

SECTION 4

REQUIRED IMPROVEMENTS

Improvements Required. Every subdivider shall be required to install the following public and other improvements in accordance with the following conditions and specifications.

- A. Monuments. Monuments shall be set in accordance with section 50-1303, Idaho Code.
- B. Streets and Alleys. All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the Bonneville County road and bridge department.
- C. Street Signs. Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the local standards. A per street sign fee shall be paid by the subdivider.
- D. Underground Utilities. All new service utilities shall be placed underground. When installing utilities under existing roadways it is required that the developer in conjunction with the contractor to apply for a road work permit to cut into the road or bore underneath the road. It will be required to provide a deposit to be held by the City until the road and bridge supervisor has approved the repairs to the roadways.
- E. Maintenance Required. The owner of any private property on which grading or other work has been performed pursuant to a grading plan approved or a building permit granted under the provisions of this title shall continuously maintain and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures or means, and other protective devices, plantings and ground cover installed or completed.
- F. Water Supply and Sewer Systems. In an effort to keep the water rights with the property or to provide future water right for central infrastructure for the city the follow guidelines are required:
 - 1. Water supply and sewer systems within the City of Swan Valley historically been placed on individual properties as private wells and sewer systems.
 - 2. Approval of Plans: All water and sewer plans that are designed as community systems shall be submitted to the Department of Environmental Quality or its authorized agent for approval in accordance with the provisions of section 50-1326, 67-6537 Idaho Code.
 - 3. Irrigation Facilities:

For any new development that the lots are one acre or larger in size for all residential dwelling units within such subdivision shall be provided with a irrigation system to be served with surface irrigation water, as outlined herein;

 - a. The City may adopt supplemental standards and regulations pertaining to the design, construction and maintenance of irrigation systems. Plans and documents reflecting the required standards and regulations shall be submitted with the application for a preliminary plat.
 - b. These standards shall supplement all other regulations, and where at variance with other laws, regulations, ordinances or resolutions, the more restrictive requirements shall

- apply. The Council may determine that revisions to the supplemental standards are warranted and make such revisions by act of a resolution or ordinance.
- c. The irrigation system shall be designed by a licensed professional engineer registered in the state of Idaho, and the construction plans for the system shall be reviewed and approved by the City appointed engineer.
 - d. The irrigation system shall have an approval letter from Idaho Water Resources.
 - e. The irrigation system shall have an approval letter from the canal company in which it is associated.
 - f. The requirement for installation of an irrigation system may apply for a variance to be issued by the City Council when the applicant has established that any of the following situations exist (the sale or transfer of an existing water right shall not be grounds for requesting a variance pursuant to this provision):
 - 1) Where a sufficient surface irrigation water right does not exist for the property. The lack of surface irrigation water right shall be documented in writing by the appropriate canal company and the department of water resources and shall be submitted with the subdivision preliminary plat. In this case a variance shall only be granted for that portion of the subdivision that cannot be served.
 - 2) Where an existing surface water right cannot be delivered to the property by a canal company due to current delivery capacity or scheduling. In these situations the City Council may still require the installation of the irrigation system, provided water rights can be made available to the property and delivery system modifications can be made so irrigation water can be supplied within two (2) years.
 - 3) That due to the specific circumstances surrounding a new subdivision, the cost of obtaining water rights, reestablishing water rights or developing the system would impose an undue economic hardship on the developer. For purposes of this section an undue economic hardship shall consist of a showing that the cost per lot to develop the irrigation system would be twenty five percent (25%) higher than the cost per lot for providing an irrigation system to subdivisions of similar size and density constructed in the City within the previous two (2) years; or the cost per lot of the irrigation system would exceed five percent (5%) of the expected per lot market value of the subdivision.
 - 4) The developer shall bear the burden of providing documentation, acceptable to the City planning and zoning administrator and City Council, demonstrating and supporting the estimated costs of construction of the irrigation system, and the cost per lot for irrigation systems in those subdivisions built in the last two (2) years as noted above, and the expected market value of the subdivision lots. For phased developments, costs will be analyzed over all phases of the development rather than the first phase only.
 - a) Should installation of an irrigation system be variance by the City Council, as outlined herein, compliance to Idaho Code 31-3805 is still required.
 - b) Requests for variance shall be submitted to the City with the preliminary plat application and shall be accompanied by an irrigation report, stating the location and availability of surface irrigation water and documenting the basis for the waiver request. If applicable, the irrigation report shall be accompanied by a letter from the canal company stating that water rights and/or a delivery system are not available to the property.

G. Donation of Water Systems to the City

Conditions Of Annexation And/Or Approval Of New Development: in an effort to acquire and hold in reserve for future growth it is required to enter into a development agreement with the city to donate the water rights to the city so at the time that central water is provided the water rights will be available as a condition of annexation into the city and/or as a condition of approval of new development within the city, the landowner and/or developer shall:

1. Secure suitable surface water rights adequate to satisfy all irrigation, aesthetic, amenity, or recreation needs of the proposed development and/or property proposed to be annexed. Said water rights must be valid, existing water rights recognized by the Idaho department of water resources (the "department"). If any transfer, amendment or other proceedings are required under Idaho Code or department rule or regulation for the city's use of such water, the owner and/or developer shall be solely responsible for the city's costs of completing the same and the city's costs of obtaining all necessary approvals from the department as a condition of annexation and/or development, including costs associated with mitigation;
2. Secure suitable ground water rights adequate to satisfy all ground water needs of the proposed development and/or property proposed to be annexed and transfer or assign said water rights to the city for inclusion into the city's municipal water supply system when it become available. Said water rights must be valid, existing water rights permitted or licensed by the department. If any transfer, amendment or other proceedings are required under Idaho Code or department rule or regulation for the city's use of such water, the owner and/or developer shall be solely responsible for the city's costs of completing the same and the city's costs of obtaining all necessary permits and approvals from the department as a condition of annexation and/or development, including costs of mitigation;
3. Pay for the city's costs of construction of municipal supply well(s) necessary to meet the demands of the proposed annexed property and/or new development. The city engineer shall determine the necessary location, number, and capacity of well(s) based upon the proposed development or other improvements. Said wells shall be constructed to city standards. The owner and/or developer shall be solely responsible for the city's costs of obtaining all necessary permits and approvals for such wells as a condition of annexation and/or development, including the costs of any required mitigation. The design and construction of municipal supply wells shall be reviewed and inspected by the city engineer;
4. At the option of the city, demands arising from more than one development may be served by a single well or centralized well with the costs thereof apportioned to the participating developments in proportion to their water demands.
5. The requirements for obtaining surface water rights for irrigation, aesthetic, amenity, or recreation needs may be granted a variance if the city determines that the landowner and/or developer is entitled to a variance and that the landowner and/or developer cannot secure surface water rights by appropriation or transfer to the proposed development and/or property proposed to be annexed.

H. Storm Drainage, Flood Controls

1. Adequate Storm Drainage System: An adequate storm drainage system to accommodate storm water runoff from the public rights of way shall be required in all subdivisions.
2. Interceptor Ditches: Interceptor ditches shall be established above all cut/fill slopes, and the intercepted water conveyed to a stable channel or natural drainageway with adequate capacity.

3. Pavement Design: Pavement design shall be such that water is prevented from flowing onto the roadway.
4. Natural Drainageway Treatment: Natural drainageways shall be riprapped or otherwise stabilized below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.
5. Runoff from Impervious Cover: Runoff from areas of concentrated impervious cover (for example, roofs, driveways and roads) shall be collected and transported to a natural drainageway with sufficient capacity to accept the discharge without undue erosion.
6. Deposit of Waste Material Prohibited: Waste material from construction, including soil and other solid materials, shall not be deposited within the 100-year floodplain.
7. Drainageways or Hydraulic Structures in Major Waterways: Drainageways or hydraulic structures in major waterways (defined as draining a basin area of 10 acres or more) shall be designed for the 100-year flood or to accommodate the runoff front, whichever is greater. In minor waterways (defined as draining a basin area of less than 10 acres), such structures shall be designed for the 50-year flood
8. Storm Drainage Retention Facilities: On site retention or partial on site retention of storm drainage from new developments is required in any case where, due to development activity, such drainage would be increased either in peak flow rate or in total quantity from that previously discharged from the land or property being developed. Complete retention is required in all cases except those where: 1) runoff flows directly, without crossing intervening property, into an existing drain ditch or other drainage facility that is operated and maintained by a drainage receiver, and 2) such drainage receiver agrees, as evidenced by valid and binding public document, to receive a certain definite quantity of storm drainage from the development. Retention on site of any drainage not so accepted by a drainage receiver or of any drainage in excess of the quantity accepted by a drainage receiver is a duty of the current property owner at any time.
Retention or partial retention facilities shall be provided as an essential part of such development. Design and construction of such retention facilities shall conform to standards, entitled "Design Standards For Storm Drainage Retention Facilities", adopted by resolution of the City Council, and which standards may, from time to time, be amended by subsequent resolution of the Council. All facilities shall be maintained on an on going basis in order to perform as designed. Should any of the provisions of the supplemental standards conflict with the standards set forth herein, the higher standard shall apply.
9. Sediment Catchment Ponds: Sediment catchment ponds shall be constructed and maintained on from each development, unless sediment retention facilities are otherwise provided. Any facility used shall provide for the removal of surface debris and contaminants, as well as sediment retention as described in storm drainage retention facilities number 8.
10. Completion and Operation Deadline: The overall drainage system shall be completed and made operational at the earliest possible time during construction.
11. Alterations of Major Drainageways: Alterations of major drainageways shall be prohibited except for approved road crossings and drainage structures.
12. Natural or Improved Open Channel Drainageways: Natural or improved open channel drainageways shall be preserved or provided for in major waterways; except, that at road crossings, conduits may be permitted. Minor waterways shall be permitted to be enclosed in conduits.
13. Reservation of Right To Require: The City reserves the right to require installation of hydrologic measuring devices in drainage ways within any development at public expense.

14. Drainage System Plans: Drainage system plans shall show how lots will be graded so that all runoff runs either over the curb, or to a drainage easement, and that no runoff shall cross any lot line onto another lot except within a drainage easement.
- I. Fire Hydrants and Water Mains. Adequate fire protection shall be required in accordance with the appropriate fire district standards.
- J. Construction Plans. It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by a registered engineer in the State of Idaho, a complete set of construction plans, including profiles, cross section, specifications and other supporting data, for all required public streets, utilities and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies and all construction plans shall be prepared in accordance with the public agencies' standards or specifications.
- K. Guarantee of Improvements. In lieu of the actual installation of the public improvements required by this title prior to the City Council signing the final plat, the City Council may permit the subdivider to provide a surety/financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of any other agency responsible for the administration, operation and maintenance of the applicable public improvement:
1. Certified Check, Certificate Of Deposit, Or Irrevocable Bank Letter Of Credit: A certified check, certificate of deposit, or an irrevocable bank letter of credit (from a financial institution approved by the Planning and Zoning Administrator), in the amount equal to two hundred percent (200%) of the estimated construction costs of public improvements shall be provided by the owner/developer and held by the City until said construction is complete. Construction cost estimates shall be reviewed and approved by the City zoning administrator prior to City acceptance of said surety. The surety initiation and extension fees shall be established by the City Council. In the case of certified checks, an agreement between the City Council and the subdivider may provide for progressive payment out of certified check, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement. Completion Time: All public improvements shall be completed within one year from the date of acceptance of the surety/financial guarantee of performance by the City. The zoning administrator may authorize a delay in the completion of public improvements during the months of November, December, January, February, and March due to weather conditions, if at a minimum, the surety is extended.
 2. An extension may be granted when approved by the City Council.
- L. Inspections. Before approving a final plat and construction plans and specifications for public improvements, an agreement between the subdivider and the City Council shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans.
- M. Failure to Complete Public Improvement Construction. In the event the subdivider shall, in any case, fail to complete such work within the period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the City Council to proceed to have such work completed. In order to accomplish this, the City Council shall reimburse itself for the cost and expense thereof by appropriating the certified check, irrevocable bank letter of credit, or negotiable bond which the subdivider may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the

bonding or surety company, and as included in a written agreement between the City Council and the subdivider.

N. Development Agreement. In the event that the development is a substantial development, greater than three lots, includes right of ways and easements, it will be required to enter into a development agreement with the City of Swan Valley.