

1 **ORDINANCE NO. 261**

2 AN ORDINANCE OF THE CITY OF FAIRFIELD, CAMAS COUNTY, IDAHO, AMENDING  
3 **SUBDIVISION ORDINANCE #165** ARTICLE 5 SPECIAL DEVELOPMENT

4 SUBDIVISIONS:

5 SECTION 2 -Amend language to set standards for private streets. Add subsection to reference  
6 outdoor lighting requirements. Add subsection for approval criteria, pre-application review,  
7 preliminary development plan and final development plan for planned unit developments;

8 SECTION 3-Amend language to reference manufactured home subdivisions and not mobile  
9 home subdivisions;

10 SECTION 4 -Amend language referencing mobile home parks to include specific standards for  
11 such parks. Additional language added to prohibit a mobile homes on individual lots outside  
12 parks and to include regulations for other mobile homes and manufactured units.

13 SECTION 5-Amend language to reference recreational vehicle parks while deleting language for  
14 travel trailers. Add regulations for space minimum, fire protection, water and garbage while  
15 outlining application requirements;

16 SECTION 8 - Amend language to include building envelopes in a floodplain and means of flood  
17 proofing such buildings. Add criteria for commissioner findings and flood proofing plans;

18 SECTION 9 -Add wetlands and intermittent streams to critical concern areas;

19 SECTION 10-Add section to clarify applicant is responsible for noxious weed control, water  
20 conservation measures, and use of native plants. Any development within a wetlands area may  
21 require federal review.

22 WHILE PROVIDING A SEVERABILITY CLAUSE AND EFFECTIVE DATE.

23 **WHEREAS**, the City of Fairfield, Camas County, Idaho, is a municipal corporation formed  
24 pursuant to the laws of the State of Idaho; and

25 **WHEREAS**, following Fairfield Planning and Zoning Commission public workshop on May 12,  
26 2015, and August 27, 2015. Public hearings held by the Fairfield Planning and Zoning  
27 Commission on \_\_\_\_\_, 2015 the Planning and Zoning Commission made recommendation to  
28 the City Council on \_\_\_\_\_ to approve/deny amending Subdivision Ordinance #165 Article 5  
29 Special Development Subdivisions; and

30 **WHEREAS**, after holding public workshops, public hearings, and providing legal notice, all  
31 according to law, the City Council of the City of Fairfield, Camas County, Idaho, voted to  
32 approve/deny such amendments on \_\_\_\_\_, 2015 ; and  
33

34 **WHEREAS**, Section 67-6509, Idaho Code, provides that the city may amend the subdivision  
35 ordinance; and

1 **WHEREAS**, the City of Fairfield Subdivision Title was last updated in 1992. Amendments  
2 include language to clarify requirements for private streets, while providing criteria for review of  
3 a planned unit development.

4 **WHEREAS**, standards have been outlined for manufactured homes and subdivisions while  
5 deleting mobile home subdivisions. Existing language for mobile home parks has been updated  
6 to include more specific guidelines.

7  
8 **WHEREAS**, travel trailer reference has been amended to recreational vehicle parks. Such  
9 amendments include specific regulations and application guidelines for such parks.

10  
11 **WHEREAS**, language has been added to include building envelopes within a floodplain area  
12 and means of flood proofing such buildings. Criteria was added for commissioner findings to  
13 determine if such development is appropriate in the floodplain. Such requirements are to reduce  
14 and protect structures from damage or loss while protecting riverbank erosion.

15  
16 **WHEREAS**, a new section was added to clarify subdividers responsibility for noxious weed  
17 control and use of native plants while also considering water conservation measures. Language  
18 was also added to inform subdivider that development within a wetlands area may require federal  
19 review.

20  
21 **NOW, THEREFORE**, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE  
22 CITY OF FAIRFIELD, CAMAS COUNTY IDAHO:

23 **SECTION 1.** That the City of Fairfield Subdivision Ordinance Number #165, Article 5 Special  
24 Development Subdivisions are to be amended with the following additions indicated as double  
25 underlined and deletions crossed out:

26 ARTICLE CHAPTER 6

27 SPECIAL DEVELOPMENT SUBDIVISIONS

28 Sections:

- 29 6-1: Purpose  
30 6-2: Planned Unit and Condominium Subdivisions  
31 6-3: ~~Mobile~~ Manufactured Home Subdivision  
32 6-4: Mobile Home Parks and ~~Other Mobile Homes/~~ Manufactured Unit Regulations  
33 6-5: ~~Travel Trailer~~ Recreational Vehicle Park  
34 6-6: Large Scale Development Subdivision  
35 6-7: Cemetery Subdivision  
36 6-8: Subdivision within a Flood Plain  
37 6-9: Subdivision within an Area of Critical Concern  
38 6-10: Environmental:

39  
40 6-1: PURPOSE

1 The purpose of this article is to identify the various types of special developments that normally  
2 pose special concerns to the Planning and Zoning Commission and elected City officials when  
3 reviewing and acting upon subdivision requests. Therefore, this outlines the general plan,  
4 submittal requirements and design standards that shall be taken into consideration and design  
5 standards that shall be taken into consideration when acting on special developments. The  
6 provisions herein are in addition to the plan requirements and designs standards that are required  
7 in Chapters 3 and 4 of this title. The required information shall be submitted to the Commission  
8 with the preliminary plat.

9 6-2: PLANNED UNIT AND CONDOMINIUM SUBDIVISIONS

10 Planned unit and condominium developments are permitted in all zones and shall be subject to  
11 requirements set forth in the Zoning Ordinance and also subject to all provisions within this  
12 Ordinance.

13 A. MINIMUM AREA:

14 A planned unit development for the following principal uses shall contain an area of not less  
15 than:

- 16 1. Two (2) acres or one (1) City block for residential use, or for mobile and  
17 manufactured home subdivision or parks.
- 18 2. Three (3) acres for residential use with subordinate commercial or industrial use.
- 19 3. Seven (7) acres for commercial use, and/or industrial use.

20 B. SITE DEVELOPMENT PLAN:

21 The developer shall provide the Commission with a colored rendering of adequate scale to show  
22 the completed development that will include at least the following:

- 23 1. Architectural style and building design.
- 24 2. Building materials and color.
- 25 3. landscaping and drainage.
- 26 4. Screening.
- 27 5. Garbage areas.
- 28 6. Parking.
- 29 7. open space, and
- 30 8. Any other pertinent feature of the proposed project.

31 C. PRIVATE STREETS:

32 Private street construction standards shall be based upon recommendations from the City  
33 Engineer and Commission. Adequate construction standards may vary depending on the size of

1 the development and the demands placed on such improvements. Private streets may be utilized  
2 within the project, subject to the requirements of the Subdivision Ordinance, chapter 4 of this  
3 code, when the following requirements are met:

4 1. The commission, after recommendation from city staff and the fire chief, finds that the  
5 design of the proposed streets, pedestrian ways and off street parking is adequate to  
6 protect public health, safety and welfare and will adequately accommodate anticipated  
7 uses within the development, as well as appropriately contribute to the city's need for a  
8 connected street network.

9 2. Private streets shall be owned by a homeowners' association and all future repair and  
10 maintenance costs, including reconstruction, shall be borne by the homeowners.

11 3. If the owners in the future should request that the private streets be changed to public  
12 streets and no lots are rendered substandard as a result, the owners do fully agree that,  
13 before acceptance of such streets, the owners will bear full expense of reconstruction in  
14 making such streets conform to the requirements applicable at that time.

15 D. STORAGE AREA:

16 Storage areas shall be provided for the anticipated needs of boats, campers and travel trailers. For  
17 typical residential development, one (1) adequate space shall be provided every three (3) living  
18 units. This may be reduced by the Council if there is a showing that the needs of a particular  
19 development are less and upon the recommendation of the Commission.

20 E. PARKING SPACE:

21 Two (2) motor vehicle parking spaces shall be provided for each living unit plus one (1)  
22 additional motor vehicle parking space shall be provided for each three (3) living units.

23 F. MAINTENANCE BUILDING:

24 A maintenance building shall be provided, size and location to be determined by the type and  
25 service needed for the necessary repair and maintenance of all common areas.

26 G. OPEN SPACE:

27 The proposed development shall include not less than 10% of the gross area of the development  
28 less City rights-of-way. The open space shall be appropriate to the development and shall be of  
29 such shape and area to be usable and convenient to the residents of the development for  
30 individual family and/or group recreational activities.

31

32 H. Lighting Plan: An outdoor lighting plan shall be provided and in accordance with Title 8  
33 Zoning Ordinance, Chapter 8-8 Outdoor Lighting.

34 H.I. CONTROL DURING DEVELOPMENT:

1 Single ownership or control during development shall be required and shall be built and  
2 constructed as planned. The development must be completed within twelve (12) months of the  
3 date the principal permit is issued. If additional time is required for construction of the  
4 development the additional time is to be requested as part of the original application to the  
5 Commission.

6 I J. PERFORMANCE AND ASSURANCE:

7 The developer shall provide a performance bond or another form of assurance of the completion  
8 of project which is deemed acceptable by the Commission and the Council. In the event the  
9 developer is unable to complete the project as approved. the proceeds of the bond may be used as  
10 deemed appropriate by the Council to either return the property to its original condition or  
11 complete the project. Performance bond or another form of assurance shall be in accordance with  
12 the requirements specified in chapter 4-13.C. of this title.

13 K. APPROVAL CRITERIA:

14  
15 A PUD may be allowed in any in any zone; provided, that the decision body makes the following  
16 findings:

17 1. The underlying zoning and other applicable regulations under this title of this code are  
18 met, except as the applicant has specifically requested modifications to the standards as  
19 part of the PUD.

20 2. The proposed uses shall not be detrimental to present and potential surrounding uses;  
21 nor shall they be detrimental to the health, safety and general welfare of the public. The  
22 physical features of the site, public facilities, and existing adjacent developments and  
23 uses shall be considered.

24 3. The density of the PUD considered as a whole shall be in substantial conformity with  
25 the density of the underlying zone.

26 4. The final development plan must be in conformance with the preliminary plan.

27 5. The PUD must meet the general objectives of the City of Fairfield's comprehensive  
28 plan.

29 6. Existing and proposed streets and utility services must be suitable and adequate for the  
30 proposed development.

31 7. A development agreement is required between the developer and the city which  
32 delineates commitments of the developer to the city and of the city to the developer  
33 including, but not limited to, assurances for public and private improvements and  
34 maintenance of the same.

35 8. A PUD may be proposed in conjunction with an application to amend the zoning map  
36 and the comprehensive plan.

1 L. PREAPPLICATION REVIEW: The city staff and fire chief shall review said plans and  
2 data as submitted and advise the developer as to the general conformance or nonconformance of  
3 the proposed development with chapter 3, "Procedure For Subdivision Approval", of the  
4 Subdivision Ordinance.

5 M. PRELIMINARY DEVELOPMENT PLAN: Upon completion of the preapplication  
6 review, if the developer elects to proceed with the PUD process, he shall pay all fees and file  
7 with the city an application for a preliminary development plan and any other required  
8 application with the following required information:

9 1. All necessary information as specified for a preliminary plat under chapter 3,  
10 "Procedure For Subdivision Approval", of the Subdivision Ordinance.

11 2. If the applicant is requesting preliminary subdivision plat approval concurrently with  
12 the preliminary PUD approval, a preliminary subdivision plat shall be submitted.

13 3. A development schedule indicating to the best of applicant's knowledge the  
14 approximate date on which construction of all phases of the entire project can be  
15 expected to begin, the anticipated rate of development, and completion date. The  
16 schedule, if approved by the commission, shall become a part of the final development  
17 plan and shall be adhered to by the owner of the property in the PUD and his successors  
18 in interest.

19 4. Any additional information required by the city staff or commission.

20 Planning And Zoning Commission Review: The commission shall review the plans for  
21 conformance with this chapter and set the date for a public hearing. When a preliminary plat is to  
22 be considered as a part of the PUD, the public hearings may be combined to fulfill the  
23 requirements of chapter 3, "Procedure For Subdivision Approval", of the Subdivision Ordinance.  
24 After the public hearing, the commission shall recommend to the city council approval, approval  
25 with conditions, or disapproval of the PUD preliminary plat, if applicable.

26 Council Review: The council shall hold a second public hearing and shall approve, approve with  
27 conditions, or disapprove the PUD application. The council shall also approve, approve with  
28 conditions, or disapprove a preliminary plat at this time, where applicable. Council's approval of  
29 the plan shall be subject to the findings of this section.

30 N. FINAL DEVELOPMENT PLAN: Within one (1) year after approval of the preliminary  
31 development plan, the applicant shall submit to the city a final development plan for the entire  
32 PUD or a final development plan for the first phase of development if the PUD has been  
33 approved for phased development. The applicant shall submit final development plans for any  
34 subsequent phases within the time limit specified in the approval of the preliminary development  
35 plan.

36 The final development plan may be submitted to the commission upon approval by the city of  
37 detailed improvement plans, including private street construction, utility locations, drainage,

1 dedications of easements and public facilities, along with a proposed schedule for phasing. Any  
2 necessary agreements for maintenance, etc., shall be prepared and submitted for review and  
3 approval at this time. Items that shall be included in the final development plan in addition to that  
4 required by the preliminary development plan, or otherwise specified by law, the following  
5 information may be required to be shown on the plan:

6 1. Other plans and studies as required at preliminary approval such as a grading plan,  
7 soils engineer report, traffic study, detailed landscaping and buffering plans where  
8 required.

9 2. All necessary information and certificates as specified for a final plat under chapter 3,  
10 "Procedure For Subdivision Approval", of the Subdivision Ordinance.

11 Commission Recommendations On Final Plan: The commission shall recommend to the council  
12 approval, approval with modifications, or disapproval of the final development plan. The  
13 commission shall base an approval on evidence that the final development plan fulfills the  
14 requirements of the preliminary PUD approval and all applicable requirements of the subdivision  
15 title and of this code have been met.

16 Council Action On Final Plan: The council shall approve, approve with modifications, or  
17 disapprove the final PUD plan and the final subdivision plat or phasing proposal, where  
18 applicable. Approval of the final plan shall constitute the requirements for the land in the PUD.  
19 Any subsequent changes from the final plan shall be subject to approval by the commission and  
20 the city council.

21 6-3: ~~MOBILE-MANUFACTURED~~ HOME SUBDIVISION

22 A. GENERAL:

23 ~~Mobile-Manufactured~~ home subdivisions shall in general be treated the same as any residential  
24 subdivision, subject to any special requirements set forth in the Zoning Ordinance and also  
25 subject to the following special requirements. Review of such subdivision applications shall be in  
26 accordance with the procedures and requirements specified in chapter 3 of this title.

27 B. SPECIAL REQUIREMENTS:

28 ~~Mobile-Manufactured~~ home subdivisions shall be subject to the following special requirements:

29 1. Development as a planned unit development with a minimum lot area for the planned  
30 development of two (2) acres.

31 2. Essential community facilities and services for the type of development under  
32 consideration is available, or provisions shall be made to assure that these facilities will  
33 be provided.

34 3. The site shall be suitable for residential development, and not be subject to hazards or  
35 nuisances such as objectionable smoke, noxious odors, unusual noise or the possibility of  
36 flooding or erosion.

1 4. Adequacy of provisions for drainage of surface waters and for waste disposal.

2 5. Protection of existing ground cover.

3 6. Screening from adjacent areas, other than subdivisions of the same type, by  
4 aesthetically acceptable fences, walls, living plant areas, and existing natural or man-  
5 made barriers.

6 7. The width and construction of access streets shall be suitable for the vehicular traffic  
7 requirements of the property served. No lot within the development shall have direct  
8 vehicular access to a street bordering the development, and

9 8. It is recommended to consider the inclusion of a special building, either separate from  
10 or a part of project facilities, which shall be available to park occupants for meetings or  
11 recreational purposes.

12 C. DEFINITION OF MOBILE MANUFACTURED HOME:

13 1. ~~A mobile home is a residential structure of at least 720 square feet of actual floor~~  
14 ~~space. This s including the length of the tongue and tipouts and expando unities which are~~  
15 ~~constructed with an integral from of "I" beams or tubular steel which provides attachment~~  
16 ~~for transport axle assemblies and is also the structural foundation of the home itself.~~  
17 ~~Similar structures under 720 square feet actual floor space are considered recreational~~  
18 ~~vehicles.~~

19 2. ~~No mobile home will be permitted within the City of Fairfield which is not~~  
20 ~~constructed in compliance with the Idaho Mobile Safety Code in force at the time the~~  
21 ~~building permit is issued, and shall bear the Idaho Department of Commerce "Insignia of~~  
22 ~~Compliance".~~ "Manufactured home" means a structure, constructed after June 15, 1976,  
23 and in accordance with the HUD/FHA manufactured home construction and safety  
24 standards and section 39-4105, Idaho Code, which is designed to be used as a permanent  
25 residential dwelling.

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27 D. BUILDING PERMITS:

28 1. ~~No mobile~~ manufactured home may be moved in without having first ~~purchased~~  
29 ~~proper~~ an approved building permits and presenting a building plan to the City Planning  
30 and Zoning Council.

31 2. The building permit fee shall be based on the fee schedule in effect at the time the  
32 building permit is issued. The building permit fee shall be established by the Council and  
33 may be adjusted from time to time.

34 E. PLACEMENT STANDARDS:

35 ~~Mobile~~ Manufactured homes placed in ~~mobile home parks or mobile~~ manufactured home  
36 subdivisions shall be placed in conformance with the following standards:



1 1. ~~The mobile home shall have the wheels, towing assembly (if detachable), travel lights,~~  
2 ~~and all other transport hardware removed.~~

3 2. The mobile manufactured home shall have a continuous perimeter skirting which  
4 meets one of the following standards.

5 a. Metal skirting of the same or similar appearance as the exterior of the mobile  
6 manufactured home. If metal skirting is used, the wooden supporting members  
7 shall be separate from the ground by at least two (2) inches using galvanized  
8 stakes or similar metal members.

9 b. If the three-eighths inch exterior grade plywood skirting is used, any wood  
10 shall be separated from the ground by three (3) inches of metal or concrete.

11 c. Continuous concrete or masonry block.

12 ~~3~~ 2. All plumbing, electric and gas service connections shall be made in accordance with  
13 applicable Idaho State Codes, and inspected by the proper authorities.

14 ~~4~~ 3. Upon removal of the mobile manufactured home, the owner of the property shall  
15 remove all accessory structures and additions to the mobile manufactured home,  
16 permanently disconnect sewer, water and other utilities unless otherwise authorized by  
17 the City. In the event the owner fails to accomplish said work within 30 days from the  
18 date on which the mobile manufactured home is moved from its foundation, the City  
19 may perform such work and place a lien against the property for the cost of such work.  
20 Said lien may be initiated by the City Council. This condition shall not apply in the event  
21 the mobile manufactured home is replaced on the original foundation, by another  
22 approved mobile manufactured home within 30 days of the original unit's removal.

23 F. SET-BACK STANDARDS:

24 No mobile manufactured home or constructed home may be situated on any less than a seventy-  
25 five foot by one hundred twenty-five feet (75x125') city lot, excluding any preexisting city lot of  
26 lesser dimension. There shall be no less than a five (5) foot space from foundation, including any  
27 part of attachment of said foundation to property line in rear and no less than fifteen (15') feet in  
28 front and no less than fifteen (15) feet in either side including add-ons or attachments. The  
29 setback from any abutting public street right of way shall be at least twenty feet (20') from the  
30 property line.

31 6-4: MOBILE HOME PARKS AND OTHER MOBILE HOMES/MANUFACTURED UNIT  
32 REGULATIONS:

33 Mobile Home Parks shall in general be treated the same as any residential subdivision, subject to  
34 any special requirements set forth in the Zoning Ordinance and also subject to the same special  
35 requirements as the mobile manufactured home subdivisions in addition to the following  
36 stipulations. Review of mobile home park applications shall be in accordance with the  
37 procedures and requirements specified in chapter 3 of this title

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A. GENERAL:

1. Land Area: The minimum land area necessary to establish a mobile home park shall be two (2) acres.

2. Each Mobile Home shall have a porch or deck at least six (6) feet by eight(8) feet. Such deck or porch shall provide a safe access to the mobile home and shall be maintained in a safe condition.

~~2. Each mobile home in the mobile home park shall be billed separately for utility service provided by the city unless the owner of the mobile home park chooses to received a single bill for services provided to each mobile home.~~

3. Each mobile home shall be no less than five (5') feet between the mobile home and the property line in the rear of the unit and not less than fifteen (15) feet between the mobile home and the property line in the front of the unit, including any part of the mobile home or an attachment thereto. The setback from any abutting public street right of way shall be at least twenty feet (20') from the property line. No detached accessory structure may be located closer than three feet (3') from the rear or side lot line or any lot line abutting a property line or another mobile home lot.

4. Screening from adjacent areas, other than parks of the same type, by aesthetically acceptable fences, walls, living plant areas and existing natural or man-made barriers.

5. Access To Public Street: A mobile home park must have two (2) points of access to a public street or streets having not less than sixty feet (60') of right of way width. Each park shall have not less than sixty feet (60') of frontage on a public street, except as authorized by the commission. No mobile home space shall be located in such a manner that a public street must be used to maneuver the mobile home into that space.

6. Service Buildings: Service buildings which house sanitation facilities shall be permanent structures, complying with all applicable city and state statutes regulating building, electrical installations and plumbing and sanitation systems.

7. Skirting: Skirting of mobile homes is required within thirty (30) days of installation.

B. DEFINITION OF MOBILE HOME:

A mobile home means a factory-assembled structure generally constructed prior to June 15, 1976, and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. Mobile homes require HUD approval.

1 C. SITE REQUIREMENTS:

2 The following shall be considered the minimum site requirements for a new mobile home park or  
3 the expansion of an existing mobile home park:

4 1. Electricity: Installation of meter bases to serve each mobile home shall comply with  
5 provisions of the state electrical code. An electrical permit must be obtained from the state  
6 for inspection of any placement or replacement of mobile homes in the park.

7 2. Sewage Disposal: All plumbing in the mobile home park must connect to the public sewer  
8 system and shall comply with the most current version of the international plumbing code. A  
9 plumbing permit must be obtained from the state for inspection of the placement or  
10 replacement of each mobile home in the park.

11 3. Water Supply: An accessible, adequate, safe and potable supply of water shall be furnished  
12 in each mobile home park, capable of furnishing a minimum of five (5) gallons per minute  
13 per mobile home space. All water piping shall be constructed and maintained in accordance  
14 with state of Idaho regulations for public drinking water systems.

15 4. Hydrants: Hydrants will be installed in accordance with the international fire code.

16 5. Setbacks: Setbacks from adjacent developments or properties shall be in accordance with  
17 the setback requirements of those properties.

18 6. Roadways And Sidewalks: Roadways within an mobile home parks shall be constructed to  
19 the city's standard.

20 7. Underground Wires To Light Poles: Wires for service to light poles and mobile home  
21 spaces shall be underground.

22 8. Drainage: The mobile home park shall be well drained.

23 D: OTHER MOBILE HOMES/MANUFACTURED UNIT REGULATIONS

24 1. Prohibition: Mobile homes are prohibited on individual lots outside of mobile home parks.

25 2. Use Of Mobile Homes And Other Manufactured Units At Construction Sites: A  
26 commercial coach, mobile home, recreational vehicle or other licensed vehicle used for  
27 office purposes or the temporary housing of tools, equipment, etc., during the duration of  
28 construction shall be permitted by a special use permit in any zone.

29 3. Use Of Mobile Home Or Commercial Coach As Temporary Office: A mobile home or  
30 commercial coach may be used for a temporary office in commercial, business park and  
31 industrial zones by special use permit granted by the commission. The unit must be  
32 connected to the city water and sewer systems, if restroom facilities are provided. A building  
33 permit must be obtained prior to installation.

1 4. Commercial Coach For Temporary Classroom: A commercial coach or unit specially  
2 designed for classroom purposes may be used as a temporary classroom for schools in any  
3 zone where schools are permitted. The unit must be connected to the city water and sewer  
4 systems if restroom facilities are provided. A building permit must be obtained prior to  
5 installation.

6 5. Nonconforming Mobile Homes: A mobile home which has been placed upon an individual  
7 lot and maintained prior to January 1, 2016, shall be a legal nonconforming use. Such mobile  
8 home shall not be relocated within the city without conforming to all applicable provisions  
9 contained herein. Likewise, a nonconforming mobile home shall not be replaced for any  
10 reason, including damage due to weather or other factor, with another nonconforming mobile  
11 home, even if new, larger, or otherwise different.

12 E. VIOLATIONS AND PENALTIES:

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14 Any person or corporation, whether owner, lessee, principal, agent, employee or otherwise, who  
15 violates any of the provisions of this chapter or permits any such violation or fails to comply  
16 with any of the requirements thereof shall be guilty of a misdemeanor, punishable by  
17 imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding three  
18 hundred dollars (\$300.00), or by both. Each week's continued violation shall constitute a separate  
19 additional violation.

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21 6-5 : TRAVEL TRAILER RECREATIONAL VEHICLE PARK

22 A. General

23 Travel Trailer Recreational vehicle parks shall in general be treated the same as any residential  
24 subdivision, subject to any special requirements set forth in the zoning ordinance and also  
25 subject to the following requirements. Such park applications shall be in accordance with the  
26 procedures and requirements specified in chapter 3 of this title.

27 B. Special Requirements

- 28 1. Developed as a planned unit development with a minimum lot area for planned  
29 development of one (1) acre;
- 30 2. Essential community facilities and services for the type of development under  
31 consideration is available, or provisions shall be made to assure that these facilities will  
32 be provided;

33 a. Water Supply: An adequate supply of water approved by South Central Public  
34 Health District for drinking and domestic purposes to meet the requirements of  
35 the park shall be supplied. The water supply shall be obtained from faucets only,  
36 no common drinking vessel shall be permitted.

1 b. Waste Disposal: Waste disposal facilities for recreational vehicles shall be  
2 provided in an isolated, screened service area in a manner and method acceptable  
3 to the building official and/or health officer.

4 c. Garbage Receptacles: Tightly covered garbage cans shall be provided in  
5 quantities adequate to permit disposal of all garbage and rubbish.

6 3. Adequacy of provisions for drainage of surface waters ~~and for waste disposal~~;

7 4. Protection of existing ground cover;

8 5. Screening from adjacent areas, other than ~~subdivisions~~ parks of the same type, by  
9 aesthetically acceptable fences, walls, living plant areas and existing natural or man-made  
10 barriers; and

11 6. The width and construction of access streets shall be suitable for the vehicular traffic  
12 requirements of the property served. No lot within the development shall have direct  
13 vehicular access to a street bordering the development. Pull through design spaces are  
14 strongly recommended for the majority of the spaces in the park.

15 7. Fire Protection: No open fires shall be permitted at any place which would endanger  
16 life or property. No fires shall be left unattended at any time.

17 8. Any space occupant shall not be permitted to erect, install or place any structure or  
18 facility upon the space.

19 9. All utilities shall be underground.

20 10. Mobile home and recreational vehicle spaces: Minimum requirements for each space:

21 (a) Dimensions: Forty feet (40') wide (minimum) with two thousand five hundred  
22 (2,500) square feet of area.

23 (b) Minimum Yards: Front, ten feet (10'); side and rear, five feet (5').

24 (c) Patio: Masonry or concrete patio, one hundred (100) square feet.

25 (d) Hydrant: One frostproof exterior potable water supply hydrant.

26 C. Application For Permit: To obtain a permit for construction of a mobile home or recreational  
27 vehicle park, the applicant shall:

28 1. Submit an application with two (2) sets of plans and specifications to the city for  
29 review by the building official and other departments to check compliance with  
30 applicable laws or ordinances. The application will be accompanied by a nonrefundable  
31 fee to be established by resolution of the city council and the matter scheduled before the  
32 commission for public hearing.

1 2. The material submitted shall include a plot plan and building plans and specifications  
2 for all buildings, improvements and facilities, such as electrical, plumbing, gas and  
3 sewerage system to be constructed within the park. If the building official is satisfied that  
4 the proposal, as submitted, or subject to corrections, meets the requirements as set forth  
5 in this chapter, he shall then issue the permit to the applicant based upon the true  
6 valuation of construction.

7 3. Investigation: The city council shall investigate, or cause to be investigated, the  
8 location and, if it is found to be in compliance with all provisions of this chapter and all  
9 other applicable ordinances or statutes, the application may be approved.

10 4. License Transfer: All licenses issued hereunder shall be personal to the licensee and be  
11 nontransferable without the written consent of the council first having been obtained.

12 5. Posting Of Permit: The permit shall be conspicuously posted in the office of, or on the  
13 premises of, the mobile home or recreational vehicle park at all times.

14 D. Revocation Of License Or Permit:

15 1. The council may revoke any permit to maintain and operate a mobile home or  
16 recreational vehicle park when the person covered has been found guilty of violating any  
17 provisions of this chapter.

18  
19 2. After such revocation, a permit may be reissued if the circumstances leading to the  
20 revocation has been remedied and the mobile home or recreational vehicle park is  
21 maintained and operated in full compliance with this chapter or any other ordinance  
22 pertaining thereto.

23  
24 E. Domestic Animals or Pet:

25 No domestic animals or house pets shall be allowed to run at large or commit any nuisance  
26 within the limits of a mobile home and recreational vehicle park.

27  
28 6-6: LARGE SCALE DEVELOPMENT SUBDIVISION

29 A. Required Information:

30 Due to the impact that large scale development (any development which requires a planned unit  
31 development process) would have on public utilities and services, the developer shall submit the  
32 following information along with the preliminary plat:

33 1. Identification of all public services that would be provided to the development that  
34 will occur as a result of the subdivision (re: fire protection, police protection, central  
35 water, central sewer, road construction, recreation, maintenance, schools and other):

1 2. Estimate the public service costs, or required expansion in these services, to provide  
2 adequate service to the development:

3 3. Estimate the tax revenue that will be generated from the development; and

4 4. Suggested public means of financing the services for the development if the cost for  
5 the public services would not be offset by tax revenue received from the development.

6  
7 6-7: CEMETERY SUBDIVISION

8 A. Function:

9 The developer shall provide the Commission with written documentation that will sufficiently  
10 explain if the proposed cemetery will be used for either human or animal remains and the  
11 functions that are anticipated on the property.

12 B. Compliance with Idaho Code:

13 The developer shall submit a written statement that has been prepared by an attorney that  
14 adequately assures the compliance of the proposed cemetery with the procedural management  
15 requirements that are outlined in Title 4 27, Idaho Code.

16 6-8: SUBDIVISION WITHIN A FLOOD PLAIN

17 A. Flood Areas:

18 For any proposed subdivision that is located within or partially within a flood plain, the  
19 developer shall provide the Commission with a development plan of adequate scale and  
20 supporting documentation that will show and explain at least the following:

21 1. Location of all planned improvements, including building envelopes;

22 2. The location of the floodway and the floodway fringe per engineering practices as  
23 specified by the Federal Emergency Management Agency (FEMA);

24 3. The location of the present water channel;

25 4. Any planned rerouting of waterways;

26 5. All major drainage ways; ~~and~~

27 6. Areas of frequent flooding; and

28 7. Means of floodproofing buildings.

29 New construction and substantial improvements of residential structures within the flood  
30 plain shall have the lowest floor (including basement) elevated to or above the level of the  
31 one hundred (100) year flood and, for new construction or substantial improvements of  
32 non-residential structures, the lowest floor (including basement) shall be elevated to or  
33 above the level of the one hundred (100) year flood, or together with attendant utility and

1 sanitary facilities, shall be floodproofed up to the level of the one hundred (100) year  
2 flood.

3 B. Justification for Development:

4 Upon the determination that buildings are planned within the flood plain or that alterations of  
5 any kind are anticipated within the flood plain area that will alter the flow of water, the developer  
6 shall demonstrate conclusively to the Commission that such development will not present a  
7 hazard to life, limb or property; will not have adverse effects on the safety, use or stability of a  
8 public way or drainage channel or the natural environment.

9 Subdivisions shall be reviewed to assure that:

- 10 1. All such proposals are consistent with the need to minimize flood damage;
  - 11 2. All public utilities and facilities, such as sewer, gas, electrical and water systems are  
12 located and constructed to minimize or eliminate flood damages; and
  - 13 3. Adequate drainage is provided so as to reduce exposure to flood hazards.
- 14 New or replacement water supply systems and/or sanitary sewage systems shall be  
15 designed to minimize or eliminate infiltration of flood waters into the systems and  
16 discharge from the systems into flood waters, and require on-site waste disposal systems  
17 to be located so as to avoid impairment of them or contamination from them during  
18 flooding.

19 C. Commission's Findings: In determining the appropriateness of subdivision for land located  
20 within a flood plain, the Commission shall consider the objectives of this Title, and at least the  
21 following:

- 22 1. The danger to life and property due to the increased flood heights or velocities caused  
23 by subdivision fill, roads, and intended uses;
- 24 2. The danger that intended uses may be swept onto other lands or downstream to the  
25 injury of others;
- 26 3. The adequacy of proposed water supply and sanitation systems and the ability of these  
27 systems to prevent disease, contamination and unsanitary conditions under flood  
28 conditions;
- 29 4. The susceptibility of the proposed facility and its contents to flood damage and the  
30 effect of such damage on the individual owner;
- 31 5. The importance of the services provided by the proposed facility to the community;
- 32 6. The availability of alternative locations not subject to flooding for the proposed  
33 subdivision and land use;



1 7. The compatibility of the proposed uses with existing development and development  
2 anticipated in the foreseeable future;

3 8. The relationship of the proposed subdivision to the comprehensive plan and flood plain  
4 management program for the area;

5 9. The safety of access to the property for emergency vehicles in times of flood;

6 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the  
7 flood waters expected at the site; and

8 11. The costs of providing governmental services during and after flood conditions  
9 including maintenance and repair of public utilities and facilities such as sewer, gas,  
10 electrical and water systems, and streets and bridges.

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

16 D. Floodproofing Plans: Floodproofing plans must be individually approved by the Council upon  
17 recommendation from the Commission before such uses are constructed. Floodproofing may  
18 include but is not limited to the following:

19 1. Anchorage to resist flotation and lateral movement;

20 2. Installation of watertight doors, bulkheads and shutters, or similar methods of closure;

21 3. Reinforcement of walls to resist water pressures;

22 4. Use of paints, membranes, or mortars or reduce seepage of water through walls;

23 5. Addition of mass or weight to structures to resist flotation;

24 6. Installation of pumps to lower water levels in structures;

25 7. Construction of water supply and waste treatment systems so as to prevent the entrance  
26 of flood waters;

27 8. Installation of pumps or comparable facilities for subsurface drainage systems to  
28 relieve external foundation wall and basement flood pressures;

29 9. Building design and construction to resist rupture or collapse caused by water pressure  
30 or flotation debris;

1 10. Installation of valves or controls on sanitary and storm drains which permit the drains  
2 to be closed to prevent backup of sewage and storm waters into buildings or structures;

3 11. Location and installation of all electrical equipment, circuits and electrical appliances  
4 so that they are protected from inundation by the regulatory flood;

5 12. Location of storage facilities for chemicals, explosives, buoyant materials, flammable  
6 liquids or other toxic materials which could be hazardous to public health, safety and  
7 welfare at elevations above the height associated with the regulatory protection elevation;  
8 or design of such facilities to prevent flotation of storage containers, or damage to storage  
9 containers which could result in the escape of toxic materials into flood waters.

10

11 6-9: SUBDIVISION WITHIN AN AREA OF CRITICAL CONCERN

12 A. General:

13 Hazardous or unique areas may be designated as an area of critical concern by the Council or by  
14 the State. Special considerations shall be given to any proposed development within, or  
15 contiguous with, an area of critical concern to assure that the development is necessary and  
16 desirable and in the public interest in view of the existing unique conditions. Hazardous or  
17 unique areas that may be designated as areas of critical concern are as follows:

- 18 1. Sanitary landfills, dumps;
- 19 2. Earthquake locations;
- 20 3. unstable soils;
- 21 4. Unique animal life;
- 22 5. Unique plant life;
- 23 6. Scenic areas;
- 24 7. Historical significance;
- 25 8. Flood plain, wetlands, or intermittent streams; and
- 26 9. Other areas of critical concern.

27 B. Plan Submission:

28 The developer shall prepare and submit an environmental assessment along with the preliminary  
29 plat application for an development that is proposed within an area of critical concern.

30 C. Content of Environmental Assessment:

31 The content of the environmental assessment shall usually be prepared by an inter-disciplinary  
32 team of professionals that shall provide answers to the following questions:

- 1 1. What changes will occur to the area of environmental concern as a result of the  
2 proposed development:,
- 3 2. What corrective action or alternative development plans could occur so as not to  
4 significantly change the area of environmental concern?,
- 5 3. What changes in the area of environmental concern are unavoidable? and
- 6 4. What beneficial or detrimental ~~a~~effect would the development have on the  
7 environment such as animal life, plant life, social concerns, economic, cultural, resources,  
8 noise, visual, hazardous waste and others?

9

10 6-10: ENVIRONMENTAL:

11 A. The applicant is responsible for the identification and the proper treatment or removal of  
12 noxious weed infestations before significant infrastructure work commences. These costly  
13 infestations are easily transported to other areas by construction vehicles.

14 B. Collect and conserve water through simple and ingenious methods and incorporate them into  
15 the design of buildings and neighborhoods.

16 C. Provide native, draught resistant, trees, shrubs, ground cover, and grasses, or provide and  
17 maintain landscaping, so as to cover all areas not actually used for structures, drives, walks,  
18 usable yard, improved off street parking, or lawful open storage.

19 D. Wetland and riparian areas: Development in these sensitive areas must take into account  
20 applicable federal regulations and guidelines. All structures should be placed so as to have  
21 minimal impact, both visually and structurally on these areas.