



Town of Blue River Memorandum

TO: Planning & Zoning Commission

FROM: Town Manager Michelle Eddy

DATE: October 2, 2023

SUBJECT: **Building Certificate of Occupancy-Landscaping**

Background

On September 27, 2023, Chairman Tim Johnson requested an addition to the October agenda to review the requirements for CO (certificate of occupancy) specifically as it pertains to landscaping completion.

Current Conditions:

A complete review of all completed new construction projects was conducted. Projects from 2015-present were evaluated for completeness.

Total Projects: 53

Completed Projects: 51

Incomplete Projects: 2 (1 duplex)

It was observed that one duplex (2 projects) was incomplete. The home was provided with a CO on January 3, 2023. The owner was contacted 9/20/23. He has indicated he has been working to hire a landscaper and was provided with additional contractors.

Chapter 18-Building Department Regulations

Sec. 18-1-10. Certificate of occupancy.

Prior to the issuance of a certificate of occupancy, any person who builds or erects any structure must contact the Town by calling or writing the Building Official to obtain approval for issuance of the certificate of occupancy. Approvals of the septic/sewer authority, the fire protection district, the Architectural Review Board and homeowners' association may be required. Approval may, at the Town's sole discretion, require completion of the following improvements:

- (1) Installation of culverts.
- (2) Grading or regrading any disturbed or damaged roads or driveways or other areas necessary for proper drainage.
- (3) Installation and placement of up to twelve (12) tons of approved road base.
- (4) Any dirt, boulders or other material stored or remaining on the property described above shall be moved or distributed and arranged in such a way that it serves as landscaping and not piles of stored material.
- (5) All construction debris shall be removed from the site and properly disposed of.

- (6) All runoff created by or redirected by the construction, erection and landscaping of the structure on the property shall be treated, contained and controlled so that there are no increases in runoff or other drainage consequences resulting from said construction, erection and landscaping.

If weather conditions are such that the foregoing requirements cannot be determined or performed prior to the issuance of the certificate of occupancy, the person building or erecting the structure and requesting the certificate of occupancy shall pay to the Town, in cash or a letter of credit acceptable to the Town, an amount equal to one hundred fifty percent (150%) of the Town's estimated cost for performing such improvements. The Town shall hold these funds in a non-interest-bearing account. The funds may be commingled with other Town funds. If the improvements are not completed, the Town may use the funds to complete the improvements. Any unused funds shall be returned to the owner.

Blue River Land Use Code

There are no regulations for landscaping in the adopted Land Use Code. In discussion with the Town Attorney, it was noted this was specifically left vacant as the Board of Trustees have chosen not to adopt heavy handed regulations on property.

Staff Recommendations and Considerations

In reviewing the status of landscaping deficiencies, it is determined that this is not a widespread issue requiring adjustments and change to the current conditions. There is currently one project (duplex) that is incomplete and discussions with the owner indicate they are working towards completing the project. It is recommended not to make any changes at this time.