments and other governmental agencies for their review and comment. Such departments and agencies shall have thirty (30) days to review and respond with written comments. Thereafter, the Administrator shall have thirty (30) days to review such application and prepare for the first public hearing, including publishing of notice of such public hearing. The Administrator shall place the PUD permit application and concurrent applications on the agenda of the commission for consideration and at least one duly noticed public hearing. The commission shall review the application, all supporting documents and plans, and public comments before making its recommendation to the Council. Within sixty (60) days from date of the first public hearing the commission shall make written findings and recommendations to the Council to approve, conditionally approve, or disapprove the application and appropriate conditions to place upon

any approval, unless the commission makes a finding that due to the complexity of the project or changes in the proposed project or the need for additional information or due to weather conditions, adequate review of the project is not possible and additional review time is necessary. The length of such extension shall be determined by the commission based upon relevant factors and evidence before the commission. Thereafter, the PUD permit application together with the record and recommendations of the commission shall be forwarded to the Council for final action.

D. City Council Action: Upon receiving the recommendations of the commission, the PUD permit application and the concurrent permit applications shall be placed upon the agenda of a regular Council meeting. The Council shall hold at least one duly noticed public hearing and review the application, the supporting plans and documentation, the entire record before and recommendations of the commission, and comments from the public. The Council may require additional information, including, but not limited to matters not addressed by the commission. Thereafter, the Council may approve, or approve with conditions, or deny the application within sixty (60) days from the date of the Council's first duly noticed public hearing meeting, unless the Council makes a finding that due to the complexity of the project, or changes in the proposed project, or the need for additional information or due to weather conditions adequate review of the project is not possible, additional review time is necessary. The length of the extension shall be determined by the Council based upon relevant factors and evidence before the Council.

1. If the Council finds a substantial error in the information presented to the commission or new information is presented which may make a material difference in the recommendation made by the commission, the Council may remand the application to the commission for further review and recommendations.

2. Within ten (10) days of its being signed, the Administrator shall transmit a copy of the Council's decision to the appellant and any affected person [1](#) who has requested a copy in writing.

3. No applicant for a PUD which has been denied shall be resubmitted until the expiration of one year from the date of such denial, unless the Administrator makes a determination that there have been significant changes to the application or proof of changed conditions sufficient to justify such new application.

E. Conditions Of Approval: In order to make any of the required findings for approval of a PUD permit or any of the concurrent applications, the Council may impose reasonable conditions on approval, including, but not limited to, the following:

1. Minimize adverse impact on surrounding properties, developments, or public services, facilities or utilities.
2. Control the sequence and time of development.
3. Establish the duration of development.
4. Assure that development is maintained properly.
5. Require the provision for on-site or off-site public improvements, facilities, or services when the proposed development is found to create a significant adverse impact on off-site public streets, facilities, utilities, or services, including but not limited to bridges, intersections, road, traffic control devices, water mains, sewer mains, fire equipment, transit system and recreational facilities.
6. Require methods or manner of construction to minimize impact on adjacent properties or to prevent erosion or runoff and similar environmental impacts.

7. Require dedications of land or cash in lieu thereof for public streets, services, parks, transit or similar uses.
8. Require additional plans or engineering revision for any aspect of the development plan, or require submission of a revised development plan to incorporate changes made therein during the review process.
9. Require written agreements executed by the developer to secure performance of any requirement or condition to be imposed as part of the approval including, but not limited to, development, services, or annexation agreements.
10. Require recordation of documents with the Blaine County Recorder including, but not limited to, those required pursuant to subsection E9 of this section, Declarations of Covenants, Conditions and Restrictions, easements, management agreements and similar documents.
11. Dedications of land or cash in lieu of dedications of land for street, park, transit and/or similar uses.
12. Such other reasonable conditions as the Council may deem appropriate with regard to the proposed PUD.

F. Bonding Requirements: The Council may require the applicant, as a condition of the PUD permit approval, to construct certain improvements, private and/or public utilities, services, facilities, recreation or other amenities, and landscaping or in lieu to post an irrevocable letter of credit from a bank with a local branch office in Blaine County, Idaho, at which the letter of credit may be drawn or certified funds in a form approved by the City Attorney in the amount of one hundred fifty percent (150%) of the bona fide estimate of cost of construction as established by the City Engineer.

G. Design Review Approval Required: Each structure within a PUD which is subject to design review approval under this title, including subsequent amendments thereto, and shall comply therewith. Single family residences shall comply with the requirements of subsection 10-24-4A21 of this chapter. All PUD subdivision plats shall contain a plat note stating design review approval required.

H. General Permit Provisions: A PUD permit shall be issued in writing. The issuance shall not be considered a binding precedent for the issuance of other PUD permits or conditional use permits. A PUD permit is not transferable from one parcel of land to another.

I. Fee Schedules: The Council by resolution shall establish, and may from time to time amend, a schedule of fees to be paid by each applicant for processing a PUD application. Said fees shall be in amounts reasonably calculated to reflect the cost of administering and regulating this chapter and the review and processing of said applications and appeals.

J. Subsequent Subdivision Plat Approvals: At the time of filing of the PUD application, an applicant may file preliminary subdivision applications for preliminary plat approval for resubdivision of the large block(s) which will be the first phase of the project. Such preliminary plat application shall be processed at the same time as the PUD application. After issuance of a PUD permit and recordation of the final PUD large block subdivision plat, the applicant shall file a preliminary plat and final plat for each phase of the PUD in conformance with the approved PUD permit and development plan pursuant to the Bellevue subdivision ordinance and other applicable ordinances. Subsequent subdivision plats shall be subject to the ordinances in effect at the time the application therefor is filed with the City.

K. Expiration And Extension Of Approval Period: A PUD permit shall expire and be null and void for any of the following:

1. Upon receiving a PUD conditional use permit, an applicant shall have one year or such other time (longer or shorter) as the Council deems appropriate from the date of issuance to record in Office of the Blaine County Recorder the final large block PUD subdivision plat or to begin construction of structures within the PUD, whichever is in accordance with the construction schedule. Failure to do so within said time period shall cause the PUD conditional use permit to be null and void ab initio.

2. For good cause shown by the applicant in writing filed with the Administrator prior to the expiration of such one year period, the Council, without a public hearing, may grant an extension of the time limitations set forth in subsection K1 of this section, or may grant an extension of the time limits imposed by the development schedule.

3. If a PUD permit application does not receive final approval from the Common Council within eighteen (18) months of the date of its filing, it and all applications filed concurrently therewith shall be deemed denied. An applicant may request to the Council for a reasonable extension of this time period for final action. Such a request shall be submitted in writing to the City Clerk prior to the expiration of the initial eighteen (18) month period.

L. Amendments To PUD Permit, Conditional Permit Or Development Plan: The PUD permit holder may make application for an amendment to the PUD permit, conditional use permit for the PUD or the PUD development plan. All such requests shall be in writing and supported by such information, plans, plats and other documentation as reasonably required by the Administrator. Minor changes in the PUD Development Plan may be approved by the Administrator. Minor changes shall be limited to changes that: 1) do not require changes to the approved PUD large block plat, 2) do not increase dwelling unit density or change building type or General Design Standards, 3) are consistent with any written agreement between the applicant

and the City, and 4) do not reduce any public or private active recreational use or amenity. If the Administrator determines that the proposed amendment represents a significant change to the PUD, the Council shall consider the request as an amendment to the PUD permit under the same procedures as required for issuance of the original PUD permit set forth in this chapter. Minor changes in the location, siting, or design of buildings and structures may be authorized by the Administrator. All amendments and modifications shall comply with the ordinances of the City in effect at the time such amendment or modification is granted.

M. Revocation: Failure to comply with any condition or term of the PUD permit or any permit concurrently granted therewith shall cause such permit to be void ab initio. The Council may revoke a PUD permit for any violation of this chapter or violation of the conditions of the permit. If the Council finds that probable cause exists for revocation of the permit, written notice thereof shall be provided the permittee. A PUD conditional use permit may be revoked at any time for violation of the permit or any condition thereof by motion of the Council after a due process hearing upon a minimum of thirty (30) days' written notice to the holder of the PUD permit ("permittee"). The permittee shall have the right to be represented by legal counsel and to present evidence on the permittee's behalf. The Council shall enter its decision in the form of written findings of fact and conclusions of law.

N. Appeals: The decision of the Administrator and of the commission are subject to appeals in the manner and within the time limits as set forth in section 10-3-3 of this title, hereby adopted by reference, except as follows:

1. Time For Filing Appeal: The written notice of appeal shall be filed with the City Clerk before five o'clock (5:00) P.M. of the twentieth (20th) calendar day after the order, requirement, decision or determination of the Administrator has been made or after written findings of fact

and decision have been approved and signed by the commission, whichever is applicable. The failure to physically file a notice of appeal with the City Clerk within the time limits prescribed by this section shall be jurisdictional and shall cause automatic dismissal of such appeal.

2. Notice Of Appeal - Form And Contents: The notice of appeal shall be in writing and in such form as shall be available from the Office of the Administrator, which shall require to be set forth with specificity all basis for appeal, including the particulars regarding any claimed error or abuse of discretion.

3. Fee For Appeals: In addition to other required fees with regard to an appeal, a fee equal to the expense of preparing the transcript of the proceedings and giving notice as required by this chapter shall be paid by the applicant to the City within two (2) days, after receipt of notice of the amount thereof by the applicant from the Administrator. In the event the fee is not paid as required, the appeal shall not be deemed not to have been timely filed. (Ord. 2006-15, 8-10-2006)

#### Notes

1 1. As defined in IC § 67-6521, and subsequent amendments.

#### **10-24-6: PENALTIES:**

A. Penalties And Enforcement: The provisions of this chapter shall be enforced in the following manner: (Ord. 2006-15, 8-10-2006)

1. A violation of this chapter shall be a misdemeanor, punishable as provided in section 1-4-1 of this Code. Each day that such a violation continues shall constitute a separate criminal offense. Each landowner, tenant, subdivider, builder or other person who commits, participates in, assists in or maintains such violation is guilty of such a violation. (Ord. 2006-15, 8-10-2006; amd. 2018 Code)

2. In addition to the criminal sanctions, whenever it appears that any person has engaged or is about to engage in any act or practice violating any provision of this chapter or of the PUD permit or the conditional use permit granted for the PUD or any other permit issued with regard to the PUD, the City may institute a civil action to enforce compliance with this chapter. (Ord. 2006-15, 8-10-2006)

## **12-4-1: DESIGNATION OF FLOODPLAIN ORDINANCE ADMINISTRATOR:**

The Community Development Director hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this title. (Ord. 2019-09, 9-23-2019)

Typo.

## **12-5-2: SPECIFIC STANDARDS:**

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in sections 12-3-2 or 12-5-4, the following provisions, in addition to the provisions of section 12-5-1, are required:

A. Residential Construction: New construction, substantial improvements, and development of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than the Flood Protection Elevation, as defined in section 12-2-1 of this title.

B. Non-Residential Construction: New construction, substantial improvements, and development of any commercial, industrial, or other non-residential structure shall have the lowest floor, including basement, elevated no lower than the Flood Protection Elevation, as defined in section 12-2-1 of this title. Structures located in Zones A, AE, AH, AO, and A1-30 may be floodproofed to the Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AH and AO Zones, the floodproofing elevation shall be in accordance with subsection 12-5-6 B. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in subsection 12-4-3 C, along with the operational plan and the inspection and maintenance plan.

C. Manufactured Homes:

1. New and replacement manufactured homes shall be elevated so that the lowest floor of the manufactured home is no lower than the Flood Protection Elevation, as defined in section 12-2-1 of this title.

2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the Idaho Division of Building Safety's "Idaho Manufactured Home Installation Standard" in

accordance with Idaho Code section 44-2201(2). Additionally, when the elevation would be met by an elevation of the chassis thirty-six inches (36") or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six inches (36") in height, an engineering certification is required.

3. All enclosures or skirting below the lowest floor shall meet the requirements of subsection D.

4. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

D. Additions/Improvements:

1. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

a. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure; or

b. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

2. Additions to post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

3. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

a. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction; or

b. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

4. Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a ~~(insert number of years)~~five (5) year period, the cumulative cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, must comply with the standards for new construction. For each building or structure, the ~~(insert number of years)~~ year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this title. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

A fill-in-the-blank from the FEMA model ordinance was not filled in. Five (5) years was recommended as a minimum standard by the State Floodplain Coordinator.

- a. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions; or
- b. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

E. Recreational Vehicles: Recreational vehicles shall be either:

1. Temporary Placement:

- a. Be on site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

2. Permanent Placement:

- a. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction, as set forth in section 12-5-1 .

F. Temporary Non-Residential Structures: Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

1. A specified time period for which the temporary use will be permitted. Time specified may not exceed six (6) months, renewable up to one (1) year;
2. The name, address, and phone number of the individual responsible for the removal of the temporary structure;
3. The time frame prior to the event at which a structure will be removed (i.e., immediately upon flood warning notification);
4. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
5. Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

G. Accessory Structures: When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, elevation or floodproofing certifications are required for all accessory structures in accordance with subsection 12-4-3 C, and the following criteria shall be met:

1. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);
2. Accessory structures shall not be temperature-controlled;
3. Accessory structures shall be designed to have low flood damage potential;
4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
5. Accessory structures shall be firmly anchored in accordance with the provisions of subsection 12-5-1 B;
6. All service facilities, such as electrical, shall be installed in accordance with the provisions of subsection 12-5-1 E; and
7. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Flood Protection Elevation in conformance with the provisions of subsections 12-5-1 I2a through I2f. An accessory structure with a footprint less than two hundred (200) square feet and is a minimal investment of seven thousand five hundred dollars (\$7,500.00) or less and satisfies the criteria outlined in subsections G1 through G7 above is not required to meet the elevation or floodproofing standards of subsection B.

H. Tanks: When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

1. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the base flood, including the effects of buoyancy (assuming the tank is empty);
2. Elevated above-ground tanks, in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the base flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
3. Not elevated above-ground tanks, that do not meet the elevation requirements of subsection B of this title shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
4. Tank inlets, fill openings, outlets and vents shall be:
  - a. At or above the flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood; and

- b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

**I. Construction Of Below-Grade Crawlspace:**

- 1. The interior grade of a crawlspace must not be below the BFE and must not be more than two feet (2') below the exterior lowest adjacent grade (LAG).
- 2. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four feet (4') at any point.
- 3. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
- 4. The velocity of floodwaters at the site should not exceed five feet (5') per second for any crawlspace.

See Technical Bulletin 11 for further information.

**Caution:**

Buildings that have below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation of the crawlspace soil at or above the Base Flood Elevation (BFE).

**J. Other Development In Regulated Floodways And Flood Fringe:**

- 1. Fences that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, in regulated floodways and flood fringe shall meet the limitations of section 12-5-5 of this title.
- 2. Retaining walls, bulkheads, sidewalks, and driveways that involve the placement of fill in regulated floodways and flood fringe shall meet the limitations of section 12-5-5 of this title.
- 3. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, which encroach into regulated floodways and flood fringe, shall meet the limitations of section 12-5-5 of this title.
- 4. Drilling water, oil, and/or gas wells including fuel storage tanks, apparatus, and any equipment at the site that encroach into regulated floodways and flood fringe shall meet the limitations of section 12-5-5 of this title.
- 5. Docks, piers, boat ramps, marinas, moorings, decks, docking facilities, port facilities, shipbuilding, and ship repair facilities that encroach into regulated floodways and flood fringe shall meet the limitations of section 12-5-5 of this title.

**K. Subdivision Plats; Flood Zones:**

1. A note must be provided on the final plat documenting the current flood zone in which the property or properties are located. The boundary line must be drawn on the plat in situations where two (2) or more flood zones intersect over the property or properties being surveyed.

2. FEMA FIRM panel(s): #160xxxxxC, & 160xxxxxE, etc.

FIRM effective date(s): mm/dd/year

Flood Zone(s): Zone X, Zone A, Zone AE, Zone AO, Zone, AH, Zone D, etc.

Base Flood Elevation(s): AE . 0 ft., etc.

Flood Zones are subject to change by FEMA & all land within a floodway or floodplain is regulated by Title 12 of the Bellevue City Code.

(Ord. 2019-09, 9-23-2019)