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ORDINANCE NO. 97

AN ORDINANCE ENTITLED "THE CITY OF SWAN VALLEY SUBDIVISION ORDINANCE;" PROVIDING FOR THE REGULATION AND CONTROL OF SUBDIVISIONS IN THE CITY OF SWAN VALLEY, IDAHO; ESTABLISHING SUBDIVISION REGULATIONS; PROVIDING FOR THE ADMINISTRATION OF SAID REGULATIONS; PROVIDING FOR SEVERABILITY; DEFINING TERMS USED HEREIN; SETTING OUT THE PROCEDURE FOR APPROVAL OF SUBDIVISION PLATS; ESTABLISHING DESIGN STANDARDS FOR SUBDIVISIONS; ESTABLISHING IMPROVEMENT STANDARDS FOR SUBDIVISIONS; PROVIDING FOR FINANCIAL GUARANTEES IN LIEU OF COMPLETION OF IMPROVEMENTS; ESTABLISHING CRITERIA FOR IDENTIFYING AND ACTING UPON SUBDIVISIONS THAT CONTAIN UNUSUAL OR SPECIAL FEATURES; ESTABLISHING PLAT VACATION AND DEDICATION PROCEDURES; ESTABLISHING VARIANCE PROCEDURES; ESTABLISHING DETECTION AND ENFORCEMENT PROCEDURES; PROVIDING FOR CRIMINAL AND/OR CIVIL REMEDIES FOR VIOLATIONS HEREOF; ESTABLISHING AMENDMENT PROCEDUES; AND PROVIDING FOR AN EFFECTIVE DATE AND REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SWAN VALLEY.

**SUBDIVISION ORDINANCE OF THE
CITY OF SWAN VALLEY, IDAHO**

SECTION 1 – GENERAL SUBDIVISION PROVISIONS

SECTION 2 – SUBDIVISION PLATS AND PROCEDURES

SECTION 3 – DESIGN STANDARDS

SECTION 4 – REQUIRED IMPROVEMENTS

SECTION 5 – SPECIAL DEVELOPMENT SUBDIVISION

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SECTION 1

GENERAL SUBDIVISION PROVISIONS

- A. Short Title. This title shall be known and may be cited as the SUBDIVISION ORDINANCE OF THE CITY OF SWAN VALLEY, IDAHO.
- B. Authority. These regulations are authorized by title 50, chapter 13 of the Idaho Code; title 67, chapter 65 of the Idaho Code; and article 12, section 2 of the Idaho constitution.
- C. Purpose. The purpose of these regulations is to promote the public health, safety and general welfare, and to provide for:
1. The harmonious development of the City and its area of impact;
 2. The coordination of streets and roads within a subdivision with other existing or planned streets and roads;
 3. Adequate open space for travel, light, air and recreation;
 4. Adequate transportation, water drainage and sanitary facilities;
 5. The avoidance of the scattered subdivision of land that would result in either of the following:
 - a. The lack of water supply, sewer service, drainage, transportation or other public services; or
 - b. The unnecessary imposition of an excessive expenditure of public funds for the supply of such services;
 6. The requirements as to the extent and the manner in which:
 - a. Roads shall be created, improved and maintained; and
 - b. Water and sewer and other utility mains, piping connection, or other facilities may be installed;
 7. The manner and form of making and filing of any plats; and
 8. The administration of these regulations by defining the powers and duties of approving authorities.
- D. Jurisdiction. These regulations shall apply to the subdivision of land within the corporate limits of the City of Swan Valley under the requirements of sections 50-1306 and 67-6526, Idaho Code.
- E. Interpretation. All subdivisions as herein defined shall be submitted for approval by the City Council and shall comply with the provisions of these regulations. These regulations shall supplement all other regulations, and where at variance with other laws, regulations, ordinances or resolutions, the more restrictive requirements shall apply.
- F. Rules and Definitions. Terms or words used herein shall be interpreted as follows:
1. The present tense includes the past or future tense, the singular includes the plural and the plural includes the singular.
 2. The word "shall" is mandatory; and the word "may" is permissive.
 3. The masculine shall include the feminine.

G. As used in this title, the following words and terms shall have the meanings ascribed to them in this section:

- ADMINISTRATOR: An official having knowledge in the principles and practices of subdividing, who is appointed by the City Council to administer this ordinance.
- ALLEY: A minor street providing secondary access at the back or side of a property otherwise abutting a street.
- ARTERIAL STREET: A street designated for the purpose of carrying fast and/or heavy traffic.
- BLOCK: A group of lots, tracts or parcels within well defined boundaries, usually streets.
- BUILDING: A structure designed or used as the living quarters for one or more families, or a structure designed for use as an accessory to a structure used for living quarters or a structure designed for commercial or industrial uses.
- BUILDING SETBACK LINE: An imaginary line established by a zoning ordinance that requires all buildings to be set back a certain distance from lot lines.
- BUILDING SITE: An area proposed or provided and improved by grading, filling, excavation or other means for erecting pads for buildings.
- CEMETERY: A lot that has been platted for the selling of sites for the burial of animal or human remains.
- CITY: Incorporated areas within the City of Swan Valley, Idaho.
- CENTRAL SEWAGE SYSTEM: A community sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.
- CLUSTERING: A technique which allows lots to be reduced in size and buildings sited closer together provided the total development density does not exceed that which could be constructed on the site under conventional zoning and the remaining land is utilized for open space or public purpose.
- COUNTY COMMISSIONERS: The county commissioners of the unincorporated areas within Bonneville County.
- COLLECTOR STREET: A street designated for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets.

COMMISSION:	The planning and zoning Commission of the City. If no planning and zoning Commission exists, the Commission's duties shall be fulfilled by the City Council.
COMPREHENSIVE PLAN:	An adopted document that herein may be referred to as a comprehensive plan or comprehensive development plan.
CONDOMINIUM:	An estate consisting of an undivided interest in common in real property, in an interest or interests in real property, or in any combination thereof; together with a separate interest in real property, in an interest or interests in real property or in any combination thereof.
CONSTRUCTION PLAN:	The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the City Council as a condition of the approval of the plat.
COUNTY RECORDER:	The office of the Bonneville County recorder.
COVENANT:	A written promise or pledge.
CUL-DE-SAC:	A street connected to another street at one end only and provided with a turnaround space at its terminus.
CULVERT:	A drain that channels water under a bridge, street, road or driveway.
DEAD END STREET:	A street connecting to another street at one end only and not having provision for vehicular turn around at its terminus.
DEDICATION:	The setting apart of land or interests in land for use by the public by ordinance, resolution or entry in the official minutes as by the recording of a plat. Dedicated land becomes public upon the acceptance by the City.
DEVELOPMENT AGREEMENT:	An agreement or contract entered into between the developer and the City.
DEVELOPER:	Authorized agent(s) of a subdivider or the subdivider himself.
DRAINAGE:	Water that runs off the surfaces of a site or development. Synonymous with "runoff" as used herein.
DRAINAGE CHANNEL:	A natural channel, ditch, pipe or other conduit for liquid, naturally or artificially situated to receive storm drainage at an inlet point or multiple inlet points and then convey such storm drainage to an outlet point.

DRAINAGE FACILITY: An artificially constructed or naturally occurring drainage channel, or a retention facility, or partial retention facility.

DRAINAGE RECEIVER: A government entity, canal company or special taxing district which maintains a drainage facility adjacent to the development and agrees, as evidenced by a signed and dated public document, to accept a defined quantity of storm drainage from the development. This definition also applies to City of Swan Valley, with regard to any runoff from any development to any street. Notice is particularly given that the presence of a natural drainage channel does not relieve the developer from the requirement that any drainage must be retained unless it is formally accepted by a drainage receiver.

DRAINAGEWAY: A drainage channel or drainage ditch.

DWELLING UNIT: Any building or other structure proposed or built for occupancy by people.

EASEMENT: A grant by a property owner to persons or to the public to use land for specific purposes. Also, a right acquired by prescription.

ENGINEER: Any person who is licensed in the state to practice professional engineering.

EXPENDITURE: A sum of money paid out in return for some benefit or to fulfill some obligation. The term includes binding contractual commitments whether by development agreement or otherwise to make future expenditures as well as any other substantial change in position.

FLEXIBLE ZONING: Zoning which permits uses of land and density of buildings and structures different from those which are allowed as of right within the zoning district in which the land is situated. Flexible zoning applications shall include, but not be limited to, all special permit and special uses, planned unit developments, group housing projects, community unit projects, and average density or density zoning projects.

FLOODPLAIN: The relatively flat area or low land adjoining the channel of a river, stream, lake or other body of water which has been or may be covered by water of a flood of 100-year frequency. The floodplain includes the channel, floodway or floodway fringe, as established pursuant to engineering practices of the U.S. Army Corps of Engineers, as follows:
Channel: A natural or artificial watercourse of perceptible extent, with definite bend and banks to confine and conduct continuously or periodically flowing water.
Flood: The temporary inundation of land adjacent to and inundated by overflow from a river, stream, lake or other body of water.
Flood Of 100-Year Frequency: A flood magnitude which has a one percent (1%) chance of being equaled or exceeded in any given year.
Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').
Floodway Fringe: That part of the floodplain which is beyond the floodway. Such areas include those portions of the floodplain which will be inundated by a flood of 100-year frequency.

FRONTAGE STREET: A minor street, parallel to and adjacent to an arterial street, to provide access to abutting properties.

GOVERNING BODY: The City Council of the City of Swan Valley, Idaho.

HIGHWAY: A street designated as a highway by an appropriate state or federal agency.

HILLSIDE SUBDIVISION: Any subdivision, or portion thereof, having an average slope of ten percent (10%) or more.

IMPROVEMENT: Any alteration to the land or other physical construction associated with subdivision and building site developments.

LANDSCAPING: Acting with the purpose of meeting specific criteria regarding uses of outside space, including ground cover, buffers, and shade trees.

LARGE SCALE DEVELOPMENT: A subdivision, the size of which consists of fifty (50) or more lots or dwelling units.

LOOP: A minor street in which both terminal points are on the same street of origin.

LOT: A parcel, plot, tract or other land area of suitable size as required in these regulations and the existing zoning ordinance; and created by subdivision for sale, transfer or lease.

LOT AREA: The area of any lot shall be determined exclusive of street, highway, alley, road or rights of way of record.

LOT TYPES: As used in these regulations, lot types are as follows:
Corner Lot: A lot located at the intersections of two (2) or more streets.
Interior Lot: A lot other than a corner lot with frontage on only one street other than a corner lot.
Through Lot: A lot with frontage on more than one street other than a corner lot.
Flag Lot: A lot shaped like a flag; the staff is a narrow strip of land providing vehicular and pedestrian access to a street, with the bulk of the property lying to the rear of other lots.

LOT SPLIT: A division of an existing piece of land into three or more lots.

MAJOR SUBDIVISION: Any subdivision not able to qualify as a minor subdivision, including, but not limited to, subdivision of fifty (50) or more lots, or any size subdivision requiring any new street or extension of the local government facilities, or the creation of any public improvements.

MINOR STREET: A street which has the primary purpose of providing access to abutting properties.

MINOR SUBDIVISION: Any subdivision containing not more than ten (10) lots fronting on an existing street; not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements; and not adversely affecting the remainder of the parcel or adjoining property; and not in conflict with any provision or portion of the comprehensive plan, official map, zoning ordinance, or this title.

MOBILE HOME:	A detached single-family dwelling unit with all of the following characteristics: <ul style="list-style-type: none"> A. Designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower, bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; B. Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers, or detached wheels; and C. Arrived at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, a connection to utilities and the like.
MOBILE HOME SUBDIVISION:	A subdivision designed and intended for exclusive mobile home residential use.
MONUMENT:	Any permanent marker either of concrete, galvanized iron pipe or iron or steel rods, used to identify any tract, parcel, lot or street lines, as specified in section 50-1303, Idaho Code.
OPEN SPACE:	A common area platted as a lot, and approved by the City, substantially open to the sky, exclusive of streets, buildings and other covered structures.
ORIGINAL PARCEL OF LAND:	An original lot or tract as recorded on any plat of record on file in the office of the county recorder, or any unplatted contiguous parcel of land held in one ownership as of the January 1985.
OWNER:	An individual, firm, association, syndicate, partnership or corporation having any interest, legal or equitable, in the land to be subdivided.
PARTIAL RETENTION FACILITY:	A constructed basin or underground storage vessel built to retain a portion of the storm drainage it receives until it is absorbed into the soil strata, and to allow not more than an amount as designated by agreement with an adjacent drainage receiver to pass into an adjacent drainageway or drainage facility.
PARTIAL RIGHT OF WAY:	A dedicated right of way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.

PERFORMANCE BOND: An amount of money or other negotiable security paid by the subdivider or his surety to the Planning and Zoning Administrator which guarantees that the subdivider will perform all actions required by the governing body regarding an approved plat, and provides that if the subdivider defaults and fails to comply with the provisions of an approved plat, the subdivider or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approved plat.

PLANNED UNIT DEVELOPMENT: A subdivision designed as a combination of residential, commercial and industrial uses or any combination thereof planned for a tract of land to be developed as a unit under single ownership or control, which is developed for the purpose of selling individual lots or estates, fronting on dedicated streets, which may include two (2) or more principal buildings.

PLAT: The drawing, mapping or planning of a subdivision, cemetery, town site or other tract of land or a replatting of such including certifications, descriptions and approvals including the following:

- A. Preliminary Plat: The first formal presentation by drawings of a proposed subdivision; and
- B. Final Plat: The final and formal presentation by drawings of an approved subdivision development, the original and one copy of which is filed with the county clerk and recorder.

PREDEVELOPMENT RUNOFF: The water runoff quantity that would have been produced from the site in its original native soil condition, prior to any construction of buildings or of modified surfaces.

PRIVATE STREET: A right of way which provides access to adjacent properties under separate ownership and which is not dedicated to or officially accepted by a public entity, but not including a driveway.

RESERVE STRIP: A strip of land between a partial street and adjacent property which is reserved or held in public ownership for future street extension or widening.

RETENTION FACILITY: A constructed basin or constructed underground storage vessel built to retain all of the storm drainage it receives until it is absorbed into the soil strata.

RIGHT OF WAY: A strip of land dedicated or reserved for use as a public way which normally includes streets, sidewalks and other public utilities or service areas.

SCREENING: Either (a) strip at least ten (10) feet wide of densely planted (or having equivalent natural growth) shrubs or trees at least four (4) feet high at the time of planting, or a type that will form a year-round dense screen at least six (6) feet high; or (b) an opaque wall or barrier or fence at least six (6) feet high.

SKETCH PLAN: A sketch preparatory to the preliminary plat (or final plat in the case of minor subdivisions) to potentially enable the subdivider to save time and expense by discussing the sketch plat with the Planning Commission as to the form of the plat and the objectives of these regulations. No vested rights are created by a sketch plan review.

STANDARD SPECIFICATIONS: The specifications as specified in this title or as officially adopted by the City.

STATE: The state of Idaho.

STORAGE VESSEL: An earthen basin or tank or vault structure employed to store liquid. Earthen basins used to store storm drainage may be filled with porous media (usually gravel) to attain structural stability, in which case the volume of available storage is taken as the volume of the interstitial voids of the porous media.

STORM DRAINAGE: The water running off the surfaces of a site as a result of precipitation on the site (including rain, hail melt water and snow melt water).

STREET: A right of way which provides access to adjacent properties, the dedication of which has been officially accepted. The term "street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, lane, place and other such terms.

SUBDIVIDER: The individual, firm, corporation, partnership, association, syndicate, trust or other legal entity that executes the application and initiates proceedings for the subdivision of land in accordance with the provisions of this title. The subdivider need not be the owner of the property; however, he shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner.

SUBDIVISION:

The result of an act of dividing any lot, tract or parcel of land into three (3) or more parts for the purpose of transfer of ownership or development, which shall also include the dedication of a public street and the addition to, or creation of, a cemetery. Subdivisions shall be divided into "minor subdivisions", "major subdivisions" and "large scale developments", as those terms are defined in this section. However, this title shall not apply to any of the following:

- A. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements, and does not increase the original number of lots in any block of the recorded plat;
- B. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code;
- C. Widening of existing streets to conform to the comprehensive plan;
- D. Acquisition of street rights of way by a public agency in conformance with the comprehensive plan; and
- E. The exchange of land for the purpose of straightening property boundaries which does not result in the change of present land usage.

SURVEYOR:

Any person who is licensed in the state as a public land surveyor to do professional surveying.

UTILITIES:

Installations for conducting water, sewage, gas, electricity, television, storm water and similar facilities providing service to and used by the public.

VACATION OF PLAT

The vacation of the plat is being dissolved as a public dedicated record. In accordance with I.C. 50-1306A.

VARIANCE:

A modification of the requirements of this title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and the variance is not in conflict with the public interest.

VICINITY MAP:

A small-scale map showing the location of a tract of land in relation to a larger area.

SECTION 2

SUBDIVISION PLATS AND PROCEDURES

- A. Application for Subdivision Approval. Generally, any person desiring to create a "subdivision" as herein defined shall submit all necessary applications to the administrator.
- B. Pre-application Procedure:
1. Submission of Pre-application: The subdivider may submit a pre-application to enable the administrator to review and comment on the proposed subdivision.
 2. Sketch Plan: The pre-application shall include at least one copy of a sketch plan. The sketch plan shall include the entire developmental scheme of the proposed subdivision, in schematic form, and including the following:
 - a. The general layout and approximate dimension of streets, blocks and lots in sketch form;
 - b. The existing conditions and characteristics of the land on and adjacent to the proposed subdivision site; and
 - c. The areas set aside for schools, parks and other public facilities.
 3. Action By Administrator: The administrator shall notify the subdivider within fifteen (15) days from the date of receipt of an acceptable pre-application as to the general conformance or nonconformance of the proposal with this title, shall provide the necessary forms and checklists and shall comment on the following:
 - a. Compliance of the proposed development with existing local or state governmental goals and objectives or comprehensive plans.
 - b. Determination if additional special permits or ordinance conflicts such as rezone, special development permit or variance, are needed and the manner of coordinating such permits.
 - c. The City shall reserve the right to require studies to verify impacts on infrastructure, traffic and any other items that may have an impact within the City.
 - d. Consideration of any unique environmental features or hazardous concerns that may be directly or indirectly associated with the subject property such as areas that have been designated by the state of Idaho as areas of critical environmental concern, unique plant or animal life, flood plain, airport flight pattern and the like.
 - e. Consideration of other local and state governmental agencies that the subdivider should contact before preparing a preliminary plat.
- C. Preliminary Plat:
1. Filing of Preliminary Plat Application And Data: The subdivider shall file with the administrator a complete subdivision application form and preliminary plat data as required in this title.
 2. Combining Preliminary and Final Plat In Minor Subdivisions: The applicant may request that the subdivision application be processed as both a preliminary and final plat if all the following exist:
 - a. The proposed subdivision does not exceed ten (10) lots;
 - b. No new street dedication or street widening is involved;

- c. No major special development considerations are involved such as development in a flood plain, hillside development, areas of critical concern or the like;
- d. All required information for both preliminary and final plat is complete and in an acceptable form; and
- e. The proposed subdivision is not in conflict with the comprehensive plan or any provision of the zoning title of the City.

A request to combine both preliminary plat and final plat into one application shall be acted upon by the Commission upon recommendation of the zoning administrator.

3. Required Information and Data:

- a. The contents of the preliminary plat and related information shall be in such a form as stipulated by the City Council; however, any additional maps or data deemed necessary by the administrator may also be required.
- b. The subdivider shall submit to the administrator at least the following:
 - 1) Six (6) copies of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated. Each copy of the preliminary plat shall be on good quality paper, shall have the dimensions of not less than twenty-four inches by thirty-six inches (24" x 36"), shall be drawn to a scale of not less than one inch to one hundred feet (1" = 100'), shall show the drafting date, and shall indicate thereon, by arrow, the generally northerly direction and thirty (30) 11 x 17 copies for distribution to outside agencies;
 - 2) Six (6) sets of preliminary engineering plans (not meant to be cross sections or detailed designs) for streets, water, sewers, sidewalks and other required public improvements; however, such engineering plans shall contain sufficient information and detail to make a determination as to conformance of the proposed improvements to applicable regulations, ordinances and standards;
 - 3) A written application requesting approval of the preliminary plat and
 - 4) Appropriate information that sufficiently details the proposed development within any special development area such as hillside, planned unit development, flood plain, cemetery, mobile home, large scale development, hazardous and unique areas of development.
- c. The following shall be submitted separately:
 - 1) The name of the proposed subdivision;
 - 2) The name, address and telephone numbers of the subdivider or subdividers and the engineer or surveyor who prepared the plat;
 - 3) The name and address of all adjoining owners of property and residents within three hundred feet (300') of the external boundaries of the land being considered, whether or not bisected by a public right of way as shown on record in the county assessor's office, the applicant must supply an actual list from the county assessors office;
 - 4) The legal description of the subdivision;
 - 5) The statement of the intended use of the proposed subdivision, such as residential single-family, two-family and multiple housing, commercial, industrial, recreational or agricultural and a designation of any sites proposed for parks, playgrounds, schools, churches or other public uses;

- 6) A map of the entire area scheduled for development if the proposed subdivision is a portion of a larger holding intended for subsequent development. A map shall be submitted showing the location of existing buildings, existing wells, water bodies or courses and the location of currently dedicated streets at the point where they adjoin and/or are immediately adjacent; provided, that actual measured distances shall not be required;
- 7) A vicinity map showing the relationship of the proposed plat to the surrounding area (1/2-mile radius, scale optional);
- 8) The land use and existing zoning of the proposed subdivision and the adjacent land;
- 9) Streets, street names, rights of way and roadway widths, including adjoining streets or roadways;
- 10) Lot lines and blocks showing the dimensions and numbers of each;
- 11) Contour lines, shown at five-foot (5') intervals where land slope is greater than ten percent (10%) and at two-foot (2') intervals where land slope is ten percent (10%) or less, referenced to an established bench mark, including location and elevation;
- 12) A preliminary letter of approval as required by the appropriate health district when individual wells or septic tanks are proposed;
- 13) The location of any proposed or existing utilities, including, but not limited to, storm and sanitary sewers systems, irrigation laterals, ditches, drainages, bridges, culverts, water mains and fire hydrants;
- 14) Any dedications to the public and/or easements, together with a statement of location, dimensions and purpose of such;
- 15) Any additional required information for special developments; and
- 16) A statement as to whether or not a variance will be requested with respect to any provision of this title describing the particular provision, the variance requested and the reasons therefore.

4. Procedure For Approval of Preliminary Plat:

a. Administrative Review:

- 1) Certification By Administrator, Public Hearing: Upon receipt of the preliminary plat and all other required data as provided for herein, the administrator shall certify the application as complete and shall affix the date of application acceptance thereon. The administrator shall schedule a public hearing before the Planning and Zoning Commission, which hearing shall be held within forty five (45) days of the date of certification of a complete application.
- 2) Review By Other Agencies: The administrator shall refer the preliminary plat and application to as many governmental agencies as deemed necessary. Such agencies may include the following:
 - a) Other governing bodies having joint jurisdiction;
 - b) The appropriate utility companies, irrigation companies or districts, fire district and drainage districts;
 - c) The superintendent of the school district; and
 - d) Other agencies having an interest in the proposed subdivision.
- 3) Recommendation By Administrator: The zoning administrator shall provide that any transmittal of this section will be returned within fifteen (15) days. At the end of the

fifteen (15) day period, the administrator shall prepare a recommendation to the Commission. All agency responses shall be supplied by the zoning administrator to the planning and zoning Commission.

- b. Public Notice: The administrator shall provide notice in accordance with the requirements of state statute.
- c. Action By Council:
 - 1) Council's Findings: In determining the acceptance of a proposed subdivision, the Council shall consider the objectives of this title and at least the following:
 - a) The conformance of the subdivision with the comprehensive plan;
 - b) The availability of public services to accommodate the proposed development;
 - c) The continuity of the proposed development with the capital improvement program;
 - d) The public financial capability of supporting services for the proposed development; and
 - e) The other health, safety and environmental problems that may be brought to the Commission's attention.
 - 2) Action on Preliminary Plat: The Commission may recommend approval, conditional approval, disapproval or tabling for a period not to exceed forty-five (45) days. Such action shall occur within forty-five (45) days of the date of the regular meeting at which the plat is first considered by the Commission. The action and the reasons for such action shall be stated in writing by the administrator and forwarded to the applicant. The administrator shall also forward a statement of the action taken and the reasons for such action together with a copy of the preliminary plat to the Council for its action. Upon granting or denying a preliminary plat, the Commission shall specify:
 - a) The ordinance and standards used in evaluating the application;
 - b) The reasons for recommending approval or denial; and
 - c) The actions if any, that the applicant could take to obtain approval of the preliminary plat.
 - 3) Action on Combined Preliminary and Final Plat: If the Commission's conclusion is favorable to the subdivider's request for the subdivision to be considered as both a preliminary plat and final plat, then a recommendation shall be forwarded to the City Council in the same manner as herein specified for a final plat. The Commission may recommend that the combined application be approved, approved conditionally or disapproved.
- d. Action By Council: Within forty-five (45) days after receipt of the Commission's recommendation and following the notice requirements as set forth in state statute, the City Council shall make findings as required in this section. The City Council shall approve, approve conditionally or disapprove the preliminary plat within forty-five (45) days of the public hearing conducted to consider the Commission's recommendation.

e. Approval Period:

- 1) Failure to file with and obtain the certification of the acceptance of the final plat application by the administrator within one year after action by the City Council shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for by the subdivider and granted by the City Council.
- 2) In the event that the development of the preliminary plat is made in successive, contiguous segments in an orderly and reasonable manner, and conforms such segments, if submitted within successive intervals for one year, it may be considered for final approval without resubmission for preliminary plat approval.
- 3) The City Council or their agent reserves the right to request a master plan of the project.

D. Final Plat

1. Filing Of Final Plat: After the approval or conditional approval of the preliminary plat, the subdivider may cause the total parcel or any part thereof to be surveyed and a final plat prepared in accordance with the approved preliminary plat. The subdivider shall submit to the administrator the following:
 - a. Three (3) copies of the final plat; and
 - b. Three (3) copies of the final engineering construction drawings for streets, water, sewers, sidewalks and other public improvements.
 - c. Fifteen (15) 11x 17 of the Final Plat and engineered drawings as pertains to project.
2. Contents: The final plat shall include and be in compliance with all items required under title 50, chapter 13 of the Idaho Code and shall be prepared in accordance with the specifications set forth in section 50-1304, Idaho Code. The final plat shall include at least the following:
 - a. A written application for approval of such final plat as stipulated by the City Council;
 - b. Proof of current ownership of the real property included in the proposed final plat;
 - c. Such other information as the administrator or City Council may deem necessary to establish whether or not all proper parties have signed and/or approved said final plat;
 - d. Conformance with the approved preliminary plat and meeting all requirements or conditions thereof;
 - e. Conformance with all requirements and provisions of this title;
 - f. Acceptable engineering practices and local standards;
 - g. The plat shall show building sites on each lot adjusted to setback requirements; and
 - h. The development agreement with the standard development requirements, as well as any other requirement outline in the preliminary plat approval.
3. Procedure For Approval of Final Plat:
 - a. Review By Administrator:
 - 1) Acceptance: Upon receipt of the final plat, and compliance with all other requirements as provided for herein, the administrator shall certify the application as complete and shall affix the date of acceptance thereon.

- 2) Resubmission of Final Plat: The administrator shall review the final plat for compliance with the approved or conditionally approved preliminary plat. If the administrator determines that there is substantial difference in the final plat than that which was approved as a preliminary plat or conditions which have not been met, the administrator may require that the final plat be submitted to the Commission and City Council in the same manner as required in the preliminary plat process.
 - 3) Submission to The City Council: Upon the determination that the final plat is in compliance with the preliminary plat and all conditional requirements have been met, the administrator shall place the final plat on the City Council agenda within forty-five (45) days from the date that an acceptable final plat application was received and acknowledged by the administrator.
- b. Agency Review: The administrator may transmit one copy of the final plat, or other documents submitted, for review and recommendation to the departments and agencies as he deems necessary to ensure compliance with the preliminary approval and/or conditions of preliminary approval. Such agency review shall also include the construction standards of improvements, compliance with health standards, the cost estimate for all improvements and the legal review of the performance bond.
 - c. City Council Action: The City Council, at its next meeting following receipt of the administrator's report, shall consider the Commission's finding and comments from concerned persons and agencies to arrive at a decision on the final plat. The City Council shall approve, approve conditionally, disapprove or table the final plat for additional information within one hundred and eighty (180) days of the date of the first regular meeting at which the plat is considered. A copy of the approved final plat shall be filed with the administrator. Upon granting or denying the final plat, the City Council shall specify:
 - 1) The ordinance and standards used in evaluating the application;
 - 2) The reasons for approval or denial; and
 - 3) The actions, if any, that the applicant could take to obtain a permit.
 - 4) Conditional Approval of Final Plat: With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:
 - a) The construction of improvements required by this title shall have been completed by the subdivider and approved by the City Council; or
 - b) Surety acceptable to the City Council shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit or surety bond.
 - 5) Approval Period: The final plat shall be filed with the county recorder within one year after written approval by the City Council. Otherwise, such approval shall become null and void unless the subdivider, prior to said expiration date, applies for an extension of time and such extension is granted by the City Council.
 - 6) Required Certificates: The following certifications and signatures shall be included on the final plat prior to recording by the county recorder:
 - 7) Certification and signature of the Mayor or City Council President verifying that the subdivision has been approved;
 - 8) Certification of any sanitation restrictions on the face of the plat in accordance with the provisions of section 50-1326, Idaho Code.

- 9) Record Of Final Plat: Upon approval of the final plat by the City Council, the subdivider's prepayment of recording fees, posting of surety bond or other acceptable guarantee and the inclusion of those certifications and signatures on the final plat. The subdivider shall furnish proof to the administrator that the final plat has been recorded.
- E. Fees. At the time of submission of an application for a preliminary plat and application for a final plat, a fee, as established in the official fee schedule of the City, shall be paid.
- F. Record of Lot, Plat Approval. No final plat shall be filed with the county recorder until the final plat has been acted upon by the Commission and approved by the City Council.
- G. Sale of Lot, Plat to be Recorded. No lots shall be sold or offered for sale until the final plat has been recorded in the office of the county recorder.
- H. Lot Splits. Any time that an original parcel of land is divided or partitioned into not more than three (3) lots, parcels, or sites the following application process and procedures shall be followed:
1. Application: An application for lot split on a form provided by the City shall be submitted to the zoning administrator and shall contain, at a minimum, the following information:
 - a. Name, address, telephone number of the applicant.
 - b. Legal description of property and proof of ownership or agency.
 - c. Description of existing use.
 - d. Zoning district.
 - e. Description of lots after proposed lot split.
 - f. Description of proposed use.
 - g. Documentation of the permission of the owner of the parcel to be split.
 - h. Document from the health department acknowledgement of the split.
 2. Procedure: Prior to approving an application under this section, the City Council shall make the following findings:
 - a. The minimum requirements under this code for acreage, density, lot area and setback lines have been complied with;
 - b. The proposed lot split is in conformity with the comprehensive plan; and
 - c. The proposed lot split is in the public interest and will not adversely impact adjoining property interests.
 3. Notice: Within ten (10) days after a decision has been rendered, the administrator shall provide the applicant with written notice of the action on the request.

SECTION 3

DESIGN STANDARDS

A. Minimum Standards Required. All plats submitted pursuant to the provisions of this title, and all subdivisions, improvements and facilities done, constructed or made in accordance with said provisions shall comply with the minimum design standards set forth in this section; provided, however, that any higher standards adopted by Bonneville County, the City of Swan Valley, the Idaho transportation department or health agency shall prevail over those set forth herein.

B. Streets and Alleys - Location

Street and road location shall conform to the following standards:

1. Street Location and Arrangements: When an official street plan or comprehensive development plan has been adopted, subdivision streets shall conform to such plans.
2. Stub Streets: Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be such that said streets extend to the boundary line of the tract to make provisions for the future extension of said streets into adjacent areas, and shall have a cul-de-sac or temporary cul-de-sac. A reserve street may be required and held in public ownership.
3. Relation to Topography: Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and acceptable gradients.
4. Public Alleys: Public alleys shall be provided in multiple dwelling or commercial subdivisions unless other provisions are made for service access and off-street loading and parking. Dead end public alleys shall be prohibited in all cases.
5. Cul-De-Sac Streets: Cul-de-sac streets shall not be more than five hundred feet (300') in length and shall terminate with an adequate circular turnaround having a minimum radius of ninety-six (96) feet of right of way with the following exceptions:
 - a. Alternative types of turnarounds for cul-de-sacs which will provide access to less than thirteen (13) dwelling units may be permitted by the City if approved by the fire department and the road and bridge department having jurisdiction.
 - b. In zoning districts which prohibit densities greater than one dwelling unit per five (5) acres, cul-de-sac streets up to a maximum of one thousand five hundred feet (1,500') in length may be permitted by the city if approved by the fire department and the road and bridge department having jurisdiction. No more than twenty (20) dwelling units shall be permitted on said cul-de-sac.
 - c. In zoning districts which prohibit densities greater than one dwelling unit per five (5) acres, cul-de-sac streets up to a maximum of two thousand eight hundred feet (2,800') in length may be permitted by the City if approved by the fire department and the road and bridge department having jurisdiction. No more than twenty (20) dwelling units shall be permitted on said cul-de-sac.
6. Private Streets: Private Streets shall be prohibited unless approved by the City..
7. Driveways: Driveways providing access to three (3) or more) dwelling units shall be prohibited unless approved by the City.

C. Street Widths

1. Width of Streets:

- a. All streets unless already existing and paved shall be improved to a width of not less than twenty-four feet (24'). Said improvements shall be completed to each lot before it is sold unless a surety bond has been filed with the Planning and Zoning Administrator, and shall at least meet minimum Bonneville County standards for the quality and type of road.

D. Intersections

Intersections shall conform to the following standards:

1. Angle Of Intersection: Angles of street and driveway intersections shall be approved by the City or other authority having jurisdiction..
2. Sight Triangles: Minimum clear sight distance at all street and driveway intersections shall be approved by the City..
3. Existing Streets: Proposed new intersections along one side of an existing street shall, whenever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center-line offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where street intersect major streets, their alignment shall be continuous. Intersection of major streets shall be at least eight hundred (800) feet apart.

- E. Street Names. A street name shall not duplicate any existing street name within the City except where a new street is a continuation of an existing street. Street names that may be spelled differently but sound the same as existing street names shall not be used.

- F. Private Streets. The City Council reserves the right to allow private streets.

G. Easements

1. Unobstructed utility easements shall be provided along front lot lines, rear lot lines and side lot lines when deemed necessary. Total easement width shall not be less than twelve feet (12').
2. Unobstructed drainageway easements shall be provided as required by the City Council.

H. Landscaping /Planting Strips and Reserve Strips

1. Planting strips and reserve strips shall conform to the following standards:

- a. Planting Strips/Buffer Areas: Landscape/Planting strips/buffer areas shall be required to be placed next to incompatible features such as highways, commercial or industrial uses to screen the view from residential properties and to provide noise mitigation for those residents. Such planting strips/buffer areas shall be a minimum of ten feet (10') wide unless a greater width is required within this section of the code.

b. Prohibited Materials and Landscaping:

- 1) No required landscape areas shall include artificial trees, plants, or any carpeting designed as a vegetative substitute.
- 2) Clear vision triangle shall be observed in regard to all vegetation. All shade trees planted within vision triangles shall be pruned to a minimum seven feet (7') above the adjacent sidewalk and fourteen feet (14') above the adjacent roadway surface. Shrubs and ground covers planted within the vision triangle shall not exceed three feet (3') height at maturity. The boundaries of the vision triangle are defined by measuring from the intersection of the edges of two (2) adjacent roadways forty feet (40') along each roadway and connecting the two (2) points with a straight line. The sight distance obstruction is also applicable to railroad-highway grade crossings with the vision triangle defined by measuring forty feet (40') along the railroad property line. In all cases, ITD and Bonneville County Road and Bridge standards shall apply also.
- 3) When the City determines that a sight obstruction exists, it shall notify the owner of the property upon which the obstruction is located and order that the obstruction be removed within fifteen (15) days. The failure of the owner to remove the obstruction shall constitute a misdemeanor, punishable by a maximum of one thousand dollars (\$1000.00) and/or six (6) months in jail, and every day the owner fails to remove the obstruction shall be a separate and distinct offense.

2. Installation And Minimum Standards:

- a. Accepted nursery standards and practices shall be followed in the planting and maintenance of landscaped areas.
- b. Soil and slope stabilization must result after landscape installation.
- c. Root barriers shall be installed for all new trees planted adjacent to existing or proposed public or private sidewalks and paving.

3. Buffer Areas/Common Lots:

- a. Definition: A transition zone or buffer area consists of horizontal space (land) and vertical elements (plants, berms, fences, or walls). The purpose of such buffer space is to physically separate and visually screen adjacent land uses which are not fully compatible due to differing facilities, activities, or different intensities of use
- b. Minimum Requirements:
 - 1) To conceal outdoor storage areas, trash receptacles, exposed equipment associated with any commercial or industrial activity, and off-street loading when adjacent to or in view from a residential activity or public street right of way, a five foot (5') wide by six foot (6') high landscaped buffer is required.
- c. Materials:
 - 1) All buffer areas shall be comprised of, but not limited to, a mix of evergreen and deciduous trees, shrubs, and ground cover or vegetation consisting of native species.
 - 2) Height requirements shall be accomplished with plant material with a fence or decorative wall.
 - 3) The required buffer area shall result in an effective barrier within three (3) years and be maintained.

4. Commercial Parking Lot Landscaping:

- a. Visual Impact: Landscaping shall be provided to minimize the visual impact of off-street parking:
- b. Parking should be located to the side and rear of buildings and shall be screened so that it does not dominate the streetscape. Fences, hedges, berms, and landscaping may be used to screen parking areas (chain-link fencing shall not be permitted). In the design of large parking areas, arrange bays of parking spaces to be separated by landscaping. When parking lots occur on sloping terrain, step the parking lots to follow the terrain rather than allowing the lot surface to extend above natural grade.
- c. Parking Lot Landscape Strip: A landscape strip shall be provided when a parking lot is located adjacent to a public right of way. The landscaped strip shall serve to shield views of parked cars to passing motorists and pedestrians, and to establish coordination among architecturally diverse buildings, which creates a pleasing, harmonious appearance along the roadway.

Four (4) options are provided for fulfilling this requirement:

- 1) Provide a ten-foot (10') wide landscaped strip between the right of way and the parking lot, and plant with a minimum of one shade tree and ten (10) shrubs per thirty-five (35) linear feet of frontage, excluding driveway openings.
- 2) Provide an earth berm of thirty inches (30") minimum height (do not exceed 3:1 slope) within a ten-foot (10') wide landscaped strip between the right of way and the parking lot, and plant with a minimum of one shade tree and five (5) shrubs per thirty-five (35) linear feet of frontage, excluding driveway openings.
- 3) Provide a six-foot (6') landscaped strip with a minimum thirty-inch (30") grade drop from the right of way to the parking lot, and plant with a minimum of one shade tree and five (5) shrubs per thirty-five (35) linear feet of frontage, excluding driveway openings.
- 4) Provide a three-foot (3') high fence of wood, brick, stone, or decorative block or concrete along with a four-foot (4') wide landscaped strip between the right of way and the parking lot, and plant a minimum of one shade tree and five (5) shrubs per thirty-five (35) linear feet of frontage, excluding driveway openings.

The Council may waive the requirement for a wood, brick, stone, decorative block or concrete fence if the Council finds the following:

- a) The applicant must design, document, and obtain City approval representing that the overall planting design, at the time of planting, results in an effective barrier such that the landscape strip shields the view of parked cars from passing pedestrians and motorists; and
 - b) Any such proposed design alternative is compatible with the overall site design of the entire project and is compatible with the surrounding area.
- d. Parking Lot Perimeter Landscaping: Perimeter landscaping requirements define parking areas and prevent two (2) adjacent lots from becoming one large expanse of paving. This requirement does not hinder the ability to provide vehicular access between lots.
- 1) Provide a minimum five-foot (5') wide perimeter landscaped strip between the property lines and the parking lot, and plant with a minimum of one shade tree and five (5) shrubs per thirty-five (35) linear feet of perimeter.

e. Parking Lot Interior Landscaping:

- 1) Calculated Amount: Interior parking lot landscaping shall be required on any parking lot with ten (10) spaces and above. The required amount of landscaping is based on a sliding scale, as follows:

Total Number of Spaces	Percent of Total Area of a Lot that Must be an Interior Landscaped Area
10-20	5 percent
21-50	8 percent
51 +	10 percent

2) Additional Requirements:

- a) No interior planter shall be less than five feet (5') in any dimension.
- b) No parking space shall be more than sixty feet (60') from an interior landscaped area.
- c) Parking islands are to be as evenly spaced as feasible throughout the lot to consistently reduce the visual impact of long rows of parked cars.
- d) Deciduous shade trees and ground covers or low shrubs are recommended as primary plantings in interior landscaped areas. Deciduous shade trees are to be clear branched to a height of six feet (6').
- e) A terminal island for a single row of parking spaces shall be landscaped with at least one tree and shrubs, ground cover, or grass. A terminal island for a double row of parking spaces shall contain not less than two (2) trees and shrubs, ground cover, or grass.

f. Landscaped Commercial Strips:

- 1) Landscaped strips shall be provided between all building development and public rights of way to lend continuity among different architectural styles, screen unsightly views, establish a pleasing view for motorists, and create a safe and pleasant corridor for pedestrians.
- 2) The landscaped strip shall be ten feet (10') wide minimum and planted with one shade tree and ten (10) shrubs for every thirty-five feet (35') of street frontage. Two (2) ornamental or two (2) evergreen trees may be substituted for one shade tree.

g. Alternative Methods of Compliance:

- 1) Project Conditions: It is not the intent of these landscape requirements to inhibit creative solutions to land use problems. Under certain site conditions, a strict interpretation of requirements may be either physically impossible or impractical. Alternative compliance is a procedure that allows certain modifications to existing regulations within this section. Requests for use of alternative landscaping schemes are justified only when one or more of the following conditions apply:
 - a) The sites involve space limitations or unusually shaped parcels;
 - b) Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;
 - c) Due to a change of use of an existing site, the required buffer yard is larger than can be provided; and
 - d) Safety considerations are involved.
- 2) Request For Alternative Method of Compliance: The applicant must provide the City with a written request if an alternative method of compliance is proposed. The request shall state which requirement as set forth within this section is to be modified and how the proposed alternative equals or exceeds said requirements.

I. Public Sites and Open Spaces. Public sites and open spaces shall conform to the following standards:

1. Public Uses: Where it is determined that a proposed park, playground, school or other public use as shown on the future growth map, as authorized in section 67-6517, Idaho Code, is located in whole or in part within a proposed subdivision, the City Council shall notify the appropriate public agency concerning the land proposed to be acquired. Within thirty (30) days of the date of notice, the public agency may request the governing body to suspend consideration on the subdivision for sixty (60) days, after that time, the City Council shall resume consideration of the subdivision.
2. Natural Features: Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourses, historic spots and similar irreplaceable assets) shall be preserved in the design of the subdivision.
3. Special Development: In the case of large scale developments, the City Council may require sufficient public and/or private park or open space facilities of acceptable size, location and site characteristics that may be suitable for the proposed development.
4. Open Spaces: The minimum percentage of the gross area that must be set aside for open spaces in new subdivisions shall be fifteen percent of the divided land, with the following exceptions:
 - a. Not to exceed ten acres. The land may consist of parks, playgrounds, pathways, open area and recreation areas. The City Council may require the developer to use the alternative procedure in areas that the parks or other are not needed.
 - b. The Council may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than two (2) acres be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase it area.

5. Recreation Sites. Land reserved for recreation purposes may be of a character and location suitable for use as a playground, playfield, or for other recreation purposes, and may be relatively level and dry; and shall be improved by the developer to the standards required by the City Council, which improvements shall be included in the subdivision improvement or development agreement and security. A recreation site shall have a total frontage on one (1) or more streets of at least two-hundred (200) feet
6. Walkways/Greenbelts. When the natural features of the development are conducive to walkways and/or greenbelts to provide for connectivity, they are encouraged to be placed as a part of the development.

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 Community systems are encouraged as needed or beneficial for the specific use.
 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 and shall be approved by the City.
- G. 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.

- H. Fire Hydrants and Water Mains. Adequate fire protection shall be required in accordance with the appropriate fire district standards.
- I. 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.
- J. 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.
- K. 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.
- L. 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.

M. 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.

SECTION 5

SPECIAL DEVELOPMENT SUBDIVISIONS

The purpose of this section is to identify various types of developments that normally pose special concerns to the elected officials when reviewing and acting upon subdivision requests. This section outlines the plan submittal requirements and design standards that shall be taken into consideration when acting on special developments.

Supplementary Provisions. The provisions of this section are in addition to the plan requirements, design standards and improvement standards that are required by sections 2, 3, and 4 of this title.

A. Hillside Subdivisions

1. Preservation of Natural Features. In order to preserve, retain, enhance and promote the existing and future appearance, natural topographic features, qualities and resources of hillsides, special consideration shall be given to the following:
 - a. Skyline and ridge tops;
 - b. Rolling grassy land forms, including knolls, ridges and meadows;
 - c. Tree and shrub masses, grass, wild flowers and topsoil;
 - d. Rock outcroppings;
 - e. Stream beds, draws and drainage swales, especially where tree and plant formations occur; and
 - f. Characteristic vistas and scenic panoramas.
2. Development Evaluation
 - a. All development proposals shall take into account and shall be judged by the way in which land use planning, soil mechanics, engineering geology, hydrology, civil engineering, architectural and landscape design are applied in hillside areas, including, but not limited to:
 - 1) Planning on development to fit the topography, soils, geology, hydrology and other conditions existing on the proposed site;
 - 2) Orientation of development on the site so that grading and other site preparation is kept to an absolute minimum;
 - 3) Shaping of essential grading to blend with natural land forms and to minimize the necessity of padding and/or terracing of building sites;
 - 4) Division of large tracts into smaller workable units on which construction can be completed within one construction season so that large areas are not left bare and exposed during the winter-spring runoff period;
 - 5) Completion of paving as rapidly as possible after grading;
 - 6) Allocation of areas not well suited for development because of soil, geology or hydrology limitations for open space and recreation uses;
 - 7) Minimizing and disruption of existing plant and animal life; and
 - 8) Consideration of the view from and of the hills.

- b. Areas having soil, geology or hydrology hazards shall not be developed unless it is shown that:
 - 1) Their limitations can be overcome;
 - 2) That hazard to life or property will not exist;
 - 3) That the safety, use or stability of a public way or drainage channel is not jeopardized; and
 - 4) That the natural environment is not subjected to undue impact.
3. Engineering Plans. The developer shall retain a professional engineer(s) licensed in the State of Idaho to obtain the following information:
 - a. Soils Report: For any proposed hillside development a soils engineering report shall be submitted with the preliminary plat. This report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures and opinions and recommendations covering the adequacy of sites to be developed.
 - b. Geology Report: For any proposed hillside development a geology report shall be submitted with the preliminary plat. This report shall include an adequate description of site geology and an evaluation of the relationship between the proposed development and the underlying geology and recommendations for remedial remedies. The investigation and subsequent report shall be completed by a professional geologist registered in the state of Idaho.
 - c. Hydrology Report: For any proposed hillside development a hydrology report shall be submitted with the preliminary plat. This report shall include an adequate description of the hydrology, conclusions and recommendations regarding the effect of hydrologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed.
 - d. Grading Plans
 - 1) Preliminary Grading Plan: A preliminary grading plan shall be submitted with each hillside preliminary plat proposal and shall include the following information:
 - a) Approximate limiting dimensions, evaluations or finish contours to be achieved by the grading, including all cut and fill slopes, proposed drainage channels and related construction;
 - b) Preliminary plans and approximate locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed; and
 - c) A description of methods to be employed in disposing of soil and other material that is removed from the grading site, including the location of the disposal site.
 - 2) Final Grading Plan: A final grading plan shall be submitted with each final plat and shall include the following information:
 - a) Limiting dimensions, evaluations or finish contours to be achieved by the grading including all proposed cut and fill slopes and proposed drainage channels and related construction;
 - b) Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed; and

- c) A schedule showing when each stage of the project will be completed, including the total area of soil surface which is to be disturbed during each stage together with estimated starting and completion dates. In no event shall the existing natural vegetative ground cover be destroyed, removed or disturbed more than fifteen (15) days prior to grading.
4. Development Standards
- a. Soils:
 - 1) Fill areas shall be prepared by removing organic material such as vegetation and rubbish, and any other material, which is determined by the soils engineer to be detrimental to proper compaction or otherwise not conducive to stability. No rock or similar irreducible material with a maximum dimension greater than eight inches (8") shall be used as fill material in fills that are intended to provide structural strength.
 - 2) Fills shall be compacted to at least ninety five percent (95%) of maximum density, as determined by AASHTO99 and ASTM D698.
 - 3) Cut slopes shall be no steeper than two (2) horizontal to one vertical. Subsurface drainage shall be provided as necessary for stability.
 - 4) Fill slopes shall be no steeper than two (2) horizontal to one vertical and shall not be located on natural slopes two to one (2:1) or steeper, or where fill slopes toes out within twelve feet (12') horizontally of the top of an existing or planned cut slope.
 - 5) Tops and toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3') plus one-fifth (1/5) of the height of the cut or fill but need not exceed a horizontal distance of ten feet (10'). Tops and toes of cut and fill slopes shall be set back from structures a distance of six feet (6') plus one-fifth (1/5) the height of the cut or fill, but need not exceed ten feet (10').
 - 6) The maximum horizontal distance of disturbed soil surfaces shall not exceed seventy-five feet (75').
 - b. Roadways:
 - 1) Road alignments should follow natural terrain and no unnecessary cuts or fills shall be allowed in order to create additional lots or building sites.
 - 2) One-way streets shall be permitted and encouraged where appropriate for the terrain and where public safety would not be jeopardized. Maximum paved width shall be seventeen feet (17').
 - 3) The width of the graded section shall extend three feet (3') beyond the curb back or edge of pavement on both the cut and fill sides of the roadway. If sidewalk is to be installed parallel to the roadway, the graded section may be increased by the width of the sidewalk plus one foot (1').
 - 4) Standard six inch (6") vertical curb and gutter may be installed along both sides of all paved roadways.
 - c. Driveways and Parking: Combinations of collective private driveways, cluster parking areas and on street parallel parking bays shall be used to attempt to optimize the objectives of minimum soil disturbance, minimum impervious cover, excellence of design and aesthetic sensitivity.

d. Vegetation and Revegetation:

- 1) The developer shall submit a slope stabilization and revegetation plan which shall include a complete description of the existing vegetation, the vegetation to be removed and the method of disposal, the vegetation to be planted and slope stabilization measures to be installed. The plan shall include an analysis of the environmental effects of such operations, including the effects on slope stability, soil erosion, water quality and fish and wildlife.
- 2) Vegetation sufficient to stabilize the soil shall be established on all disturbed areas as each stage of grading is completed. Areas not contained within lot boundaries shall be protected with perennial vegetal cover after all construction is completed. Efforts shall be made to plant those species that tend to recover from fire damage and do not contribute to a rapid rate of fire spread.
- 3) The developer shall be fully responsible for any destruction of native vegetation proposed for retention. He shall carry the responsibility both for his own employees and for all subcontractors from the first day of construction until the notice of completion is filed. The developer shall be responsible for replacing such destroyed vegetation.

B. Cemetery Subdivisions

1. Submission of Proposed Function: The developer of any cemetery subdivision shall provide the Commission with written documentation that will sufficiently explain the functions of the proposed cemetery for either human or animal remains.
2. Compliance with State Law: The developer of any cemetery subdivision shall submit a written statement that has been prepared by an attorney that adequately assures the compliance of the proposed cemetery with the procedural management requirements that are outlined in title 27, Idaho Code.

C. SUBDIVISION WITHIN A FLOOD PLAIN. In addition to the provisions of this title, any subdivision within the designated flood plain of the City shall comply with all applicable provisions of the flood plain regulations of the City as now in effect or as may hereafter be amended.

D. SUBDIVISION WITHIN AN AREA OF CRITICAL CONCERN

1. Designation of Areas of Critical Concern: Hazardous or unique areas may be designated as an area of critical concern by the City Council or by the state of Idaho. Special consideration shall be given to any proposed development within an area of critical concern to assure that the development is necessary and desirable and in the public interest in view of the existing unique conditions. Hazardous or unique areas that may be designated as areas of critical concern are as follows:
 - a. Earthquake location;
 - b. Unstable soils;
 - c. Unique animal life;
 - d. Unique plant life;
 - e. Scenic areas;
 - f. Historical significance;
 - g. Flood plain;

- h. Areas within the area of City impact zone but outside City boundaries;
 - i. Wetlands;
 - j. Stream corridors; and
 - k. Other areas of critical concern
2. Environmental Assessment Plan: The developer shall prepare and submit an environmental assessment along with the preliminary plat application for any development that is proposed within an area of critical concern. The content of the environmental assessment shall be prepared by an interdisciplinary team of professionals that shall provide answers to the following questions:
- a. What changes will occur to the area of environmental concern as a result of the proposed development?
 - b. What corrective action or alternative development plans could occur so as not to significantly change the area of environmental concern?
 - c. What changes in the area of environmental concern are unavoidable?
 - d. What beneficial or detrimental effect would the development have on the environment including, but not limited to, animal life, plant life, social concerns, economic, noise, visual, available farm land and ground water.
3. Areas Of Critical Concern: The following areas are specifically identified as areas of critical concern:
- a. Snake River Flood Plain

SECTION 6

SUBDIVISION ADMINISTRATION AND ENFORCEMENT

- A. Administration. The Council shall appoint an administrator to carry out the provisions as herein specified and to serve at the pleasure of the Council. The administrator shall receive and process all subdivision applications.
- B. Vacations and Dedications
1. Application for Vacation or Dedication: Any property owner desiring to vacate an existing subdivision, public right of way or easement shall complete and file an application with the administrator. These provisions shall not apply to the widening of any street which is shown in the comprehensive plan, or the dedication of streets, rights of way or easements to be shown on a recorded subdivision.
 2. Administrative Action:
 - a. Action by Administrator: Upon receipt of the completed application, the administrator shall affix the date of application acceptance thereon, shall place the application on the agenda for consideration at the next available meeting of the Council which is held not less than fifteen (15) days after the date of acceptance.
 - b. Recommendation by Commission: The Commission shall review the request and all agency responses and within thirty (30) days of the meeting at which the issue was on the agenda, shall either recommend approval, conditional approval or denial.
 - c. Action by the City Council:
 - 1) Vacations: When considering an application for vacation procedures, the City Council shall establish a date for a public hearing and give such public notice as required by law. The City Council may approve, deny or modify the application. Whenever public rights of way or lands are vacated, the City Council shall provide adjacent property owners with a quit claim deed for the vacated rights of way in such proportions as are prescribed by law.
 - 2) Dedications: When considering an application for dedication procedures, the City Council may approve, deny or modify the application. When a dedication is approved, the required street improvements shall be constructed or a bond furnished assuring the construction prior to acceptance of the dedication. To complete the acceptance of any dedication of land, the owner shall furnish to the City Council a deed describing and conveying such lands to be recorded with the county recorder.
 - d. Decision: The City Council shall review the request and all agency responses and Commission recommendation, and within thirty (30) days of the meeting at which the issue was on the agenda either approve, conditionally approve or deny the request.
 - e. Dedication of Streets: Within a proposed subdivision, arterial and collector streets, as shown on the comprehensive plan, shall be dedicated to the public in all cases. In general, all other streets also shall be dedicated to public use.
- C. Variances
1. Purpose: The Commission may recommend to the City Council a variance from the provisions of this title on a finding that undue hardship results from the strict compliance with specific provisions or requirements hereof or that application of such provisions or requirements is impracticable.

2. Standards for Variances: No variance shall be favorably acted upon by the City Council unless there is a finding, as a result of a public hearing, that all of the following exist:
 - a. That there are such special circumstances or conditions affecting the property that the strict application of the provisions of this title would clearly be impracticable or unreasonable. In such cases, the subdivider shall first state his reasons in writing as to the specific provision or requirement involved.
 - b. That strict compliance with the requirements of this title would result in extraordinary hardship to the subdivider because of unusual topography, other physical conditions or other such conditions which are not self inflicted, or that these conditions would result in inhibiting the achievement of the objectives of this title.
 - c. That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.
 - d. That such variance will not violate the provisions of the Idaho Code.
 - e. That such variance will not have the effect of nullifying the interest and purpose of this title and the comprehensive plan.
- D. Amendments. The City Council may, from time to time, amend, supplement or repeal the regulations and provisions of this title upon recommendation from the Commission in the following manner:
 - a. The Commission, prior to recommending an amendment, supplement, or repeal of this title, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Following the Commission hearing, if the Commission makes a material change in this title other than that published for the present hearing, further notice and hearing shall be provided before the Commission forwards its recommendation to the Council.
 - b. The City Council, prior to adopting an amendment, supplement or repeal of this title, shall conduct at least one public hearing using the same notice and hearing procedures as the Commission. The City Council shall not hold a public hearing, give notice of a proposed hearing nor take action until recommendations have been received from the Commission. Following the hearing, further notice and hearing shall be provided before the Council adopts the amendment, supplement or repeal.
- E. Enforcement and Penalties:
 - a. No subdivision plat required by this title or the Idaho Code shall be admitted to the public land records of the City of Swan Valley or recorded by the county recorder until such subdivision plat has received final approval of the City Council.
 - b. No public board, agency, Commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this title until the final plat has received the approval by the City Council.
 - c. No permits for construction of any structure shall be issued on any parcel or lot until it has been determined such parcel or lot meets the requirements of this title.
 - d. The City attorney may, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of this title.

F. Violations and Penalties:

1. Violations of any of the provisions of this title or failure to comply with any of its requirements shall constitute a misdemeanor, and be punishable as provided by law. Each day such violation continues shall be considered a separate offense. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense. Nothing herein contained shall prevent the City Council or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this title or of the Idaho Code.
2. The violation of this ordinance shall be guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars (\$1,000) or imprisonment in the county jail not exceeding six (6) months or by both such fine and imprisonment for everyday that this ordinance is violated.

SECTION 7

REPEAL OF EXISTING ORDINANCES

All ordinances in conflict with this Ordinance are hereby repealed, including but not limited to Ordinance 49 and 73.

SECTION 8

EFFECTIVE DATE

This ordinance shall take effect after its passage, approval and publication according to law. PASSED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF SWAN VALLEY, Idaho, this 11TH Day of September, 2023.



SEAL

BONNEVILLE
COUNTY

Attest: (SEAL)



Michael Allen, Mayor



Jacquie Lewis, City Clerk