

Article 7

REQUIREMENTS FOR CONSTRUCTION, INSPECTION, BONDING, AND ACCEPTANCE OF PUBLIC IMPROVEMENTS

Standards

700 Construction of Subdivision

The construction of a subdivision shall only be permitted when the Planning Commission approves the final plat (pre-development) and all the engineering drawings are approved by all the appropriate County departments, state and federal agencies (if required). The developer shall have a pre-construction meeting with all the appropriate County departments, state and federal agencies (if required) to determine the construction and inspection requirements, cost estimates, time frame, etc., prior to starting any construction improvements. The developer shall be responsible for building and paying for all the improvements required per the approved construction drawings, and any development agreements and/or conditions imposed by the Planning Commission and/or Board of County Commissioners.

701 Inspection of Improvements

The County Engineer, County Water and Sewer District, County General Health District, or any other appropriate agency shall inspect the required improvements during construction to ensure their satisfactory completion. Each County department shall utilize current staff and/or utilize a professional qualified inspection consultant for construction inspection(s) of the subject subdivision at their discretion. The subdivider shall pay each appropriate department an inspection fee per prior to and/or during the construction process per the County established fee schedule per each appropriate department's approval. An inspection schedule and expectations shall be finalized by the developer and inspectors before the construction work begins. If in the opinion of the inspector, the construction installations and methods are improper or inadequate per the code and/or approved construction drawings, the inspector shall issue a stop order. The developer may appeal the inspector(s) findings to the County Engineer, County Water and Sewer District Director and/or the County General Health District Director within forty-eight (48) hours. Failure to comply with the inspector(s), County Engineer, County Water and Sewer District Director and/or County General Health District Director directive, shall be deemed a violation of these Regulations and subject to having the approval of the final plat invalidated by the Board of County Commissioners.

702 Conditional Acceptance of Public Improvements

The developer shall have properly constructed and maintained all required improvements at the time of the request for conditional acceptance of the public improvements by the Board of County Commissioners. Upon completion of all improvements, the developer shall request the County Engineer, County Water and Sewer District Director and/or the County General Health District Director to perform a final inspection for conditional acceptance of the public improvements. After the inspection(s), the County Engineer, County Water and Sewer District Director and/or County General Health District Director each shall issue a letter to the Board or County Commissioners with one of the following:

- a. Issue a letter to the Board of County Commissioners, with a copy to the developer, recommending conditional acceptance of the public improvements and the amount of a maintenance bond (see Section 703).
- b. Issue a letter to the developer, with a copy to the Board of County Commissioners, listing items of work necessary to accomplish satisfactory completion of the improvements for conditional acceptance of the public improvements.

The conditional acceptance of public improvements shall be approved by a resolution at a public hearing by the Board of County Commissioners.

703 Maintenance/Performance Bonds

Upon completion of the public improvements and prior to conditional acceptance by the Board of County Commissioners, the developer shall furnish a maintenance bond, certified check, or other acceptable guarantee that shall be held for two (2) years after conditional acceptance to ensure the public improvements are in satisfactory condition. The maintenance bond shall be ten (10) percent of the total improvements of the subdivision phase or section. If within the two-year (2) maintenance bond period, any defects appear in the public improvements, which are determined by the County inspectors to be the fault of the contractor or developer, said defects shall be repaired to the satisfaction of the County inspectors at the expense of the developer (this includes repairs due to erosion or abuse by utility companies installing utilities and the like). In the event the developer fails to make required maintenance within a reasonable time of a request to do so, the abovementioned guarantee (bond) shall be forfeited.

Almost all of the public improvements shall be completed and approved by the County before a performance bond, certified check, or other acceptable guarantee shall be accepted for conditional acceptance by the Board of County Commissioners at its sole discretion. The following construction and/or site improvements are the only item(s) that the County may allow a performance bond for prior to completion at its sole discretion: ADA ramps; final grading and seeding; final wearing course of asphalt; bike path/walk in common areas; pavement markings and rejuvenate; landscaping; lighting;

sidewalks and street trees; monument assemblies; and any other relatively minor items deemed appropriate by the County Engineer.

If succeeding phases or sections of an approved subdivision will be using an existing road in that subdivision for access and that is the only entrance into that phase or section, an additional maintenance bond, certified check, or other acceptable guarantee shall be required to cover any damage to the public improvements in the preceding phase or section. The County Engineer shall determine the adequacy of any additional guarantee. This additional guarantee will not be required if the maintenance guarantee(s) for the applicable preceding phase(s), or section(s), shall not have expired prior to the final acceptance of the public improvements for additional phase(s), or section(s), using the existing road in the subdivision. The County Engineer shall make an evaluation of the existing road prior to the start of the construction activities in the succeeding phases or sections. An evaluation may be made at the completion of each succeeding phase, or section, to determine damage.

704 Building Permits

Conditional acceptance of the public improvements with an approved maintenance bond permits the final plat (post development) to be signed by the County, and allows the developer to record the final plat with the County Recorder. When recorded the developer can request building permits on the subject lots, and the sale of the lots is allowed to commence.

705 Final Acceptance of Public Improvements

The public improvements shall be eligible for final acceptance two (2) years after the conditional acceptance by the Board of County Commissioners. The maintenance bond shall remain in effect until final acceptance by the Board of County Commissioners. Before the Board of County Commissioners shall release the maintenance bond or the like, the developer shall submit a sworn statement that all bills and financial obligations incurred for inspections, maintenance, and/or restoration, etc., of the subdivision improvements have been fully paid.

After the two (2) year maintenance bond period, the developer shall request the County Engineer, County Water and Sewer District Director and/or the County General Health District Director to perform a final inspection for final acceptance of public improvements. After the inspection(s), the County Engineer, County Water and Sewer District Director and/or County General Health District Director each shall issue a letter to the Board or County Commissioners with one of the following:

- a. Issue a letter to the Board of County Commissioners, with a copy to the developer, recommending final acceptance of the public improvements.
- b. Issue a letter to the developer, with a copy to the Board of County Commissioners, listing items of work necessary to accomplish satisfactory completion of the improvements for final acceptance of the public improvements.

The final acceptance of public improvements shall be approved by a resolution at a public hearing by the Board of County Commissioners.

706 Variance(s) by the Board of County Commissioners

The Board of County Commissioners shall have the power to authorize upon recommendation from the Planning Commission in a specific case, such variances from the terms, provisions, or requirements of this Article as will not be contrary to the public interest, but only in such cases, where owing to special conditions pertaining to a specific piece of property or development, a literal enforcement of the provisions, or requirements of this Article will result in practical difficulty or undue hardship. The spirit of this Article shall be observed with the health, safety, and general welfare of the County not being compromised along with the public safety, welfare secured, and substantial justice done.