

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On April 14, 2008, the Hailey City Council considered the application by Sweetwater, LLC for Final Plat approval of Sweetwater PUD Townhouses: Block 4: Sublots 25-35 and 58-71. The Council, having been presented with all information and testimony in favor and in opposition to the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

Notice

Notice for the public hearing was published in the Wood River Journal and mailed to property owners within 300 feet on March 26, 2008.

Application

Sweetwater LLC, represented by Benchmark Associates, has submitted an application for Final Plat approval of 25 sublots wherein Parcel "B" of Sweetwater PUD Townhouses: Block 4: Sublots 1-24 is subdivided creating Sublots 25-35 and 58-71 and Parcels "B1" and "B2".

Procedural History

The Sweetwater PUD Agreement includes the following provision for phasing:

Within each Block, separate individual townhouse plats may be recorded for groups of buildings and condominium plats may be recorded for individual buildings. Said plats may be recorded in an orderly and reasonable fashion in groupings to be approved by the City Planning Administrator, such approval not to be unreasonably withheld, so long as all essential services are available to a completed townhouse or condominium structure prior to the recording of a final plat encompassing that building, all infrastructure is completed in accordance with the schedule described herein and a certificate of occupancy has been issued for all the units within the plat encompassing such building, or sufficient security pledged to ensure completion of the same. Prior to the commencement of each phase, Sweetwater shall submit to the City Planning Administrator for approval a schedule for said phase showing proposed groupings of buildings within individual plats.

The applicants have presented a schedule for the proposed groupings of buildings to be townhoused within Block 4. This schedule is acceptable to the Planning Administrator.

Section 3.4.1 of the Subdivision Ordinance allows for applications for platting townhouse units in existing or approved structures to be reviewed through the short plat procedure. In this procedure, the Hearing Examiner or Commission reviews the preliminary plat only. Upon approval, the applicant submits a final plat for Council approval.

SECTION 3 – PROCEDURE

3.3 The final plat, prepared by a Professional Land Surveyor, must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement or as otherwise provided herein. Plats not submitted for final approval within one (1) year or according to the phasing agreement, shall be considered expired and preliminary plat approval shall become null and void. The Council may extend the deadline for submitting the final plat upon holding a public hearing.

The Hearing Examiner conditionally approved the preliminary plat of Sweetwater PUD Townhouses: Block 4: Sublots 1-45 and 54-71 (consisting of 63 sublots) on April 20, 2007. Conditions of approval are noted below.

3.3.2 The administrator shall review the final plat application to ensure that the application submitted is consistent with the approved preliminary plat. The conditions imposed on the preliminary plat approval must be either completed or shown on plans or the plat prior to any public notice for final plat approval.

The final plat is consistent with the preliminary plat approved by the Hearing Examiner. Conditions of preliminary plat approval have been met or are carried over.

Conditions of Preliminary Plat Approval

a) The final plat shall include a note stating that the subdivision is subject to the recorded Party Wall Agreement and CC&R's, along with the instrument numbers thereof.

This condition is addressed in plat note #5. A condition of final plat approval regarding plat notes is included to ensure this plat note is recorded.

b) All Fire Department and Building Department requirements shall be met. Items to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:

- Silo Way, Grange Way, and Heartland Way shall be posted as a fire lane according to the Fire Chief's instructions.

Applicant indicates signage has been ordered and will be installed when received. This condition is carried over to ensure compliance prior to recordation.

c) All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance.

This condition is carried over to ensure compliance prior to recordation.

d) All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.

This condition is carried over to ensure compliance prior to recordation.

e) A plat note shall be added referencing Sublots 4, 10, 21, 26, 33, 39 and 44, Block 4, as Community Housing Units and subject to a deed restriction.

Sublots 4, 10 and 21 were designated on the final plat of Sublots 1-24. Plat note #13 designates Sublots 26 and 33 as Community Housing Units. A condition of final plat approval regarding plat

notes is included to ensure this plat note is recorded. A deed restriction has been approved by the parties; that deed restriction must be executed and recorded prior to recording the final plat.

f) The final plat must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement.

An approved Phasing Agreement is in effect.

Department Comments

City Engineer:

Sweetwater needs to submit State drywell permits and fees before I sign the final plat. This is in addition to the subdivision inspection fees still due. Once all the remaining infrastructure work determined they will need to provide us with a cost estimate for bonding and for my approval.

Water:

The Water Department has approved their portion of the current work.

Streets:

1. Catch basin bottoms do not have the settling area required by city standards.
2. Manhole in Woodside needs to be lowered.
3. Barrow pit along Woodside Blvd needs to be finished.

Standards of Evaluation

For each of the following pertinent standards of the Subdivision Ordinance (shown in bold print), the Council makes the following Findings of Fact:

Bulk requirements:

The subject property comprises a Planned Unit Development (PUD). Certain bulk requirements were modified through the PUD process, as referenced in the PUD Agreement. The overall density of the development is slightly over 19 units per acre.

SECTION 4 – DEVELOPMENT STANDARDS

4.10 Parks

The prior rezone of the subject property, effective May 5, 2005, was pursuant to a development agreement that set forth the park contribution the owner or any subsequent owner(s) would be required to make upon development of the parcel. The required contribution is: [a] creation of park space four-tenths (.4) of an acre in size to be provided for the residents in the development, which "shall be developed as undedicated park space in conformity with § 4.10 of the Hailey Subdivision Ordinance pertaining to park standards", and [b] a payment to the City of \$390,000 as an in lieu parks contribution for 1.2 acres. The PUD Agreement addresses this contribution; \$1,000 per units is to be paid with each townhouse/condominium plat. Payment is required prior to each final plat being recorded. Payment for 25 units will be a condition of this final plat approval; payment for Units 1 – 24 (approved June 25, 2007) will also be required prior to recording that final plat.

4.11 **Inclusionary Community Housing**

Community Housing will be required for this development under the provisions of this ordinance. The Community Housing Plan is addressed in the PUD Agreement. The requirements are to be met as follows:

1. Conveyance of land, pursuant to 4.11.5.1.2, for 50% of the Community Housing Units (the income restricted units) totaling 40 units.
2. Alternative deed restrictions pursuant to 4.11.5.1.6, for 50% of the Community Housing Units, which will be constructed on site and dispersed throughout the site in the 4, 5 and 6-unit townhomes, 14-unit condos, and live work townhomes, totaling 40 units.

The PUD Agreement sets forth the phasing of the Community Housing units in the development. Ten (10) Community Housing units are to be completed within each phase. The subject application contains two (2) Community Housing units. Plat note #13 identifies Sublots 26 and 33 as Community Housing and subject to a deed restriction. Three (3) units were designated on the final plat of Sublots 1-24. With the recording of both final plats a total of five (5) Community Housing units will be platted.

TOWNHOUSES (Section 8 of the Subdivision Ordinance)

- 8.1 **Plat Procedure.** The Developer of the townhouse development shall submit with the preliminary plat application and all other information required herein a copy of the proposed party wall agreement and the proposed document(s) creating an association of owners of the proposed townhouse sub-lots, which shall adequately provide for the control (including billing where applicable) and maintenance of all common utilities, commonly held facilities, garages, parking and/or Green Spaces. Prior to final plat approval, the Developer shall submit to the City a final copy of the party wall agreement and any other such documents and shall record the documents prior to or at the same time of the recordation of the plat, which plat shall reflect the recording instrument numbers thereupon.

Townhouse Declarations and CCRs have been submitted and address easements, party walls, and maintenance. The City has not and will not in the future determine the enforceability or validity of townhouse declarations, party wall agreements, or other private agreements.

- 8.2 **Garage.** All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sub-lots, provided that the ownership of detached garages is appurtenant to specific townhouse units on the townhouse plat and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

Garages are within the buildings.

- 8.3 **Storage/Parking Areas.** Residential townhouse developments shall provide parking spaces according to the requirements of Article IX of the Zoning Ordinance.

A total of 631 spaces are required for the entire project; 1053 are proposed. Of these, 776 spaces are in basement levels (74% of all on-site parking).

8.4 Construction standards. All townhouse development construction shall be in accordance with the IBC, IRC and IFC. Each townhouse unit must have separate water, sewer and utility services, which do not pass through another building or unit.

All townhouse units have separate utility services.

8.5 General Applicability. All other provisions of this Ordinance and all applicable ordinances, rules and regulations of the City and all other governmental entities having jurisdiction shall be complied with by townhouse developments.

Upon meeting proposed conditions of approval, the proposed application does not appear to conflict with other provisions.

8.6 Expiration. Townhouse developments which have received final plat approval shall have a period of three calendar years from the date of final plat approval by the Council to obtain a building permit. Developments which have not received a building permit shall be null and void and the plats associated therewith shall be vacated by the Council. If a development is to be phased, construction of the second and succeeding phases shall be contingent upon completion of the preceding phase unless the requirement is waived by the Council. Further, if construction on any townhouse development or phase of any development ceases or is not diligently pursued for a period of three years without the prior consent of the Council, that portion of the plat pertinent to the undeveloped portion of the development shall be vacated.

N/A – the buildings are all under construction.

CONCLUSIONS OF LAW AND DECISION

Based upon the above Findings of Fact, the City Council makes the following Conclusions of Law and Decision:

1. Adequate notice, pursuant to Section 3 of the Hailey Subdivision Ordinance, was given for the public hearing.
2. Upon compliance with the conditions noted below, the application substantially meets the standards of approval set forth in the Hailey Subdivision Ordinance.
3. The application for Final Plat, dated February 26, 2008 is approved by the Hailey City Council, with the following conditions:
 - a) The final plat submitted for recordation shall include plat notes 1 through 13 as stated on the proposed final plat with the following amendments and additions:
 - Note 13 shall be amended to state, "Sublots 26 and 33, Block 4 are Community Housing Units and subject to a Community Housing Open Market Deed Restriction, recorded as Instrument No. _____, records of Blaine County Idaho"
 - 10 foot sewer easement shall also be dedicated to the benefit the City of Hailey
 - Note 9 shall be amended to delete "sidewalks and"
 - Note 14 shall be added stating, "A 10 foot wide public pedestrian access easement exists between sublots 64 and 65"

- Note 15 shall be added stating, "A 5 foot wide public pedestrian access easement between Parcel B1 and the north lot lines of sublots 58, 59, 60 and 61, between Parcel B2 generally and the north lot lines of sublots 68, 69, 70 and 71 and between sublots 29 and 30 as designated on the plat". The applicant shall designate the easements described herein on the plat.
 - Notes 1, 3 and 6 shall be amended to delete "Refer" and to add "The property shown herein is subject to..."
 - A note shall be added stating, "This property is subject to the Noise and Avigation Easement and Non-Suit Covenant recorded as Instrument No. _____, records of the County Recorder, Blaine County, Idaho."
 - A note shall be added stating, "This property is subject to an easement of airspace for aircraft flight above an elevation of 6115.00 mean sea level datum"
 - A airport noise disclosure note shall be added stating, "Lot owners, their tenants, and guests are advised and is of the opinion that the subject property is located in a noise-impacted area; that these present and future noise impacts might be annoying to users of the land for its stated purpose and might interfere with the unrestricted use and enjoyment of the property in its intended use; that these noise impacts might change over time by virtue of greater numbers of aircraft, louder aircraft, seasonal variations, and time-of-day variations; that changes in airport, aircraft, and air traffic control operating procedures or in airport layout could result in increased noise impacts; and that the Grantor's or user's own personal perceptions of the noise exposure could change and that his or her sensitivity to aircraft noise could increase."
- b) All Fire Department and Building Department requirements shall be met. Items to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:
- Silo Way, Grange Way, and Heartland Way shall be posted as a fire lane according to the Fire Chief's instructions.
- c) The alternative deed restriction for on-site Community Housing Units shall be executed and recorded prior to recording the final plat of Sublots 25-35 and 58-71 and Parcels "B1" and "B2".
- d) All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance, including but not limited to:
- State drywell permits and fees shall be submitted
 - Construct settling area required by city standards for catch basin bottoms
 - Lower manhole in Woodside to City Standards
 - Finish barrow pit along Woodside Blvd to City Standards
- e) All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.
- f) The final plat shall be recorded within one year of the date of final plat approval (unless otherwise provided for within a phasing agreement). The final plat submitted for signature shall conform to the requirements found in Article 50-1301 (et. seq.) of the Idaho Code (as amended) and to the requirements set forth by Blaine County for digital plat submittals. The

applicant shall provide the City with a letter-size or ledger-size photocopy of the recorded plat showing the instrument number and date of recordation.

- g) Any subdivision inspection fees due shall be paid prior to recording the final plat.
- h) Payment in lieu parks contribution of \$1,000 per unit for 25 units shall be paid with each townhouse/condominium plat. Payment is required prior to recording the final plat.

Signed this _____ day of _____, 2008.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ day of _____, 2008, I served a true and correct filed copy of the within and foregoing document upon the parties named below, in the manner noted:

- U.S. Mail
- Via Facsimile
- Hand Delivered

CITY OF HAILEY

By _____
Becky Mead, Administrative Assistant

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On April 14, 2008, the Hailey City Council considered the application by Blaine County School District for Final Plat approval of Woodyard Subdivision. The Council, having been presented with all information and testimony in favor and in opposition to the proposal, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

Notice

Notice for the public hearing was published in the Wood River Journal and was mailed to property owners within 300 feet on March 26, 2008.

Application

The Blaine County School District, represented by Kevin Lupton and the Wood River High School Building Academy, has submitted an application for Final Plat approval for the subdivision of Lot 10, Block 62, Woodside Subdivision #15 into 3 residential lots ranging in size from 6,142 square feet to 8,565 square feet. The total land area of the project is approximately 0.50 acres.

Procedural History

SECTION 3 – PROCEDURE

3.3 Final Plat Approval.

The final plat, prepared by a Professional Land Surveyor, must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement or as otherwise provided herein. Plats not submitted for final approval within one (1) year or according to the phasing agreement, shall be considered expired and preliminary plat approval shall become null and void. The Council may extend the deadline for submitting the final plat upon holding a public hearing.

The preliminary plat application was heard by the Hailey Hearing Examiner on February 8, 2008. This is a short plat procedure; the final plat is permitted to go directly to the Council.

3.3.2 The administrator shall review the final plat application to ensure that the application submitted is consistent with the approved preliminary plat. The conditions imposed on the preliminary plat approval must be either completed or shown on plans or the plat prior to any public notice for final plat approval.

The final plat is consistent with the preliminary plat approved by the Hearing Examiner. Conditions of preliminary plat approval have been met or are carried over.

Conditions of Preliminary Plat Approval

- a) All Fire Department and Building Department requirements shall be met.
 - Addressing will be as follows: Lot 1- 2721 Winterhaven Drive, Lot 2 – 2741

Winterhaven Drive and Lot 3 – 2761 Winterhaven Drive.

This condition is carried over.

- b) **All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required. Infrastructure to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:**

- **Sewer services to Lots 1 and 3 shall be centered on the lots.**
- **All road cuts shall meet City Standards.**
- **An encroachment permit will be needed for road cuts.**
- **A 6 foot wide sidewalk must be installed adjacent to the property on both Woodside Boulevard and Winterhaven Drive.**

This condition is carried over with the addition of water service being provided to Lots 1 and 2

- c) **The applicant shall dedicate 5,178 square feet gross (3,620 square feet net) of land adjacent to Lot 2 of the Woodside Elementary PUD Subdivision as public park space in order to meet Section 4.10.1.1 of the Subdivision Ordinance.**

Lot 2 of the Woodside Elementary PUD Subdivision was 25,946 square feet. The plat has been amended to show Lot 2 as 31,232 square feet; an addition of 5,286 square feet. This condition is carried over to ensure compliance at the time of recordation.

- d) **The applicant shall grant a Noise and Avigation Easement and non-suit covenant to the City of Hailey, Blaine County, and the Friedman Memorial Airport Authority, which shall be recorded concurrently with the final plat**

This condition is carried over.

- e) **Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 2.9 of the Subdivision Ordinance.**

This condition is carried over.

- f) **All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.**

This condition is carried over.

- g) **The final plat must be submitted within one (1) calendar year from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement.**

This condition has been met.

- h) **Any subdivision inspection fees due shall be paid prior to recording the final plat.**

This condition is carried over.

Department Head Comments

Water and Sewer issues:

Water service shall be provided to Lots 1 and 2.

Standards of Evaluation

SECTION 4 – DEVELOPMENT STANDARDS

Development standards were reviewed in detail during the preliminary plat approval process and compliance is documented in the preliminary plat Findings of Fact and Decision. No changes have been made to the plat since preliminary plat approval.

SECTION 5 - IMPROVEMENTS REQUIRED.

- 5.1 It shall be a requirement of the Developer to construct the minimum improvements set forth herein and any required improvements for the subdivision, all to City Standards.
- 5.1.1 Six (6) copies of all improvement plans shall be filed with the City Engineer and made available to each department head. Upon final approval two (2) sets of revised plans shall be returned to the Developer at the pre-construction conference with the City Engineer's written approval thereon. One set of final plans shall be on-site at all times for inspection purposes and to note all field changes upon.
- 5.1.2 Prior to the start of any construction, it shall be required that a pre-construction meeting be conducted with the Developer or his authorized representative/engineer, the contractor, the City Engineer and appropriate City departments. An approved set of plans shall be provided to the Developer and contractor at or shortly after this meeting.
- 5.1.3 The Developer shall guarantee all improvements pursuant to this Section for no less than one year from the date of final acceptance by the City, except that parks shall be guaranteed and maintained by the Developer for a period of two years.
- 5.2 The Developer shall construct all streets, alleys, curb and gutter, lighting, sidewalks, street trees and landscaping, and irrigation systems to meet City Standards, the requirements of this ordinance, the approval of the Council, and to the finished grades which have been officially approved by the City Engineer as shown upon approved plans and profiles. The Developer shall pave all streets and alleys with an asphalt plant-mix, and shall chip-seal streets and alleys within one year of construction.
- 5.2.1 Street cuts made for the installation of services under any existing improved public street shall be repaired in a manner which shall satisfy the Street.

Superintendent, shall have been approved by the Hailey City Engineer or his authorized representative, and shall meet City Standards. Repair may include patching, skim coats of asphalt or, if the total area of asphalt removed exceeds 25% of the street area, the complete removal and replacement of all paving adjacent to the development. Street cut repairs shall also be guaranteed for no less than one year.

- 5.2.2 Street name signs and traffic control signs shall be erected by the Developer in accordance with City Standards, and the street name signs and traffic control signs shall thereafter be maintained by the City.
- 5.2.3 Street lights in the Recreational Green Belt, Limited Residential, General Residential, and Transitional zoning districts are not required improvements. Where proposed, street lighting in all zoning districts shall meet all requirements of Chapter VIII B of the Hailey Zoning Ordinance. N/A
- 5.3 The Developer shall construct a municipal sanitary sewer connection for each and every developable lot within the development. The Developer shall provide sewer mains of adequate size and configuration in accordance with City Standards, and all federal, state, and local regulations. Such mains shall provide wastewater flow throughout the development. All sewer plans shall be submitted to the City Engineer for review and approval. At the City Engineer's discretion, plans may be required to be submitted to the Idaho Department of Environmental Quality (DEQ) for review and comments.
- 5.4 The developer shall construct a municipal potable water connection, water meter and water meter vault in accordance with City Standards, or other equipment as may be approved by the City Engineer, for each and every developable lot within the development. The Developer shall provide water mains and services of adequate size and configuration in accordance with City Standards, and all federal, state, and local regulations. Such water connection shall provide all necessary appurtenances for fire protection, including fire hydrants, which shall be located in accordance with the IFC and under the approval of the Hailey Fire Chief. All water plans shall be submitted to the City Engineer for review and approval. At the City Engineer's discretion, plans may be required to be submitted to the Idaho Department of Environmental Quality (DEQ) for review and comments.
- 5.4.1 Within the Townsite Overlay District, where water main lines within the alley are less than six (6) feet deep, the developer shall install insulating material (blue board insulation or similar material) for each and every individual water service line and main line between and including the subject property and the nearest public street, as recommended by the City Engineer. N/A
- 5.5 The Developer shall provide drainage areas of adequate size and number to meet

the approval of the Street Superintendent and the City Engineer or his authorized representative.

- 5.6 The Developer shall construct each and every individual service connection and all necessary trunk lines, and/or conduits for those improvements, for natural gas, electricity, telephone, and cable television to the property line before placing base gravel for the street or alley.
- 5.7 The Developer shall improve all parks and Green Space areas as presented to and approved by the Commission and Council.
- 5.8 All improvements are to be installed under the specifications and inspection of the City Engineer or his authorized representative. The minimum construction requirements shall meet City Standards or the Department of Environmental Quality (DEQ) standards, whichever is the more stringent.
- 5.9 Installation of all infrastructure improvements must be completed by the Developer, and inspected and accepted by the City prior to signature of the plat by City representatives, or according to a phasing agreement. A post-construction conference shall be requested by the Developer and/or contractor and conducted with the developer and/or contractor, the City Engineer, and appropriate City departments to determine a punch list of items for final acceptance.
- 5.9.1 The Developer may, in lieu of actual construction, provide to the City security pursuant to Section 3.3.7, for all infrastructure improvements to be completed by Developer after the final plat has been signed by City representatives.
- 5.10 Prior to the acceptance by the City of any improvements installed by the Developer, three (3) sets of "as-built plans and specifications" certified by the Developer's engineer shall be filed with the City Engineer.

CONCLUSIONS OF LAW AND DECISION

Based upon the above Findings of Fact, the Commission makes the following Conclusions of Law and Decision:

1. Adequate notice, pursuant to Section 3 of the Hailey Subdivision Ordinance, was given for the public hearing.
2. Upon compliance with the conditions noted below, the application substantially meets the standards of approval set forth in the Hailey Subdivision Ordinance.
3. The application for Final Plat, dated March 2008 is approved by the Hailey City Council, with the following conditions:
 - a) All Fire Department and Building Department requirements shall be met.

- Addressing will be as follows: Lot 1- 2721 Winterhaven Drive, Lot 2 – 2741 Winterhaven Drive and Lot 3 – 2761 Winterhaven Drive.
- b) All City infrastructure requirements shall be met as outlined in Section 5 of the Hailey Subdivision Ordinance. Detailed plans for all infrastructure to be installed or improved at or adjacent to the site shall be submitted for Department Head approval and shall meet City Standards where required. Infrastructure to be completed at the applicant's sole expense include, but will not be limited to, the following requirements and improvements:
- Sewer services to Lots 1 and 3 shall be centered on the lots.
 - All road cuts shall meet City Standards.
 - An encroachment permit shall be submitted for road cuts.
 - A 6 foot wide sidewalk must be installed adjacent to the property on both Woodside Boulevard and Winterhaven Drive.
 - Water service shall be provided to Lots 1 and 2
- c) The applicant shall dedicate 5,178 square feet of land adjacent to Lot 2 of the Woodside Elementary PUD Subdivision as public park space in order to meet Section 4.10.1.1 of the Subdivision Ordinance prior to recording the final plat.
- d) The final plat submitted for recordation shall include plat notes 1 through 4 as stated on the proposed final plat with the following amendments and additions:
- A note shall be added stating, "This property is subject to the Noise and Avigation Easement and Non-Suit Covenant recorded as Instrument No. _____, records of the County Recorder, Blaine County, Idaho."
 - A airport noise disclosure note shall be added stating, "Lot owners, their tenants, and guests are advised and is of the opinion that the subject property is located in a noise-impacted area; that these present and future noise impacts might be annoying to users of the land for its stated purpose and might interfere with the unrestricted use and enjoyment of the property in its intended use; that these noise impacts might change over time by virtue of greater numbers of aircraft, louder aircraft, seasonal variations, and time-of-day variations; that changes in airport, aircraft, and air traffic control operating procedures or in airport layout could result in increased noise impacts; and that the Grantor's or user's own personal perceptions of the noise exposure could change and that his or her sensitivity to aircraft noise could increase."
- e) Issuance of permits for the construction of buildings within the proposed subdivision shall be subject to Section 2.9 of the Subdivision Ordinance.
- f) All improvements and other requirements shall be completed and accepted, or surety provided pursuant to Sections 3.3.7 and 5.9.1 of the Subdivision Ordinance, prior to recordation of the final plat.
- g) The final plat shall be recorded within one year of the date of final plat approval. The

final plat submitted for signature shall conform to the requirements found in Article 50-1301 (et. seq.) of the Idaho Code (as amended) and to the requirements set forth by Blaine County for digital plat submittals. The applicant shall provide the City with a letter-size or ledger-size photocopy of the recorded plat showing the instrument number and date of recordation.

- h) Any subdivision inspection fees due shall be paid prior to recording the final plat.
- i) Any applicable development impact fees shall be paid prior to recording the final plat.

Signed this _____ day of _____, 2008.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the ____ day of _____, 2008, I served a true and correct filed copy of the within and foregoing document upon the parties named below, in the manner noted:

- U.S. Mail
- Via Facsimile
- Hand Delivered

CITY OF HAILEY

By _____
Becky Mead, Administrative Assistant