

**AGENDA**  
**CITY OF SUN VALLEY PLANNING AND ZONING COMMISSION MEETING**  
**May 5th, 2022, AT 9:00 AM**

**VIRTUAL ACCESS**

**Join Zoom Meeting**

<https://us02web.zoom.us/j/83789496441>

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*Livestream audio is available at [www.sunvalleyidaho.gov](http://www.sunvalleyidaho.gov). Look for the meeting under “Upcoming Events” at the top & click audio button to listen in.*

**CALL TO ORDER /ROLL CALL**

**PUBLIC HEARINGS/ACTION/STAFF REPORTS**

**1. Subdivision Code Workshop**

**NEXT MEETING DATE:** May 19th, 2022. Anticipated Items/Topics: New Single-Family residences- White Clouds Sun Peak Circle Lot 41, 230 Elkhorn Road, Addition- 99 Morningstar Road

**ADJOURNMENT**

\* Indicates an Action Item as required by Idaho Code 74-204 (4).

*Please Note: The agenda is subject to revisions.*

*Anyone needing assistance to attend or participate should contact Sun Valley City Hall prior at 208-622-4438.  
Planning & Zoning Commission packets are available online at [www.sunvalleyidaho.gov](http://www.sunvalleyidaho.gov)*

**CITY OF SUN VALLEY  
PLANNING AND ZONING COMMISSION  
MEMORANDUM**

**To:** City of Sun Valley Planning and Zoning Commission  
**From:** Brittany Skelton, Community Development Director  
**Date:** May 5<sup>th</sup>, 2022  
**Re:** Subdivision code amendments workshop

**WORKSHOP**

Staff is seeking feedback from the Commission and stakeholders regarding targeted procedural updates to the City’s subdivision ordinance. Preliminary draft language is attached and topics for discussion are outlined below.

**1. Procedure and timing of installation of infrastructure relative to review and approval of Final Plats, As-Built drawings, and recording of Final Plats**

Currently, the processes for land subdivisions and condo/townhouse subdivisions differ:

<b>Existing</b>	
<u>Land subdivision</u>	<u>Condominium / townhouse subdivision</u>
<p>City Council must review and approve the Final Plat concurrent with construction drawings for infrastructure/improvements to be installed.</p> <p>Council approves the Final Plat concurrent with the construction drawings.</p> <p>Final Plat is held from signature/recording until after infrastructure has been installed and as-built drawings have been reviewed and approved by the city.</p>	<p>Condominium / townhouse building has to be completed, with Certificate of Occupancy issued, prior to Council’s review and approval of Final Plat.</p> <p>The Subdivision Ordinance doesn’t currently define a separate procedure for the timing of infrastructure installation.</p>
<b>Challenges with existing procedures</b>	
<p><u>Recording of “paper plat”</u> Final Plat may inadvertently be signed and recorded prior to completion of infrastructure because Council has already approved the Plat.</p> <p><u>Not enough checks and balances for as-built drawings</u> Since Final Plat approval from Council occurs prior to infrastructure installation, Council approves proposed infrastructure plans but has no review authority over reviewing/accepting changes that occur in-field and show up as As-Builts.</p> <p><u>Antiquated practice</u> Other jurisdictions require review of infrastructure plans with Preliminary Plat, installation of infrastructure</p>	<p><u>Infrastructure</u> Presumably, some level of infrastructure will always be installed (water/sewer services, electricity) prior to beginning construction of a structure intended to become condominiums or townhomes, but code doesn’t specify this. The lack of defined process/standards leave infrastructure up to negotiation during Preliminary Plat (for example, Sunshine Townhomes and paving of the roads)</p> <p><u>Certificate of Occupancy</u> Staff supports existing requirement for C of O issuance prior to Council’s approval of Final Plat because it is a strong lever the City has to ensure buildings are completed in a high-quality manner. Additionally, it ensures completion of life-safety improvements for entire building and ensures end-user (buyer of condo/townhouse unit) has a completed, occupiable unit to reside in.</p>

**Staff proposed changes**

<p>1. Require construction drawings to be reviewed and approved at Preliminary Plat stage and allow infrastructure to be installed after Preliminary Plat approval.</p> <p>2. Require completion of all infrastructure and review of As-Builts to occur with Final Plat application and prior to Council’s approval of Final Plat.</p>	<p><u>Infrastructure</u> Mirror proposed new process for land subdivisions: all infrastructure to be installed after Preliminary Plat approval and build in requirement that all infrastructure must be installed prior to issuance of Building Permit. Note: All city departments (Fire, Police, Community Development and the Building Official, and City Administration) support this code change.</p> <p><u>Certificate of Occupancy</u> Staff proposes no major changes to process. However, code could be written to explicitly allow Final Plat to be placed on a Council agenda prior to issuance of a C of O provided Council’s review occurs after C of O has been issued.</p>
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**2. Phasing and platting**

<b>Existing</b>
<u>Land subdivision and Condominium / Townhouse subdivisions</u>
City Code makes reference to “phasing” a development but does not contain procedures or standards/requirements for phasing a land subdivision, condominium, or townhouse development.
<b>Challenges with existing procedures</b>
The lack of procedures leads to inefficiency (no roadmap to follow, always reinventing the wheel) and does not provide expectations to the development community.
<b>Staff proposed changes</b>
Staff recommends reviewing the phasing procedures and standards adopted by peer communities and paring them down to create a concise and clear process for phasing development in the City of Sun Valley

**2. Other changes proposed by staff**

- A. Clearly allow the City to accept surety agreements for specific improvements that are not related to life-safety in order to record Final Plats. Examples: landscaping, irrigation.
  - o Require temporary erosion control to be installed if a surety agreement is accepted.
  - o Update the surety agreement to align with the surety agreement allowed for single-lot Design Review projects (subdivision ordinance currently requires 110% of the cost of completion of improvements for a surety whereas Design Review requires 150%)
- B. Clarify that Building Envelopes apply only to lots that will be developed with single-family residences
  - o Commercial and multi-family zones have an “open site area” of 25%. Additionally, when townhouses and condominiums are platted, the platted townhouses subplot and/or condominium unit footprints/airspace restrict the unit’s buildable area.
- C. Update Final Plat review/approval to by a routine/mandatory approval provided the Final Plat substantially conforms to the Preliminary Plat
  - o Other jurisdictions already do this; it makes the heavy lift with Preliminary Plat approval (design and installation of infrastructure) more palatable
- D. Update the “Purpose” section, if deemed necessary by the Commission

**ARTICLE A. GENERAL PROVISIONS**

**SECTION:**

**9-4A-1: Purpose**

**9-4A-2: Applicability**

**9-4A-3: Scope**

**9-4A-4: Standards**

**9-4A-5: Design**

**9-4A-6: Preliminary Plat**

**9-4A-7: Final Plat**

**9-4A-8: Surety Agreements**

**9-4A-1: PURPOSE:**

The purpose of these regulations is to promote the public health, safety and general welfare, by providing for:

- A. The harmonious development of land situated within the jurisdiction of the city and in context with the immediate neighborhood;
- B. The preservation of the natural and scenic character and aesthetic value of hillsides, ridges, ridgelines, ridge tops, knolls, saddles, and summits in the city by regulating development thereon;
- C. The prevention of scarring of hillsides, ridges, ridgelines, ridge tops, knolls, saddles, and summits made by inappropriate cuts and fills and/or access streets to these areas;
- D. The prevention of grading that does not follow the natural contour of the land;
- E. The protection of natural landmarks and prominent natural features including hillsides and the natural skyline;
- F. The regulation of site alteration and structural development on hillsides, ridges, ridgelines, ridge tops, knolls, saddles, and summits to assure that site alteration and structural development occurs in a manner that minimizes building visibility by establishing building envelopes or footprints suitable for building on lower angle slopes below ridgelines and ridge tops;
- G. Providing for safe access for emergency vehicles to structures on sloping property;
- H. Direct development to appropriate areas of least slope on hillside property whenever such areas are part of the parcel or lot under application;
- I. Prohibiting subdivision of property where the resulting subdivision creates new building sites and/or private drives that significantly impact the natural, scenic character and aesthetic value of hillsides, ridges, ridgelines, ridge tops, knolls, saddles, and summits in the city;
- J. Limiting the subdivision of land with slopes greater than fifteen percent (15%);
- K. The coordination of streets within proposed subdivisions with other existing or planned streets;
- L. The retention of adequate open space for travel, light, air and recreation in any proposed subdivision;
- M. Adequate transportation, water, drainage, sanitary facilities and other necessary utilities within any proposed subdivision;
- N. Adequate safeguards from the dangers posed by subdivisions located in areas prone to avalanches, floods or similar natural phenomena;
- O. The avoidance of scattered subdivision of land which could result in either of the following:

- 1. Inadequate supply of water, sewer service, fire protection, transportation or other essential public services; or
- 2. An excessive expenditure of public funds for the supply of such public services;
- P. The extent and the manner in which:
  - 1. Streets shall be created and improved; and
  - 2. Water, sewer and other utility mains, piping, connections or other facilities shall be installed;
- Q. The manner and form of making and filing any subdivision plat; and
- R. The administration and enforcement of subdivision regulations. (Ord. 382, 10-25-2006)

**9-4A-2: APPLICABILITY:**

These regulations shall apply to the subdividing of land within the corporate limits of the City, the property within the area of the City impact. (Ord. 382, 10-25-2006)

**9-4A-3: SCOPE:**

These regulations and procedures shall be complied with prior to any of the following:

- A. Division of land into two (2) or more lots or parcels for transfer of ownership, building of improvements or leasing as described herein, whether immediate or in the future;
- B. The improvement of any land;
- C. Any alteration, modification, change, addition to or deletion from any recorded plat, and including modifications to building envelopes and footprints, boundary shifts and/or removal of lot lines between existing platted lots or parcels and/or unplatted tracts of land. (Ord. 382, 10-25-2006)

**9-4A-4: STANDARDS:**

A. Compliance With Minimum Design Standards: All plats submitted pursuant to the provisions of this title, and all subdivisions, improvements and facilities done, constructed or made in accordance with said provisions shall fully comply with the minimum design standards as set forth in this Code as follows:

TABLE 9-4A-1

STANDARDS AND CODE SECTION PROVISIONS

Standard	Section
Standard	Section
Cuts, fills, and grading	7-2-2
Design review	Title 9, chapter 3, article A
Driveways	7-6-13
Easements	7-3-2
Erosion control	7-2-4
Floodplain	Title 9, chapter 3, article I
Fire hydrants	7-3-8
Hillside development	Title 9, chapter 3, article H
Lot design	9-4A-5
Monuments	7-3-3
Nonvehicular transportation	7-3-7

Parking lots	7-6-14
Planting strips	7-3-5
Private streets	Title 7, chapter 5
Public water and sewer systems	7-3-4
Storm drainage and erosion control	7-2-3 and 7-2-4
Street dedication	7-3-6
Street design and development standards	Title 7, chapter 6
Street lighting and traffic control devices	7-3-9
Utility systems, easements and design	7-3-1 and 7-3-2
Zoning district regulations	Title 9, chapter 2, articles A, B and C

B. More Restrictive Standards: Any more restrictive standards adopted and made applicable by any highway district, State Highway Department or other Federal, State or local regulatory agency shall prevail over those standards set forth in this title.

C. Minimum Standards: The minimum standards for land subdivision are intended for flat land areas not for hillsides, natural resource areas, and areas of unique character. Compliance with the minimum standards without regard to special characteristics of the land does not create an entitlement to the densities set forth in chapter 2 of this title.

D. Compliance With Standards: Compliance with the standards in this title may limit the amount of land available for development including limitation of development above slopes greater than fifteen percent (15%).

E. Additional Requirements: Compliance with the minimum standards does not automatically ensure acceptance of a plat by the city. Additional requirements may be added by the council before ~~approval~~ acceptance in order to implement the purpose of this code, the objectives of the comprehensive plan, or provide for the public health, safety, and general welfare. (Ord. 382, 10-25-2006)

**9-4A-5: DESIGN:**

A. Preservation Of Special Sites: In order to preserve, retain, enhance and promote the existing and future appearance within the proposed subdivision of natural topographical features, historic and cultural landmarks, scenic beauty and resources, the applicant, in planning and designing the proposed subdivision, shall give special consideration to the following:

1. Preservation of historical, natural, ecological, architectural, archaeological, and sites of scenic value or significance, including, but not limited to, those identified in the city's comprehensive plan.

2. Preservation of existing stream channels, lakes and other natural bodies of water.

3. Retention of undeveloped ridges, ridgelines, ridge tops, knolls, saddles, summits, natural features and hilltops by avoiding development in such areas, to provide preservation of natural features and undeveloped hillsides greater than twenty five percent (25%) in slope.

4. Prevention of scarring of undeveloped hillsides, ridges, ridgelines, ridge tops, knolls, saddles, and summits by avoiding cuts and fills and/or access streets to these areas.

5. Preservation of tree and shrub masses, areas containing large concentrations of wildflowers or unique rock or geological formations.

6. Preservation, wherever reasonably possible, of important view corridors, vistas and scenic panoramas; to include the natural skyline. (Ord. 382, 10-25-2006)

B. Lot Design:

1. The lot size, width, depth, shape and orientation and minimum setback lines shall comply with the minimum requirements of this title.

2. Except for work force housing units, the minimum lot depth shall not be less than one hundred feet (100') and the depth to width ratio of the usable area of the lot shall not be less than three to one (3:1).

3. Each proposed individual lot platted for a single-family dwelling shall have sufficient available area for, and shall create, a building envelope suitable for building meeting the following standards:

a. The envelope shall be of not less than two thousand five hundred (2,500) square feet, which can be developed in accordance with the standards of this title.

b. One-half (1/2) of such proposed building envelope suitable for building shall have a record grade of fifteen percent (15%) slope or less. The other one-half (1/2) of the building envelope may have a record grade of twenty five percent (25%) slope or less. ~~No structure may be built on a record grade of over twenty five percent (25%) slope except as provided in section 9-5B-7 of this title.~~

i. If evidence acceptable to the city is provided by the applicant showing that strict enforcement of this provision would prohibit a substantial portion of permitted or conditional uses of the property, then the applicant may apply for a variance. The other provisions of the hillside development regulations shall remain in effect.

c. ~~4-~~Each proposed building envelope suitable for building, subject to the slope requirements in chapter 3, article H of this title shall be located below the skyline and shall be sited in such a manner as not to allow any structure built on it to skyline.

d. ~~5-~~The visibility of each proposed building envelope suitable for building, subject to the slope requirements in subsection B3 of this section, shall be minimized through siting of lots such that the proposed building envelope is not located on a ridge, ridgeline, ridge top, knoll, saddle, or summit.

4. Each proposed individual lot for clustered single-family dwellings, or a multiple-family dwelling (i.e. townhouse units and condominium units), shall create a building envelope suitable for building meeting the following standards:

a. International Residential Code or International Building Code requirements.

b. The slope requirements in chapter 3, article H of this title, which require buildings to be located below the skyline and sited in such a manner as not to allow any structure built on it to skyline.

c. The visibility of each proposed building, subject to the slope requirements in subsection B3 of this section, shall be minimized through siting of lots such that the proposed building envelope is not located on a ridge, ridgeline, ridge top, knoll, saddle, or summit.

~~6~~5. Side lot lines shall be substantially at right angles or radial to street lines, except where other treatment may be justified.

~~7~~6. Every lot shall have access to a public street, except in estate developments, townhouse, or condominium developments where lots may abut upon a private street furnishing satisfactory access to a public street.

~~8~~7. Every lot shall be connected to public water and sewer systems, unless the property is over five hundred feet (500') from a public system as measured from the closest property line and an alternative utility system is approved by the city engineer.

98. Double frontage lots shall be avoided wherever possible. (Ord. 455, 12-6-2012)

C. Public Sites And Open Space:

1. Purchase Of Public Sites: Where it is determined that a proposed park, playground, school or other public use, as shown on the future acquisition map adopted by the city and authorized by Idaho Code section 67-6517, is located in whole or in part within the proposed subdivision, the commission shall notify the appropriate public agency concerning the land proposed to be acquired. Within thirty (30) days of the date of notice, the public agency may request the commission and council to suspend consideration of the proposed subdivision for sixty (60) days. If an agreement on the purchase of said property is not reached by the end of said sixty (60) day period, the city shall resume consideration of the subdivision.

2. Large Scale Subdivisions: In the case of subdivisions with greater than ten (10) lots or units, the Commission **or Council** may require park or open space facilities of acceptable size and location for the needs of subdivision residents. (Ord. 382, 10-25-2006)

**9-4A-6: PRELIMINARY PLAT:**

A. Optional Preapplication Review: The applicant may, at his/her option, prior to the filing of an application and preliminary plat for a proposed subdivision, submit to the director, for his/her review and recommendations, a preliminary schematic rendering of, and appropriate explanatory narrative information for the proposed subdivision.

B. Director's Action: Within thirty (30) days from the date of receiving the request for preapplication review, the director shall inform the applicant as to the following:

1. General conformance or nonconformance of the proposed subdivision with the requirements of this chapter.
2. General compliance with the objectives and requirements of the city's comprehensive plan and applicable provisions of this title and title 7 of this code.
3. Other public and private agencies which the director believes may have some jurisdiction over or interest in aspects of the proposed subdivision.

C. Application Requirements: An application, map requirements, and fees, in accordance with chapter 5 of this title shall be submitted to the director. At the discretion of the director or city engineer, appropriate supplementary information may also be required to sufficiently detail the proposed development within any special development area, including, but not limited to, hillside, planned unit development, floodplain, cemetery, and/or unique areas of development.

D. Application Review: In completing his/her review, the director may solicit the assistance and recommendations of any other agency or organization he/she deems appropriate, including the following:

1. Agencies of city, county or state government having an interest in or authority over proposed subdivision or any portion thereof;
2. Appropriate utility companies, irrigation companies or districts, drainage districts and the city water and sewer district;
3. The governing board or superintendent of the school district in which the proposed subdivision is located;
4. Private planners, engineers or other professionals having expertise in matters relevant to the proposed subdivision;
5. A technical committee of city staff that may also enlist the support of persons having specific knowledge in civil and geotechnical engineering, public facility and services, utilities, site design and landscaping.



E. Director's Action: The director shall compile and transmit to the commission and the applicant, the report of the technical committee together with his/her findings and recommendations. If changes in the preliminary plat are recommended, the director shall inform the applicant, in writing, of these recommendations.

F. Public Hearings: The commission and council shall hold public hearings on the subdivision in accordance with chapter 5 of this title.

G. Commission Action:

1. Site Inspection: As part of a noticed public meeting, the commission may inspect the site of the proposed subdivision.

2. Findings: In determining the acceptability or unacceptability of the proposed subdivision, the commission shall consider the following:

- a. The conformance of the proposed subdivision and preliminary plat with the requirements of this title and all other applicable ordinances and provisions of this code.
- b. The conformance of the proposed subdivision with the comprehensive plan and this title.
- c. The availability of existing public services to accommodate the anticipated needs of the proposed development.
- d. The necessity for off site improvements to connect the proposed subdivision to existing public services and utilities.
- e. The financial capability of the city and other public agencies to provide required additional municipal services to the proposed development.
- f. Compliance of the proposed subdivision with the design and improvement standards specified in chapter 3 of this title and title 7 of this code.

H. Council Action:

1. Council Review And Action: The council shall review and take action on the preliminary plat in accordance with chapter 5 of this title.

2. Authority Of City To Impose Conditions On Approval Of Preliminary Plat: In order to ensure compliance with this chapter, including the design and improvement standards in sections 9-4A-4 and 9-4A-5 of this article, and the intent and provisions of this title, the city may impose conditions on the approval of a preliminary plat of the subdivision, including, by way of example and not by way of limitation, the requirements that the applicant provide, pay for, and install, or cause to be installed to city standards, the delayed or phasing development of residential and business structures so as to ensure that the city can provide necessary municipal services and facilities:

- a. Water distribution systems and appurtenances including fire hydrants, fire alarms and other fire control devices.
- b. Sewer lines, pumps and appurtenant sewage collection and disposal devices, together with devices for the removal of materials and water from sewage not amenable to or capable of treatment or reduction by the sewer district's sewage treatment processes or prohibited by state or federal laws or regulations.
- c. Streets, curbs and gutters, street base coarse material, wearing coarse material, bridges, sidewalks, bicycle pathways, street signs, traffic control devices, intersection signals, vehicle turning and deceleration lanes.
- d. Storm drainage structures, lines and appurtenances, including culverts or other devices to enclose open ditches and to inhibit access to them by children, together with drainage easements sufficient to accommodate expected runoffs as determined according to generally accepted drainage accommodation principles.

e. Electrical distribution facilities, transformers and appurtenances, underground wiring, ornamental and safety street lighting, underground communication systems wiring and underground cable television system and wiring, gas distribution systems and appurtenances.

f. Preservation or replacement of trees, shrubs, ground cover and other vegetation, installation of soil stabilization improvements to prevent erosion or degradation of surface water quality and inhibit vegetative growth in impounded waters or streams.

g. Public easements shall be dedicated for all required utilities and improvements. (Ord. 382, 10-25-2006)

I. Construction of Improvements:

1. After the approval of the Preliminary Plat by the City Council the applicant shall submit an application under Title 7 with construction plans, prepared by a civil engineer licensed in the state of Idaho, detailing profiles, cross sections, specifications, and other supporting data for required infrastructure and improvements, including but not limited to public and private streets, utilities, and other facilities, to serve the subdivision.
2. Upon the City's issuance of the permit for construction under Title 7 the applicant shall install all required infrastructure and improvements to serve the subdivision. Upon completion of all required infrastructure and improvements the applicant may then submit a Final Plat application.

**9-4A-7: FINAL PLAT:**

A. Application:

~~—1. After the approval or conditional approval of the preliminary plat by the City Council, the applicant may cause the subdivision, or any part thereof, to be surveyed and a final plat prepared in accordance with the approved preliminary plat.~~

~~2~~<sup>1</sup>. The applicant shall submit, to the Director, the following:

a. The application for final plat shall include the appropriate number of copies of the final plat map in a form determined by the City.

b. ~~A complete set of construction plans, including profiles, cross sections, specifications and other supporting data for all required public streets, utilities and other facilities, prepared by a registered engineer. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat. Construction plans are subject to approval by the responsible public agency, and shall be prepared in accordance with said agency's standards and specifications.~~ As built drawings for all improvements required in the portion of the subdivision contained in the final plat.

B. Director's Review:

1. The Director shall review the final plat for compliance with the approved or conditionally approved preliminary plat. If the Director determines that the final plat differs significantly from the approved preliminary plat, or that the conditions of preliminary plat approval have not been met in the final plat, the Director may require that the final plat be submitted to the commission for its evaluation and decision in the same manner as required in the preliminary plat process.

2. The Director may transmit one copy of the final plat, or other documents submitted, for review and recommendation to the departments and agencies he deems appropriate to assure compliance with the approved preliminary plat and/or conditions of preliminary plat approval.

C. Council Actions: The Council shall approve, approve conditionally, disapprove, or table the final plat for a period not exceeding thirty (30) days, for the purpose of obtaining additional information.

1. Land Subdivisions:

a. If the Final Plat substantially confirms to the approved Preliminary Plat, and the as built drawings are accepted by the City, in accordance with a recommendation from the City Engineer, Fire Chief and Community Development Director, the Council shall approve the Final Plat. ~~Approval of the final plat shall be deemed approval of the proposed subdivision as represented and the subdivision shall be completed, in conformance with the representations, plans and specifications contained on said final plat and its supporting data.~~

2b. ~~Upon denying~~ If the Council denies the final plat, the Council shall specify:

- a.i. The ordinance and standards used in evaluating the application;
- b.ii. The reason for denial; and
- e.iii. The actions, if any, that the applicant could take to obtain approval.

## 2. Townhouse and Condominium Subdivisions:

a. Issuance of a Certificate of Occupancy for the Townhouse or Condominium dwelling unit for which Final Plat is sought is required prior to Council's action on the Final Plat.

b. If the Final Plat substantially confirms to the approved Preliminary Plat, and the as built drawings are accepted by the City, in accordance with a recommendation from the City Engineer, Fire Chief and Community Development Director, the Council shall approve the Final Plat.

c. If Council denies the Final Plat, the Council shall specify:

- i. The ordinance and standards used in evaluating the application;
- ii. The reason for denial; and
- iii. The actions, if any, that the applicant could take to obtain approval.

~~D. Construction Of Improvements: No construction shall commence on any improvements required for the plat until the Council has approved the final construction plans and specifications. Prior to the time of recording of the final plat, the applicant shall file with the City as built drawings for all improvements required in the portion of the subdivision contained in the final plat. (Ord. 382, 10-25-2006)~~

~~E.D.~~ Recording Final Plat:

1. No final subdivision plat shall be filed with the County Recorder until the plat has been acted upon by the commission, if applicable, and approved by the Council. No lots within the proposed subdivision shall be sold until the plat has been recorded in the Office of the County Recorder.

2. Upon approval of the final plat by the Council and the inclusion of the following information and signatures on the final plat, the applicant shall submit the final plat to the County Recorder for recording:

- a. Certification and signature of the Council verifying that the subdivision has been approved;
- b. The sanitary restrictions placed upon the subdivision by the State Department of Health and Welfare pursuant to Idaho Code section 50-1326 or the signature and certification of the appropriate State official indicating that the sanitary restrictions have been satisfied or removed. (Ord. 529, 8-2-2018)

## **9-4A-8: SURETY AGREEMENTS:**

A. Purpose: The purpose of this section is to establish procedures that guarantee the completion of improvements where recording of a Final Plat ~~occupancy of a structure~~ is desired but the improvements required by the city have not been completed.

B. Applicability: The provisions of this section shall apply only to those improvements that are not needed to protect the public health, safety and life. Applicable improvements include landscaping, irrigation systems and site amenities. The following improvements must be installed and are not eligible for surety: water, sewer, and power facilities; parking lot paving and striping; and street paving.

C. Process:

1. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.

2. In the event that an applicant and/or owner cannot complete the nonlife, safety and health improvements within the time specified in the final plat approval or prior to occupancy, the city may activate a surety agreement in accordance with these procedures.

3. A surety agreement shall meet the following requirements:

a. The bond shall accrue to the city and shall cover construction of the required public improvements.

b. The bond shall be in an amount equal to one hundred ten percent (~~110~~150%) of the total estimated cost of completing construction of the specific public improvements, as estimated by the city building official and approved by the council.

c. The bond shall be in full force and effect for a period to be specified by the council.

d. The bond shall be written by a surety company authorized to do business in the state of Idaho and acceptable to the council.

4. Cash deposit, certified check, negotiable bond or irrevocable bank letter of credit may be accepted by the council. If accepted, the applicant shall proceed as follows:

a. A cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be deposited with an escrow agent or trust company.

b. The dollar value of the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be equal to one hundred ten percent (~~110~~150%) of the estimated cost of construction for the specific public improvements, as estimated by the city and approved by the council.

c. The escrow time for the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be for a period to be specified by the council.

d. By an agreement entered into between the council and the applicant, provision for progressive payment out of the cash deposit, or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvements may be made.

5. Unless one or more of the above specified financial guarantees of improvement completion has been accomplished, no approval of the final plat or recording thereof shall be permitted unless the applicant provides satisfactory proof that all required public improvements and facilities have been fully and satisfactorily constructed and installed.

6. The city engineer and/or director shall verify and certify that the required improvements, as detailed in the surety agreement, have been installed. The as built plans shall be reviewed and approved by the city engineer or director.

7. Upon certification of the city engineer and/or the director, the city shall release the sureties deposited with the city.

D. Penalty For Failure To Complete Construction: In the event the applicant shall, in any case, fail to complete such work within the period of time required by the conditions of guarantee for the completion of public improvements, it shall be the responsibility of the council to proceed to have such work completed. In order to accomplish this, the council shall reimburse itself for the cost and expense thereof by appropriating cash deposit, certified check, negotiable bond or

irrevocable bank letter of credit which the applicant may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company. (Ord. 382, 10-25-2006)

## **ARTICLE B. SUPPLEMENTAL PROVISIONS**

### **SECTION:**

#### **9-4B-1: Plat Amendments**

#### **9-4B-2: Condominiums**

#### **9-4B-3: Townhouses**

#### **9-4B-4: Vacations And Dedications**

#### **9-4B-5: Phasing**

### **9-4B-1: PLAT AMENDMENTS:**

A. Purpose: The purpose of these regulations is to allow for the adjustment of property lines between existing properties, minor changes in a recorded plat and relocation of an existing building envelope.

B. Applicability: These provisions apply to all existing recorded plats.

C. Application:

1. The plat amendment application shall be submitted in accordance with chapter 5 of this title.

2. For requests to adjust the building envelope, a plat amendment application shall include a complete design review submittal for review in accordance with chapter 3, article A of this title. The design review shall be considered prior to or concurrently with commission making a determination regarding an application for relocating a building envelope or building footprint.

D. Public Hearings: The commission and council shall hold public hearings on the plat amendment in accordance with chapter 5 of this title.

E. Standards:

1. A plat amendment shall not lower the dimensions of the lot below the minimum dimensional standards prescribed by this title;

2. A plat amendment shall not increase the original number of properties, and may decrease the original number of properties; and

3. A plat amendment shall not change or move any public streets or publicly dedicated areas in any manner.

F. Findings: An application for a plat amendment shall not be granted unless the commission and council find that:

1. The adjustment is appropriate for the lot and the surrounding neighborhood;

2. The adjustment is consistent with the goals of the city comprehensive plan;

3. The adjustment will not affect the character of the neighborhood in a materially adverse manner; and

4. The adjustment will not cause undue traffic congestion, or dangerous traffic conditions.

G. Additional Findings For Relocation Of Building Envelope:

1. The location of the building envelope and siting of the building footprint is appropriate for the lot and the surrounding neighborhood;

2. The location of the building envelope and siting of the building footprint is consistent with the purposes and goals of the comprehensive plan;

3. The location of the building envelope and siting of the building footprint will not cause undue traffic congestion, nor dangerous traffic conditions; and

4. The location of the building envelope and siting of the building footprint will not affect the character of the neighborhood in a materially adverse manner.

H. Recording: Upon approval of the plat amendment by the council, subject to any applicable conditions of approval and the regulations of chapter 5 of this title, the applicant shall have one year to complete the following tasks:

1. ~~Cause the property to be surveyed and a record of survey recorded~~ Record the Final Plat; and/or

2. Execute and record the necessary deeds to accomplish the plat amendment as approved; and

3. Provide copies of the recorded ~~plat record of survey and/or recorded deeds~~ to the city. (Ord. 382, 10-25-2006)

### **9-4B-2: CONDOMINIUMS:**

A. Purpose: The purpose of this section is to set forth supplemental provisions, in addition to the requirements of 9-4A-6, that protect the public health, safety and general welfare in condominium developments.

B. Applicability: These provisions shall apply to all property to be subdivided with condominium ownership.

#### C. Procedures:

1. Preliminary Plat: All procedures of 9-4A-6, and supplemental provisions contained in 9-4B-2-D-1, shall be followed.

2. Final Plat: All procedures, standards, and processes of 9-4A-7, and supplemental provisions contained in 9-4B-2-D-2, shall be followed.

#### D. Supplemental Provisions:

1. Design: Applications for Condominium Subdivisions shall adhere to the following design standards in addition to the standards specified in 9-4A-5:

##### a. Garages:

i. All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units.

ii. Detached garages may be platted on separate sublots; provided, that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents. Detached garage(s) may not be sold and/or owned separately from any dwelling unit(s) within the townhouse development. (Ord. 382, 10-25-2006)

2. Preliminary Plat: Applications for Condominium Subdivision Preliminary Plats shall provide the following items in addition to the submittals required for #####:

a. Concurrent Design Review required: Preliminary Plats for condominium subdivisions shall be reviewed concurrent with an application for Design Review as set forth in chapter 3, article of this title.

b. Diagrammatic floor plans of the building or buildings built or to be built in sufficient detail to identify each unit, its relative location and approximate dimensions, showing elevations where multilevel or multistory structures are diagramed.

c. A declaration and bylaws consistent with the provisions contained in Idaho Code section 15-1505.

**C. Application Requirements:**

- ~~1. The condominium application shall be submitted in accordance with this chapter.~~
- ~~2. With the application for a preliminary plat, the following shall also be provided:~~
  - ~~a. Diagrammatic floor plans of the building or buildings built or to be built in sufficient detail to identify each unit, its relative location and approximate dimensions, showing elevations where multilevel or multistory structures are diagrammed, and~~
  - ~~b. A declaration and bylaws consistent with the provisions contained in Idaho Code section 15-1505.~~

~~E.~~ Recording: Upon approval of the final plat application by the council, subject to any applicable conditions of approval and the regulations of chapter 5 of this title, the applicant shall record the declaration, plat or plats, deeds, bylaws, administrative provisions, and/or articles of incorporation as provided in Idaho Code section 55-1506. (Ord. 382, 10-25-2006)

**9-4B-3: TOWNHOUSES:**

A. Purpose: The purpose of this section is to set forth supplemental provisions, in addition to the requirements of 9-4A-6, to provide for the public health, safety and welfare of purchasers and residents of townhouse developments.

B. Applicability: These provisions apply to all property to be subdivided into townhouse sublots.

C. Procedures:

1. Preliminary Plat: All procedures of 9-4A-6, and supplemental provisions contained in 9-4B-3-D-1, shall be followed.

2. Final Plat: All procedures, standards, and processes of 9-4A-7, and supplemental provisions contained in 9-4B-3-D-2, shall be followed.

~~C. Application Requirements:~~

D. Supplemental Provisions:

3. Design: Applications for Townhouse Subdivisions shall adhere to the following design standards in addition to the standards specified in 9-4A-5:

a. Compliance with International Code Council codes:

i. All Townhouse Sublots shall result in sublots and units that comply with applicable International Code Council codes.

b. Garages:

i. All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units.

ii. Detached garages may be platted on separate sublots; provided, that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents. Detached garage(s) may not be sold and/or owned separately from any dwelling unit(s) within the townhouse development. (Ord. 382, 10-25-2006)

4. Preliminary Plat: Applications for Townhouse Subdivision Preliminary Plats shall provide the following items in addition to the submittals required for #####:

a. Concurrent Design Review required: Preliminary Plats for townhouse sublots shall be reviewed concurrent with an application for Design Review as set forth in chapter 3, article of this title.

b. The applicant of the townhouse project shall submit with the preliminary plat application a copy of the proposed party wall agreement(s) and any proposed document(s) creating an association of owners of the proposed townhouse sublots,

which shall adequately provide for the control and maintenance of all commonly held facilities, garages, landscaping, parking and/or open site areas.

**C. ##**

~~—2. Prior to final plat approval, the applicant shall submit to the city a final copy of agreements and documents as described above and shall file documents prior to recordation of the plat, which shall reflect the recording instrument numbers.~~

~~—D. Process:~~

~~—1. Preliminary plat for townhouse sublots shall be reviewed concurrent with an application for design review as set forth in chapter 3, article A of this title.~~

~~—2. A final plat shall not be approved by the council until all townhouse units have received an approved final inspection and certificate of occupancy from the city building inspector or the council has approved a financial guarantee of performance for completion of improvements pursuant to section 9-4A-8 of this chapter.~~

~~—E. Standards For Garage:~~

~~—1. All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units.~~

~~—2. Detached garages may be platted on separate sublots; provided, that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents. Detached garage(s) may not be sold and/or owned separately from any dwelling unit(s) within the townhouse development. (Ord. 382, 10-25-2006)~~

**9-4B-4: VACATIONS AND DEDICATIONS:**

A. Purpose: The purpose of this section is to set forth provisions for vacating an existing subdivision, public right of way or easement or for dedication of street right of way or easement.

B. Applicability: These regulations shall apply to all land within the legally defined city limits. These provisions shall not apply to the widening of any street which is shown in the comprehensive plan for the city, or the dedication of streets, rights of way or easements to be shown on a recorded subdivision.

C. Application: An application for vacation or dedication shall be submitted in accordance with chapter 5 of this title.

D. Public Hearings: The commission and council shall hold public hearings on the vacation in accordance with chapter 5 of this title.

E. Council Action:

1. Vacations: Whenever public rights of way or lands are vacated, the council shall provide adjacent property owners with a quitclaim deed for the vacated rights of way in such proportions as are prescribed by law.

2. Dedications: When a dedication is approved, the required street improvements shall be constructed or a bond furnished, assuring the construction, prior to acceptance of the dedication.

F. Deed: To complete the acceptance of any dedication of land, the owner shall furnish to the city a deed describing and conveying such lands to be recorded with the county recorder. (Ord. 382, 10-25-2006)

**9-4B-5: PHASING**