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February 12, 2004

City Clerk - Copy

Winston Hart
City Clerk
City of Bloomington
P.O. Box 194
Bloomington, Idaho 83223

RE: *Counsel for the City of Bloomington*

Dear Mr. Hart:

Please find the Ordinance No. 2003-3 and Summary. If you have any questions or comments please do not hesitate to contact me.

Sincerely,

F. Randall Kline

Enclosed: Ordinance No. 2003-3, and Summary

ORDINANCES NO. 2003-3

(In Summary)

AN ORDINANCE OF THE CITY OF BLOOMINGTON, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ESTABLISHING REGULATIONS FOR SUBDIVISIONS, PROVIDING FOR SEVERABILITY, SAVING AND ESTABLISHING EFFECTIVE DATES, PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

The principal provisions of these ordinance are as follows:

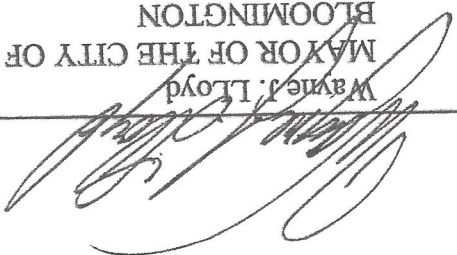
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Section 17-4-7.	Recording after Final Approval
Section 17-4-8.	Subdivider to Furnish Municipal Engineer with Prints as
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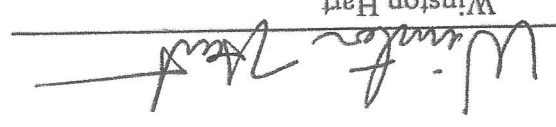
Section 17-4-9.	Final Acceptance-Prerequisite to Issuance of Building Permits; Exception
Section 17-4-10.	Prerequisite to Street Improvements, etc., by Municipality;
Section III.	Subdivision Application Fees Form
Section IV.	Severability
Section V:	Conflicting Ordinances Repealed
Section VI:	Effective Date
Section VII:	Saving Clause

A copy of the full text of this ordinance are available through the City Clerk's office, City Hall, Bloomington, Idaho.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 14TH day of

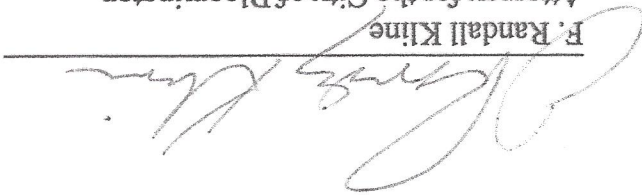
April, 2004.


 Wayne J. Lloyd
 MAYOR OF THE CITY OF
 BLOOMINGTON


 Winston Hart
 CITY CLERK

STATEMENT ON ORDINANCE #2003-3

The undersigned City of Bloomington, Legal Advisor, F. Randall Kline of F. Randall Kline, Chartered having reviewed Ordinance # 2003-3, Subdivision, believes the summary of Ordinance # 2003-3, providing for standards for the development of subdivisions, setting forth sections 17-1-1 through 17-1-12, 17-2-1, 17-3-1 through 17-3-5, 17-4-1 through 17-4-10, setting forth the effective date, savings clause, severability and notice that the full text of the ordinance is available be contacting the City Clerk, City of Bloomington.


F. Randall Kline
Attorney for the City of Bloomington

ORDINANCE NO. 2003-3

AN ORDINANCE OF THE CITY OF BLOOMINGTON, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADDING LANGUAGE TO THE SUBDIVISION ORDINANCE 2003-3 CODES PARTS 17-1-1 THROUGH 17-1-11, 17-2-1, 17-3-1 THROUGH 17-3-5, 17-4-1 THROUGH 17-4-10; PROVIDING EXCEPTIONS; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BLOOMINGTON, IDAHO:

SECTION I. SHORT TITLE

This Ordinance shall be referred to as the "Subdivision" Ordinance of the City of Bloomington, State of Idaho.

ORDINANCE NO. _____

SECTION II: TEXT

Sec. 17-1-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

Agricultural purposes - The planting, cultivating and harvesting of any fruit, vegetable or crop for profit.

Board. The planning board of the municipality.

Contiguous Parcel. A parcel which physically touches another parcel, howsoever insignificant the area of contact. Parcels separated by dedicated streets, roads, alleys and lakes shall not be deemed contiguous.

Development. The erection of any habitable buildings or structures whether for residential, industrial, commercial or recreational purposes and all buildings or structures which are accessory to such buildings or structures.

Final plat. The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the planning board for approval, and which, if approved, shall be submitted to the county clerk for recording.

Lot. A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map or by metes and bounds, for the purposes of sale or lease to, or separate use of, another.

Master plan. A comprehensive plan prepared by the planning board and adopted by the governing body which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the municipality, a zoning plan for the regulation of the height, area, bulk, location and use of private and public structures and premises and of population density, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

Official Map. The map established by the governing body showing the streets, highways and parks theretofore laid out, adopted and established by law and any amendments thereto adopted by the governing body or additions thereto resulting from the approval of subdivision plats by the governing body and the subsequent filing of such approved plats.

Owner. The person reflected on the records of the County Clerk as holding legal title to a parcel whether as an individual or jointly with another person. The term shall include a person who has a subsequent right or privilege to acquire legal title to a parcel for consideration.

Parcel: Any portion of land or *contiguous* portions of land in one ownership.

Person. Any individual, partnership, association of individuals or corporation.

Preliminary Plat The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the planning board and the governing body for consideration.

Redevelopment. Any modification, alteration or renovation of an existing development resulting in an increase in the area of land originally coverable by the existing development.

Streets and alleys:

- (a) Alley. A minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.
- (b) Collector street. A street which carries traffic from minor streets to major arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.
- (c) Cul-de-sac or dead-end street. A minor street with only one outlet.
- (d) Local street. A street used primarily for access to the abutting properties.
- (e) Major Arterial Street. A fast or heavy traffic street of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.
- (f) Marginal access street. A minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic.
- (g) Street. A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, thoroughway, road, avenue, boulevard, land, place or however otherwise designated.
- (h) Street width. The shortest distance between the lines delineating the right-of-way of a street.

Subdivider. Any person subdividing as an owner, the agent, representative or employee of an owner, or any person acting on behalf of or **for the benefit** of an owner.

Subdivision. The division of any parcel of land into two or more parts for the purpose of sale, or for the building, development, or redevelopment of a parcel for residential, recreational, industrial, commercial or public use.

Sec. 17-1-2. Compliance with chapter.

No person shall subdivide any tract of land which is located within the municipality, except in conformity with the provisions of this chapter.

This section shall not-apply to:

- (a) The subdivision of land for, and the sale of cemetery plots.
- (b) The sale of land by or to the State of Idaho or any political subdivision thereof.
- (c) The sale of land for agricultural purposes.
- (d) The sale or vacation of easements or rights-of-way.
- (e) The sale of parcels for aligning property lines.
- (f) The transfer of any parcel of land by testamentary devisee, foreclosure sale or by order of Court.
- (g) Mortgages or liens on property.

Sec. 17-1-3. Design requirements-Applicability.

The design requirements of sections 17-4-1 to 17-4-10 shall apply to all subdivision regulations within the municipality and to areas within one mile of the municipal boundaries, unless the county has more restrictive requirements.

Sec. 17-1-4. Same--Streets.

(a) Streets shall bear a logical relationship to topography and to the location of existing or platted streets in adjacent property.

(b) Streets, utility rights-of-way and public open spaces shall conform to the official plans of the municipality for the extension and location of such public facilities.

(c) Minimum street widths shall be as follows:

CLASSIFICATION ROADWAY WIDTH RIGHT-OF-WAY

Major arterial	84 feet	99 feet
Collector with	32 feet	80 feet
property line walk	26 feet	70 feet.
Local street with	42 feet	60 feet
property line walk		
Local street with		
curbwalk		

(d) Where a subdivision adjoins or contains an existing or proposed major arterial highway or street on which traffic volumes and vehicular speeds warrant special safety features, marginal access streets at least 30 feet in width shall be required.

(e) Dead-end streets shall be not more than 400 feet in length, with a minimum outside radius of 50 feet at the closed end.

(f) Streets shall intersect at right angles.

(g) Full width streets shall always be platted.

(h) Street grades shall be more than five-tenths percent but less than ten percent for local and collector streets and alleys and less than six percent for major arterial streets.

(i) Streets shall be leveled to a grade of less than four percent but more than two percent for a distance of at least 100 feet approaching all intersections.

(j) Street jogs with center line offsets of less 125 feet shall not be allowed.

(k) When streets are in alignment with existing streets, the new streets shall be named according to the streets with which they correspond. Streets which do not fit into an established street-naming pattern shall be named in a manner which will not duplicate or be confused with existing street names.

Sec. 17-1-5. Same--Lots.

* (a) Lots shall be at least as large as required by the minimum standards contained in the zoning regulations; except, that in no event shall any interior lot be less than 60 feet in width nor shall any corner lot be less than 70 feet in width in residential areas.

(b) Lot lines shall be at right angles to the street line or at right angles to the tangent of the curb of the street line.

(c) Reversed corner lots and through lots shall not be permitted.

(d) All lots shall front on a public street or highway.

(e) No lots shall be platted in areas subject to flooding unless adequate flood protection measures are taken.

Sec. 17-1-6. Same--Blocks.

Blocks for residential use shall be more than 450 feet in length and less than 900 feet in length.

Sec. 17-1-7. Same--Drainage generally.

Major drainage ditches and irrigation ditches shall not be permitted on public streets or highways except to cross such public streets or highways. The subdivision shall provide irrigation ditch easements as appropriate at the time of platting. All driveways will also be required to have a culvert installed so natural drainage is not compromised.

Sec. 17-1-8. Same--Alleys.

Alleys shall be at least 30 feet in width and open at both ends in business districts. Alleys at least 20 feet in width shall ordinarily be required in all residential districts. Where alleys are not required, easements shall be granted or reserved at least ten feet in width on each side of all rear lot lines and along side lot lines where necessary for utility installation and maintenance.

Sec. 17-1-9. Same--Proposed public tracts.

If the master plan of the municipality contains proposals for drainage rights-of-way, school sites, parks, playgrounds or other public tracts within a proposed subdivision, before approving the subdivision the governing body upon recommendation of the planning board may require that drainage rights-of-way, school sites, parks, playgrounds or other public tracts shown on the master plan be shown in locations and sizes suitable for their intended uses. The governing body, upon recommendation of the planning board, may require reservation of the location and extent of drainage rights-of-way, school sites, parks, playgrounds or other public tracts shown on the master plan. Such reservation shall be for a period of two years after the approval of the final plat or such further time as may be agreed to by the subdivision. At the end of the two year period or extension thereof, the governing body or school board shall have entered into a contract to purchase or institute condemnation proceedings according to law for such drainage rights-of-way, school sites, parks, playgrounds or other public tracts shown on the master plan; otherwise, the subdivision shall no longer be bound by the reservation. This provision shall not apply to the streets and roads or drainage rights-of-way required for final approval of any plat and deemed essential to the public welfare.

Sec. 17-1-10. Required Improvements.

No final plat of any subdivision of land shall be approved by the governing body, unless it is possible without undue delay, for the subdivider to supply or guarantee the following improvements:

- (a) **Monuments.** Permanent survey monuments shall be set at locations specified by the municipal engineer; provided, that ordinarily such monuments shall not be more than 1,320 feet, nor less than 660 feet apart. In addition, one inch galvanized pipe with at least three feet burial from the ground surface to the bottom of the pipe shall be set at all lot corners;
- (b) **Sewers.** Sanitary sewer and storm sewer mains and laterals with connections to existing mains or laterals shall be installed in accordance with design and construction requirements established by the municipal engineer;

- (c) **Public Water.** No Private wells shall be allowed on individual lots in a subdivision. All subdividers must: (a) connect to the municipal water systems if water is available as determined by the Town of Bloomington, or if Public water is not available, (b) have a well capable of providing safe and adequate water to meet the needs of all property owners in the subdivision.
- (d) **Telephone.** Developer shall install to every lot and subdivision, under ground telephone lines. Telephone line installed will support future needs for multiple line connections to each and every lot.
- (e) **Power Lines.** Subdivider shall install to every lot and subdivision, under ground power lines.

- (f) **Television.** The Subdivider may install television lines, under ground, to each lot or subdivision.
- (g) **Fiber Optics/Internet** The Subdivider may install Fiber Optic or other lines required for high speed Internet connections.

- (h) **Surface Improvements.** Surface improvements, including sidewalks, curbs and gutters, culverts, bridges, pavement of streets and alleys, street signs, fire hydrants and other required improvements shall be constructed by the subdivider in accordance with plans and specifications approved by the municipal engineer and after construction shall be subject to inspection and approval by the municipal engineer.

Sec. 17-1-12. Same--Completion or agreement with municipality to guarantee completion: off-site improvements.

Before the governing body shall accept a final plat of a subdivision, the subdivider or owner shall have laid out and constructed all improvements specified by the governing body for completion at such time; or in lieu thereof, the subdivider or owner shall have entered into a written agreement with the municipality, wherein the subdivider shall agree to make such improvements and, when required by the governing body, shall have deposited a bond with sufficient sureties thereon approved by the municipality, guaranteeing his faithful performance of his covenants therein made, or have deposited sufficient funds in escrow with the municipality to cover the cost of such improvements. The bonds or funds guaranteeing the performance of the subdivider's covenants shall be in an amount at least equal to 125 percent of the then current cost of performing the covenants therein made by the subdivider. If the agreement requires the subdivider to construct off-site improvements and the governing body shall find that other properties shall be benefited by such improvements, the agreement shall contain a provision that the municipality shall not permit the owners of property so benefited to avail themselves of the improvements, until they shall have reimbursed the subdivider, on an equitable basis to be determined by the governing body, for their pro rata share of the original cost of the

improvements; provided, that no such reimbursement shall be required unless the subdivision shall have furnished the municipal engineer with a certified statement of the original cost of the improvements within 30 days after completion thereof; and provided further that the subdividers right to reimbursement shall terminate not later than 15 years from date of completion of the specific improvement for which reimbursement is sought.

17-2-1. Compliance with chapter and state law prerequisite to approval.

No plat of any subdivision shall be accepted by the municipality unless it shall have been approved in the manner prescribed in this chapter and also shall be in compliance with the law of the state of Idaho. Proof of compliance with current laws of the state of Idaho must be provided to the city council at the time of application.

No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the governing body and endorsed in writing on the plat, unless such plat is first resubmitted to the planning board and approved by the governing body as a revised plat.

Sec. 17-3-1. Filing.

Two weeks prior to a regular planning board meeting, the subdivider under this chapter or his representative shall file six copies of a preliminary plat with the municipal clerk for presentation to the planning board. The preliminary plat shall be considered officially filed with the planning board on the date of the planning board meeting at which such plat is presented.

Sec. 17-3-2. Preparation to be by licensed engineer: contents.

The preliminary plat of a subdivision, which shall be prepared by a state licensed engineer or surveyor, shall contain the following information:

- (a) The proposed name of the subdivision;
- (b) The location of the subdivision as a part of some larger subdivision or tract of land and, by reference to permanent survey monuments, with a tie to a section corner or a quarter section corner;
- (c) The names and addresses of the subdividers and owners, the designer of the subdivision, the engineer or surveyor and a reasonably accurate designation of the owners of adjacent unsubdivided property;
- (d) The location and principal dimensions for all existing or recorded section lines, streets, alleys, easements, water courses, public utilities and other important existing features within and adjacent to the tract to be subdivided;
- (e) The location and principal dimensions for all proposed streets, alleys, easements, lot lines and areas to be reserved for public use;
- (f) The date of preparation, scale (not less than 200 feet to the inch) and north sign (designation as true north);
- (g) Contours at municipal datum at vertical intervals of not more than two feet where the slope is less than ten percent and not more than five feet where the slope is more than ten percent;
- (h) The acreage of the land to be subdivided.

Sec. 17-3-3. Notice to parties of hearing.

The planning board shall notify the subdivider under this chapter of the time and place of a hearing before the planning board on the preliminary plat not less than three days before the date fixed for the hearing. Notice of the hearing, in the form of a first class letter, shall be mailed to the owners of un subdivided land immediately adjoining the area proposed to be platted, as shown on the preliminary subdivision plan, and notice of the hearing regarding the proposed subdivision shall also be given to public or private utility offices serving the area and to the public school district. Although the list of persons notified of the hearing shall be reasonably accurate, failure to contact all adjoining landowners and utility and school officials shall not invalidate the hearing procedure.

Sec. 17-3-4. Approval or disapproval-By planning board.

After the hearing on the preliminary plat for a subdivision, the planning board shall approve, disapprove or approve subject to modification, the plat. If approved, the chairman of the planning board shall affix his signature to the plat. If recommended for approval with modifications or disapproved, the chairman of the planning board shall attach to the plat a statement of the reasons for such action. In any case, a notation of the action taken and requisite reasons therefor shall be entered in the records of the planning board.

Sec. 17-3-5. Same--By governing body: to subdivider.

The governing body shall act on the recommendation of the planning board concerning a preliminary plat, within 30 days after the planning board recommendation is formerly presented to the governing body. The governing body shall determine whether the preliminary plat shall be approved, approved with modifications, or disapproved and shall give notice of its decision to the subdivider. If approved, the mayor shall affix his signature to the plat. If approved with additional modifications or disapproved, there shall be attached to the plat a statement of the reasons for such actions signed by the mayor.

Sec. 17-4-1. Drawings to conform with state law.

All drawings on a final plat shall conform to the provisions and laws for the state of Idaho. Proof of compliance with current laws of the state of Idaho must be provided to the city of council at the time of application.

Sec. 17-4-2. To be submitted with engineering drawings, construction plans, etc.

The final plat shall be accompanied by the engineering drawings, construction plans, agreements or bonds as may be specified by the governing body in accordance with the provisions of section 17-1-12.

Sec. 17-4-3. Required contents.

The final plat shall incorporate all changes or modifications required by the governing body. It shall conform to the requirements of the laws of the state. It shall contain all of the information required for the preliminary plat, except contour lines, plus the following:

(a) Accurate dimensions for all lines, angles and curves used to describe boundary streets, alleys, easements, areas to be reserved or dedicated for public use and other important features;

(b) An identification of all lots and blocks, names of streets and street addresses for each lot;

(c) A good and sufficient dedication of all of the streets, alleys, easements, parks and other public areas as shown on the plat to the public;

(d) A certification by a state licensed surveyor or engineer as to the accuracy of the survey and drafting of the plat;

(e) Certifications for approval of the plat by the planning board and approval and acceptance of the plat by the governing body. '

Sec. 17-4-4. Filing: approval or disapproval by planning board.

After receiving notice of the action of the planning board approving the preliminary plat, if a subdivider desires to proceed, he shall file three copies of the final plat with the municipal clerk at least two weeks prior to a regular meeting of the planning board. The final plat shall be considered officially filed on the date of the planning board meeting at which such plat is formally presented. The planning board shall act on the final plat within 30 days after official filing, unless the time is extended by agreement with the subdivider or his agent. The planning board shall recommend to the governing body whether the final plat shall be approved or disapproved. If recommended for approval, the chairman of the planning board shall affix his signature to the plat. If disapproved, the chairman of the planning board shall attach to the plat a statement of the reasons for such action. In any case, a notation of the action taken and requisite reasons therefor shall be entered in the records of the planning boards.

Sec. 17-4-5. Review by municipal engineer, municipal attorney, etc.

Before a final plat, which has been recommended for approval by the planning board, shall be presented to the governing body, engineering design plans and a subdivision improvement agreement or bond, as described in section 17-1-12, shall be reviewed by the municipal engineer and municipal attorney.

Sec 17-4-6 Approval or disapproval by governing body.

The governing body shall act on the final plat within 30 days after the plat is presented to the governing body. If no action is taken by the governing body within 30 days or a longer period as may have been agreed upon, the final plat shall be deemed approved. If the final plat is approved and all necessary subdivision agreement forms, bonds and engineering plans are also approved by the governing body, the mayor shall affix his signature to the plat. If disapproved, the mayor shall attach to the plat a statement of the reasons for such action.

Sec 17-4-7 Recording after final approval.

The subdivider shall record the approved final plat, as signed by the mayor, in the office of the county recorder within 30 days after the date of approval; otherwise, the approving action of the governing body shall be deemed to have been withdrawn. Any written agreement prepared as required by section 21-12 must be fully executed before the final plat is signed.

Sec. 17-4-8 Subdivider to furnish municipal engineer with prints as recorded.

The subdivider shall, immediately upon recording the approved final plat, furnish the municipal engineer with three black and white prints of the final plat as officially recorded.

Sec 17-4-9 Final acceptance--Prerequisite to issuance of building permits; exception.

The Clerk shall not issue building or repair permits for any structure on a lot in a subdivision for which a final plat has not been approved and recorded in the manner prescribed in this chapter, unless such lot faces a street otherwise accepted by the governing body for public improvements and services.

Sec 17-4-10 Same--Prerequisite to street improvements, etc., by municipality.

The municipality shall withhold all public street improvements and services of whatsoever nature, including maintenance from all areas which have not been accepted by the governing body in the manner prescribed in this chapter or by other official actions of the governing body.

Winston Hart
City Clerk

Winston Hart

Wayne J. Lloyd
Mayor of the City of Bloomington

Wayne J. Lloyd

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 14th day of April, 2004.

Any prior ordinance or sections of ordinances repealed or modified shall remain in full force and effect for any penalty enforcement that may exist.

SECTION VII: SAVING CLAUSE

This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law, the rule requiring that an ordinance be read on three (3) separate occasions having been dispensed with.

SECTION VI: EFFECTIVE DATE

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION V: CONFLICTING ORDINANCES REPEALED

Each Section and provision of this Ordinance are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining Sections or provisions and the application of such Sections and provisions to any person or circumstances other than those to which it is held invalid, shall be affected thereby, and it is hereby declared that such Sections and provisions would have been passed independently of such Section or provision so known to be invalid.

SECTION IV: SEVERABILITY

ORDINANCE NO. _____

SECTION III: SUBDIVISION APPLICATION FEES FORM

SUBDIVISION APPLICATION FEES – BLOOMINGTON, IDAHO

1. Filing Fee \$ _____
2. Escrow Fee \$ _____ (Per 17-1-12)
3. Filing Fee \$ _____ Due at the time of Filing (Per 17-3-1)
4. Tentative Map:
 - a. For the first 5 lots - \$ _____
 - b. For each additional lot - \$ _____
 - c. For each lot proposed to be served by a septic tank - +\$ _____
5. A Tentative Map, where Parcel Map required:
 - a. For 4 or less lots - \$ _____
 - b. For each lot proposed to be served by a septic tank - +\$ _____
6. Planning Check Fee for Parcel and Final Maps varies billed at \$80.00 per hour, \$ _____ retainer for Parcel Maps and \$ _____ retainer for Final Maps due upon submission of Improvement Plans.
7. a. A minor amendment of an approved Tentative Map where Parcel Map is required - \$ _____
b. A major amendment of an approved Tentative Map where Final Map is required - \$ _____
8. Certificate of Registration – \$ _____
9. Extensions
 - a. Extension of an approved Tentative Map where Parcel Map is required - \$ _____
 - b. Extension of an approved Tentative Map where Final Map is required - \$ _____