



**BLOOMINGTON CITY COUNCIL**  
**PUBLIC HEARING MINUTES**  
BLOOMINGTON CITY OFFICE  
45 N 1<sup>st</sup> West  
June 15, 2022 at 7:00 pm

Meeting to work through the final proposed Building Lot and Standards Ordinance

Attendees: Mayor Roy Bunderson, Mike Knapp, Dan Porter, Cindy Piggott, Philip Ward, Marilyn Wilkes, and Debbie Thomas

Building and Development council members attending: Winston Hart, Jerry Thornock, Jane Simpson, Wayne Lloyd

Community Attendees: Mark Peterson, Doug Taylor, Winston Hart, Jane Simpson, Jerry Thornock, Diane McGhee, Wayne Lloyd, Tammy Fisher, Kevin McDonald, Stacey Bateman, Shanna Spuhler, Dallas Smith, and Justin and Austin Schilling.

Meeting called to order by Mayor Roy Bunderson at 7:00 pm.

**INVOCATION:** Dan Porter

**PLEDGE OF ALLEGIANCE:** Cindy Piggott

Roy welcomed all who had taken time out of the busy day to attend.

He acknowledged that the Council and the Building and Development have been working on this project for some time and thanked each for their time.

Roy stated that the importance of each being here tonight was to make the community aware of what the council is proposing, in regards to the ordinance, and to get a determination of palatableness of the ordinance and get recommendation from each of them.

The agenda was then followed as proposed:

Roy asked if each in attendance had an opportunity to look at the ordinance as proposed. Copies were passed out to those who needed them.

Roy stated the purpose of this ordinance was to preserve the quality of life here in Bloomington, as we've come to know it. This can be done by everyone being on the same wavelength. This will bring us to a point of:

1. Offering some consistency, so everyone is treated fair and equally
2. The actions of anyone of us don't infringe on someone else's rights and quality of life

Roy then asked Jane Simpson to lead us through the Building Lots and Standards Ordinance recommended changes, stating that the board was prepared to amend or adopt, or both.

Jane agreed with Roy that there aren't many changes to the ordinance, but that there are a few significant changes.

1. Increase of the documentation required on the content of the application. This was done for clarification purposes, and so the city doesn't have any liability issues, and to protect the rights of all our citizens. Added to the application was a request for:
  - a. 3.3.2 - A site that is a little more explicit than before
  - b. 3.3.4 – A copy of recorded Warranty Deed

- c. 3.3.5 - A survey showing all structures placed on a permanent foundation
- d. 3.3.6 – The setback for a ditch will be 25 feet, measured from ditch edge. Owners wishing to build closer need to obtain a letter from the Bloomington Irrigation Co. or the owner of a private ditch.
- e. 3.3.7 – An approved Septic Permit issued by Southeastern Idaho Public Health, if applicable

The rest of the proposed ordinance is much the same with some verbiage changes on the following:

- 1. 3.4 - Colored permit must be obtained prior to construction and posted on property until Advisement of Completion is issued.
- 2. 3.6 - Penalties of not complying with any requirements.

Regulations of Building lot discussed in meeting are as follows:

- 1. 4.1 - ½ acre lot per single-family dwelling.
- 2. 4.2 - One hundred feet road frontage.
- 3. 4.3 – Twenty feet from road and corner lots on both sides.
- 4. 4.4 – Twenty-five feet setback from ditch edge for side yard

Needs to be added to ordinance under 4.4 – **Side yard and rear yard setbacks are 10 feet.** This appears on building permit but not on lot ordinance.

- 5. 4.5 – Maximum building height is 35 feet.
- 6. 4.6 – Maximum units per building lot, parcel, or plot is only one residential dwelling.
  - a. If you have an acre and want to split it in half and you have sufficient for two frontages, that can be done by having a survey done and creating a new legal description so that it becomes its own legal plot.
- 7. 4.10 – Sewer and Water Hook-ups.
  - a. Because of problems in the past, the city would like to have control over who makes the connections to those lines and puts the laterals to the property line. From the main line to the property line, the city will take responsibility for that line but work will be done at the applicant’s expense. From the property line or the meter to the structure will be the applicant’s responsibility.

Roy explained that because of these poor connects, irrigation water and sub water were entering the city’s water lines.

- b. Monthly fees for sewer and water will now start as soon as water is provided to the property and will start at the first of the month following the connection.

6.1 – Variance guidelines – In the past, there has never been an actual policy for variance. If someone wanting to build didn’t meet the guidelines, a variance provides additional measures that can be taken.

The goal of the Building and Development Committee is to create a level playing field for everyone. We can’t change the past. We can’t correct the past. All we can do is learn from it and move forward.

After a building permit is submitted, and for some reason the committee denies that building permit application because it doesn’t meet certain conditions of the ordinance. The following steps could then be taken so that homeowner is heard and to be consistent with Idaho Code:

- 1. 6.3 – Submit a variance application.
- 2. 6.4 – A public hearing is held.
- 3. 6.5 – Action by the Council.

There is a fee for the variance request because it does require a substantial amount of work.

Jane concluded with her knowledge of the changes to the ordinance and asked if she missed anything or anyone had questions.

Marilyn Wilkes added that nowhere does the new ordinance state, “If permit is denied” in reference to applying for a variance. That language will be added to the ordinance.

Mike Knapp added a reminder that the check submitted with the building permit will not be cashed until the permit is approved. Similar verbiage needs to added to the ordinance.

Questions then fielded from those attending:

- Jerry Thornock questioned if committee also changed the language of a manufactured home:
  - 2.2.14 – Jane cited the city adopted the states code (Idaho Code 67-6509A) for manufactured homes.
    - 1. Must be affixed to a foundation
    - 2. Home will come in multiple sections
    - 3. Space will not be less than 1000 feet
    - 4. Must have a pitched roof
- Doug Taylor and Dallas Smith had a question concerning language of “home is not located more than twelve inches above grade”.
  - Discussion was held and ordinance language needs to be changed to:
    - “Home is not located more than twelve inches above finished grade”.

It is the goal of the committee to keep the density down. There have been several applications with multiple units on one piece of property. The language in additions has been cleaned up to prevent any miscommunications.

- 2.2.1 – Can’t be separated by more than one wall from the existing structure.
- 2.2.2 – Breezeway – A structure with a roof and open sides that connects two separate buildings.
  - A breezeway would not make two separate houses into one, only an addition where they shared one common wall would.

There is some ability to allow some auxiliary dwelling units.

- An Auxiliary Dwelling Unit Ordinance will be worked on after this ordinance is completed.

Jane went over the change in setback from the ditch of 25 feet. Tammy Fisher asked why the ditch setbacks were increased. Roy explained that it’s a matter of trying to protect both the homeowner and the ditch company from any interaction. He then asked if this presents an issue for anyone, we would be willing to address it. The new setbacks are a protection.

Roy stated if the ditch company was willing to waive that requirement, we could go back to the original setback.

Mike said we shouldn’t go back. We’ve given a very lenient provision, and there is a potential of liability for the city, if a building permit is issued and a ditch causes loss of property or life, the homeowner could come back on the city.

Roy asked Mike if the ditch company signed off on a smaller setback would he be okay with that? Mike stated he would and that it would add one more layer of protection to the city. He then said there are probably a lot of situations where the ditch company would not have a problem granting approval for smaller setback.

Tammy then asked if a ditch was culverted would that negate the 25-foot setback. Wayne Lloyd stated that it could.

Roy stated the only thing that may be of consideration is preserving enough right away so the pipe could be maintained or replaced. Idaho statute covers the maintenance of ditches, and we would have to honor that.

There was some discussion on 4.4 if it was the center of the ditch or the edge of the ditch. It was decided it was the edge of the ditch.

Kevin McDonald asked what was the purpose of going from 6 feet to 10 feet on the side yard. It was explained that this added more protection fire wise because buildings weren't so close together.

Roy added a 10-foot side yard provided for the sluff of a snow load. Because of the pitch of a roof, a neighbor's snow won't end up in your yard with a 10-foot setback.

Doug Taylor asked if the **height of 35-feet** should also be added in the definition of Building, Height Of – 2.2.5. The board agreed that it would be added.

Recap of changes that need to be made:

- a. 12.2.14 – the addition of the word **finished**
- b. 4.4 – addition of **minimum side yard – 10 feet**
- c. Under Variances – the wording **If Permit Is Denied** will be added
- d. 2.2.4 – **Height of 35 feet** will be added
- e. **Funds will not be deposited until permit is approved** will be added to both the ordinance, in the fees section, and the permit

Doug Taylor asked a question on 3.4 – the verbiage of until Advise ment of Completion is issued.

- Mike Knapp explained that this is mostly for the bank because they want a Certificate of Occupancy and we don't inspect, so we can't issue that, but we can issue an Advise ment of Completion instead.
  - The Building and Development Committee will issue

Roy stated one item of clarification that's important to make is that the city has no intention of adopting IBC or do any more enhancement of inspection. Our inspection will basically be checking setbacks and verifying the house is in the proper place. No engineered drawings or prints, the city will not go into that area.

Doug asked about 4.7 – what is the city reviewing? It was decided to add the verbiage: **per guidelines of this ordinance.**

4.7 – The word inspections will be left in because we do inspect the water and sewer connections.

Stacey Bateman asked about 4.6/only one residential dwelling per lot. She asked if she could bring in a little cabin or something similar. Jane explained not right now. The Accessory Building Ordinance may cover that, but for right now, it is one dwelling per lot.

Tammy then asked maybe they are grandfathered in with the purchase of their property, where they don't have the availability of another 100-foot road frontage to build another dwelling structure on their property, even though they have the acreage. If they aren't granted a variance, they still don't have the ability to build another house. She stated that she felt like it was a pretty big deal.

Roy recognized her concern, but reminded her the only way to fix the problem now is to apply for a variance.

Tammy then wondered about changing from frontage to you have a certain amount of property. This would allow her to build a second home.

- Mike said it's a good idea and valid input but we need to figure something that works for everyone.

Roy reiterated the guidelines in the ordinance for building a home:

1. ½ acre lot
2. 100 feet of road frontage
3. 20-foot setback for the road
4. 10-foot setback on side and back yards
5. 25 feet from ditch edges
6. Maximum 35-foot height

Kevin then stated that a variance was given to his neighbor when they were allowed to hook onto their existing water and sewer lines. They pay two connections but use only one connection.

Roy apologized and agreed that we broke our own rule, and we will be better.

Mike stated that the process of getting a variance will now be followed.

Roy guaranteed that, if in fact, their application be submitted, if it isn't granted, then there is a process of getting a variance.

Roy asked for a conditional approval based on the recommended changes or wait until the time they are finalized and put into the document.

- ✓ Mike Knapp made a motion that we approve the ordinance, 2022-1, with the noted changes.
- ✓ Dan Porter seconded.
- ✓ Roy asked for any discussion, questions, or concerns, then called for the vote.
- ✓ The record shows the voting is unanimous, and that ordinance 2022-1 stands approved with the recommended changes.

Marilyn stated that any place, in the documents, where the verbiage hook-ups is used, it will now be changed to connections.

#### Building and Development Committee

Roy recognized the committee and the fact that they have worked many hours as volunteers.

Philip said they do a lot. They relieve a lot of pressure and they're doing great.

Cindy said she is learning a lot from them.

Mike agreed.

Dan said we would have never been able to get in all the details to put this ordinance together without them.

Wayne Lloyd stated they represent a cross section of our community.

Change the city clerk to "a" city clerk.

Kevin asked why we would ever allow a non-resident taxpayer, or someone not even a resident of Idaho, to be part of the committee. The simple answer is that they own property and may bring a specific viewpoint.

Roy checked the legality of having someone not even a resident of Idaho on the committee. He found that it is legal because they are an advisory group, we can choose anyone who might bring a certain expertise to the group.

Jane reminded everyone the committee's only job is to make sure the documentation submitted meets the ordinance. If it does, sign it off, and pass it through. The ultimate authority lies with the City Council.

Tammy asked how to get on the committee. The answer is volunteer and the mayor will appoint. Kevin said he and Rob Allred would like to volunteer for the committee.

Roy said the names will be presented to the council and Roy will appointment with the acquiescence of the council.

It was decided to add the wording, “Property tax payer”.

The council thanked and recognized Jane for all she’s done.

- ✓ Philip made the motion to accept the Building and Development Committee with the noted changes.
- ✓ Cindy seconded.

Roy asked for any discission and Wayne Lloyd wondered about adding names. Marilyn replied that the names would always be changing and that we needed to decided who would start with a two-year term and who would start with a four-year term so we will have a rotation and everyone won’t leave at once.

- ✓ Roy called for the vote.
- ✓ The record shows the voting was unanimous, and that the Building and Development Committee will be created, and that the administrative group will take the action necessary in order to sequence the terms of appointment.

### **Application for Building Permit**

Roy asked Jane to address this. Jane explained that the building permit application should reflect what the ordinance says, with some additional clarification, because the sewer and water are a separate ordinance.

This is a draft and we have had some recent information that’s come forward regarding fees, so the fee amounts are still to be determined.

There was an issue as to what our authority was to set fees, and we’ve been trying to get some direction of that for a couple of months. Finally, someone from AIC spoke with us last Friday.

We have some numbers we need to run, so tonight we need to go over all the verbiage and make sure everyone understands it, or sees something that needs to be added.

Key points of the application:

1. Only owners can apply for a building permit.
2. The permit must be in the owner’s name.
3. The verbiage remains the same as the old application.
4. The setbacks are talked about in the ordinance.
5. Agricultural buildings now have the same setbacks as residential
  - a. The verbiage setbacks will be added.
6. 2.2.3 – The word chattel will remain.
7. Contractor name and license # and water and sewer contractor name lines will be removed.
8. Under water the word user will be removed.
9. It behooves the city to be timely in contracting the work for water and sewer line installation.
10. Priority should be given to our resident contractors.
11. Philip or Mike has the expertise to do and have agreed to do their respective inspections if no one else can.
12. City will run the sewer and water lines to the property lines. The owners will run the laterals, but must leave it in an open trench to be inspected by a city representative.

13. The verbiage **water** will be added before installation and inspection of line run to the home.
14. **Fees for sewer will begin on the first of the month following water installation and inspection of line run to the home, will be added**
15. Checklist kept as written.

There was some discussion about building a barn at the 20-foot setback. That verbiage will remain the same.

16. **100-foot of frontage only applies to residential will be added.**

Roy asked why we do a setback. Many reasons were shared: density, visual, and for safety.

Roy asked if everyone was okay with the setback and height of a building. All agreed they were.

#### Application Checklist

1. A digital copy is easy to create from a scan
2. **Legible hand drawn plans are acceptable** will be added
3. Clarification of when "if applicable" applies.
4. **if connection to Bloomington sewer system is not available as determined by Bloomington City Council. Septic tank requires approval of City Council prior to submitting building permit application. (If applicable)** will be added.

#### Fees

Roy shared Idaho Code 63-13-11, as directed by Justin Ruen with AIC, notwithstanding any other provision of law, the governing board of any taxing district may impose and cause to be collected fees for those services provided by that district which would otherwise be funded by property tax revenues. The fees collected pursuant to this section shall be reasonably related to, but shall not exceed, the actual cost of the service being rendered.

Roy urged the council to be very careful that the fees don't become a money-making project. This is also what Justin Ruen advised. He doesn't any problem with charging the costs we can justify. He is adamant about the fact we should be in compliance with state code.

The fees are subject to review at this point.

Wayne Lloyd shared that he thinks the fees should be figured and set by the board.

Jane urged us not to go overboard on our estimations, but to allow for the addition expenses.

A cost analysis is probably, at this point, the way to go.

Mike suggested that we leave the costs where they were for now.

All fees will stay where they are quantified on application until further review.

Fees can easily be changed at any time with a resolution.

- ✓ The chair entertained a motion for some action relative to what we're doing.
- ✓ Mike Knapp moved that we would accept fees with the proposed changes prior to final review.

- ✓ Second by Philip Ward
- ✓ Chair called for question
- ✓ No final vote taken.

Roy expressed his displeasure with our current attorney. He will pursue a search for a new attorney.

#### **Application for Variance**

- ✓ Dan Porter moved that we accept the application form as written.
- ✓ Cindy seconded.
- ✓ Roy asked for any discussion then called for question.
- ✓ The vote was unanimous.
  
- ✓ Motion to adjourn: Mike Knapp
- ✓ Second: Philip Ward
- ✓ Vote Unanimous

**Adjournment at 10:36 p.m.**

**Next regularly scheduled meeting: August 10<sup>th</sup> at 7:00 pm**