

PROPOSED DEVELOPMENT CODE

TITLE 12-5-B-2

Pressure Irrigation Systems

O. Secondary Water Systems for Irrigation: The delivery of irrigation water shall be executed in accordance with Idaho Code section 31-3805 and the following:

1. The use of the city's potable water supply as the primary source of irrigation water in all new developments shall be prohibited. For purposes of this subsection, the term "new development" means any new subdivision or any development of any parcel of land of three-fourths ($\frac{3}{4}$) of an acre or larger that is not part of a subdivision. The existence of a secondary water system for irrigation within a subdivision does not prohibit the use of municipal water services for irrigation when the secondary water system is not reasonably available or operational.
2. All new developments shall include an operating pressure irrigation system constructed to city standards and approved by the city engineer. The city engineer shall encourage developers to participate in a regional system as long as the pump station is operational before the first building permit is issued for that station's service area.
3. The City may assume ownership and responsibility for the development, maintenance, repair, and any associated costs involved with the secondary irrigation water system. When ownership is assumed, the City will administer these systems as separate enterprise funds within the city's water department, assessing only those charges necessary to maintain and operate the specific systems developed. These charges will include all necessary and appropriate charges from irrigation entities. (1-23-2017)
3. The city engineer may authorize in specific cases a variance from the requirement of a pressure irrigation system, if not contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this subsection would result in unnecessary hardship.
 - a. Special conditions may include, but are not limited to, small developments in terms of acreage, developments without viable access to irrigation water delivery, or developments without water shares.
 - b. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this title would result in unnecessary hardship.
4. The city engineer shall not authorize a variance from the requirement of an operating pressure irrigation system unless an alternate provision has been approved by the city engineer. Alternates may include, but shall not be limited to, required xeriscaping (i.e., landscaping in ways that do not require supplemental irrigation), payment of an in lieu fee equal to the estimated cost of construction of an operating pressure irrigation system (including land acquisition), or some combination of these or other acceptable options.
5. All preliminary plats shall be accompanied by proof of transferable irrigation water rights. All subdividers are required to complete the transfer of irrigation water rights and installation of the irrigation water system as proposed. One share of water for each acre of property within the subdivision shall be deeded to the city before the filing of the final plat for use in the pressurized irrigation system.

EXISTING DEVELOPMENT CODE

TITLE 12-5-B-2

Pressure Irrigation Systems

O. Secondary Water Systems For Irrigation: All subdivision requests shall include a description of the proposed source of irrigation water. The delivery of irrigation water shall be executed in accordance with Idaho Code section 31-3805. All preliminary plats shall be accompanied by proof of transferable irrigation water rights. All subdividers are required to complete the transfer of irrigation water rights and installation of the irrigation water system as proposed.

The existence of a secondary water system for irrigation within a subdivision does not prohibit the use of municipal water services for irrigation when the secondary water system is not reasonably available or operational.

The city of Blackfoot does not assume ownership or responsibility for any maintenance, repairs, or associated costs involved with a secondary water system for irrigation. (Ord. 2136, 9-1-2015, eff. 9-1-2015)