Wednesday, June 8, 2016
City Council Chambers, Municipal Building
911 N. Seventh Avenue
6:30 p.m.

City Hall is accessible to persons with disabilities. Program access accommodations may be provided with three (3) days' advance notice by contacting Dave Hunt at dhunt@pocatello.us; 208.234.6248 or 5815 South 5th Avenue, Pocatello, ID.

PLANNING & ZONING COMMISSON (P&Z)

The Planning & Zoning Commission is a citizen advisory group to the City Council. They are charged with making recommendations concerning land use plans, planning processes and/or on matters of plan implementation. All regular meetings of the P&Z are quasi-judicial in nature and are recorded for record retention and minute transcription.

AGENDA CLARIFICATION MEETING: A meeting will be held at 6:00 p.m. in the Iwamizawa Conference Room at City Hall, prior to the regular meeting for clarification of the agenda.

The following is the official agenda of the Planning & Zoning Commission. Discussion and Commission action will be limited to those items on the agenda. Any citizen who wishes to address the Commission shall first be recognized by the Chair, and shall give his/her name and address for the record. If a citizen wishes to read documentation of any sort to the Commission, he/she shall first seek permission from the Chair. A three (3) minute time limitation is requested for presentations to the Commission.

AGENDA ITEM #1: DISCLOSURE OF CONFLICT OF INTEREST, EX-PARTE COMMUNICATION AND SITE VISIT.
Disclose who was talked to, the basic substance of the conversation, and whether the conversation had any influence. Disclose if a site visit was done, location(s) of the visit, and what was seen.

AGENDA ITEM #2: APPROVAL OF MINUTES
The Commission many wish to approve the minutes from their regular meeting held on May 25, 2016.

AGENDA ITEM #3: SUBDIVISION ORDINANCE
The Commission will continue deliberations on the proposed changes to the Subdivision Ordinance.

AGENDA # 2

PLANNING & ZONING COMMISSON (P&Z)
Minutes for May 25, 2016 at 6:30 p.m.
City Council Chambers, Municipal Building
911 North Seventh Avenue, Pocatello, ID 83201

The meeting began at 6:30 PM.

Present: Jack Brennan, Ryan Loveland, Ryan Satterfield, Matthew Tovey, and Kathleen Lewis.
Excused: Bill Hancock and Steve Long.
Staff: Dave Foster, Matthew Lewis, Aceline McCulla, and Merril Quayle.
Guests: Bill Isley

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AGENDA ITEM #1: DISCLOSURE OF CONFLICT OF INTEREST, EX-PARTE COMMUNICATION AND SITE VISIT.
Disclose who was talked to, the basic substance of the conversation, and whether the conversation had any influence. Disclose if a site visit was done, location(s) of the visit, and what was seen.

Brennan visited the site for item #3 and had nothing else to report. **Loveland** had nothing to report. **Satterfield** had nothing to report. **Tovey** had nothing to report. **Chair Lewis** had nothing to report

AGENDA ITEM #2: APPROVAL OF MINUTES
The Commission many wish to approve the minutes from their works session held on May 3, 2016 and their regular meeting held on May 11, 2016.

A motion was made by **Satterfield** and seconded by **Brennan** to approve the Minutes from May 3 and May 11, 2016. Upon roll call, those voting in favor were Brennan, Loveland, Satterfield, Tovey, and Lewis. Motion passed.

AGENDA ITEM #3: SHORT PLAT – FIELD SUBDIVISION
Dylan J. Field and Rocky Mountain Engineering and Surveying have submitted an application to subdivide approximately 5.49 acres into two residential lots located west of Shale Drive and north of Field Drive.

Joel Dixon with Rocky Mountain Engineering and Surveying, 600 East Oak Street, Pocatello, stated he represented Dylan J. Field and requested to subdivide approximately 5.49 acres into two residential lots located west of Shale Drive and north of Field Drive. The home on Lot 1 would remain and a new home would be built on Lot 2. Lot 1 has City water and a septic system with a drain field and a spot had been allocated for a second drain field. Lot 2 would be serviced by the City of Pocatello's water and sewer systems. Dixon

understood and agreed with Staff recommendations and conditions, and he asked the Commission to approve the subdivision request.

Chair Lewis asked Dixon to clarify which lot had the septic system. **Dixon** stated Lot 1 with the existing home had the septic system and Lot 2 would connect to the City water and sewer systems.

Matthew Lewis, Planning Manager with the City of Pocatello, summarized the Staff report and stated there were no issues with this request. He noted that when a parcel is divided, it requires a plat and this property qualified as a short plat. M. Lewis stated the lot size requirements were met and the future home on Lot 2 would connect to City water and sewer and Lot 1 would retain its current utilities. He stated that Staff recommended approval with the four conditions listed.

A motion was made by **Satterfield** and seconded by **Brennan** to recommend approval to City Council for the Field Subdivision to subdivide approximately 5.49 acres into two residential lots located west of Shale Drive and north of Field Drive, per staff recommendations and conditions listed. Upon roll call, those voting in favor were Brennan, Loveland, Satterfield, Tovey and Lewis. Motion passed.

AGENDA ITEM #4: CONTINUED PUBLIC HEARING – SUBDIVISION ORDINANCE
The Commission may wish to continue the public hearing on the proposed changes to the Subdivision Ordinance.

Dave Foster, Associate Planner with the City of Pocatello, summarized the previous section changes discussed during the PZC hearing, which included Short Plat, Building Permits, Final Plat recording, and Warranty Bond.

Discussion ensued between members and focused on issuance of building permits for subdivision lots and warranty bond issues.

Chair Lewis opened and closed the Public Hearing at 6:51 PM, as there was no public comment.

A motion was made by **Brennan** and seconded by **Tovey** to close the public hearing on May 25, 2016. Upon roll call, those voting in favor were Brennan, Loveland, Satterfield, Tovey, and Lewis. Motion passed.

A motion was made by **Brennan** to recommend approval to the City Council of the Proposed Amendment – Title 16 Subdivision Ordinance as amended, and have Chair Lewis sign the Findings of Fact. The Motion failed to obtain a second.

Further discussion ensued.

The Commission agreed to continue their deliberations to their regular scheduled meeting on June 8, 2016. The questions would be researched by Staff and Commission members for section 16.24.100 Building Permits, for the punch list and curb and gutter concerns, and section 16.24.110 Surety & Warranty Bonds, which Satterfield and Brennan would research and for the June 8, 2016, PZC meeting.

With no other business, **Chair Lewis** adjourned the meeting at 8:04 PM and move into the work session.

** WORK SESSION **

The Commission began the work session at 8:04 PM. The Commission discussed Code Section 15.42 Wireless Communication Facilities (WCF) Amendments.

With no other discussion, Chair Lewis closed the work session at 8:10 PM.

Submitted by _____ Approved on _____

Aceline McCulla, Secretary

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Planning & Development Services

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PLANNING & ZONING COMMISSION
June 8, 2016

AGENDA # 3

June 2, 2016

To: Planning & Zoning Commission
From: Dave Foster, Associate Planner
Re: Subdivision Ordinance – Building Permits & Warranty Bonds

The Commission, at the May 25, 2016 hearing, directed staff to draft more "flexible" provisions regarding the issuance of building permits and the warranty bond provisions associated with subdivisions. The attached revisions affect Section 16.24.100 Building Permits and Section 16.24.110 Surety & Warranty Bonds. The proposed revisions are identified by **red text** with yellow highlight.

The proposed revisions would allow the issuance of building permits for development on a recorded platted subdivision lot prior to 100% completion of subdivision infrastructure provided the only remaining infrastructure was the street pavement and approval was granted by the fire and public works departments. The proposed revisions would also allow a developer to comply with the warranty bond requirements by either posting a cash surety or use their contractor's bond.

On May 25th the Commission continued their deliberations to their regularly scheduled meeting on June 8th in order to allow time for staff to draft these revisions. The proposed revisions were prepared based on information from previous meetings and research in order to address concerns raised by the Commission. If the Commission is satisfied with the proposed revisions, they may wish to entertain a motion with their recommendation regarding the subdivision ordinance which would be forwarded to the City Council.

Attachment: Subdivision Ordinance – Revisions
Section 16.24.100(3)
Section 16.24.110(2)

16.24.100 Structures, Improvements and Building Permits:

A. ~~No~~ Building permits ~~will~~ **may** be issued for ~~any~~ structures or improvements ~~upon any of the proposed~~ **on** subdivision lots ~~until~~ **under any one of the following circumstances**:

1. The **approved** Final Subdivision Plat has been signed by the City and recorded with the County and all required public dedicated structures, infrastructure and improvements have been properly constructed**, inspected** and **officially** accepted by the City**.**

2. **The approved Final Subdivision Plat or a phase thereof, has been signed by the City and recorded with the County and all required public infrastructure and improvements have been extended to the furthest lot line of the lot requesting the building permit and have been properly constructed, inspected and officially accepted by the City.**

   a. **If the developer desires to record a Final Subdivision Plat prior to completion of all required public infrastructure and improvements then the developer shall be required to adhere to the Subdivision Surety Bond provisions of Section 16.24.110 of this Chapter for the remaining incomplete portion(s) of the recorded subdivision.**

3. **A building permit may be issued to a subdivision lot pursuant to § (2) above if the only remaining incomplete infrastructure component is the street pavement and both the City Fire Department and the Public Works Department have determined that the street pavement sub base is sufficient to provide for emergency vehicle access to the lot until pavement is installed. Said determination shall be in writing.**

B. The City will not maintain any streets or provide water, sewer or sanitation services to any subdivision lots until the Final Subdivision Plat has been approved and signed by the City and recorded with the County and all required public dedicated structures, infrastructure and improvements have been properly constructed and **officially** accepted by the City.

C. All development, improvements or other activities associated with the development and construction of an approved subdivision plat shall be solely the responsibility of the developer and shall be subject to applicable engineering, design and development regulations adopted by the City of Pocatello.

(16.24.110)

E. **Warranty Bond Requirements**~~Duration of the Warranty Period - Surety Bond Retainage~~:

1. The warranty time period of two (2) years for all public infrastructure and improvements shall begin on the date following the completion of all said infrastructure and improvements and final acceptance by the City Council.

~~2. A retainage of 15% of the total amount of the original 125% Surety Bond shall be retained by the City for said two (2) year warranty period. Such retainage shall be a guarantee of the durability of all the public infrastructure and improvements.~~

2. **The required Warranty Bond shall be for a minimum of $25,000 or a maximum of five percent (5%) of 125% of the original cost estimate for the required infrastructure and improvements, whichever is the greater amount.**

   a. **The City of Pocatello shall be designated as the beneficiary with the right of execution and the bond shall cover the durability, condition, materials and workmanship of the infrastructure and improvements.**

   b. **In lieu of providing a Warranty Bond, the developer may provide a cash surety with a title company or a financial institution with the City of Pocatello designated as the beneficiary and the cash surety is in conformance with the provisions of this Section.**

   c. **A developer that is also a licensed and bonded contractor within the City of Pocatello may utilize their contractor's bond in lieu of a separate Warranty Bond, provided said contractor's bond complies with the provisions of this Section.**

3. If during the warranty period the durability, condition, materials, or workmanship of any of the infrastructure or improvements fails or shows unusual deterioration~~, regardless of the causes or circumstances,~~ the Public Works Director shall provide written notice to the developer detailing the issues and required corrections and establish a reasonable time-line for the repair work to be completed.

4. If the developer fails to make the required corrections within the reasonable time set per §3 above, the Public Works Director may declare such developer in default and initiate execution and use of the Warranty ~~retainage~~**Bond** to defray the cost of required work.

   a. In the event the Warranty ~~retainage~~**Bond** is insufficient to cover the cost of making such corrections, the developer shall be responsible for all additional costs.

   b. If corrections have been required by the Public Works Director, the original warranty period shall be extended an additional one (1) year, for that work which has been corrected, from the date all required corrections have been completed and approved by the Public Works Director.

5. **The developer shall acknowledge and agree to the Warranty Bond provisions of this Section as a written condition in the required "Development Agreement" to be executed with the City prior to authorization to initiate construction activities pursuant to the provisions of Municipal Code Chapter 12.**