



4

NO. 2024-__
SUBDIVISION ORDINANCE
BLOOMINGTON, IDAHO

5 **AN ORDINANCE OF THE CITY OF BLOOMINGTON, IDAHO, RELATING TO THE SUBDIVISION OF**
6 **PROPERTY WITHIN THE CITY LIMITS OF BLOOMINGTON, IDAHO, TO INCLUDE: SETTING FORTH**
7 **GENERAL PROVISIONS, DEFINITIONS, APPROVAL PROCEDURES, PRELIMINARY PLAT AND**
8 **FINAL PLAT GUIDELINES, SUBDIVISION AGREEMENT, SUBDIVISION STANDARDS, SUBDIVISION**
9 **IMPROVEMENTS, FEES, HANDLING OF CONFLICTS, SEVERABILITY, RESPONSIBILITY FOR**
10 **VIOLATIONS, AND PENALTIES.**

11 BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BLOOMINGTON, IDAHO, THE
12 IMPLEMENTATION OF A NEW CODE SECTION AS FOLLOWS:

13 **Section 1:** The following code relating to the subdivision of property within the City of Bloomington,
14 Idaho shall be implemented and adopted as follows:

15 **CHAPTER I**

16 **GENERAL PROVISIONS**

17 **1.1 TITLE**

18 This ordinance shall be known as the *City of Bloomington Subdivision Ordinance*.

19 **1.2 PURPOSE**

20 The purpose and intent of this Section is to promote the *City of Bloomington Vision Statement*
21 and promote health, safety, convenience, and general welfare of the inhabitants and
22 landowners of Bloomington, Idaho, in the subdivision of land, construction of streets, sewers,
23 water, and other improvements.

24 **1.3 DECLARATIONS**

25 In establishing the regulations applying to the development of subdivisions, due and careful
26 consideration was given, among other things, to the suitability of land for residential
27 development with a view to conserving the value of buildings and encouraging the most
28 appropriate use of land throughout the City.

29 **1.4 INTERPRETATION AND INTENT**

30 It is the intent of the City Council that the regulations and restrictions as set forth in this
31 ordinance shall be so interpreted and construed as to further the purpose of this ordinance and
32 the objectives and characteristics of the Vision Statement.

33 **1.5 CONFLICT**

34 This Section shall not nullify the more restrictive provisions of covenants, agreements or other
35 ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

36 **1.6 SCOPE AND APPLICABILITY**

37 **1.6.1** No person shall subdivide any tract of land which is located wholly or in part in the City
38 except in compliance with this ordinance. No person shall sell or exchange or offer to sell or

39 exchange any parcel of land which is any part of a subdivision of a larger tract of land, nor offer
40 for recording in the office of the county recorder any deed conveying such a parcel of land, or
41 any interest therein, unless such subdivision has been created pursuant to and in accordance
42 with the provisions of this ordinance.

43 **1.6.2 No subdivision** plat approved by the Mayor and City Council and recorded in the Bear
44 Lake County Recorder’s Office in accordance with the provisions of this ordinance shall be
45 further divided, rearranged, added to or reduced in area nor shall the boundaries of any lot be
46 altered in any manner so as to create more lots than initially recorded or any nonconforming
47 lots without first obtaining the approval of the City.

48 **1.7 ENFORCEMENT AND PERMITS**

49 The City of Bloomington shall not issue any permit or license for the construction, erection,
50 reconstruction, or substantial alteration of any building, structure, or land unless it is in full
51 compliance with all the provisions of this ordinance. Any permit issued in conflict with this
52 ordinance shall be null and void.

53 **1.8 VARIATIONS AND EXCEPTIONS**

54 **1.8.1** The City Council may authorize a variance from the provisions of this ordinance under
55 the procedures set forth when, in its opinion, undue hardship may result from strict
56 compliance. In granting a variance, the City Council may prescribe conditions that it deems
57 necessary to or desirable for the public interest. In making its findings, the City Council shall
58 take into account the nature of the proposed and existing use of land in the vicinity, the
59 number of persons to reside or work in the proposed subdivision and the probable effect of the
60 proposed subdivision upon traffic conditions in the vicinity. No variance may be granted unless
61 the City Council finds:

62 A) That there are special circumstances or conditions affecting said property such that
63 the strict application of the provisions of this ordinance would clearly be impractical or
64 unreasonable. In such cases, the property owner shall first state the reasons in writing
65 as to the specific provision or requirement involved.

66 B) That strict compliance with the requirements of said ordinance would result in
67 extraordinary hardship to the property owner because of unusual topography, other
68 physical conditions, or other such conditions which are not self-inflicted. Or that these
69 conditions would result in inhibiting the objective of this ordinance.

70 C) That the granting of the variance will not be detrimental to the public welfare, or
71 unreasonably injurious to other property in the area in which said property is situated.

72 D) That such variance will not violate the Idaho Code.

73 E) That such variance will not have the effect of nullifying the interest and purpose of
74 this ordinance.

75 **1.8.2** Application for any such variance shall be submitted in writing by the subdivider at the
76 time when the preliminary plat is filed for consideration by the City Council. The petition shall
77 state fully the grounds for the application and all the facts relied upon by the petitioner, and
78 shall be supplemented with maps, plans or other additional data which may aid the City Council
79 in the analysis of the proposed project.

80 **CHAPTER II**

81 **DEFINITIONS**

82 **2.1 INTERPRETATION OF TERMS OR WORDS**

83 Words used in the present tense include the future; words in the singular include the plural
84 and the plural, the singular. The following words and phrases used in this ordinance shall have
85 the respective meaning hereinafter set forth, unless a different meaning clearly appears from
86 the context.

87 **AGRICULTURAL:** Means tilling of soil, horticulture, raising crops, livestock, dairying, including all
88 uses customarily accessory and incidental thereto; but excluding slaughterhouses and
89 commercial feedlots on tracts of land of at least five acres in area.

90 **Agricultural Parceling:** The division of property for agricultural, farm industry or animal keeping
91 purposes and not for the purposes of locating principal buildings now or in the future, therefore
92 is not subject to subdivision regulations.

93 Division of land into agricultural parcels is permitted if they meet the following provisions:

94 A) All parcels or lots must be a minimum of five acres in size.

95 B) All parcels or lots have access from a public street or recorded private right-of-way or
96 easement at least 20 feet in width.

97 C) Sufficient water is provided to each lot or parcel for the proposed use of the property.

98 **APPROVING AUTHORITY:** The Mayor and City Council of the City of Bloomington; or its duly
99 authorized deputy, agent, or representative.

100 **BLOCK:** The land surrounded by streets and other rights-of-way other than an alley, or land
101 which is designated as a block on any recorded subdivision plat.

102 **COMMON OPEN SPACE:** A parcel or parcels of land, an area of water, or combination of land
103 and water within a planned unit development or subdivision designated and intended for the
104 use or enjoyment of residents of the development. Common open spaces may contain
105 complementary structures and improvements if necessary and appropriate for the benefit and
106 enjoyment of occupants of the development. **Currently the City of Bloomington will not**
107 **entertain subdivision requests which contain common open space.**

108 **CITY:** The City of Bloomington, Idaho (City), or any of its officials or employees functioning in an
109 official capacity.

110 **CITY COUNCIL:** The City of Bloomington City Council (also Council).

111 **CITY ENGINEER:** Any registered civil engineer hired or appointed by the City of Bloomington to
112 accomplish the objectives of this ordinance.

113 **CONDOMINIUMS:** (Condominiums are not permitted within the City of Bloomington.)

114 **COUNTY RECORDER:** Bear Lake County Recorder.

115 **CUL-DE-SAC:** A vehicle turnaround at the end of a terminal street with a 100-foot minimum
116 diameter, at least 80 feet of which will be driving surface.

117 **DEVELOPER:** Any person, including a corporation, that may undertake the development of land.

118 **INHABITANT:** One who resides actually and permanently in a given place and has his/her
119 domicile there.

120 **ENFORCEMENT OFFICER:** That City official or officials designated by the City Council as the
121 official responsible for accepting, reviewing and approving or rejecting plans for buildings and
122 applications for building permits and for interpretations and enforcement of ordinances related
123 thereto.

124 **HALF ROAD:** Half Road means any public right-of-way or easement which is less than the full
125 required width specified in this ordinance, and which is established so that the additional half
126 width right-of-way or easement may be provided at a later date to complete a full width
127 roadway.

128 **LOT:** A parcel or plat of land shown as a separate unit of ownership on the most recent plat of
129 record. Such lots shall have frontage on an improved public street or approved private street or
130 access to said lot will be provided by means of an approved irrevocable easement.

131 **LOT, BUILDING:** A Parcel of land legally divided and approved which is of such dimensions as to
132 comply with the minimum requirements of the City's *Building Lot and Standards Ordinance*,
133 having frontage on a public street. When land is subdivided for building purposes, any property
134 remnants not included in a designated proposed building lot should be incorporated into the
135 plat by increasing the size of a lot.

136 **PLANNED UNIT DEVELOPMENT:** (Planned Unit Developments are not permitted within the City
137 of Bloomington.)

138 **PLANNING DEPARTMENT:** The City of Bloomington Mayor and City Council and/or the Building
139 and Development Committee.

140 **PLAT:** A map or depiction of a subdivision, showing thereon the division of a tract or parcel of
141 land into lots, blocks and streets or other divisions and dedications.

142 **PRIVATE RIGHT-OF-WAY:** A thoroughfare which by easement or by ownership has been
143 reserved by a lot owner(s) to be used as private access to serve the lot. No public entity shall
144 have responsibility for maintenance or improvements to private rights-of-way.

145 **SHORT PLAT/SMALL SUBDIVISION:** A division of property into two (2) to five (5) parcels or lots
146 for the purpose of building development, each lot of which has frontage on an existing public
147 street.

148 **STREETS:**

149 **A) STREET:** A thoroughfare dedicated to the public and accepted by proper public
150 authority, or a thoroughfare not less than 60 feet wide which affords the principal
151 access to the abutting property, and/or provides vehicular circulation.

152 **B) STREET, MAJOR ARTERIAL:** An existing or proposed street which is intended to serve
153 as a major traffic way with direct access from lots discouraged.

154 **C) STREET, LOCAL:** A street which is intended to provide access to lots and serve the
155 needs of a neighborhood.

156 **F) STREET, MINOR TERMINAL:** A local street which is terminated with a cul-de-sac and
157 which is not intended to go through to connect with other streets.

158 **SUBDIVIDER:** Any person, partnership, corporation, or other entity that undertakes to create a
159 subdivision.

160 **SUBDIVISION:** The division of a tract, lot, or parcel of land into more than two lots, plats, sites
161 or other divisions of land for the purposes, whether immediate or future, of sale, lease, or of
162 building development from and after [REDACTED]. This definition shall not include a
163 bona fide division or partition of agricultural land of five acres or larger for agricultural
164 purposes.

165 **SUBDIVISION BOND:** A surety bond that developers must purchase when performing work
166 within the City of Bloomington city limits.

167 **CHAPTER III**

168 **APPROVAL PROCEDURES**

169 **3.1 SUBDIVISION APPROVAL PROCEDURES:** The following list is a step-by-step description of the
170 subdivision approval process:

171 **3.1.1** The subdivider contacts the City and/or Building and Development Committee to discuss
172 development plans and subdivision ordinance requirements prior to preparing any plats or
173 plans.

174 **3.1.2** The subdivider shall file with the City a complete subdivision application form,
175 preliminary plat data and fees as required in this ordinance.

176 **3.1.3** At least sixty (60) working days are allowed for the completion of the review of each
177 submittal.

178 **3.1.4** Upon completion of the review and if the proposal is complete, proposal will be placed
179 on the next available City Council agenda for hearing. Scheduling of the hearing shall allow 15
180 days for public notice of hearing to be provided by the applicant.

181 **3.1.5** The City Council meets and reviews the preliminary plat and takes action to approve the
182 proposal as submitted, approve it with conditions, deny it or table it for further discussion or
183 information. The subdivider or his agent shall attend to present the proposal. In determining
184 the acceptance of a proposed subdivision, the Council shall consider:

185 A) The objectives of the ordinance.

186 B) The availability of public services to accommodate the proposed development.

187 C) The public financial capability of supporting services for the proposed development.

188 D) Other health, safety or environmental issues that may be brought to the Council's
189 attention.

190 **3.1.6** If preliminary approval is granted, the subdivider submits the original and two copies of
191 the final plat, prepared in compliance with title 50, chapter 13 of the Idaho Code, as amended
192 and in compliance with any conditions imposed upon the preliminary plat approval, to the City
193 Council. Also, cross sections and profiles of streets and all other construction drawings related
194 to all improvements to be constructed as part of the project must be submitted. All plats must
195 be signed and stamped by a professional surveyor licensed in the State of Idaho. All
196 construction drawings must be signed by a professional engineer licensed in the State of Idaho.

197 **3.1.7** When the final plat and accompanying documents are deemed to be complete, the
198 proposal will be placed on the next available City Council agenda for review and signature by
199 the Mayor or designee and the City Clerk. Such signature shall only be affixed once the
200 infrastructure is completed to the satisfaction of the City; or a sufficient cash deposit or
201 completion bond has been provided and accepted by the City, guaranteeing the installation of
202 required infrastructure.

203 **3.1.8** If approval is given, the subdivider shall:

204 A) Cause the plat to be recorded within one year after the plat is signed by the Mayor or
205 designee; otherwise, such approval will become null and void unless prior to said
206 expiration date an extension of time is applied for by the subdivider and is granted by
207 the Council.

208 B) Complete the infrastructure required for the subdivision, prior to the City signing the
209 plat, or subdivider shall provide sufficient cash deposit or completion bond to provide
210 for installing of infrastructure, as set forth hereinafter.

211 C) Shall not begin the marketing and sale of lots until the final plat is recorded with the
212 Bear Lake County Recorder.

213 **3.1.9** The City assigns addresses to the lots on the final plat and Subdivider will record the
214 final plat in the office of the Bear Lake County Recorder.

215 **3.1.10** When City-owned improvements are required, the subdivider and his contractors shall
216 meet with City representatives in a preconstruction conference. The subdivider may also be
217 required to meet with appropriate utility providers. All contactors working on City-owned
218 systems and in City-owned rights-of-way shall provide a surety bond to the City to cover the
219 improvements and possible damage.

220 **3.2 APPLICATION FOR SHORT PLAT/SMALL SUBDIVISION;**

221 Under the conditions listed below, approval of the preliminary subdivision and approval by the
222 City Council as listed in Section 3.1 and approval by the City Council shall be authorization for
223 the subdivider to sell lots proposed on such plat and the requirements of a final plat shall be
224 waived. Final plat shall not be required when all the following conditions exist:

225 **3.2.1** The subdivision consists of 5 or fewer lots including any parcels which have previously
226 been divided from the same parcel from the time of the adoption of this ordinance.

227 **3.2.2** The subdivision does not require the dedication of any land for street, utility easement,
228 or other public purpose.

229 **3.2.3** All of the subdivision lots meet the frontage and area requirements of the current
230 *Building Lot and Standards Ordinance*.

231 **3.2.4** The subdivision is not traversed by the mapped lines of a proposed street or a street to
232 be widened.

233 **3.2.5** The lots will be served by Bloomington municipal water and sewer systems, if
234 applicable.

235 Subdividers of short plat/small subdivisions shall provide the City with a guarantee on
236 improvements as provided for in this ordinance.

237 **3.3 PRELIMINARY PLAT AND APPLICATION REQUIREMENTS**

238 The preliminary plat shall meet the provisions of the Idaho Code, shall be drawn to a scale not
239 smaller than 100 feet to the inch and shall be on paper no larger than 34" x 42". The plat and
240 attached application and any other documentation shall show:

241 **3.3.1** The name of the proposed subdivision which shall not duplicate or be similar in spelling
242 or sound to any other subdivision in Bear Lake County.

243 **3.3.2** The subdivision location as forming a part of a larger tract or parcel, where the plat
244 submitted covers only a part of the subdivider's tract or only a part of a larger vacant area. In
245 such case, a sketch of the prospective future street system of the part submitted shall be
246 considered in light of adjustments and connections with the future street system of the larger
247 area. The preliminary plat shall show all property owned or optioned by the subdivider
248 pertaining to the proposed subdivision at hand.

249 **3.3.3** A description of the current land use of the subject property.

250 **3.3.4** Sufficient information to locate accurately the property shall be shown on the plat
251 including a legal description. At least two public land survey corners must be shown. A copy of
252 the County ownership plat is to be submitted. The corner perpetuation recording information
253 must also be shown, (50-1304 (g) Idaho Code).

254 **3.3.5** The names, addresses, telephone numbers and other contact information of the
255 subdivider, the surveyor of the subdivision and any other professional persons involved in the
256 proposed subdivision.

257 **3.3.6** The names and addresses of all owners of the land immediately adjoining the land and
258 beyond any public thoroughfare from the subject property to be subdivided shall be shown on
259 the preliminary plat.

260 **3.3.7** Contours representing the topography of the land will be shown at one (1) foot intervals
261 except in cases where the slope is greater than 10%. In this case two (2) foot intervals will be
262 used.

263 **3.3.8** The boundary lines of the tract to be subdivided, including total acreage proposed for
264 subdivision and a statement of the intended use of the subdivision.

265 **3.3.9** The location, widths, and other dimensions of all existing or platted streets and other
266 important features such as easements, water courses (including irrigation canals and ditches),
267 exceptional topography, bridges and buildings within or immediately adjacent to the tract to be
268 subdivided.

269 **3.3.10** Existing power lines, sanitary sewer, water supply mains, and culverts within the tract
270 and immediately adjacent thereto.

271 **3.3.11** The flood hazard boundaries according to the Federal Flood Insurance Administration
272 Maps.

273 **3.3.12** The locations, widths, and other dimensions of proposed public streets, private streets,
274 alleys, utility easements, parks, other open spaces and lots, with proper labeling of spaces
275 dedicated to the public, or designated as private streets laid out so they will connect with
276 existing streets without causing bottlenecks.

277 **3.3.13** North point, scale, and date.

278 **3.3.14** A review copy of proposed Covenants, Conditions and Restrictions (CC&Rs) and / or
279 deed restrictions.

280 **3.3.15** The proposed layout, dimensions, size, and number of each lot.

281 **3.3.16** To ensure adequate water supply to each new subdivision development, all subdivision
282 preliminary plat applications will include water modeling results which will show that the new
283 subdivision can be developed in a manner that will provide an adequate water supply for
284 domestic water and fire protection and that the new subdivision will not adversely affect the
285 City’s ability to continue to provide adequate domestic water and fire protection to the existing
286 water system users. This will be provided by the subdivider at the subdivider’s cost. Also, cost
287 of the review of this modeling will be at the cost of the subdivider. Modeling shall be performed
288 during peak usage months (July-August).

289 **3.3.17** To ensure adequate sewer treatment service by the City, each subdivision preliminary
290 plat application to the City will include sewer service treatment modeling results which will
291 show that the new subdivision can be developed in a manner that will provide adequate sewer
292 service and sewer treatment capacity by the City and that the new subdivision will not
293 adversely affect the City’s ability to continue to provide adequate sewer treatment capacity to
294 the existing sewer system users. This will be provided by subdivider at subdivider’s cost. Also,
295 the expense of the review of this modelling will be at the cost of the subdivider.

296 **3.3.18** The applications herein required shall be signed by all property owners of the subject
297 property and by the subdivider/developer before filing. Any submittals will be deemed to be
298 lodged, but not filed, until the City determines that the materials lodged constitute a completed
299 application.

300 **3.4 PRELIMINARY PLAT APPROVAL**

301 The preliminary plat shall be reviewed by the City Council. The City Council may approve or
302 reject the preliminary plat or grant approval with conditions stated. Such decision shall be
303 made within sixty (60) days from the time the submission is complete. Approval of the
304 preliminary plat by the City Council shall not constitute final acceptance of the subdivision by
305 the City Council. If approved, one copy of the preliminary plat signed by the Mayor will be given
306 to the subdivider which shall be authorization to proceed with preparation of the final plat and
307 detailed construction drawings and specifications for the improvements required in this
308 ordinance.

309 **3.5 TIME LIMITATION**

310 Approval of the preliminary plat by the City Council shall be effective for a maximum period of
311 one (1) year after approval unless, upon application of the subdivider, the City Council grants an
312 extension. If the final plat has not been submitted within one (1) year, or the approved
313 extension period, the preliminary plat must again be submitted as a new application to the City
314 Council for consideration. However, preliminary approval of a large tract shall not be voided,
315 provided that the final plat of the first phase is submitted for final approval within the one (1)
316 year period.

317 **3.6 GRADING LIMITATION**

318 No construction, excavation, grading, or regrading shall take place on any land until a
319 preliminary subdivision plat has been approved. Once the final plat has been given final
320 approval it can be recorded by the subdivider in the Office of the Bear Lake County Recorder, at

321 which time all required infrastructure will have been completed or guarantees have been
322 accepted by the City sufficient to complete the infrastructure

323 **CHAPTER IV**

324 **FINAL PLAT**

325 **4.1 TENTATIVE FINAL PLAT:**

326 **4.1.1** Prior to submission of the final plat, the subdivider shall submit two (2) copies of the
327 tentative final plat to the City which shall check it for compliance with the requirements and
328 conditions of preliminary plat approval and for accuracy.

329 **4.1.2** One (1) copy of the checked tentative final plat will be returned to the subdivider with
330 required changes being noted, if any.

331 **4.2 FINAL PLAT FILING:**

332 After compliance with the provisions of this ordinance, the subdivider shall submit a final plat,
333 as required by Section 3.3 and five (5) paper copies thereof to the City. Such plat shall include a
334 certificate by the subdivider's engineer surveyor indicating that all lots meet the requirements
335 of this ordinance. The final plat and accompanying information shall be submitted to the City
336 Council at least ten (10) working days prior to a regularly scheduled City Council meeting in
337 order to be considered at said meeting.

338 **4.3 FINAL PLAT REQUIREMENTS:**

339 The final plat shall consist of a sheet of Mylar approved by Bear Lake County, to the outside or
340 trim dimensions of 18" x 27". All lines, dimensions, and markings shall be made on the mylar
341 with approved waterproof black Drawing Ink. Margins should be at least 3.5 inches on the left
342 and 0.5 inch on the remaining three sides. (Image size 17" X 23"). The plat shall be made to a
343 scale large enough to clearly show all details, in any case not smaller than 100 feet to the inch,
344 and the workmanship on the finished drawing shall be neat, clean, and readable. The plat shall
345 be signed by all parties (mentioned in subparagraph 4.3.6 of this section) duly authorized and
346 required to sign, and shall contain the following information:

347 **4.3.1** A subdivision name approved by the Bear Lake County Planning and Zoning Department
348 and the general location of the subdivision in bold letters at the top of the sheet.

349 **4.3.2** Accurately drawn boundaries showing the proper bearings and dimensions of all
350 boundary lines of the subdivision. These lines should be slightly heavier than street and lot
351 lines.

352 **4.3.3** The widths, lengths, bearings, and curve data on centerline of proposed streets, alleys,
353 and easements; the boundaries, bearing the dimension of all portions within the subdivision as
354 intended to be dedicated to the use of the public; the lines, dimensions, bearings, and numbers
355 of all lots, blocks, and parts reserved for any reason within the subdivision. All lots are to be
356 numbered consecutively on their sides by numbering approved by the City. The City shall
357 provide an address number to each residential or business lot which shall be shown on the plat.

358 **4.3.4** The standard forms approved by the City Council for all subdivision plats lettered for the
359 following:

360 A) Legal description of land to be included in the subdivision.

361 B) State of Idaho licensed land surveyor's Certificate of Survey

- 362 C) Owner's Dedication Certificate
- 363 D) Notary Public's acknowledgment of owner's signature(s).
- 364 E) Surveyor's Certificate of Approval.
- 365 F) Southeast Idaho Health Department's Certificate of Approval.
- 366 G) Mayor's Certificate of Acceptance attested by the City Clerk.
- 367 H) A three (3) by three (3) inch block in the lower right-hand corner of the drawing for
- 368 recording information.

369 **4.3.7** A copy of the CC&R's or Protective Covenants in recordable form or previously recorded
370 if applicable.

371 **4.4 AMENDED PLATS**

372 When the subdivider encounters problems which may require changes to a recorded plat of a
373 subdivision, approval of said changes must be approved by the City Council and the plat re-
374 recorded.

375 **4.5 FINAL PLAT APPROVALS**

376 **4.5.1** The final plat and associated documents shall be reviewed by the City's designated
377 licensed engineer. The City's designated licensed engineer shall check the engineering
378 requirements, construction drawings, and determine the amount of the surety to assure
379 construction of improvements where necessary. The final plat and associated documents will
380 be submitted by the subdivider to the Southeast Idaho Public Health for review of health-
381 related items and a signature, if approved.

382 **4.5.2** The final plat, the subdivision agreement, and other applicable documents shall be
383 reviewed by the City. The City Council shall then either approve or reject the subdivision final
384 plat. If approved, the final plat shall be held by the City until the subdivider pays the required
385 fees and completes the improvements and/or provides the guarantee(s) on improvements.
386 Upon compliance with these requirements, the Mayor shall sign and the City Clerk attest the
387 plat and the subdivision agreement. The final plat and subdivision agreement shall then be
388 submitted to the office of the Bear Lake County Recorder by the subdivider for recording. No
389 building permits for structures shall be issued until the infrastructure is complete and the final
390 plat is recorded.

391 **4.5.3** No final plat shall be recorded in the office of the County Recorder, and no lots included
392 in such final plat shall be sold or exchanged, unless and until the plat is so approved, signed,
393 and accepted.

394 **4.5.4** Any final plat not approved and signed, or which shall not be offered for recording
395 within one (1) year after the date of final approval, unless the time is extended by the City
396 Council, shall not be recorded and shall have no validity whatsoever.

397 **4.5.5** It shall be unlawful for any person to change the lines, drawings, lot sizes or shapes, or
398 any other provision of a plat after it has received approval by any person whose approval is
399 required. Any plat that is changed in violation of this paragraph is void and the subdivider shall,
400 upon conviction thereof, be punished as set forth in this ordinance. In addition, the City may
401 compel the person recording the plat to withdraw the plat from the County Recorder's office or
402 to file a notice; or the City may itself file a notice that the recordation of the plat is void. The

403 subdivider is responsible for recording all subdivision plats. The subdivider is responsible for all
404 recording and associated fees.

405 **4.5.6** Prior to final approval of any subdivision, the subdivider shall enter into an agreement
406 with the City of Bloomington which shall be substantially in the form set out as *Addendum No.*
407 *1. Subdivision Agreement.*

408 **CHAPTER V**

409 **SUBDIVISION STANDARDS**

410 **5.1 RELATION TO ADJOINING STREET SYSTEM**

411 The arrangement of streets in new subdivisions shall make provision for the continuation of the
412 existing streets in adjoining areas (or their proper protection where adjoining land is not
413 subdivided), insofar as such may be deemed necessary by the City Council for public
414 requirements. The street arrangement shall not cause unnecessary hardship to owners of
415 adjoining property when they plat their own land and seek to provide for convenient access to
416 it. Half streets along the boundary of land proposed for subdivision or within any part of a
417 subdivision will not be permitted.

418 **5.2 STREETS**

419 **5.2.1** The minimum right-of-way widths of proposed public streets shall be as follows:

420 RIGHT-OF-WAY WIDTH	ROADWAY WIDTH
421 A) Major Arterial – 99 feet	no less than 24 feet
422 B) Minor Arterial – 99 feet	no less than 24 feet
423 C) Minor Terminal – 99 feet	no less than 24 feet
424 D) Local Street – 60 feet	no less than 24 feet

425 Greater widths may be required by the City, when deemed necessary.

426 **5.2.2** Minor terminal streets (cul-de-sacs) shall not be longer than six hundred feet (600) from
427 the centerline of the adjoining street to the center of the cul-de-sac. Each cul-de-sac must be
428 terminated by a turn-around of not less than one-hundred (100) feet in diameter. If surface
429 water drains into the turnaround due to the grade of the street, necessary catch basins and
430 drainage systems and easements must be provided. Must be contained within the BLOCK!

431 **5.2.3** Marginal access streets of not less than fifty (50) feet in width shall be required
432 paralleling all limited access arterial streets, unless the subdivision is so designed that lots back
433 or side onto such arterial streets. This would apply to commercial or industrial.

434 **5.2.4** Intersections: The intersection of more than two streets at one point shall be
435 prohibited. Streets shall intersect at a ninety (90) degree angle.

436 **5.2.5** Standard Street Sections: All proposed public streets, shall conform to the *City of*
437 *Bloomington Road Construction Guidelines/Standards*, as now or hereafter adopted.

438 **5.2.6** Street Grades: Street grades over a sustained length shall conform to the *City of*
439 *Bloomington Road Construction Guidelines/Standards*, as now or hereafter adopted.

440 **5.2.7** Street Names and Numbers: Names of new streets shall not duplicate existing or platted
441 street names unless a new street is a continuation of or in alignment with the existing or

442 platted street. House numbers shall be assigned by the City. All new streets shall be numbered
443 in a general north-south or east-west direction. The City will exercise final authority in
444 determining street names for all roadways in the City.

445 **5.3 BLOCKS**

446 **5.3.1** The maximum length of blocks shall be 660 feet and the minimum length of blocks shall
447 be 450 feet.

448 **5.3.2** Blocks intended for business or industrial use shall be designed specifically for such
449 purposes, taking into consideration requirements for off street parking and loading.

450 **5.4 LOTS**

451 **5.4.1** The lot arrangement and design shall be such that lots will provide satisfactory and
452 desirable sites for buildings and be properly related to topography, geologic hazards, existing
453 and probable future utilities, rights-of-way, and other requirements.

454 **5.4.2** All lots shown on the subdivision plat must conform to the minimum area and width as
455 set forth in the current City of Bloomington *Building Lot and Standards Ordinance* unless a
456 variance is granted by the City Council.

457 **5.4.3** Each lot shall have frontage on a public street dedicated by the subdivision plat, or an
458 existing publicly dedicated street

459 **5.4.4** Corner lots shall have extra width sufficient for maintenance of required yards on both
460 street frontages.

461 **5.4.5** Side lot lines shall be at right angles to the street line, or at right angles to the tangent of
462 the curve of the street line.

463 **5.4.6** No lots shall be platted in areas subject to flooding unless adequate flood protection
464 measures are taken.

465 **5.5 EASEMENTS**

466 Easements for culinary water, sewer, power, fiber installations, irrigation water, storm water
467 drainage, and other utilities shall be provided by the subdivider and designated on the plat as
468 required to accommodate the utility systems in the subdivision. Where natural drainage
469 channels, interceptor systems, or flood hazard zones cross the subdivision, the subdivider must
470 obtain the necessary permits to modify such drainage facilities and designate the channels,
471 systems, or flood hazard zones, and any associated restrictions, on the plat.

472 **CHAPTER VI**

473 **SUBDIVISION IMPROVEMENTS**

474 **6.1 APPLICATION:** The provisions of this chapter apply to all property owners located within any
475 subdivision. Its provisions shall also apply to all transferees, assignees, or purchasers.

476 **6.2 IMPROVEMENTS REQUIRED:** The required improvements within any subdivision in the City will
477 be:

478 **6.2.1 WATER LINES.** The subdivider will install at his/her own expense to make the water
479 supply available to each lot within the subdivision, including laterals to the property line of each
480 lot. The sizes of water mains will be determined by the City. The water main will be of such size
481 as to deliver a minimum G.P.M. (gallons per minute) as required by the City designated
482 engineer with a residual pressure no less than 30 P.S.I (pounds per square inch).

483 **6.2.2 SEWER LINES.** The subdivider will provide for connection to the City sewer in a manner
484 satisfactory to City. The subdivider is required to connect to the sewer (if available) and provide
485 adequate lateral lines to the property line of each lot. Such sewer connections and subdivision
486 sewer systems will comply with the regulations and specifications of the City.

487 **6.2.3 STREET CONSTRUCTION AND SURFACING.** All streets will be graded and surfaced in
488 asphalt in accordance with the *City of Bloomington Road Construction Guidelines/Standards*.

489 **6.2.4 CURBS AND GUTTERS.** Curbs and gutters shall be installed by the subdivider, upon
490 request of the City, for existing and proposed public streets and, if installed, will be in
491 accordance with the specifications of this ordinance. Curb and gutter will be standard high back
492 style or standard roll curb. It will be placed on six (6) inches of compacted untreated base
493 course as foundation material. All driveway approaches will be constructed of concrete six (6)
494 inches thick with six (6) inches of compacted untreated base course as foundation materials.
495 The costs of all materials and labor to meet this requirement will be borne by the
496 subdivider/developer.

497 **6.2.5 STREET DRAINAGE.** Adequate drainage structures will be required where necessary in
498 the opinion of the City.

499 **6.2.6 SIDEWALKS.** Sidewalks will be installed where required by the City Council and
500 according to the specifications of the City.

501 **6.2.7 DRIVEWAY APPROACHES.** Residential driveway approaches will be a minimum of ten
502 (10) feet and a maximum of thirty (30) feet in width. Commercial and industrial driveway
503 approaches will be a minimum of fifteen (15) feet and a maximum of forty (40) feet in width. All
504 driveway approaches will be constructed with six (6) inches of compacted untreated base
505 course as foundation materials. No driveway approach to a commercial property will be closer
506 than forty (40) feet measured along the property line to the point of intersection of two
507 property lines at any street intersection. Adequate culverts may be required to allow for the
508 flow of runoff per 6.2.5 above.

509 **6.2.8 MONUMENTS.** Permanent survey monuments will be accurately set and established at
510 the intersections of centerline of streets within the subdivision and intersections with
511 centerline of existing streets and the beginning and ends of curves on center lines or points of
512 intersections or tangents. All permanent survey monuments will remain in place, or be reset at
513 the subdivider's expense, after curbs, gutters, and sidewalks are installed. Monuments will be
514 of type approved by the State of Idaho, and all subdivision plats will be tied to two government
515 land survey corners of record, as established by the State of Idaho.

516 **6.2.9 DITCHES.** The subdivider will provide a means whereby irrigation water shall be made
517 available to all lots within a subdivision or will have the land withdrawn from the assessments
518 of the applicable irrigation district prior to plat approval. All gravity flow ditches through which
519 water will continue to flow within a subdivision after its completion will remain in use and be
520 piped with a minimum pipe size of at least 18 inches and will be approved by the City and

521 irrigation company. Irrigation ditches which will not carry irrigation water flow may be
522 removed.

523 **6.2.10 FIRE HYDRANTS.** Fire hydrants will be installed and will be the type, size and in such
524 locations as required by Bear Lake County and the City.

525 **6.2.11 STREET SIGNS.** The subdivider will provide adequate street signs to provide access by
526 fire and other emergency equipment.

527 **6.2.12 FENCING OF SUBDIVISIONS.** A permanent solid board, metal chain link, masonry, or
528 other similar fence six (6) feet in height shall be installed along all subdivision boundaries where
529 adjacent uses are found to be noncompatible by the City Council. Upon installation, full
530 responsibility for the fence repair and maintenance will become that of the subdivision lot
531 owner(s).

532 **6.2.13 STAKING OF LOTS.** Survey stakes will be placed at all lot corners to completely identify
533 the lot boundaries on the ground. Survey stakes will be 5/8" rebar at least 2' long. All lot
534 corners must be in place prior to the issuance of building permits and after completion of all
535 subdivision improvements.

536 **6.3 GUARANTEE OF IMPROVEMENTS**

537 In lieu of the actual completion by the subdivider and acceptance by the City Council of the
538 improvements required by this ordinance and before the recording of the final plat, the
539 subdivider will guarantee the installation and construction of the required improvements within
540 eighteen (18) months from the date of final approval and that the improvements will be
541 maintained in a state of good repair, free from defective material or workmanship, for a period
542 of one (1) year from the date of completion by the following methods:

543 **6.3.1 CASH DEPOSIT.** The subdivider will furnish and file with the City a cash deposit, Letter of
544 Credit from an approved bank or a completion (surety) bond in an amount equal to one-
545 hundred and twenty five percent (125%) of the cost of improvements not previously installed,
546 as estimated by the Engineer, to assure the installation and construction of such improvements
547 within eighteen (18) months immediately following the approval of the subdivision plat by the
548 City Council. Said cash deposit, letter of credit, or surety bond must be approved by the City
549 Council, and will guarantee that the improvements will be maintained in a state of good repair,
550 free from material or workmanship defects, for a period of twelve (12) months from the date of
551 completion. After twelve (12) months following the completion of the improvements for which
552 a cash deposit has been filed, the subdivider shall call for inspection by the City. If inspection
553 shows that the standards and specifications have been met in completion of such
554 improvements, the bonds will be released within thirty (30) days from the time of inspection
555 and notification to City Treasurer. A new cash deposit in the amount of twenty-five percent
556 (25%) of the cost of the improvements will remain in force for a period of twelve (12) months
557 after the construction completion inspection for the purpose of guaranteeing all improvements,
558 at which time improvements will be inspected again by the City. If found to be in satisfactory
559 condition, the City shall release the bond. If not, the City will order the subdivider to make
560 necessary repairs to the improvements. If the subdivider refuses or neglects to make the
561 necessary repairs, the City will inform the City Council which may order the work done using
562 the proceeds from the cash deposit to the defray expenses in making such repairs.

563 **6.3.2 SURETY (COMPLETION) BOND.** The City Council may permit the subdivider to provide a
564 financial guarantee of performance by providing a subdivision or completion bond. The bond

565 shall be with a surety company authorized to do business in the State of Idaho, acceptable to
566 the City Council and meeting the following requirements:

- 567 1. Accrual: The bond shall accrue to the City covering the construction of the specific
568 subdivision improvements.
- 569 2. Amount: The construction or completion bond shall be in an amount equal to one
570 hundred twenty-five percent (125%) of the total estimated cost for completing
571 construction of the specific subdivision improvements, as estimated by the City-
572 designated engineer and approved by the Council.
- 573 3. Term: The term length in which the construction or completion bond is in force
574 shall be for a period to be specified by the City Council for the specific subdivision
575 improvements.

576 **CHAPTER VII**

577 **FEES**

578 **7.1 APPLICATION FEE**

579 At the time of filing the preliminary plat and subdivision application, the subdivider will deposit
580 with the City Clerk a non-refundable fee made payable to City of Bloomington. The City Council
581 shall, by resolution from time to time prescribe the amount of such fee, which will be for the
582 purpose of reimbursing the City for the cost of checking and reviewing such subdivision plats
583 and application materials. The costs of any notices of hearing on such applications will be the
584 responsibility of the subdivider/developer.

585 **7.2 RECORDING FEE**

586 At the time of recording the final plat, the subdivider shall be responsible for the recording fees,
587 as such are required by the Recorder for Bear Lake County.

588 **7.3 INSPECTION FEE**

589 Prior to recording the final plat, the subdivider will deposit with the City a construction
590 inspection fee. The City Council shall, by resolution, from time to time prescribe the amount of
591 such fee, which will be for the purpose of reimbursing the City for the expense of review and
592 inspection of the subdivision improvements.

593 All fees are on the *Schedule of Fees and* are located in the City Clerk's office or on the City website at
594 www.bloomingtonidaho.net.

595 **CHAPTER VIII**

596 **CONFLICTS**

597 **8.1. CONFLICT:**

598 Whenever regulations in this ordinance require higher standards than are required in other
599 ordinances or laws, the provisions of this ordinance will govern. Whenever regulations of other
600 ordinances or laws require higher standards than the provisions of this ordinance, then said
601 ordinances or laws will govern.

602 **8.2 SEVERABILITY:**

603 This ordinance and the various parts, sections and clauses are hereby declared to be severable.
604 If any part, section, paragraph, sentence, clause, or phrase is adjudged unconstitutional or
605 invalid, it is hereby declared that the remainder of the ordinance shall not be affected thereby.

606 The City Council of the City of Bloomington hereby declares that it would have passed this
607 ordinance and each part, section, paragraph, sentence, clause and phrase thereof, irrespective
608 of the fact that any one or more portions thereof be declared invalid by a court of competent
609 jurisdiction.

610 **8.3 RESPONSIBILITY FOR VIOLATIONS:**

611 It will be the duty of all owners, architects, contractors, land surveyors, engineers, subdividers,
612 subcontractors, builders, and other persons having to do with the establishment of any division,
613 partition, sale or use of land or the erection, altering, changing or remodeling of any building or
614 structure to see that a proper plat has been approved before such work is begun. Any such
615 owner, architect, builder, land surveyor, engineer, contractor or other person doing or
616 performing any such work without a plat having been approved is in conflict with the
617 requirements of this ordinance and will be deemed guilty of violation of this ordinance in the
618 same manner and to the same extent that the owner of the premises or the persons for whom
619 the development is established, or for whom such buildings are erected or altered, and will be
620 subject to the fines herein prescribed for violation.

621 **8.2 PENALTIES:**

622 Any person, firm, or corporation, whether as a principal, agent, employee or otherwise, who
623 will violate the terms, regulations and restrictions of this ordinance will be guilty of an infraction
624 and shall be punished by a fine in any sum not exceeding three hundred dollars (\$300.00). Such
625 person, firm, or corporation violating this ordinance or any part thereof will be deemed to be
626 guilty of a separate offense for each and every day during which such violation is committed,
627 continued, or permitted by such person, firm, or corporation and will be punishable as provided
628 by law as a separate offense.

629 **CHAPTER IX**

630 **AMENDMENTS**

631 **9.1 AMENDMENT PROCEDURES:**

632 The Council may, from time to time, amend, supplement, or repeal the regulations
633 and provisions of this ordinance in the manner prescribed by Idaho Code. A proposed
634 amendment, supplement, or repeal may be originated by the Council or by
635 application. All proposals not originating with the Council shall be referred to the
636 Council for report thereon before any action is taken on the proposal.

637 **Section 2: REVOCATION OF CONFLICTING ORDINANCES:** This ordinance repeals ordinance 2003-2.

638 **Section 3: THREE READINGS:**

639 The requirement that ordinances be read on three separate occasions is hereby
640 dispensed with, and this ordinance shall become effective upon its passage, approval,
641 and publication, as provided by law.

642 **Section 4: EFFECTIVE DATE:**

643 This ordinance shall be in full force and effect upon passing and signing. Passed and
644 approved by the Mayor and City Council of the City of Bloomington, Idaho, on this the
645 _____ day of _____, 2024.

646

647 Attest:

Sign:

648

649

650 Debbie Thomas, City Clerk

Roy A. Bunderson, Mayor

651

DRAFT