



Improvements Agreement Process - Planning Applications

Use this document to understand the Improvements Agreement application type review process.

Purpose

The purpose of an Improvements Agreement is to provide a mechanism where a developer can obtain a Certificate of Occupancy for a building or receive approval of a Final Plat prior to completing all the required public and private improvements associated with a development or subdivision. An Improvements Agreement is typically in effect for a period of up to two years.

Collateral

The amount of required collateral is determined by cost estimates provided by the developer in the form of an engineer's estimate or construction bids and approved through the administrative review process. The amount of collateral required to accompany an Improvements Agreement shall be as follows:

- At least 15% of the cost of installing any public improvements that have preliminary acceptance.
- At least 115% of the cost of installing any public improvements without preliminary acceptance.
- At least 115% of the cost of installing any secured private improvements not completed and approved.

Collateral may be posted in the form of cash, letter of credit, or certificate of deposit. Any letter of credit from a financial institution located outside the state shall include specific language stating that the issuer agrees that the proper venue for any legal action is the county, and that the letter of credit shall be governed by the laws of the state. A letter of credit template is available on the Planning Department website and all language is subject to approval by the City Attorney. Collateral shall remain effective for a period of not less than 60 days following the completion date listed in the Improvements Agreement.

TIP: With the first submittal, include the following information to streamline drafting the Improvements Agreement:

- Type of collateral to be provided
 - Draft Letter of Credit, if applicable
 - Draft Certificate of Deposit, if applicable

- Name, position, and organization of property owner(s)

Procedures

Development applications are assigned a project manager and distributed to the City's Development Review Team (DRT) within two business days of a complete submittal to the Planning and Community Development Department. Applications are assigned a review timeline based on the complexity of the project type. The policy of the DRT is to provide all applicants with review comments within 30 calendar days of application receipt, whenever possible. Concurrent applications will track with the application requiring the longest review timeline. The Planning Director may extend review timelines when application volume exceeds staff capacity.

For more information on policies and procedures, see the DRT Mission, Policies, and Procedures as well as CDC Article 7.

Improvements Agreement Process Overview

The overview below is informational. Please see 'Administrative Review Process' document for more detailed information on the DRT review.

