

March 4, 2010 Version

ORDINANCE 2010 _____

AN ORDINANCE OF CITY OF KUNA, IDAHO, AMENDING TITLE 6, "SUBDIVISION REGULATIONS" CHAPTER 2, "SUBDIVISION APPROVAL PROCEDURE", SECTION 4, "FINAL PLAT", AND PROVIDING AN EFFECTIVE DATE

WHEREAS, discussions have been held by the Kuna City Council, and

WHEREAS, this amendment complies with the Kuna Comprehensive Plan; and

WHEREAS, it is deemed to be in the best interest of the City of Kuna to amend Title 6, Chapter 2, Section 4.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KUNA, IDAHO that Title 6, Chapter 2, Section 4 of Kuna City Code is amended, which shall read as follows:

6-2-4: FINAL PLAT:

Note - subdivider and developer are intended to be interchangeable terms.

The City shall not accept a final plat application for processing if any City code violations exist on the subject property at time of submittal.

The following procedures shall apply to the filing for final plat approval of any City of Kuna subdivision:

- A. Application: After the approval or conditional approval of the preliminary plat by the City Council, the subdivider may cause the subdivision, or any part thereof, to be surveyed and a final plat prepared in accordance with the approved preliminary plat. The subdivider shall submit to the planning staff the following:
- Final plat application along with a title report that is less than six (6) months old, warranty deed or other acceptable evidence demonstrating the subdivider's ownership or legal interest in the land included in the final plat.
 - Payment of fees equivalent to the amount of material and labors expended by City staff for plat review. Fees shall be paid for all costs associated with the review of the preliminary plat, final plat and construction drawings. The subdivider will be notified of the amount owed and the basis for the fees charged. All plat related fees shall be paid prior to City approval.
 - Three (3) paper copies and a digital copy in a PDF format of the final plat and signature page, and
 - Three (3) paper copies and a digital copy in a PDF format of the final engineering construction drawings for streets, water, sewer, sidewalk, pressure irrigation and other public improvements.

5. Other items as specified.

B. Acceptance of a Final Plat Application: The City staff shall not accept the final plat application until one of the following has occurred.

Either:

a. All required improvements, infrastructure, public utilities, public improvements, etcetera have been installed and conditions of approval have been met and inspected and approved by the City; including all record drawing requirements, submittal of engineer or record inspection logs, submittal of the engineer of record certification and receipt of the dedication request, and memorandum from the City Engineer has been issued stating as much:

Or:

b. The City Engineer has approved the amount of the financial guarantee as outlined in Section 6-4-3 of this chapter for required improvements and conditions of approval that have yet to be completed. The City Engineer shall not sign nor release the final plat for recording until the City has received the financial guarantee in compliance with the provisions of this chapter and the City Council has approved the final plat.

Additionally:

The following items may not be financially pledged, rather they shall be completed by the subdivider and inspected and approved by the City Engineer and/or their designate and other approving agencies, prior to the subdivider submitting for final plat approval. The City Engineer's approval shall be in the form of a memorandum confirming completion of the following:

- 1.) Construction of the domestic water system, including successful pressure and bacteria tests followed by city of Kuna inspections and approvals;
- 2.) Installation of fire hydrants according to 2006 International Fire Code standards and supporting fire flows according to standards established by the Kuna Fire District;
- 3.) Construction of the sanitary sewer system, including successful pressure test, television camera inspection, evidence of acceptable pipe sloping, completion of all work within the base of the manholes followed by city of Kuna inspections and approvals.
- 4.) Construction of an all around weather road system subject to the Kuna Fire Chief and Ada County Highway District (ACHD) inspections and approvals.
- 5.) Installation of street signs followed by City Engineer, Kuna Fire District and ACHD inspections and approvals.

6.) Request by the subdivider for dedication of all sanitary sewer and domestic water facilities and submittal of applicable documentation as required by the City Engineer to process the request; and

7.) Construction and testing of the pressure irrigation system by the subdivider and inspection and approval by the City's engineering staff, where applicable. The City must receive documentation requesting that the system be annexed into the Kuna Municipal Irrigation District if annexation is applicable. All applicable fees must be submitted with the annexation request. Under circumstances where seasonal restrictions prevent the total completion of the irrigation system, the City Engineer may allow, at his/her sole discretion, those portions of the system under the purview of seasonal restriction to be deferred. Any portion of the irrigation system that is deferred shall be included in the financial guarantee.

C. Content of Final Plat: The final plat shall be in compliance with all items required in title 50, chapter 13 of the Idaho Code; the final plat shall include the following:

1. Final plat check off list with all items completed;
2. Proof of current ownership of the real property and written consent of the final plat owners of record;
3. Other information the director or City Council deem necessary to establish ownership and signing authority;
4. A statement and other supporting evidence demonstrating the final plat conforms to the approved preliminary plat;
5. A statement of compliance with provisions of this title;
6. A statement the final plat meets established engineering practices and local standards; and
7. A copy of any proposed restrictive covenants and/or deed restrictions, and homeowners' association (HOA) documents.

D. Planning Staff Review:

1. The planning staff shall certify and date stamp the application for purpose of establishing its completeness relative to all noted final plat requirements.
2. The planning staff shall review the final plat for compliance with the approved or conditionally approved preliminary plat. If the director or assigned person determine there are substantial differences between the preliminary and final plat, the subdivider may be required to submit the final plat to the City Council as it was portrayed at time of the preliminary plat process.

3. **After staff's** determination the final plat is in compliance with the preliminary plat and all conditional requirements have been met, the director **or assigned person** shall place the final plat on the Council agenda within forty- five (45) days from its receipt and acceptance. **Acknowledgement of final plat acceptance shall be conveyed by way of written confirmation.**

E. Agency Review: The director **or assigned person** shall transmit final plat documents to **other reviewing city** staff and agencies for **evaluation** and comment. The reviewer shall evaluate **the final plat improvements for consistency with** construction **standards**, health **protocols**, cost estimates and legal **requirements**. The subdivider shall not rely upon a surety for performance bonding purpose.

F. Council Action: **At the public hearing scheduled for the final plat review the** City Council shall consider comments from concerned persons and agencies. The City Council shall approve, approve conditionally, disapprove **the final plat** or table **it for purposes of acquiring and reviewing** additional information **and then approve, approve conditionally or disapprove the final plat after review of this supplementary information** within thirty (30) days of the date of the regular meeting at which the plat is first considered. A copy of the approved plat shall be filed with the planning department. Upon granting or denying the final plat, the City Council shall specify:

1. The ordinance and standards relied upon to evaluate the application;
2. The reasons for approval or denial; and
3. The action(s), if any, the applicant could take to obtain a permit.

G. Approval Period: **The final subdivision** plat shall be filed with the county recorder within two years after the City Council's signing of the findings of fact; otherwise, the plat approval shall become null and void unless prior to the two year expiration date the subdivider applies for a time extension. A final plat time extension is heard by the City Council. The subdivider shall provide the City Council sufficient reason(s) for continuing the final plat application as a basis for the granting of a time extension. The City Council is under no obligation to approve a final plat time extension. The City Council reserves the right to add additional conditions of approval to the final plat as part of a time extension.

In the event the City Council does not approve a time extension request, the plat shall become null and void. If the plat becomes invalid the subdivider shall resubmit the plat for preliminary plat approval. The subdivider will receive credit for improvements previously installed and approved. The subdivider shall pay the current preliminary plat fees and furnish staff an updated preliminary plat.

The resubmitted plat shall be subject to rules or regulations in place at time of reapplication. If a City rule or regulation has been instituted since the preliminary plat was initially approved and that regulatory change would require significant alteration to improvements previously installed and approved, the City engineer may recommend to the City Council the regulatory provision be set aside. The City Council has the discretion to set them aside, provided they do not affect public health or safety. Time

extensions are valid for one year from the City Council's approval based on the initial one year time period established at the signing of the preliminary findings of fact. The maximum number of time extensions that may be granted by the **City** Council is two.

- H. Method Of Recording: After the City Council grants final plat approval and subject to the prepayment of recording fees, posting an acceptable guarantee and the inclusion of the following signatures on the final plat, the applicant shall submit the final plat to the county recorder for recording:
1. Certification and signature of the **City** Council verifying that the subdivision has been approved;
 2. Certification and signature of the City clerk, if required, and the City engineer verifying that the subdivision meets the City requirements and has been approved by the **City** Council; and
 3. Certification of the sanitation restrictions on the face of the plat pursuant to section 50-1326, Idaho Code. (Ord. 2006-43, 6-6-2006)

Section 2. All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

Section 3. This ordinance shall be in full force and in effect from and after its passage, approval and publication, according to law.