



THE SHORES HOMEOWNERS ASSOCIATION
Board of Directors

July 6, 2021

Shores Residents:

This letter concerns the drainage “swales” around the subdivision, and how they are to be planted and maintained.

By way of background, the swales are those narrow strips of natural fescue grass in front of some of the homes, some of which “bump in” and some “bump out” from the property lines. The center islands or medians separating the streets are the responsibility of the HOA. A third type of landscaped area are what we refer to as “bulbs,” which are small areas in between every other home near the sidewalk. Responsibility for the bulbs was turned over to the homeowners upon completion of construction of each home, so the only issue remaining is how the drainage swales are to be planted and maintained.

Several years ago, when the subdivision was just getting started, the developer watered, mowed and cared for all the center drainage islands, the bulbs and the drainage swales in front of the residential and common lots, primarily because he owned or controlled them all. Those swales, along with the bulbs, were a great selling point. The better they looked, the easier the sale. Hence the willingness of the developer to care for them.

The developer anticipated turning the care and maintenance of the bulbs and swales over to each individual owner as each lot was sold, with the HOA caring for those swales abutting common areas. This is noted in the

CCR's in 3.12 Drainage Areas which states that the care and maintenance of the swales shall be the responsibility of the lot owners.

And this is where the problem begins.

According to the City of Eagle and the Ada County Highway District (ACHD), the swales can ONLY be planted with red fescue and that no trees, shrubs or other plants that would interfere with drainage can be planted in the swales. The original landscape plan for The Shores included shrubs, trees and grasses in the center medians, but no vegetation other than red fescue grass in the swales.

When the original drainage plan was approved, each swale was required to have a 'sand window' in the bottom of the swale and that was to be covered with cobble rock. The original idea was that this would promote better water drainage from the swales. The cobble rock requirement has since been removed by ACHD and is no longer required, but the sand window must remain.

In order to more fully understand the operation and maintenance of the swales, we contacted the City of Eagle and Ada County Highway District. The City of Eagle is concerned that any modification to the landscaping within the swales will require a modification to the City approved landscaping plan, and any modifications may not be supported by the City since the current design allows the drainage swales to operate properly.

According to Ada County Highway District, the vegetation in the swales here in The Shores is their 'poster child' for how ACHD wants swales to look and function in other neighborhoods – low maintenance, more native, and with a variety of plantings for swales that best tolerate the varying water flows and levels. Plantings that require higher maintenance and additional fertilization are not desirable in ACHD storm systems. ACHD stated that "the light maintenance (of the swales) is the responsibility of the HOA and shall not be delegated to the homeowners".

It is our understanding that the rules of governing entities (the City of Eagle and ACHD) trump the CCR's (and ACHD said that they did not approve The Shores CCR's as submitted that anticipated turning over maintenance of the swales to the homeowners) and thus The Shores will be required to follow the rules and regulations of ACHD where it concerns the drainage swales.

So, it appears that the swales MUST be planted with fescue and no other plants or landscaping should be put into the swales so that the swales maintain their ability to drain away water. In addition, no grass should be planted in the sand (or cobble) window in the bottom of the swale. This will allow the swales to function as designed.

As for the maintenance of the swales, each homeowner should be free to trim the fescue and clean up all the cuttings as often as you like. We understand the appearance of the swales has been a concern, primarily because the homeowners thought the swales were the HOA's responsibility. In fact, our landscape contractor has been cutting the swales three times a year, and we can continue that practice, but if you would like to trim your swale area more frequently, you can do so. **Just please pick up and dispose of all the cuttings and leave nothing in the swale that could impede the flow of flood water.** If you share a swale with a neighbor, you should agree on how often that should be done and how the cost would be shared. (It should not be significant.) Since the watering of the swales is performed as part of the common area system, the HOA will maintain the sprinkler system.

If you have any questions, feel free to give me a call.

Doug O'Neil, President
The Shores HOA

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