

CITY OF RICHFIELD SUB-DIVISION ORDINANCE

ORDINANCE NO. 177

AN ORDINANCE OF THE CITY OF RICHFIELD, IDAHO, PROVIDING FOR THE ESTABLISHMENT AND REGULATING OF SUB-DIVISIONS WITHIN THE CITY OF RICHFIELD, PROVIDING FOR THE TITLE, INTERPRETATION AND ENACTMENTS; PROVIDING FOR PROCEDURAL FOR SUBDIVISION APPROVAL, PREAPPLICATION, PLATS; PROVIDING FOR DESIGN STANDARDS, DEDICATIONS, LOCATIONS, SPECIFICATIONS, STREET NAMES, INTERSECTIONS, EASEMENTS; PROVIDING FOR IMPROVEMENT STANDARDS, RESPONSIBILITY FOR PLANS, REQUIRED PUBLIC IMPROVEMENTS, GUARANTY OF COMPLETION OF IMPROVEMENTS; PROVIDING FOR SPECIAL DEVELOPMENT SUBDIVISIONS; PROVIDING FOR PLANNED UNITS AND CONDOMINIUM SUBDIVISIONS; PROVIDING FOR SUBDIVISION WITHIN A FLOOD PLAIN; PROVIDING FOR VACATIONS AND DEDICATIONS, APPLICATION PROCEDURES; PROVIDING FOR VARIANCES, FINDINGS; PROVIDING FOR DETECTION OF VIOLATIONS, ENFORCEMENT AND PENALTIES; PROVIDING FOR AMENDMENT PROCEDURES, AND FOR THE EFFECTIVE DATE,

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF RICHFIELD, IDAHO.

ARTICLE I

GENERAL PROVISIONS

SECTION A. TITLE

These regulations shall be known and cited as the City of Richfield "Subdivision Ordinance".

SECTION B. AUTHORITY

These regulations are authorized by Title 50, Chapters 12 and 13 of the Idaho Code, as amended or subsequently codified.

SECTION C. PURPOSE

The purpose of these regulations are to promote the public health, safety and general welfare, and the provide for:

1. The harmonious development of the area.
2. The coordination of streets and roads within the 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 scattered subdivision of land that would result in any of the following:
  - A: The lack of water supply, sewer service, drainage, transportation, or other public services.
  - 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 and improved.
  - B: Water, Sewer and other Utility Mains, Piping connections or other facilities shall be installed.
7. The manner and form of making and filing of any plat.
8. The administration of these regulations by defining the powers and duties of approval authorities.

#### SECTION D. INTERPRETATION

All subdivisions as herein defined shall be submitted for approval by the Board 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.

#### SECTION E. ADMINISTRATION

The Mayor of Richfield may appoint an administrator to carry out the provisions as herein specified and to serve at the pleasure of the Mayor and Council. The administrator shall receive and process all subdivision applications. The Mayor and Council can act as the administrator if they so decide on any subdivision.

#### SECTION F. SEVERABILITY

Where any word, phrase, clause, sentence, paragraph, or section or other part of these regulations are held invalid by a court of competent jurisdiction, such judgement shall affect only that part so held invalid.

### ARTICLE II

#### DEFINITIONS

#### SECTION A. INTERPRETATION OF TERMS OR WORDS

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; "may" is permissive; and the word "should" is preferred.
3. The masculine shall include the feminine.

SECTION B. MEANING OF TERMS OR WORDS

ADMINISTRATOR: An Official, having knowledge in the principles and practices of subdividing, who is appointed by the Mayor and Council to administer this ordinance.

BLOCK: A group of lots, tract, or parcels within well defined boundaries, usually streets.

COUNCIL: Richfield City Council.

BUILDING: A structure designed or used as the living quarters for one or more families, or a structure designed or used for occupancy by people for commercial or industrial uses.

BUILDING SETBACK LINES: 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 to other means for erecting pads for buildings.

CITY: The city having jurisdiction of the parcel of land under consideration of the City of Richfield.

COMMISSION: The Richfield Planning and Zoning Commission, appointed by the Council.

COMPREHENSIVE PLAN: An adopted document that herein may be referred to as a comprehensive plan or comprehensive development plan. The document shall show the general location and extent of present and proposed development, including, but not limited to housing, industrial and commercial uses, streets, parks, schools and other community facilities.

CONDOMINIUM: An estate consisting of an undivided interest in common in real property in an interest or interest in real property, or in any combination thereof; together with a separate interest in real property, in an interest or interest in real property, or in any combination thereof. (Section 55-101B, Idaho Code).

COUNCIL: Richfield City Council

COUNTY RECORDER: The Office of the Lincoln County Recorder.

COVENANT: A written promise or pledge.

CULVERT: A drain that channels water under a bridge, street, road or driveway.

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 land upon the acceptance by the Mayor and Council.

**DEVELOPER:** Authorized agent(s) of a subdivider or the subdivider himself.

**DEVELOPMENT:** A subdivision.

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

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

**ENGINEER:** Any person who is license in the State to practice professional engineering.

**FLOOD PLAIN:** 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 one hundred year frequency. The flood plain includes the channel, floodway and floodway fringe, as established per the engineering practices as specified by the Army Corps of Engineers, as follows:

- A. "Flood of one hundred year frequency" shall mean a flood magnitude which has one percent (1%) chance of being equalled or exceeded in any given year.
- B. "Flood" shall mean the temporary inundation of land adjacent to and inundated by overflow from a river, stream, lake or other body of water.
- C. "Channel" shall mean a natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.
- D. "Floodway" shall mean the channel or a watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the flood water or any watercourse.
- E. "Floodway fringe": shall mean that part of the flood plain which is beyond the floodway. Such areas will include those portion of the flood plain which will be inundated by a flood of one hundred year frequency but which may be developed when such development will not have a significant effect upon the flood water carrying capacity of the floodway and the flood water levels. Such areas are characterized by shall flood depth and low velocities of water flow.

**GOVERNING BODY:** The Mayor and City Council of Richfield, Idaho.

**HIGHWAY:** A street designated as a highway by an appropriate Local, State or Federal Agency.

**IMPROVEMENT:** Any alteration to the land or other physical constructions associated with subdivision and building site

developments.

**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 other rights of way.

**LOT TYPES:** As used in these regulations, lot types are as follows:

- A. Corner Lot is a lot located at the intersection of two or more streets.
- B. Interior Lot is a lot other than a corner lot, with frontage on only one street.
- C. Through Lot is a lot with frontage on more than one street other than a corner lot.

**MAYOR:** Mayor of the City of Richfield.

**MOBILE/MANUFACTURED/MODULAR HOME:** A detached single-family dwelling unit with all of the following characteristics"

- A. Designed for a 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 a flatbed or other trailers or detached wheels.
- C. Arriving 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 of foundation supports, connection to utilities and the like.

**MULTI-SECTION MOBILE/MANUFACTURED/MODULAR HOME:** A mobile, manufactured or modular home consisting of more than one section.

**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 Idaho Code, Section 50-1303.

**OPEN SPACE:** An area open to the sky for outdoor recreation activity, exclusive of streets, buildings or other covered structures.

**ORIGINAL PARCEL OF LAND:** A lot or tract as recorded on any plat or record on file in the office of the Lincoln County Recorder, or any unplatted contiguous parcel of land held in one ownership and of record at the effective date of this ordinance.

**OWNERSHIP:** The individual, firm, association, syndicate, partnership, or corporation having any interest in the land to be subdivided.

**PERFORMANCE BOND:** An amount of money or other negotiable security paid by the subdivider or his surety to the Richfield City Clerk 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 requirement of the approved plat.

**PLANNED UNIT DEVELOPMENT SUBDIVISION:** A subdivision designed as a combination of residential, commercial and/or industrial used 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, whether fronting on private or dedicated streets.

**PLAT:** The drawing, mapping, or planning of a subdivision, cemetery, townsite or other tract of land or a re-platting of such including certification, descriptions and approvals.

**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.

**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.

**STANDARD SPECIFICATIONS:** Shall be the specifications as specified in this ordinance or as officially adopted by the Mayor and Council.

**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.

- A. Alley- A minor street providing secondary access at the back or side of a property otherwise abutting a street.
- B. Minor- A street which has the primary purpose or providing access to abutting properties.
- C. Collector- A street designated for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets.
- D. Arterial- A street designated for the purpose of carrying fast and/or heavy traffic.
- E. Loop- A minor street with both terminal points on the same street of origin.

- F. Cul-de-sac- A street connected to another street at one end only and provided with a turn-around space at its terminus.
- G. Frontage- A minor street, parallel to and adjacent to an arterial street to provide access to abutting properties.
- H. Partial- 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.
- I. Private- A street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.

STATE: The State of Idaho.

SUBDIVIDER: A subdivider shall be deemed to be the individual, firm, corporation, partnership, association, syndicate, trust, or their legal entity that executes the application and initiates proceedings for the subdivision of land in accordance with the provisions of this ordinance. 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 an original lot, tract or parcel of land into more than two parts for the purpose of; (a) transfer of ownership, (b) the dedication of a public street, and (c) the addition to, or creation of, a cemetery. However, this ordinance 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 site below the minimum zoning requirements, and does not change the original number of lots in any block of the recorded plat.
- B. An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property.
- C. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code.
- D. Widening of existing streets to conform to the Comprehensive Plan.
- E. The acquisition of street rights of way by a public agency in conformance with the Comprehensive Plan.
- F. The exchange of a land for the purpose of straightening property boundaries which does not result in the change of the present language.

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.

**VARIANCE:** A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the rest of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

**VICINITY MAP:** A small scale map showing the location of a tract of land in relation to a larger area.

### ARTICLE III

#### PROCEDURE FOR SUBDIVISION APPROVAL

##### SECTION A. SUBDIVISION APPROVAL REQUIRED

Any person desiring to create a subdivision as herein defined shall submit all necessary applications to the City Clerk. No final plat shall be filed with the Lincoln County Recorder or improvements made on the property until the plat has been acted upon by the Commission and approved by the Mayor and Council. No lots shall be sold until the plat has been recorded in the office of the Lincoln County Recorder.

##### SECTION B. PREAPPLICATION

1. **APPLICATION:** The subdivider may submit a preapplication to enable the Administrator to review and comment on the proposed subdivision. The preapplication shall include at least one (1) 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.
- C. The areas set aside for schools, parks and other public facilities.

2. **FEE:** None required.

3. **REVIEW:** Preapplication may be reviewed by the Commission if the Commission desires.

4. **ADMINISTRATOR ACTION:** The Administrator shall notify the subdivider within twenty (20) days from the date of receiving an acceptable preapplication as to the general conformance or non-conformance of the proposal with this ordinance, and shall provide the necessary forms and checklists, as well as the additional following concerns:

- A. Compliance of the proposed development with existing local or state policies, 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. 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 as areas of critical environmental concern, unique plant or animal life, flood plain, airport flight pattern and the like.
- D. Consideration of other local and state agencies that the subdivider should contact before preparing a plat.

SECTION C. PLAT

1. APPLICATION: The subdivider shall file with the Administrator a completed subdivision application form and plat data as required in the ordinance.
2. CONTENT OF PLAT: The contents of the plat and related information shall be in such a form as stipulated by the Commission; however, any additional maps or data deemed necessary by the Administrator may also be required subject to approval by the Commission.
3. REQUIREMENTS OF PLATS: The following shall be shown on the Plat or shall be submitted separately:
  - A. The name/s of the proposed subdivision.
  - B. The names, addresses and telephone numbers of the subdivider or subdividers and the engineering or surveyor who prepared the plat.
  - C. The legal description of the subdivision.
  - D. A statement of the intended use of the proposed subdivision, such as: residential housing; commercial; industrial; recreational; or agricultural and a showing of any sites proposed for parks, playgrounds, schools, churches or other public uses.
  - E. A map of the entire area scheduled for development if the proposed subdivision is a portion of a larger holding intended for subsequent development.

- F. A vicinity map showing the relationship of the proposed plat to the surrounding area (1/2 mile minimum radius, scale optional).
  - G. The land use and existing zoning of the proposed subdivision and the adjacent land.
  - H. Streets, street names, rights of way and roadway width, including adjoining streets or roadways.
  - I. Lot lines and blocks showing the dimensions and numbers of each.
  - J. Contour lines, shown at five (5) feet intervals where land slope is greater than ten percent (10%) referenced to an established bench mark, including location and elevation.
  - K. A site report as required by the South Central District Health Department where individual wells or septic tanks are proposed.
  - L. Any proposed or existing utilities, including, but not limited to storm and sanitary sewers, irrigation laterals, ditches, drainage, bridges, culverts, water mains, fire hydrants, and their respective profiles.
  - M. A copy of any proposed restrictive covenants and/or deed restrictions.
  - N. Any dedications to the public and/or easements, together with a statement of location, dimensions, and purpose of such.
  - O. Any additional required information for special developments as specified in Article VI of this Ordinance.
  - P. A statements as to whether or not a variance, as specified in Article VIII, will be requested with respect to any provision of this ordinance describing the particular provision, the variance requested, and the reasons therefor.
  - Q. All adjacent land which the subdivider may intend or does intend to subdivide in the future with a sketch of the proposed future subdivisions.
5. FEE: At the time of submission of an application for a plat a fee of one hundred dollars (\$100.00) plus two

dollars (\$2.00) per lot shall be paid.

6. ADMINISTRATIVE REVIEW:

- A. CERTIFICATION: Upon receipt of the 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. He shall, thereafter, place the plat on the agenda for consideration at the next meeting of the commission.
- B. REVIEW BY OTHER AGENCIES: The Administrator shall refer the plat and application to as many agencies as deemed necessary. Such agencies may include the following:
  - 1. Other governing bodies having joint jurisdiction.
  - 2. Other agencies having a legitimate interest.
  - 3. The appropriate utility companies, irrigation companies or districts and drainage district.
  - 4. The superintendent of the school district.
- C. ADMINISTRATIVE REVIEW: Upon expiration of the time allowance for department and agency review, the Commission shall prepare a recommendation to the Mayor and Council.

7. PUBLIC NOTIFICATION:

- A. NOTIFICATION TO PROPERTY OWNERS: The City Clerk shall notify all adjoining property owners. Such written notification shall be mailed at least ten (10) days prior to the Commission meeting.
- B. NOTIFICATION TO THE PUBLIC: Notice shall be published in a newspaper of general circulation in the City of Richfield at least fifteen (15) days prior to the meeting of the Commission.
- C. FAILURE TO NOTIFY: The City Clerk's failure to comply with the notification provision shall not invalidate the Commission's action, provided the spirit of the procedure is observed.

8. COMMISSION ACTION:

- A. HEARING BY COMMISSION: Within a reasonable time the Commission shall review the plat, and consider comments from concerned persons and agencies and the report from the Administrator to arrive at a decision on the plat.
- B. COMMISSION'S FINDINGS: In determining the acceptance of a proposed subdivision the Commission shall consider the objectives of this ordinance and at least the following:

1. The conformance of the subdivision with the comprehensive development plan.
2. The availability of public services to accommodate the proposed development.
3. The continuity of the proposed development with the capital improvement programs.
4. The public financial capability of supporting services for the proposed development.
5. The other health, safety or environmental problems that may be brought to the Commission's attention.

C. ACTION ON PLAT: The Commission may approve, approve conditionally, disapprove, or table the plat for additional information. Such action shall occur within thirty (30) days from 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 started 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 plat to the Mayor and Council for their information and record.

9. APPEALS: Any person or aggrieved party who appeared in person or writing before the Commission or the subdivider may appeal in writing the decision of the Commission relative to the final action taken by the Commission. Such appeal must be submitted to the Mayor and Council within thirty (30) days from such Commission action.

#### SECTION D. COUNCIL PLAT

1. APPLICATION: After the approval or conditional approval of the 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 plat. The subdivider shall submit to the Administrator the following:

- A. One (1) copy of the plat.
- B. One (1) copy of the completed engineering construction drawings for streets, water, sewers, sidewalks and other public improvements.
- C. The Administrator shall submit the plat to the County or City surveyor for the purpose of sufficiently checking the plat and the computations thereon to determine that the requirements of state, county and city laws are met as per Idaho Code, Section 50-1035, and the City shall collect from the subdivider a fee as provided by local ordinance for such services upon submission of the plat. A fee of one half (1/2) of the fee for the original verification shall be charged for all subsequent re-submissions of the plat by the

subdivider.

2. CONTENT OF COUNCIL PLAT: The plat shall include and be in compliance with all items required under Title 50, Chapter 13 of the Idaho Code. The reverse of said sheet shall not be used for any portion of the drawing, but may contain written matter as to dedications, certifications and other information. The plat shall include at least the following:

- A. A written application for approval of such plat as stipulated by the Commission.
- B. Proof of current ownership of the real property included in the proposed plat.
- C. Such other information as the Administrator or Commission may deem necessary to establish whether or not all proper parties have signed and/or approved said plat.
- D. Conformance with all requirements or conditions of this ordinance.

3. ADMINISTRATOR REVIEW:

- A. ACCEPTANCE: Upon receipt of the 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.
- B. SUBMISSION TO THE COUNCIL: Upon the determination that the plat is in compliance and all conditional requirements have been met, the Administrator shall place the plat on the Council agenda within forty-five (45) days from the date that an acceptable final plat application was received and acknowledged by the Administrator.

4. AGENCY REVIEW: The Administrator may transmit one copy of the plat, or other documents submitted for review and recommendation to the departments and agencies as he deems necessary to insure compliance.

5. MAYOR AND COUNCIL ACTION: The Mayor and Council at its next meeting following receipt of the Administrator's report shall consider the Commission's findings, and comments from concerned persons and agencies to arrive at a decision on the plat. The Mayor and Council shall approve, approve conditionally, disapprove, or table the plat for additional information within thirty (30) days of the date of regular meeting at which the plat is first considered. A copy of the approved plat shall be filed with the Administrator.

6. APPROVAL PERIOD: The plat shall be filed with the County

Recorder within one (1) year after written approval; by the Mayor and Council; otherwise, such approval shall be come null and void unless prior to said expiration date and extension of time is applied for by the subdivider and granted by the Mayor and Council.

7. METHOD OF RECORDING: Upon approval of the plat by the Mayor and Council, the subdivider's prepayment of recording fees, construction of off-site improvements or posting of surety bond, plat verification and the inclusion of the following signatures on the plat, the Administrator shall submit the plat to the Lincoln County Recorder for recording.

A. Certification and signature of the Richfield City Clerk and the Mayor of the City of Richfield verifying that the subdivision meets the City of Richfield's requirements and has been approved by the Council.

B. Certification of the restrictions on the face of the plat per Section 50-1326, Idaho Code and Richfield Ordinance covering streets, water, sewer, irrigation, buildings and street lights.

8. Any lot of a recorded subdivision may be sold in total without filing a subdivision plat, but to divide and sell any portion thereof, requires the filing of a subdivision plat.

#### ARTICLE IV

##### DESIGN STANDARDS

###### SECTION A. MINIMUM DESIGN STANDARDS REQUIRED

All plats submitted pursuant to the provision of this ordinance, and all subdivisions, improvements and facilities done, constructed or made in accordance with said provisions shall comply with the minimum design standards set forth hereinafter in the Article; provided, however, that any higher standards adopted by the City of Richfield, Richfield Highway District, State Highway Department or the South Central District Health Department shall prevail over those set forth herein.

###### SECTION B. DEDICATION

Within a proposed subdivision, arterial and collector streets, as shown on the comprehensive plan, shall be dedicated to the public. In general, all other streets shall also be dedicated to public use. Dedication can only be accomplished with the acceptance of the Council.

###### SECTION C. LOCATION

Streets and road location shall conform to the following:

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. MINOR STREETS: Shall be so arranged as to discourage their use by through traffic.
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. FRONTAGE ROAD: Where a subdivision abuts on or contains an arterial street, it shall be required that there be frontage roads approximately parallel to and on each side of such arterial street; or, such other treatment as is necessary for the adequate protection of residential properties and to separate through traffic from local traffic.
5. CUL-DE-SAC STREETS: Cul-de-sac streets shall not be more than five hundred (500) feet in length and shall terminate with an adequate turn around having a minimum radius of seventy five (75) feet for right of way, if adequate off street parking is provided.

#### SECTION D. SPECIFICATIONS

1. STREET RIGHT OF WAY WIDTH: Street and road right of way width shall conform to the adopted major street plan or comprehensive development plan and the rules of the State Department of Highways, the Lincoln County Road District, Richfield Highway District; minimum right of way standards are as follows:

Arterial	80 feet
Street	70 feet
2. STREET GRADES: Street grades shall not exceed ten percent (10%) on either minor or collector streets and six percent (6%) for arterial streets.
3. STREET ALIGNMENT: Shall be as follows:
  - A. HORIZONTAL ALIGNMENT: When street lines deflect from each other by more than ten (10) degrees in alignment, the center line shall be connected by a curve having a minimum radius of five hundred (500) feet for arterial streets, and three hundred (300) feet for collector streets. Between reverse curves on collector and arterial streets there shall be a minimum tangent distance of two hundred (200) feet.
  - B. VERTICAL ALIGNMENT: Minimum stopping sight distances shall be two hundred (200) feet for minor streets and designed in accordance with design speed for collector and arterial streets.

#### SECTION E. STREET NAMES

The naming of streets shall conform to the following:

1. Street names 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 streets shall not be used.
2. All new streets shall be named as follows: street having a predominantly north-south direction shall be named "Streets"; street having a predominantly east-west direction shall be named "Avenues"; meandering streets shall be named "Drive", "Lane", or "Trail", and cul-de-sacs shall be named "Circle", "Court", and "Place".

#### SECTION F. INTERSECTIONS

Intersections shall conform to the following:

1. ANGLE OF INTERSECTION: Streets shall intersect at ninety (90) degrees or as closely thereto as possible, and in no case shall streets intersect at less than seventy (70) degrees.
2. SIGHT TRIANGLES: Minimum clear sight distance at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is one hundred (100) feet from the center of the intersection, and required to be kept as such.
3. NUMBER OF STREETS: No more than two (2) streets shall cross at any one intersection.
4. "T" INTERSECTIONS: "T" intersections may be used wherever such design will not restrict the free movement of traffic.
5. VERTICAL ALIGNMENT OF INTERSECTION: A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be extended a minimum of one hundred (100) feet each way from the intersection. An allowance of two percent (2%) maximum intersection grade in rolling terrain, and four percent (4%) in hilly terrain, will be permitted.

#### SECTION G. EASEMENTS

Unobstructed utility easements shall be provided along from lot lines, rear lot lines, and side lot lines when deemed necessary; total easement width shall not be less than twelve (12) feet. Unobstructed drainage way easements shall be provided as required by the Mayor and Council.

#### SECTION H. LOTS

1. ZONING: The lot width, depth and total area shall not be less than six thousand (6,000) square feet to comply with the City of Richfield Zoning Ordinance.
2. FUTURE ARRANGEMENTS: Where parcels of land are subdivided into unusual large lots, the parcels shall be divided,



where feasible, so as to allow for future re-subdividing into smaller parcels. Lot arrangements shall allow for the ultimate extending of adjacent streets through the middle of wide blocks. Whenever such future subdividing or lot splitting is contemplated, the plan thereof shall be approved by the Council prior to the taking of such action.

3. SEPTIC TANKS: No septic tanks will be allowed within the City of Richfield, all lift stations necessary to connect to the existing sewer system will be at the developers expense.

## ARTICLE V

### IMPROVEMENT STANDARDS

#### SECTION A. RESPONSIBILITY FOR PLANS

It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by an engineer or competent individual, 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 plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies. All construction plans shall be prepared in accordance with the City of Richfield Lincoln County which ever is more restrictive.

#### SECTION B. REQUIRED PUBLIC IMPROVEMENTS

Every subdivider shall be required to install the following public and other improvements in accordance with the condition and specifications as follows:

1. STREETS AND ALLEYS: All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the current ordinances or building standards of the City.
2. STREET NAME SIGNS: Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the local standards.
3. WATER LINES: Water lines plus sufficient fire hydrants for fire protection.
4. SEWER LINES: Sewer lines, plus lift stations if needed.
5. STREET LIGHTS: Street lights sufficient for lighting.

#### SECTION C. GUARANTY OF COMPLETION OF IMPROVEMENTS

FINANCIAL GUARANTEE ARRANGEMENTS: In lieu of the actual installation of required public improvements before filing of the plat, the Mayor and Council may permit the subdivider to provide a financial guarantee of performance in one or a combination the following arrangement 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. SURETY BOND:

- A. ACCRUAL: The bond shall accrue to the City of Richfield covering construction, operation and maintenance of the specific public improvement.
- B. AMOUNT: The bond shall be in an amount equal to one hundred ten percent (110%) of the total estimated cost for completing construction of the specific public improvement, as estimated by the City of Richfield engineer and approved by the mayor and council.
- C. TERM LENGTH: The term length in which the bond is in force shall be for a period to be specified by the Mayor and Council for the specific public improvement.
- D. BONDING FOR SURETY COMPANY: The bond shall be with a surety company authorized to do business in the State of Idaho, acceptable to the Mayor and Council.
- E. ESCROW AGREEMENT: The escrow agreement shall be drawn and furnished by the Mayor and Council.

2. CASH DEPOSIT, CERTIFIED CHECK, NEGOTIABLE BOND, OR IRREVOCABLE BANK LETTER OF CREDIT:

- A. TREASURER, ESCROW AGENT OR TRUST COMPANY: A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, such surety acceptable by the mayor and council shall be deposited with an escrow agent or trust company.
- B. DOLLAR VALUE: The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, shall be equal to one hundred ten percent (110%) of the estimated cost of construction for the specific public improvement, as estimated by the City of Richfield engineer and approved by the Mayor and Council.
- C. ESCROW TIME: The escrow time for the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit shall be for a period to be specified by the Mayor and Council.
- D. PROGRESSIVE PAYMENT: In the case of cash deposits or certified checks, an agreement between the Mayor and Council and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.

CONDITION APPROVAL OF PLAT: With respect to financial guarantees, the approval of all subdivision plats shall be conditioned on the accomplishment of one of the following:

- A. The construction of improvements required by this ordinance shall have been completed by the subdivider and approved by the Mayor and Council.
- B. Surety acceptable to the Mayor and Council shall have been filed in the form of a cash deposit, certified check, a negotiable bond, irrevocable bank letter of credit or surety bond.
- C. The subdivider and the City may enter into an agreement whereby the subdivider agree to deposit a reasonable percent of the purchase price of each lot into an account in an acceptable banking institution which said funds may then be used to complete required public improvements as provided in the agreement.

INSPECTION OF PUBLIC IMPROVEMENTS UNDER CONSTRUCTION: Before approving a plat and construction plans and specifications for public improvements, an agreement between the subdivider and the mayor and council shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans.

PENALTY IN CASE OF FAILURE TO COMPLETE THE CONSTRUCTION OF A PUBLIC IMPROVEMENT: 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 Council to proceed to have such work completed. In order to accomplish this, the Mayor and Council shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, 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 Mayor and Council and the subdivider.

## ARTICLE VI

### SPECIAL DEVELOPMENT SUBDIVISIONS

#### SECTION I. PURPOSE

The purpose of this article is to identify various types of developments that normally pose special concerns to the Mayor and Council and elected officials when reviewing and acting upon subdivision requests. This article outlines the plan submittal requirements and design standards that shall be taken into consideration when acting on special developments. The provisions of this article are in addition to the plan requirements, design standards and improvement standards that are required by Articles III, IV, and V.

#### SECTION A. PLANNED UNIT and CONDOMINIUM SUBDIVISIONS

1. GENERAL: Planned unit and condominium developments

shall be subject to requirements set forth in the provisions with this ordinance.

2. **MINIMUM AREA:** A planned unit development for the following principal uses shall obtain an area of not less than:
  - a. Three (3) acres or one (1) city block for residential use, except for a mobile home subdivision.
  - b. Five (5) acres for mobile home subdivision.
  - c. Five (5) acres for residential use with subordinate commercial use.
  - d. Ten (10) acres for commercial use.
  - e. Ten (10) acres for industrial use.
3. **SITE DEVELOPMENT PLAN:** The developer shall provide the Mayor and Council with a colored rendering of adequate scale to show the completed development which will include at least the following:
  - a. Architectural style and building design.
  - b. Building materials and color.
  - c. Landscaping.
  - d. Screening.
  - e. Garbage areas.
  - f. Parking.
  - g. Open Space.
4. **PRIVATE STREETS:** Private street construction standards shall be based upon recommendations from the Lincoln County and City of Richfield engineer. Adequate construction standards may vary depending on the size of the development and the demands placed on such improvements.
5. **HOME OWNER'S ASSOCIATION:** The Home Owner's Association by-laws and other similar deed restrictions, which provide for the control and maintenance of all common areas, recreation facilities or open space shall meet with the approval of the Commission. Any and all powers as specified in such agreements may also be assigned to and accepted by the commission for the purpose of assessing property for delinquencies and enforcement of motor vehicle speed to protect the best interests of the owners involved and of the general public.
6. **STORAGE AREAS:** Storage areas shall be provided for the anticipated needs of boats, campers and trailers. For typical residential development, one adequate space shall be provided every two (2) living units. This may be reduced by the commission if there is a showing that the needs of a particular development are less.
7. **PARKING SPACE:** One additional parking space beyond that which is required by the Zoning Ordinance may be required for every three (3) dwelling units to accommodate visitor parking.
8. **MAINTENANCE BUILDING:** A maintenance building shall be provided, size and location to be suitable for the service needs that are necessary for the repair and maintenance of all common areas.
9. **OPEN SPACE: E:** The location of open space shall be

appropriate to the development and shall be of such shape and area to be usable and convenient to the residents of the development.

10. CONTROL DURING DEVELOPMENT: Single ownership or control during development shall be required and a time limit may be imposed to guarantee the development is built and constructed as planned.

## SECTION II SUBDIVISION WITHIN A FLOOD PLAIN

1. FLOOD AREAS: For any purposed subdivision that is located within a flood plain, the developer shall provide the Mayor and Council with a development plan of adequate scale and supporting documentation that will show and explain at least the following:
  - a. Location of all planned improvements.
  - b. The location of the floodway and the floodway fringe per engineering practices as specified by the Army Corps of Engineers.
  - c. The location of the present water channel.
  - d. Any planned rerouting of water ways.
  - e. All major drainage ways.
  - f. Areas of frequent flooding.
  - g. Means of flood proofing buildings.
  - h. Means of insuring loans for improvements within the flood plain.
2. JUSTIFICATION FOR DEVELOPMENT: Upon the determination that buildings are planned within the flood plain or that alterations of any kind are anticipated within the flood plain area that will alter the flow of water, the developer shall demonstrate conclusively to the mayor and council that such development will not present a hazard to life, limb or property; will not have adverse effects on the safety, use or stability of a public way or drainage channel or the natural environment.

No subdivision or part thereof shall be approved if levees, fills, structures or other features within the proposed subdivision will individually or collectively significantly increase flood flows, heights, or damages. If only part of a proposed subdivision can be safely developed the mayor and council shall limit development to that part and shall require that development proceed consistent with that determination.

## ARTICLE VII

### VACATIONS AND DEDICATIONS

#### SECTION A. APPLICATION PROCEDURE

1. APPLICATION: Any property owner desiring to vacate an existing subdivision, public right of way or easement, or desiring to dedicate a street right of way or easement

shall complete and file an application with the Administrator in compliance with the Idaho Code. These provisions shall not apply to the widening of any street which is shown in the Comprehensive Development Plan or the dedication of streets, rights of way, or easements to be shown on a recorded subdivision.

2. COUNCIL ACTION:

- a. When considering an application for vacation procedures, the Mayor and Council shall establish a date for public hearing and give such public notice as required by law. The Mayor and Council may approve, deny, or modify the application. Whenever public rights of way or lands are vacated, the Mayor and Council shall provide adjacent property owners with a quiet claim deed for the vacated rights of way in such proportions as are prescribed by law.
- b. When considering an application for dedication procedures, the Mayor and 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 Mayor and Council a deed describing and conveying such lands to be recorded with the Lincoln County Recorder.

ARTICLE VIII

VARIANCES

SECTION A. PURPOSE

The Commission may recommend to the Mayor and Council as a result of unique circumstances such as topographic-physical limitations or a planned unit development, a variance from the provision of this ordinance on a finding that undue hardship results from the strict compliance with specific provisions or requirements of the ordinance or that application of such provision or requirement is impracticable.

SECTION B. FINDINGS

No variance shall be favorably acted upon by the Mayor and Council unless there is a finding upon written recommendation by the Commission, following a public hearing, that all of the following exist: (Written findings relating to the following five (5) points).

1. That there are such special circumstances or conditions affecting the property that the strict application of the provisions of this ordinance would clearly be impractical or unreasonable; in such cases, the subdivider shall first state his reasons in writing as to the specific provision

- or requirement involved.
2. That strict compliance with the requirements of this ordinance would result in extraordinary hardship to the subdivider because of unusual topography, or 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 ordinance.
  3. 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.
  4. That such variance will not violate the provisions of the Idaho Code.
  5. That such variance will not have the effect of nullifying the interest and propose of this Ordinance and the Comprehensive Development Plan.

## ARTICLE IX

### DETECTION OF VIOLATION, ENFORCEMENT AND PENALTIES

#### SECTION A. DETECTION OF VIOLATION

The Administrator shall receive and document complaints and then research the County Assessor's records and perform the necessary investigation under the guidance of the Richfield City Attorney to enforce violations of the ordinance.

#### SECTION B. ENFORCEMENT

No subdivision plat required by this ordinance or the Idaho Code shall be admitted to the public land records of the county or recorded by the Lincoln County Recorder until such subdivision plat has received approval by the Mayor and Council. No public board, agency, commission, or official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this ordinance until the plat has received the approval by the mayor and council. The Richfield City Attorney shall take appropriate civil or criminal action in response to a violation of this ordinance.

#### SECTION C. PENALTIES

Penalties for failure to comply with the provisions of this ordinance shall be as follows:

"Violation of any of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues shall be treated and constitutes a separate offense. The land owner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty individually. Nothing herein contained shall prevent the Council or any other public official or private

commits, participates in, assists in, or maintains such violation may each be found guilty individually. Nothing herein contained shall prevent the 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 ordinance or of the Idaho Code."

SECTION D. COUNCIL RESPONSIBILITY

The Mayor and Council shall not be legally responsible or incur any liability in any way for the future condition of anything pertaining to this ordinance. This document is intended to avoid problems but does not guarantee complete safety or satisfaction for the subdivider, purchaser or the public.

ARTICLE X

AMENDMENT PROCEDURES

The Mayor and Council may, from time to time, amend, supplement, or repeal the regulations and provisions of this Ordinance in the manner prescribed by the Idaho Code. Proposed amendment, supplement or repeal may be originated by the Commission, Mayor, Council, or by petition of the public. All proposals not originating with the Commission shall be referred to it for a report thereon before any action is taken on the proposal by the Council.

ARTICLE XI

EFFECTIVE DATE

This Ordinance shall be in full force and effective upon publication following passage and approval by the Richfield City Mayor and Council. 5/13/96

ATTEST:

Charles E. Buttane  
Charles E. Buttane Mayor

LuAnn Swainston  
LuAnn Swainston Clerk

Frank Johnson  
Frank Johnson

Jeff Norman  
Jeff Norman

Ron Holland  
Ron Holland

Debora Chamberlin  
Debora Chamberlin