

# PLANNING & ZONING COMMISSION



Wendy McClure  
Commission Chair

~Agenda~

Mike Ray  
Staff Liaison

p&z@ci.moscow.id.us

208.883.7008

<http://id-moscow.civicplus.com/agendacenter>

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Wednesday  
December 11, 2019

7:00 PM

Council Chambers  
206 E 3rd Street

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## Call to order

### 1. Approval of minutes from November 13, 2019 [ACTION ITEM]

**ACTION:** Approve minutes as presented; approve minutes with amendments; or provide staff further direction.

### 2. Public Comment

(Time limit 15 minutes. Members of the Public may speak to the Commission regarding matters NOT on the Agenda nor currently pending before the Planning and Zoning Commission. Please state your name and address for the record and limit your remarks to three minutes.)

### 3. Public Hearing: Proposal for Rezone of a 25,000 square foot area addressed as 904, 908, and 912 S Washington Street within the City of Moscow: LUP2019-0034 [ACTION ITEM]

The applicant, Latah Federal Credit Union, is requesting to rezone a 25,000 square foot area of land at located at 904, 908 and 912 S Washington Street. The parcel is currently zoned Residential Office (RO) which the applicant is proposing to change to the General Business (GB) Zone.

**ACTION:** After conducting the public hearing and consideration of testimony received, recommend approval of the proposed rezone to City Council with no conditions, and direct staff to prepare the Reasoned Statement of Relevant Criteria and Standards; or recommend approval of the proposed rezone to City Council with conditions, and direct staff to prepare the Reasoned Statement of Relevant Criteria and Standards; or recommend denial of the proposed rezone, and direct staff to prepare the Reasoned Statement of Relevant Criteria and Standards; or take such other action deemed appropriate.

### 4. Public Hearing: Legislative Hearing Providing for the Amendment of Title 6, Chapters 2, 3, and 4 of Moscow City Code Regarding Amendments to the Mobile Home Parks and Recreation Vehicle Parks Chapters [ACTION ITEM]

The Commission has been discussing amending the Mobile Home and RV Park chapters of the City Code in order to remove the 6-month stay limitation for RVs and allow modular buildings within mobile home parks. After review of the existing mobile home park ordinances, it was determined that the codes should be updated to be consistent with Idaho State Code. The City Attorney has reviewed the draft Ordinance and has made minor modifications throughout.

**ACTION:** After conducting the public hearing and consideration of testimony received, recommend approval of the proposed Ordinance to City Council with no conditions; or recommend approval of the Ordinance with modifications; or recommend denial of the Ordinance; or take such other action deemed appropriate.

**NOTICE:** Moscow City Council Commission meetings can be televised, videotaped and/or recorded. Individuals attending the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact the City Clerk, at (208) 883-7015 or TDD 883-7019, as soon as possible so that arrangements may be made.

**5. Subdivision Review Committee Recommendation [ACTION ITEM]**

The subdivision review committee met to review the draft subdivision code on October 18, 2019 and November 15, 2019 and has provided recommendations for consideration by the Commission.

**ACTION:** Review the subdivision review committee's recommendations and provide staff further direction as deemed necessary.

**6. Regional Housing Needs Assessment Workshop Report**

**ACTION:** Discuss the outcome of the City Council workshop that occurred on December 2, 2019 and provide staff further direction if necessary.

**7. Transportation Commission Meeting Report**

**ACTION:** Receive report and provide staff further direction if necessary.

**8. Announcements**

**ACTION:** Read any correspondence received and provide staff further direction if necessary.

**Adjourn**

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# PLANNING & ZONING COMMISSION



Wendy McClure  
Commission Chair

~Meeting Minutes~  
November 13, 2019

Mike Ray  
Staff Liaison

p&z@ci.moscow.id.us

<http://id-moscow.civicplus.com/agendacenter>

208.883.7008

The meeting was called to order at 7:00 p.m.

**MEMBERS PRESENT:** Wendy McClure, Chair; Joel Hamilton, Mike Nelsen, Robb Parish, Nels Reese, Victoria Seever, Dennis Wilson

**MEMBERS ABSENT:** Scott Gropp, Connie Kimmel

**ALSO IN ATTENDANCE:** Mike Ray, Anne Peterson, Brandy Sullivan

## **1. Approval of minutes from October 23, 2019 [ACTION ITEM]**

Parish moved approval of the minutes as corrected, seconded by Seever. Motion carried by acclamation.

## **2. Public Comment**

None.

## **3. Final Review of Draft Ordinance Regarding Manufactured Home and RV Parks [ACTION ITEM]**

*The Commission has been discussing amending the Mobile Home and RV Park chapters of the City Code in order to remove the 6-month stay limitation for RVs and allow modular buildings within mobile home parks. After review of the existing mobile home park ordinances, it was determined that the codes should be updated to be consistent with Idaho State Code. The City Attorney has reviewed the draft Ordinance and has made minor modifications throughout.*

**ACTION:** Review the draft ordinance regarding changes to the Mobile Home and RV Park chapters of the City Code and provide Staff further direction as deemed necessary.

Ray quickly reviewed the proposed revisions, noting the City Attorney had expressed concern about the owner-occupancy requirement. Some commissioners thought it paralleled the owner-occupancy requirement for ADUs; others thought the concern about the potential results of non-owner-occupied RVs was a park management issue and such a requirement would put a greater onus on RV owners than other rental property owners throughout town. Staff said owner-occupancy might be considered a round-about way to assure better maintenance, but it isn't guaranteed and it would be difficult to enforce. Nelsen pointed out the ordinance already includes requirements of how park owners maintain their properties. Staff was directed to eliminate the owner-occupancy requirement and notice the ordinance for hearing.

## **4. Review of Draft Sign Code Tables [ACTION ITEM]**

*The Supreme Court Case, Reed vs. Town of Gilbert, in 2015 clarified when municipalities may impose content-based restrictions on signage. There are various places within the Sign Code which apply content-based restrictions and need to be amended to comply with the Supreme Court's ruling. Staff has started to convert portion of the sign code into table format and will review the progress with the Commission.*

**ACTION:** Review the draft Sign Code tables and provide Staff further direction as deemed necessary.

Commissioners applauded the move from text format to table format. There was discussion about billboards, signage lighting, and dynamic display signs. Sullivan suggested the City Attorney should more

clearly define how a “wall” is defined, such as whether a spherical building should include the entire circumference or just the visible side. Parish requested that in future presentations staff provide examples of various-sized signs in relation to existing signs to provide perspective. Hamilton asked how political signs will be handled. Ray said political, real estate, yard sale, and other temporary signs will probably now be referred to as portable signs. Ray encouraged Commissioners to review the draft further and bring forward additional thoughts or concerns.

#### **5. Continuing Education**

Discussion of the housing study and local housing demand will follow the December 2 Council workshop with a presentation to the Commission by Paul and Connie Kimmel. Sullivan said the Council intends to use the report to actually make decisions and take actions, which the Commission could help with. Parish volunteered to attend the Council workshop and report back to this Commission. There was also discussion about further study of form-based codes.

#### **6. Transportation Commission Meeting Report**

Hamilton announced that tomorrow’s meeting agenda includes reports on Transportation Safety Improvement Grant Programs and the D/Main Street Intersection Study.

#### **7. Announcements**

None.

The meeting adjourned at 8:32 p.m.

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Wendy McClure, Chair



**CITY OF MOSCOW  
COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

**Hearing Date:** December 11, 2019

**GENERAL INFORMATION**

**Hearing Body:** Planning and Zoning Commission

**Subject:** Proposal for Rezone of a 25,000 square foot area addressed as 904, 908 and 912 S Washington Street from the Residential Office (RO) Zone to the General Business (GB) Zone within the City of Moscow: LUP2019-0034

**Attachments:**

1. Public Hearing Notice
2. Rezone Application
3. Neighborhood Meeting Materials

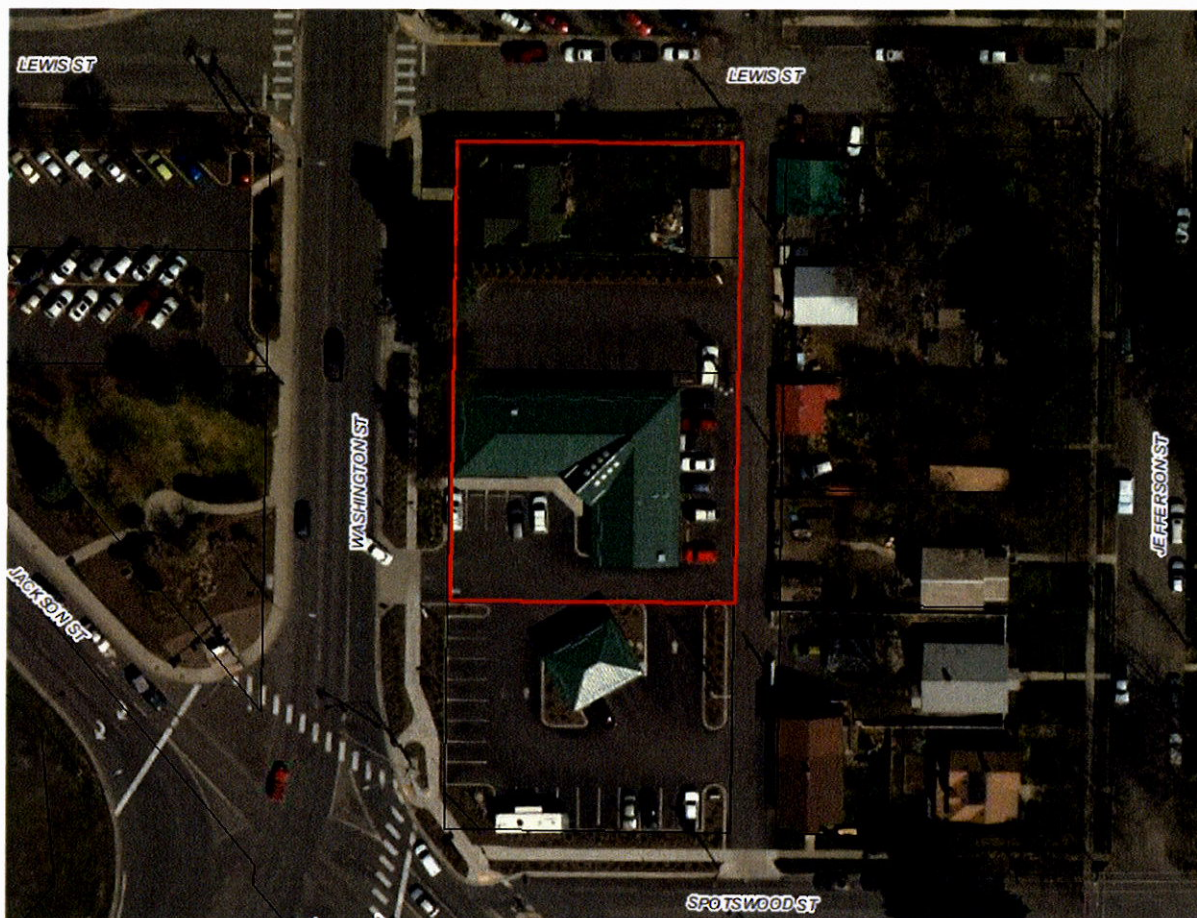
**STAFF REVIEW**

**Proposal:** The applicant, Latah Federal Credit Union, is requesting to rezone a 25,000 square foot area of land located at 904, 908 and 912 S Washington Street. The parcel is currently zoned Residential Office (RO) which the applicant is proposing to change to the General Business (GB) Zone.



Aerial of Subject Property





Close-up Aerial of Subject Property

**Site and Area Land Use:** The subject property consists of a 25,000 square foot area of land located to the east side of Washington Street, between Spotswood Street and Lewis Street. The subject property currently contains the Latah Federal Credit Union (LFCU) building, a LFCU parking lot, and a single-family dwelling.

The property is surrounded primarily by a residential neighborhood to the east, the Wren Welcome Garden and a Gritman Medical Center parking lot to the west, the Zia commercial building to the north, and LFCU's drive-through and parking lot to the south.

**Comprehensive Plan Land Use Designation:**

The entirety of the subject property is currently designated as Urban Mixed (UM). According to the Comprehensive Plan, UM designated areas are,

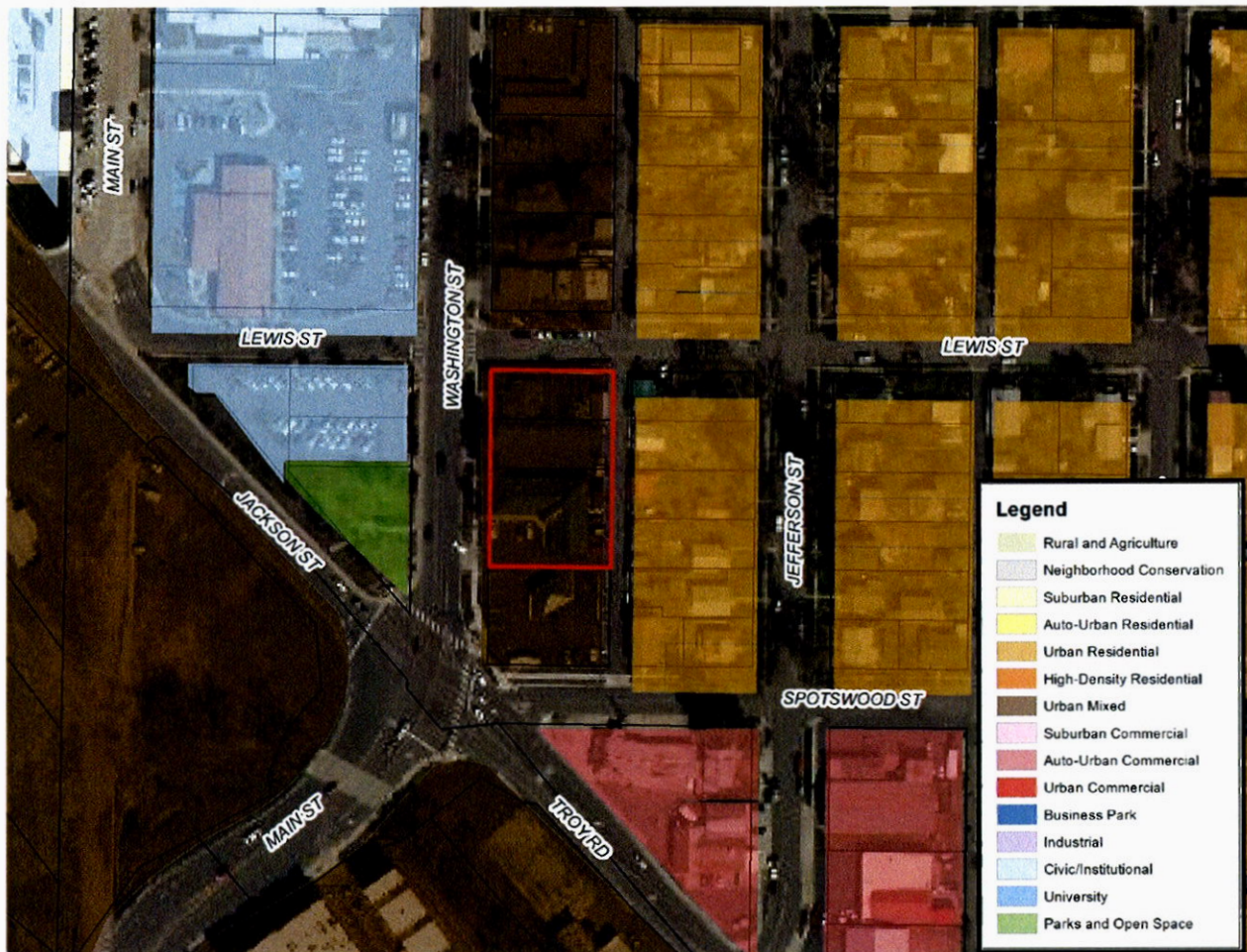
*“intended to provide for the infill development and adaptive re-use of areas that surround downtown. Within these areas, a mix of residential and limited commercial uses should be promoted through the development of small urban apartments, townhomes, and two- to three-story vertically mixed-use buildings. The urban mixed area should provide a pedestrian connection between the University of Idaho and downtown, and provide space for a variety of housing alternatives, niche retail, restaurants, artist studios, and personal and professional*



*services. Off-street parking should be required, but the requirements should be reduced in this area due to the likely number of non-motorized travel the uses will attract."*

The surrounding properties to the north and south are designated as Urban Mixed (UM), the residential neighborhood to the east is designated as Urban Residential (UR), and Gritman Medical Center to the west is designated as Civic/Institutional (CI).

The subject property has property frontage on Washington Street which designated as a National Highway, and Lewis and Spotswood Streets which are designated as local neighborhood streets by the 2019 Comprehensive Plan.



Current Comprehensive Plan Land Use Designation

**Zoning:** The proposal is to rezone the subject property from its current designation of the Residential Office (RO) Zone to the General Business (GB) Zone. The principal purpose of the GB Zoning District is to provide for the location and grouping of compatible retail enterprises having the common characteristics of dispensing commodities, providing professional services or providing personal services to the individual, but which do not involve more than incidental or limited assembly, fabrication or storage of commodities. The GB Zoning District is appropriately applied in the following circumstances:



1. On the periphery of the CB Zoning District where retail uses are appropriate yet the distance to community parking facilities indicates a need for on-site parking.
2. At dispersed commercial centers where the grouping of retail and office uses is appropriate to serve community or regional needs.

The GB Zone is a mixed-use zone which permits a wide variety of commercial and residential uses.



Current Zoning





Proposed Zoning

**Water and Sewer:** There are existing water and sewer mains within the surrounding streets which are of sufficient capacity to accommodate any future use that the GB Zone would allow on the subject property.

**Access, Streets, Traffic:** The subject property is located adjacent to the intersection of Washington Street (HWY 95) and Troy Highway, which are both designated within the Thoroughfare Plan as National Highways. Washington Street is developed with three northbound vehicular lanes with curb, gutter, and sidewalks on both sides of the street.

**Other Issues:** The applicant conducted a neighborhood meeting with affected property owners within 600 feet of the subject property on November 14, 2019 to discuss the proposed rezone. All neighborhood meeting materials are attached.

**Input from Other Agencies:** None received.



## **RELEVANT CRITERIA & STANDARDS:**

### **Rezone:**

1. The proposed rezone is consistent with Comprehensive Plan goals, objectives, and implementation actions.
2. The proposed rezone would provide for the logical and orderly location of land uses and community services and facilities.
3. The uses expected to occur as a result of the rezone will be compatible with the surrounding area.
4. The size, type, and density of development expected to occur as a result of the rezone will not place an undue burden upon delivery of services provided by any political subdivision within the planning jurisdiction.
5. The size, type, and density of development expected to occur as a result of the rezone can be adequately served by the existing transportation network, public facilities and services.

## **RECOMMENDATIONS:**

After conducting the public hearing and consideration of testimony received, recommend approval of the proposed rezone to City Council with no conditions, and direct staff to prepare the Reasoned Statement of Relevant Criteria and Standards.

# NOTICE OF PUBLIC HEARING

Proposal for Rezone of a 25,000 square foot area addressed as 904, 908 and 912 S Washington Street within the City of Moscow: LUP2019-0034.

A public hearing at which you may be present and speak will be conducted by the Moscow Planning and Zoning Commission at which time the following proposition will be discussed for land generally shown on the vicinity map below:

A proposal to rezone the subject property from its current designation of the Residential Office (RO) Zone to the General Business (GB) Zone.

**MEETING DATE:** Wednesday, December 11, 2019

**HEARING LOCATION:** Council Chambers, Second Floor, Moscow City Hall  
206 East Third Street, Moscow, Idaho

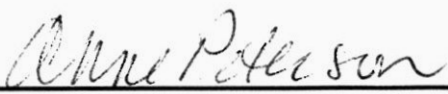
**MEETING TIME:** 7:00 p.m.

*Note:* Meeting start time is not necessarily indicative of the start time for review of the application advertised in this notice. Multiple hearings and/or agenda items may make it difficult to determine start time for review of application advertised in this notice, which could occur late in the meeting.

The file containing information on this matter is available for public review (an appointment may be necessary) at the Community Development Department located in the Paul Mann Building, 221 East Second Street, Moscow, Idaho. You may also call 883-7035 to get a meeting agenda, further information about the application, the public meeting process and/or to request a meeting with City Staff. Public participants desiring to submit textual materials (excluding petitions) to the decision-making board shall do so at least five (5) calendar working days in advance of the scheduled meeting to the Community Development Department. Additionally, you may obtain further information about the public hearing process and procedures on the City's Website at: <http://id-moscow.civicplus.com/593/Public-Hearing-Notices>



Laurie M. Hopkins, Moscow City Clerk

  
Anne Peterson, Deputy Clerk

Publish: Saturday, November 23, 2019



November 18, 2019

Mike Ray, AICP  
Planning Manager  
Asst. CD Director  
City of Moscow  
221 E Second Street  
Moscow, ID 83843

Re: Latah Credit Union Rezone

Dear Mike,

The Latah Credit Union would like to rezone Sunny-Side Addition Block 9 Lots 1-4. They are currently zoned Residential Office; they would like to rezone them to General Business. A neighborhood meeting has been conducted with no opposition to the proposed rezone.

Enclosed are:

1. Rezone Application
2. Preliminary Record of Survey
3. Neighborhood meeting packet
  - a. Invitation that was mailed out
  - b. List of neighbors invitation was sent to
  - c. Sign in sheet
  - d. Meeting exhibit
  - e. Meeting minutes

Please do not hesitate to contact me if you have questions regarding the lot line adjustment request.

Sincerely,



Scott Becker, PE  
Principal  
Hodge and Associates Inc.

Enc





**CITY OF MOSCOW  
COMMUNITY DEVELOPMENT**  
Ph.: 208-883-7035  
Fax: 208-883-7033  
apeterson@ci.moscow.id.us

| For City Use Only |                 |              |          |
|-------------------|-----------------|--------------|----------|
| Date Received     |                 | 11-18-19     |          |
| Dept              | Fee Type        | Fees         | Paid     |
| CD                | Application Fee | \$895        | 11-18-19 |
| Receipt Number    |                 | LUP2019-0034 |          |

## APPLICATION FOR ZONING AMENDMENT

(Please type or print plainly with blue ink.)

### GENERAL INFORMATION

#### 1. Applicant

Name: Latah Credit Union Telephone: (208) 882-0232  
912 S. Washington Street, Moscow, ID 83843  
(Home address)

Relationship to affected property (please check one):

Owner ☒ Purchaser ☐ Lessee ☐ Other ☐ (explain below)

#### 2. Owner of Affected Property (if other than applicant)

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
\_\_\_\_\_  
(Home address)

#### 3. Location of Affected Property: 904, 908, 912 - S. Washington Street

Legal Description: Sunny-Side Addition 9 1-4  
(Subdivision) (Block) (Lot)

*If described by Metes and Bounds, please attach deed on a separate sheet.*

### INFORMATION ON REQUESTED REZONE

#### 4. Proposal: The applicant requests a rezone on the above-described property as follows:

From: Residential Office (RO) to: General Business (GB)  
(Current zoning) (Proposed zoning)

#### 5. Reason: Applicant requests a rezone for the following reason(s): \_\_\_\_\_

The reason for the rezone is for the existing use as a credit union to conform to current zoning code  
for permitted uses.



6. Before the Moscow Planning and Zoning Commission can approve a zoning amendment request, the Commission must first make findings of compliance with the following five Relevant Criteria and Standards. Please indicate in the spaces provided below what you believe to be justification showing compliance with each item:

A. The proposed rezone is consistent with Comprehensive Plan goals, objectives, and implementation actions.

The Comprehensive plan map illustrates this area as urban mixed use. Section 2.1.3 in the comprehensive plan "Commercial

Districts are generally located within the historic downtown central business district and along the state highway

B. The proposed rezone would provide for the logical and orderly location of land uses and community services and facilities.

The land is currently used for a credit union. The existing use will continue. Continued growth of the credit union will require additional

office space and parking in a future development

C. The uses expected to occur as a result of the rezone will be compatible with the surrounding area.

General Business (GB) is the current adjacent zone to the west of the Latah Credit Union property so GB will be a compatible zone.

D. The size, type, and density of development expected to occur as a result of the rezone will not place an undue burden upon delivery of services provided by any political subdivision within the planning jurisdiction.

No future development is designed at this time. Expansion projects are being considered but plans and time frames are not finalized.

Impacts to services will be minimal with no large demands required since the site has been previously developed.

E. The size, type, and density of development expected to occur as a result of the rezone can be adequately served by existing transportation network, public facilities and services.

The subject property is along a major highway. Existing public facilities and services such as sanitary sewer, stormwater connection

and water services are adequate to support future development.

Notification: The Idaho Code requires that all property owners located within 300 feet of the affected property receive notification of the public hearing to be conducted by the Planning and Zoning Commission regarding any rezone request.

The Planning and Zoning Commission shall have the authority to require any additional information they consider necessary to render a fair decision and recommendation on a rezone request. The Commission may recommend and the City Council may require additional conditions and limitations as specified in Section 4-9-3C of the Moscow Code.

All questions addressed on this application and the application itself must be filed with the Moscow City Planner at least twenty-one (21) days prior to the hearing date. The applicant will be notified by the City as to the time and place of the hearing pertaining to this application. The applicant or his/her duly-appointed representative must be present at the public hearings held before both the Planning & Zoning Commission and the City Council.

The following materials must be included with this application:

1. Application fee.
2. If a legal description of the affected property is given by Metes and Bounds, a separate sheet containing that description.

*I understand this information is a public record and may be posted to a public website.*

Marilyn Allib  
Applicant's Signature

11-18-19  
Date

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Date



## Meeting Attendance Sheet

Project Name: LATAH CREDIT UNION REZONE

Project Number: 4232

Meeting Type: Neighborhood Meeting

Meeting Location: Latah Credit Union Washington Street Moscow ID

Meeting Time: November 14, 2019, 5:30 PM

| Name             | Mailing Address |
|------------------|-----------------|
| Sarah Walker     | 315 Lewis St    |
| Linnear Marshall | 1017 S. Adams   |
|                  |                 |
|                  |                 |
|                  |                 |
|                  |                 |
|                  |                 |
|                  |                 |
|                  |                 |
|                  |                 |
|                  |                 |
|                  |                 |

Hodge & Associates

Meeting Minutes

Thursday, November 14, 2019, 5:30 PM

Present: Scott Becker, Hodge & Associates  
Marlys Wilson, Latah Credit Union  
Chad Slichter, Slichter Architecture  
Project Name: Latah Credit Union Rezone  
Meeting Type: Neighborhood Meeting  
Meeting Location: 1912 Center, Art Room, Moscow, ID

**Meeting Purpose**

Presentation and testimony for the Latah Credit Union rezone from Residential Office to General Business. The rezone will make the existing property compliant with the existing use and make future improvements possible.

**Meeting**

Scott Becker opened the meeting with a brief presentation of the project including:

What – Rezone the currently zoned property from Residential office to General Business

Why – A credit union is not a permitted use in a Residential office zone so the rezone will bring the CU into compliance with the City Zoning ordinance.

A map of the property and the property to be rezoned was presented to the neighbors.

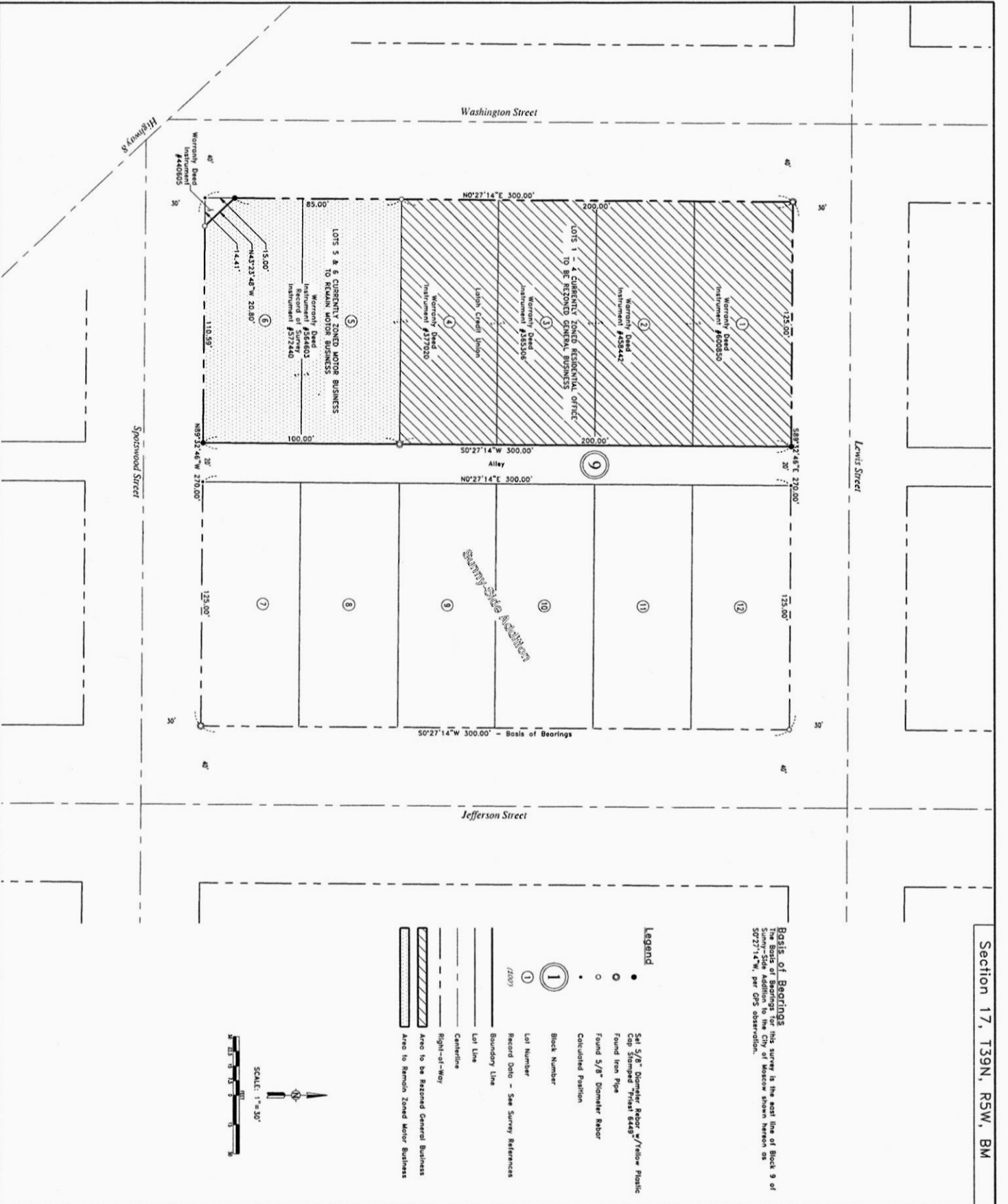
No neighbors commented on the project in opposition. There was curiosity as to what future development might be. The Credit Union does not currently have specific plans for the site.

**Closing Remarks**

It is predicted that the project is about four to six weeks out from planning and zoning where there will be a public hearing to voice any concerns you may have. This will be the next opportunity for residents to make opinions known. Notices will be posted about the details of this meeting when officially organized.

Attached is a list of neighbors in attendance.

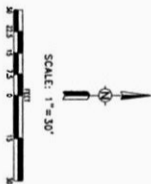




**Basis of Bearings**  
 This survey is the act line of Block 9 of Sunny Side Addition to the City of Moscow shown herein as 50°27'14"W, per GPS observation.

**Legend**

- 5/8" Diameter Red w/ Yellow Plastic Cap Survey Point Stake
- Found Iron Pipe
- Found 5/8" Diameter Rebar
- Calculated Position
- 1 Block Number
- 1 Lot Number
- Record Data - See Survey References (2007)
- Boundary Line
- Lot Line
- Centerline
- Right-of-Way
- Area to be Rezoned General Business
- Area to Remain Zoned Motor Business



Rezone Exhibit For:  
**Latah Credit Union**  
 Latah County, Idaho

**PRELIMINARY**  
 NOT FOR  
**RECORDING**

**Hedge & Associates, Inc.**  
 Surveyors & Consulting Engineers  
 P.O. Box 8728  
 605 E. Washington Street  
 Moscow, Idaho 83843  
 (208) 882-3370

**RIM ROCK CONSULTING, INC.**  
 Land Surveying  
 1000 N. 1st Street  
 Moscow, Idaho 83843  
 (208) 882-3370

|             |             |
|-------------|-------------|
| Drawn by:   | SW          |
| Checked by: | SB          |
| File Name:  | 4232 Rezone |
| Job:        | Layout      |
| Plot Style: | Default.ctb |
| Project:    | 4232-10-19  |
| Date:       | 10/29/19    |

BERCARICH, BARBRA L  
2405 MILL RD  
MOSCOW ID 83843

CARSSOW, CHARLES H  
PO BOX 9003  
MOSCOW ID 83843

CLOTHIAUX, JEANNE A  
722 S JEFFERSON ST  
MOSCOW ID 83843

CRITES SEED INC  
PO BOX 8912  
MOSCOW ID 83843

DODD, JENNIFER KRISTEN  
919 S JEFFERSON ST  
MOSCOW ID 83843

FARRIN, SPENCER  
913 S ADAMS ST  
MOSCOW ID 83843

GILDER, JAMES R  
1050 NORA CREEK RD  
TROY ID 83871

HALEY, KEITH G  
320 E LEWIS STREET  
MOSCOW ID 83843

HOLMQUIST, ANTONE G  
817 S JEFFERSON APT 1  
MOSCOW ID 83843

IDAHO APARTMENT RENTALS  
1325 VALLEY ROAD #25  
PULLMAN WA 99163

BUSCHER, STANLEY A  
1103 W COLCHESTER DR  
EAGLE ID 83616

CHARPENTIER, PAUL  
924 S JEFFERSON ST  
MOSCOW ID 83843

COCHRAN, LISA A  
PO BOX 3252  
MOSCOW ID 83843

DAHLINGER, ANTHONY  
2415 MOSER  
MOSCOW ID 83843

DROLLETTE, JESSICA  
PO BOX 8405  
MOSCOW ID 83843

FINKBINER, MICHAEL L  
810 S JEFFERSON ST  
MOSCOW ID 83843

GRITMAN MEDICAL CENTER  
700 S MAIN ST  
MOSCOW ID 83843

HANLEY, VINCENT J  
1066 CORNWALL RD  
MOSCOW ID 83843

HUBBS, GRAHAM  
923 S JEFFERSON ST  
MOSCOW ID 83843

IDAHO TRANSPORTATION BOARD  
3311 WEST STATE STREET  
BOISE ID 0

CAMPUS MOSCOW PROPERTY  
IN LASALLE ST STE 2100  
CHICAGO IL 60602

CHURCH, BAPTIST - WHITE PINE  
732 S JEFFERSON ST  
MOSCOW ID 83843

COHEN, LANA  
725 S JEFFERSON ST  
MOSCOW ID 83843

D'AMICO, JANINE  
1013 S ADAMS ST  
MOSCOW ID 83843

ENGERBRETSON, JAMES LEWIS  
714 S JEFFERSON ST  
MOSCOW ID 83843

GESTRIN, BRUCE W  
3675 DEERFIELD DRIVE  
EAGLE ID 83616

GROPP, ARTHUR W  
PO BOX 9065  
MOSCOW ID 83843

HELBLING, DANIEL E  
3639 COUNTRY CLUB CT  
LEWISTON ID 83501

HUIE, HENRY  
1013 AMBROSIA DR  
LAS VEGAS NV 89138

JACKSON, TAD  
1003 S ADAMS STREET  
MOSCOW ID 83843



KAYTES, JOLIE B  
924 S JEFFERSON ST  
MOSCOW ID 83843

LATAH FEDERAL CREDIT UNION  
912 S WASHINGTON ST  
MOSCOW ID 83843

MAJ 2012 LLC  
1018 S JEFFERSON ST  
MOSCOW ID 83843

MARTSON, MONTE LEE  
525 N BLAINE ST  
MOSCOW ID 83843

MOSMAN, WYNN R  
251 SUNRISE DRIVE  
MOSCOW ID 83843

OLCU VEATCH, LLC  
2950 CAMERON RD  
MOSCOW ID 83843

SCHMIDT, ROBERT F  
711 S JEFFERSON ST  
MOSCOW ID 83843

SEARCY, ANNA KRISTINE  
915 S JEFFERSON ST  
MOSCOW ID 83843

SMITH, SUSAN A  
208 S MAIN ST STE 2  
MOSCOW ID 83843

STEELE, PAM  
915 S ADAMS ST UNIT 1  
MOSCOW ID 83843

KRUEGER, T. CHRIS  
1008 S JEFFERSON ST  
MOSCOW ID 83843

LAWRENCE, JOHN J  
1102 ONTARIO ST  
SANDPOINT ID 83864

MARONE, RICHARD  
1711 HWY 99  
TROY ID 83871

MC COLLISTER, HOLLY F  
4957 LENVILLE RD  
MOSCOW ID 83843

MSV HOLDINGS LLC  
2109 CAMBRIDGE CT  
MOSCOW ID 83843

PAPPIN, TERRY G  
PO BOX 8123  
MOSCOW ID 83843

SCHOTT, KAMERON  
817 S ADAMS ST  
MOSCOW ID 83843

SILFLOW, RONALD  
4325 LENVILLE RD TRLR 21  
MOSCOW ID 83843

STANTON, THOMAS D TRUST  
302 7TH ST  
PETALUMA CA 94952

STEVENSON, NATHAN F  
411 N ALMON ST SPC 425  
MOSCOW ID 83843

LA FRANCHI, COURTNEY  
813 S ADAMS ST  
MOSCOW ID 83843

LEIBBRANDT, IAN M  
717 S JEFFERSON ST  
MOSCOW ID 83843

MARSHALL, LINNEA D  
1017 S ADAMS ST  
MOSCOW ID 83843

MOORE, MARTHA VEALE  
1026 KASPER RD  
MOSCOW ID 83843

NORTHWOODS PROPERTIES LLC  
PO BOX 9181  
MOSCOW ID 83843

RAQUET, MAURICE EARLE JR  
811 N GRANT ST  
MOSCOW ID 83843

SCOLES, DEENA M  
310 E SPOTSWOOD ST  
MOSCOW ID 83843

SLOOT, TIMOTHY  
919 S ADAMS ST  
MOSCOW ID 83843

STATE OF IDAHO  
311 W STATE ST  
BOISE ID 83703

STROBEL, WILLIAM R  
PO BOX 69  
HARRISON ID 83833

**TEAL, RANDALL F**  
**916 S JEFFERSON ST**  
**MOSCOW ID 83843**

**VOGTMAN, CLIFFORD L**  
**1025 S ADAMS ST**  
**MOSCOW ID 83843**

**WHEELHOUSE, RUSSELL**  
**905 S JEFFERSON ST**  
**MOSCOW ID 83843**

**TURNER, ALEXISS N**  
**1007 S ADAMS ST**  
**MOSCOW ID 83843**

**WALKER, SARAH C**  
**315 E LEWIS ST**  
**MOSCOW ID 83843**

**WRIGHT, JARED FREDRICK**  
**913 S JEFFERSON**  
**MOSCOW ID 83843**

**UNIVERSITY OF IDAHO REGENTS**  
**875 PERIMETER DR**  
**MAIL STOP 3162**  
**MOSCOW ID 83844-3162**

**WASHINGTON TRUST BANK**  
**PO BOX 2127**  
**SPOKANE WA 99201**

**ZIA ENTERPRISES LLC**  
**PO BOX 9092**  
**MOSCOW ID 83843**



ORDINANCE NO. 2019 -

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 6, CHAPTERS 2, 3, AND 4, REGARDING AMENDMENTS TO THE MOBILE HOME PARKS AND RECREATION VEHICLE PARKS CHAPTERS; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the current Mobile Home Park Regulations detailed in Moscow City Code Title 6, Chapters 2 and 3 and Recreational Vehicle Park Regulations detailed in Moscow City Code, Title 6, Chapter 4 have not been updated since 1981; and

WHEREAS, there have been numerous updates to Federal and State regulations regarding manufactured homes, mobile homes, and recreational vehicles that necessitate updating the City code; and

WHEREAS, the current structure of having different chapters for new mobile home parks and existing mobile home parks is confusing and creates redundant language; and

WHEREAS, the City wishes to consolidate the two (2) mobile home park chapters for ease of use and to eliminate redundancy; and

WHEREAS, the City wishes to provide more affordable housing opportunities by allowing modular homes within manufactured home parks and eliminating the 6-month stay limit for recreational vehicles; and

WHEREAS, on December 11, 2019, the Planning and Zoning Commission conducted a public hearing upon the amendments contained herein and recommended approval to the City Council; and

WHEREAS, on \_\_\_\_\_, the City Council conducted a public hearing and considered and adopted the amendments contained herein;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MOSCOW, IDAHO, AS FOLLOWS:

**SECTION 1:** That Moscow City Code Title 6, Chapter 2 be amended as follows:

...

**Sec. 2-1. Title.**

This Chapter shall be known and designated as the "~~New Mobile~~Manufactured Home Park Chapter" of the City. The standards contained herein shall apply to all ~~new mobile-manufactured~~

home parks developed after the effective date of this Chapter and the future expansion of existing ~~mobile-manufactured~~ home parks. Manufactured home parks in existence prior to the effective date of this Chapter shall be subject to Moscow City Code Title 6, Section 2-940: Standards for Existing Manufactured Home Parks, and other portions of this Chapter as applicable.

### **Sec. 2-2. Statement of Purpose.**

Realizing that the ~~mobile-manufactured~~ home is becoming an integral part of the nation's housing supply, and realizing that safe housing and a pleasant environment for the residents of the City is of prime concern to the Council, this Chapter is provided for the following purposes:

- A. To provide for the orderly placement of ~~mobile-manufactured~~ homes in ~~mobile-manufactured~~ home parks within the City and the area of City impact.
- B. To maintain a consistency of building codes and housing standards within the City.
- C. To maintain property values throughout the City.
- D. To safeguard the health, safety and environment of residents of ~~mobile-manufactured~~ home developments through adequate regulation.
- E. To allow a greater choice of housing alternatives for residents of the City.
- F. To provide for adequate traffic circulation and open space within ~~mobile-manufactured~~ home developments.

### **Sec. 2-3. Definitions.**

As used in this Chapter, unless the context otherwise indicates:

- A. *Accessory Parking Area.* A common enclosed area set aside for the parking and storage of vehicles and mobile units accessory to everyday life. Such units may include, but are not limited to, motor homes, travel trailers, pickup campers, boats, motorcycles and other similar items.
- B. *Accessory Structure.* A structure intended for other than dwelling purposes that is within a ~~mobile-manufactured~~ home park. Such a structure would include, but not be limited to, storage areas, laundry facilities, recreation halls, maintenance shops, etc.
- C. *Application, ~~Mobile-Manufactured~~ Home Park.* Required form provided by the City to be completed and submitted to the City along with accompanying maps and other information.
- D. *Building.* Any structure having a roof ~~building for the complete enclosure of persons or property of any kind upon real property~~, but excluding all forms of vehicles even though immobilized.
- ~~E. *Building Code for Mobile Homes.* Provides for the standards for construction of mobile homes as adopted in the Idaho Advisory Building Code as adopted by the State of Idaho.~~
- ~~EF. *Building Codes.* The latest edition of any building code as currently adopted by the Council.~~
- ~~FG. *Building Permits.* A written form of permission to develop or alter structures placed on real property or its appurtenances constructed to the standards provided for in the Building Code, Moscow City Code, and any applicable state and federal regulations.~~
- ~~GH. *Buffer Zone.* The area immediately within the external property lines of any ~~mobile-manufactured~~ home park which is intended as an open transitional area between the ~~mobile-manufactured~~ home development and adjacent land uses.~~
- ~~HI. *Construction Permit.* An official certificate issued by the City granting permission, after all final plans are approved, to start construction (roads, utilities, site preparation, etc.) on the development of a ~~mobile-manufactured~~ home park.~~



- IJ. Existing Manufactured Home Parks. Any manufactured home parks that are in existence at the time this Chapter is adopted.
- J. Manufactured Home.— ~~a~~A structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the ~~s~~Secretary of ~~h~~Housing and ~~u~~Urban ~~d~~Development and complies with the standards established under 42 U.S.C. ~~s~~Section 5401 et seq.
- JK. Manufactured Home Park. A tract of land under single ownership developed for the purpose of providing rental space for manufactured homes, mobile homes, or modular homes on individual lots and for accessory structures to serve the residents within its confines.
- JKL. Mobile Home (Relocatable Housing). A factory-assembled structure or structures 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. A mobile home shall meet the requirements set forth in Idaho Code Title 39, Chapter 41, as amended from time to time by the State Legislature. ~~A detached single family dwelling unit or a dwelling unit for use as a component in a two family or multi family structure with all of the following characteristics:~~
- ~~— 1. Designed for long term occupancy, containing complete sleeping accommodations, toilet facilities, bath facilities, kitchen facilities, with plumbing and electrical connections provided for connection to an outside system.~~
  - ~~— 2. Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailer or detachable wheels.~~
  - ~~— 3. Built to arrive at the site where it is to be occupied as a dwelling unit complete, including major appliances, and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on foundation supports or integration into a prepared structure.~~
  - ~~4. Meets the requirements set forth in Idaho Code Title 39, Chapter 41, as amended from time to time by the State Legislature.~~
- K. Mobile Home, Double Wide or Triple Wide. A mobile home consisting respectively of two (2) or three (3) sections combined horizontally or stacking vertically at the site to form a single dwelling, while still retaining their individual chassis for possible future movement.
- L. Mobile Home Park. ~~A tract of land under single ownership developed for the purpose of providing rental space for parking mobile homes on individual lots and for accessory structures to serve the residents within its confines.~~
- M. Mobile Home, Single Wide. ~~A transportable structure which is at least ten (10) feet in width and over thirty-two (32) feet in length, built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.~~



~~N. Mobile Home Stand.~~ That part of an individual lot in a mobile home park which has been reserved for the placement of a mobile home. Stand shall be constructed of concrete as required by the administrative authority.

~~ML. Modular Home.~~ Any building or building component, other than a manufactured or mobile home, that is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.

~~NMO. Park Operator's Permit.~~ A written form of permission by the ~~Director of Community Development Department~~ City upon approval of satisfactory completion of development and after final inspection is made and approved before occupancy is allowed on any completed phase of development.

~~ONP. Recreation Area.~~ Space within a ~~mobile-manufactured~~ home park having open area and/or recreational equipment to be used for the leisure activities of residents of the development.

~~QPO. Setback.~~ The area between the property or lot line and the line beyond which buildings may legally be located.

~~QPR. Setback Front.~~ The distance from the property or lot line on a private or public right-of-way to the building line. When the lot does not adjoin a private or public right-of-way, any side of the lot may be designated as the "front."

~~RQS. Setback Rear.~~ The setback from the property or lot line on the opposite side of the lot from the front setback. For a triangular shaped lot, the setback shall be measured from a line ten feet (10') ~~feet~~ in length within the lot which is parallel to the front lot line, or parallel to the chord of a curved front lot line.

~~SRT. Setback Side.~~ The setbacks from the property line or lot lines remaining after the front and rear setbacks have been determined.

~~TSU. Space Occupancy Installation Permit.~~ A written form of permission issued by the ~~Director of Community Development Department~~ City to the ~~mobile-manufactured~~ home park owner or operator to permit a ~~mobile-manufactured~~ home to be placed on a ~~mobile-home stand~~ ~~manufactured home space within~~ in a ~~mobile-manufactured~~ home park. Space ~~occupancy installation~~ permit gives approval that the mobile home can be occupied at that particular site.

~~TV. Structure.~~ That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

~~VUW. Utilities.~~ Basic public service facilities such as water lines, sewer lines, natural gas lines, electric power lines, telephone wires and community television antenna lines.

~~WVX. Yard.~~ Open, unoccupied space in front, rear or side on the same lot with a building.

#### **Sec. 2-4. Application Procedure for Mobile-Manufactured Home Development**

The following is the application procedure for the development of ~~mobile-manufactured~~ home parks in the City. A person wishing to make application for a ~~mobile-manufactured~~ home park should contact the ~~City Director of Community Development Department~~ Zoning Administrator ~~or his or her designee~~ to determine the regulations and requirements for such a development. A conference between the applicant and appropriate City staff will be scheduled.

- A. To provide clarification of the entire ~~mobile-manufactured~~ home park development process;
- B. To allow the City staff to express their professional views about the proposed site;
- C. To review adequacy of utilities for the development; and
- D. To clarify public utility and other development policies of the City.



## Sec. 2-5. Application and Preliminary Plans.

The applicant shall submit to the City an application on the form prescribed by the City and ~~one (1) paper copy along with one (1) digital copy (in PDF format) at least five (5) complete sets of preliminary plans to the Zoning Administrator to the City Director of Community Development~~ for consideration by the Planning and Zoning Commission at least twenty (20) days prior to the meeting at which such plans will be considered. The application and preliminary plans shall include at least the following:

### A. Application:

1. Name, address of developer and names of principal professional personnel involved in plan preparation.
2. Legal description of development site.
3. Area of proposed development measured in acres and square feet.
4. Percentage of total area to be set aside for use in common or recreation.
5. Number of spaces or lots intended for development.
6. Any intentions for phasing the project, along with a description of the proposed phases.

### B. Preliminary Plans:

1. A drawing to scale of not less than one inch (1") ~~inch~~ to fifty feet (50') ~~feet~~, showing all land uses in the periphery of the development and all public and private roads within three hundred feet (300') ~~feet~~ of the development. Development area to be distinctly shown on the above-mentioned drawings.
2. A topographical map showing existing and final contours and drainage systems through the development, with maximum contour intervals of five feet (5') ~~feet~~, extending not less than one hundred fifty feet (150') ~~feet~~ beyond the boundaries of the development area.
3. Tentative patterns of streets, bikeways and walkways, showing width and separation of same, and their relationship to similar facilities outside the boundaries of the proposed development, including sizing. Proposed street names shall be shown.
4. Location and specific nature of open area and playground equipment, if any.
5. Location of all existing and proposed structures within the development.
6. Location and precise nature of buffer area and its contents.
7. A conceptual plan of landscaping indicating type (trees, shrubs, ground cover) and general extent of plantings and a statement regarding the proposed maintenance program.
8. Tentative location of lots or spaces and location of major areas intended for use in common.
9. Any other details specifically requested to be shown at the preliminary conference.

- C. The preliminary plans ~~will~~ shall be submitted to the City to be examined for conformance to this Chapter ~~by the Director of Community Development~~ before being scheduled on the agenda of the Planning and Zoning Commission. ~~The Director of Community Development will submit the preliminary plans for comment to the City Engineer, the Fire Chief, and the City building official at least fifteen (15) days prior to the scheduled meeting before the Planning and Zoning Commission. City staff comments will be provided within ten (10) days from the date they are provided copies of the development plans.~~ If the plans are in conformance with this Chapter, they will be submitted to the Planning and Zoning Commission along with comments from City staff. The Planning and Zoning Commission will review the plans and will approve or disapprove the plans, approve the plans conditionally or request modification of the plans within sixty (60) days after the first meeting at which they



are considered. ~~Plans recommended for approval will be forwarded to the Council for their review.~~

#### **Sec. 2-6. Final Plans.**

- A. The final plans ~~will~~ shall include detailed drawings on all physical developments of the park development and any other requirements determined during the approval process of the preliminary plans. Within a year after the Planning and Zoning Commission approval of the preliminary plans, the applicant shall submit one (1) paper copy along with one (1) digital copy (in PDF format)~~five (5) copies~~ of the final plans to the ~~Director of Community Development Department~~Zoning Administrator twenty (20) days before the scheduled meeting of the Planning and Zoning Commission. ~~The Director of Community Development shall submit copies of the final plans to the City Engineer, the Fire Chief and the building officials fifteen (15) days prior to consideration before the Planning and Zoning Commission, allowing ten (10) days for staff review.~~ Final plans will be checked for conformance with the concepts presented and approved in the preliminary plans, the requirements of this Chapter and City standards before submitting the final plans to the Planning and Zoning Commission for its approval. ~~If the Planning and Zoning Commission finds the final plans to be in conformance with the approved preliminary plans, the plans will be approved and forwarded to the Council.~~ The final plan shall include:
1. A survey by a licensed surveyor indicating exterior boundary, public rights-of-way, lot sizes, easements, recreation area and any other information required by the City Engineer;
  2. Construction plans prepared by a licensed engineer indicating alignment and grade for water, sanitary sewer, storm sewer and streets;
  3. Parking location and layout;
  4. Street lighting layout;
  5. Space numbering;
  6. Fire protection plan; content determined by the ~~Director of Community Development~~Fire Marshall~~City~~;
  7. Landscaping plan (including species and placement of planted materials):
    - a. At least one (1) tree per ~~every mobile-manufactured~~ home unit.
    - b. Trees and other plantings shall conform to size standards established in the "American Standards for Nursery Stock."
    - c. All common areas and lots not utilized for structures, parking or other landscaping shall be covered by turf or other vegetative ground cover.
- B. Before occupancy permits are issued, ~~record built drawings of all construction~~construction drawings prepared by a licensed engineer will be submitted to the City Engineer.

#### **Sec. 2-7. Permits.**

The following permits shall be required for ~~mobile-manufactured~~ home parks:

- A. Construction Permit. Issued by the ~~Director of Community Development~~City upon approval of all final plans by the ~~Council~~Planning and Zoning Commission. ~~or authorized by the Director of Community Development Department to start construction on a mobile manufactured home park.~~
- B. Park Operator's Permit. To be issued by the ~~Director of Community Development~~DepartmentCity upon approval of satisfactory completion of development and after final



inspection is made and approved before occupancy is allowed on any completed phase of development.

- C. ~~Space~~ ~~Occupancy~~ Installation Permit: Issued to the park owner before the siting or re-siting of a manufactured mobile home on specific lot ~~and mobile home stand in within a manufactured mobile~~ home park. Used to determine that mobile home location ~~location~~ on a given site meets all required codes; approved site and manufactured mobile home will be issued a certificate of occupancy.
- D. Plumbing Permit: Issued to owner of manufactured mobile home to cover connection of unit into park water and sewer system.
- E. Electrical Permit: Issued to owner of manufactured mobile home to cover connection of unit to park electrical system.
- F. Gas Permit: Issued to owner of manufactured mobile home to cover connection of gas to manufactured mobile home unit.
- G. Building Permit: Issued to cover construction of any structure within the park and is issued to the owner of the structure.

#### Sec. 2-8. Fees.

Fees for permits will be established by resolution of the Council.

#### Sec. 2-9. Standards for Mobile Manufactured Home Parks. Development; Size, Lot Size and Setbacks.

##### A. Bulk and Dimensional Standards

##### 1. New or Expanded Manufactured Home Parks

- a. Minimum site size: five (5) acres.
- b. Minimum manufactured home lot size (min.): three thousand six hundred (3,600) sq. ft.
- c. Minimum Setbacks (min.):
  - i. Front: ten feet (10') ft.
  - ii. Sides and rear: five feet (5') ft.
  - iii. Side unit with main entrance: ten feet (10') ft.
- d. Minimum space between units, including accessory structures: ten feet (10') ft.
- e. Maximum lot coverage (including awnings) (max.): seventy percent (70%).
- f. Unwalled carports may be located within a required front setback if located not closer than four feet (4') feet to the curb or edge of the street; however, no fencing, screening, wall or plantings shall be permitted in the setback which might interfere with a driver's view of the street.

##### 2. Existing Manufactured Home Parks

- a. Minimum site size: None specified.
- b. Minimum manufactured home lot size: None specified.
- c. Minimum Setbacks:
  - i. Front: None, soas long as no part of any manufactured home encroaches upon any part of a walkway or park street.
  - ii. Sides and rear: five feet (5').
  - iii. Side unit with main entrance: ten feet (10').
- d. Minimum space between units, including accessory structures: ten feet (10').
- e. Maximum lot coverage: seventy percent (70%).



**Sec. 2-10. — Phase Development.**

~~If the developer wishes to phase the construction of the development, at least one half (1/2) of the required thirty five (35) units or five (5) acres, whichever is less, and the required accessory facilities shall be completed prior to being issued an operator's permit. The City may require bonding for the remaining portions of the phased development. Bonding would cover the cost of providing roads, sidewalks, street lighting, accessory structures and other parts of the unfinished portion of the mobile home park.~~

**Sec. 2-11.B. Recreation Area.**

—A common recreation area(s) shall be provided in each **mobilemanufactured** home park consisting of no less than four percent (4%) or ten thousand (10,000) square feet, whichever is greater, of the gross land area. This area shall be exclusive of all lot and buffer areas and shall be developed with turf and trees to accommodate both active and passive recreation. If this requirement is to be met by several separate areas, one (1) area must be ten thousand (10,000) square feet in size and the remaining recreation areas shall be left to the discretion of the developer.

**Sec. 2-12C. Buffer Area.**

—All **mobilemanufactured** home lot lines and all structures within a **mobilemanufactured** home park shall be set back a minimum of fifteen **feet** (15') ~~feet~~ from the property line of the development. The need for a buffer area shall be determined by the Planning and Zoning Commission. If the Planning and Zoning Commission determines a need for a buffer area, a sight obscuring fence or evergreen hedge at least six **feet** (6') ~~feet~~ in height shall be maintained within the rear and side buffer areas. Such fence or hedge across the front of the development shall be set back at least ten **feet** (10') ~~feet~~ from the front property line. The remainder of the buffer area will be landscaped as determined in the development plan submitted to the Planning and Zoning Commission.

**Sec. 2-13.D. Streets and Roads.**

—The general layout of a **mobilemanufactured** home development shall provide not only adequate circulation space within its confines, but shall also integrate with any existing or planned street pattern in the general area of the development. Public street dedication may be required if needed to provide proper integration with existing or planned streets. All dedicated streets shall be constructed in accordance with the City of Moscow street standards as adopted by resolution of the Council to City width and construction standards. The developer of a **mobilemanufactured** home park may be required to improve any right-of-way to which the development is adjacent, to City standards. All street names shall be approved by the Planning and Zoning Commission.

**Sec. 2-14E. Private Streets.**

—Private streets within a **mobilemanufactured** home park shall be constructed to a minimum of four **inch** (4") ~~inch~~ aggregate base and a minimum of three **inches** (3") ~~inches~~ of bituminous pavement with curbs on both sides and sidewalk on one (1) side. Plans for traffic circulation within the area and the size of the development shall be considered before the Planning and Zoning Commission. Private streets shall be a minimum of **forty-three-six feet** (40'36") ~~feet~~ in width with parking on both sides, **thirty-two-twenty-eight feet** (32'28") ~~feet~~ with parking on one (1) side and **twenty-seven feet** (27'20") ~~feet~~ when no parking is provided. Dead-end streets shall be limited to a length of six hundred **and sixty feet** (660') ~~feet~~ and the cul-de-sac shall have a minimum radius of **forty-ninety-six feet** (40'96") ~~feet~~.



Sec. 2-15F. Walkways.

—Pedestrian walkways ~~shall be~~ four ~~feet (4')~~ feet in width ~~and~~ shall be provided along one (1) side of street frontage in ~~mobilemanufactured~~ home parks and shall be constructed to City standards. Walkways connecting interior facilities in the ~~mobilemanufactured~~ home park shall also be constructed to City standards of four ~~feet (4')~~ feet in width. Walkways ~~will~~ ~~shall~~ be provided from the ~~mobilemanufactured~~ home unit to the street or interior walkway system and shall be built to a minimum of two ~~feet (2')~~ feet or wider.

Sec. 2-16G. Lighting.

—Street lighting shall be provided by the developers of all ~~mobilemanufactured~~ home developments affected by this Chapter. Such lighting shall utilize a mercury vapor or high pressure sodium light or another lighting system approved by the City Engineer. Lighting shall be provided at a minimum intensity of one-half (1/2) candle foot at all places along the private streets. Along public streets, the street light requirements shall meet the standards set forth in the Code.

Sec. 2-17H. Parking.

~~A1. A minimum of two (2) off-street parking spaces per unit shall be required within a mobilemanufactured home park and parking spaces shall be located adjacent to the mobilemanufactured home site where possible, but not further than one hundred fifty feet (150') from the identified site. A parking space shall be at least nine feet (9') in width and twenty feet (20') in depth consist of three hundred (300) gross square feet of area and shall be paved.~~

~~B2. Additional off-street parking at a rate of one (1) parking space per three (3) manufactured home spaces shall be provided for guest and visitor parking. A minimum of one (1) additional space beyond the two (2) required spaces shall be required and shall be provided for mobile home parks on adjacent streets or in a parking lot.~~

~~C. An accessory parking and storage area for recreation vehicles, boats and similar equipment shall be provided at a rate of one (1) space per fifteen (15) mobile home spaces in mobile home parks. This accessory parking area shall be enclosed by a fence six feet (6') feet in height and with security lighting provided at one-half (1/2) candle foot for this accessory parking area.~~

Sec. 2-18I. Utilities.

—All ~~mobilemanufactured~~ home developments shall be served by City water and sewer and shall be developed and constructed to City standards. The water, sewer and electrical systems within the development and all individual hookups shall be installed in accordance to City standards.

Sec. 2-19J. Refuse Handling. All refuse collection locations shall be approved by the City Sanitation Department.

~~A. The storage, collection and disposal of refuse in mobile home parks shall be conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.~~



- ~~B. All refuse shall be stored in flytight, watertight, rodent proof containers, which shall be located not more than one hundred fifty feet (150') feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.~~
- ~~C. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent the containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.~~

~~K~~Sec. 2-20. Space Numbering.

~~— Each lot in a mobilemanufactured home development shall be conspicuously marked with the proper lot number that will provide identification of that site. Such numbering shall be subject to approval of the Director of Community Development comply with current Building and Fire Code requirements.~~

~~Sec. 2-21L. Skirting.~~

~~— All mobilemanufactured homes placed within the City ~~shall~~, within sixty (60) days of their installation, except in cases of inclement weather, shall be completely skirted between the bottom of the unit and the ground with a material harmonious in color and texture with the exterior of the mobilemanufactured home.~~

**Sec. 2-2210. Responsibilities of Park ~~Management~~Owner.**

- A. The operator-owner of a mobilemanufactured home park shall operate the park in compliance with this Chapter and regulations issued hereunder and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- B. The park management-owner shall notify park occupants of all applicable provisions of this Chapter and inform them of their duties and responsibilities under this Chapter and regulations issued hereunder.
- C. The park management-owner shall be responsible for obtaining all necessary permits required by this Chapter for placement and replacement of each mobilemanufactured home on its stand and the installation of all utility connections. An occupancy certificate for the mobilemanufactured home will not be issued until proper inspections have been completed~~made by the Director of Community Development.~~ ~~A mobilemanufactured home shall not be occupied for dwelling purposes until an occupancy certificate has been issued by the CityDirector of Community Development. An occupancy certificate will not be issued for a mobile home not meeting the standards adopted by the State Code.~~
- ~~D. An office shall be maintained on all mobile home park premises which allows residents to contact the management at least on a forty (40) hour per week basis.~~

**Sec. 2-2311. Park Areas for Nonresidential Uses.**

- A. No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park.
- B. Nothing contained in this Section shall be deemed as prohibiting the sale of a mobilemanufactured home located in and connected to the pertinent utilities.

**Sec. 2-1224. Violation of Provisions; Operations Suspension.**



- A. Whenever, upon inspection of any mobilemanufactured home park, the ~~Director of Community Development~~City finds that conditions or practices exist which are in violation of any provision of this Chapter, or the park operator's permit for the development or any other regulation adopted pursuant thereto, the ~~Director of Community Development~~City shall give notice which shall:
1. Be in writing;
  2. Include a statement of the reason for its issuance;
  3. Allow a reasonable time for the performance of any act it requires;
  4. Be served upon the owner or owner's agent when a copy thereof has been sent by certified or regular mail to the owner or owner's agent's last known address, or when the owner or owner's agent has been served with such notice by any other method authorized or required by the laws of this state; and
  5. Contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this Chapter and with regulations adopted pursuant thereto.
- B. At the end of the specified time period, the ~~Director of Community Development~~City shall reinspect such mobilemanufactured home park and, if such conditions or practices have not been corrected, the ~~Director of Community Development~~City shall take legal action to have the mobilemanufactured home park operator's permit revoked and have the mobilemanufactured home park cease operation or have the City hire or contract for remedial action to correct the problem and bill the park operator-owner for these costs or put a lien on his property.
- C. Any person, whose mobilemanufactured home park has received notice their mobilemanufactured home park operator's permit will be revoked unless certain conditions or practices at the mobilemanufactured home park are corrected, may request a hearing on the matter before the Council. The mobilemanufactured home park owner/operator has thirty (30) days to appeal the ruling of the ~~Director of Community Development~~DepartmentCity and to file an appeal with the Council.
- D. The filing of the request for a hearing shall operate as a stay of notice of suspension. Under receipt of such petition, the Council shall set the time and place for such a hearing and shall give the petitioner notice thereof. At such hearing, the petitioner shall be given the opportunity to be heard, and to show why such notice should be modified or withdrawn. The hearing shall be commenced no later than thirty (30) days after the day on which the petition was filed; provided, upon application of the petitioner, the date of the hearing may be postponed for a reasonable time beyond such thirty (30) day period when it is felt that the petitioner has submitted good and sufficient reasons for postponement.
- E. After such hearing, the Council shall make findings as to compliance with the provisions of this Chapter and regulations issued thereunder and shall issue orders in writing sustaining, modifying or withdrawing the notice which shall be served in a manner prescribed in this Code. Upon a failure to comply with the order sustaining or modifying a notice, the operation of the mobilemanufactured home park affected by the order shall be stopped or corrective action taken by the City and charged to the park operatorowner. The proceedings at such a hearing, including the findings and decisions of the Council, together with a copy of every notice and order related thereto, shall be entered as a matter of public record of the Council, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by laws of this state.



- F. When the ~~Director of Community Development Department~~City finds an emergency exists which requires immediate action to protect the public health, ~~he or she~~the City may, without notice of hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as ~~he or she may deem~~ necessary to meet the emergency, including the suspension of operation and the revoking of the park operator's permit. Notwithstanding any other provisions of this Chapter, such order as directed shall comply therewith immediately, but upon petition to the Council, shall be afforded a hearing as soon as possible.

**Sec. 2-~~25~~13. Variances.**

Variances may be permitted as set forth in the Zoning Code.

**Sec. 2-~~26~~14. Appeals.**

Any person whose application for a ~~mobile~~manufactured home development under this Chapter has been denied, may, within ten (10) days after the date on which the application was denied, appeal to the Council under the procedure provided in this Chapter. A hearing on the matter will be scheduled within sixty (60) days of the date of the appeal being filed.

**Sec. 2-~~27~~15. Violations; Penalties.**

Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined pursuant to this Code and the Idaho Code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The City may also use any civil remedies available to gain compliance with this Chapter.

**Sec. 2-~~28~~16. Nonconforming Uses.**

Any existing park which does not meet the standards of this Chapter shall be considered a nonconforming use. Any existing parks that become nonconforming uses at the time this Chapter is adopted may continue to operate unless the use shall be terminated for a period of one hundred eighty (180) days. If such use is terminated for more than one hundred eighty (180) days, the use cannot be reestablished unless it is brought into conformance with this Chapter. Any expansion of a nonconforming ~~mobile~~manufactured home park shall be developed to the requirements and standards of this Chapter, unless said requirements are technically unfeasible. The determination as to whether the requirements of this Chapter would be technically unfeasible shall be made by the Planning and Zoning Commission.

**Sec. 2-17. Phase Development.**

Phasing shall be permitted subject to the approval of the Planning and Zoning Commission.

**Sec. 2-18. Modular Homes.**

Modular homes which have been inspected and approved by the Idaho Division of Building Safety and which contain the appropriate modular insignia shall be permitted within manufactured home parks.

**Sec. 2-29. ~~Parks Annexed Into the City.~~**

~~This Section shall apply to mobile home parks in proximity to, or within the area of City impact of the City.~~



- ~~A. Any mobile home park (or portion of such park) developed after the effective date of this Chapter shall be required to comply with all standards and requirements of this Chapter within ninety (90) days after said park is annexed into the City.~~
- ~~B. Any mobile home park developed prior to the effective date of this Chapter shall be required to comply with the permit provisions of this Chapter and the standards of Ordinance No. 1381, within six (6) months after the date of annexation.~~

**Sec. 2-30. — Other Regulations.**

- ~~A. The standards contained in Ordinance No. 1381 shall continue to apply to mobile home parks (or portions thereof) established prior to August 25, 1972.~~
- ~~B. The standards contained in Ordinance No. 1221 shall continue to apply to mobile home parks (or portions thereof) developed between August 25, 1972 and the effective date of this Chapter.~~

**SECTION 2:** That Moscow City Code Title 6, Chapter 3 be repealed, amended as follows:

**Sec. 3-1. — Purpose.**

~~— The purpose of this Chapter shall be to promote the health, safety and general welfare of the inhabitants of the older mobile home parks in existence prior to August 25, 1972, and to require the owners to meet the standards set forth herein no later than September 1, 1979.~~

**Sec. 3-2. — Code Sections Adopted.**

~~— Standards, definitions, and procedures established in Title 6, Chapter 2, of this Code shall apply to this Chapter except where it is clear by context that such are inapplicable.~~

**Sec. 3-3. — Required Separation Between Mobile Homes.**

- ~~A. Each mobile home stand shall not cover more than one-third (1/3) of the area of the mobile home lot. Every mobile home space shall abut on a driveway or public street or an approved sidewalk system. Such spaces shall be defined on the Park Plan. Mobile home units shall be so parked that the minimum space distance between the nearest portion of the mobile home unit and/or its accessory building is not less than ten feet (10') from an adjacent unit and/or accessory building. There shall be an open space of not less than five feet (5') from the exterior boundary of the mobile home park.~~

**Sec. 3-4. — Required Setbacks, Buffer Strips and Screening.**

- ~~A. All mobile home units shall be located at least five feet (5') from any park property boundary line abutting upon a public street or highway and at least five feet (5') from other property boundary lines.~~
- ~~B. No part of any mobile home unit shall encroach upon any part of a walkway or park street.~~
- ~~C. All mobile home parks located adjacent to industrial or commercial land uses except farm land shall be provided with at least six foot (6') screening such as fences or evergreen growth along the property boundary line separating the park and such adjacent nonresidential uses.~~

**Sec. 3-5. — Park Street System.**



- ~~A. General Requirements: All mobile home parks shall be provided with safe and convenient vehicular access from abutting streets or roads to each mobile home lot. Alignment and gradient shall be properly adapted to topography.~~
- ~~B. Access, Street Parking and Internal Streets: All mobile home parks shall meet the standards of parking lot requirements set forth in Code Section 5-1-5(E); each park owner shall construct and maintain off-street parking within the mobile home park area a minimum of one and one-half (1 1/2) parking spaces times the number of mobile home units in the park.~~
- ~~C. Required Illumination of Park Street Systems: All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide, as approved by the City, levels of illumination for the safe movement of pedestrians and vehicles at night. Such systems must be shown on the mobile home park plan.~~
- ~~D. Street Construction and Design Standards: All streets shall be maintained in an acceptable manner as approved by the City.~~

**~~Sec. 3-6. — Walks.~~**

- ~~A. General Requirements: All parks shall be provided with safe, convenient, all season pedestrian access of adequate width for intended use, durable and convenient to maintain, between the individual homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.~~
- ~~B. Sidewalk System: Shall be subject to the approval of the City and have the capability of providing acceptable emergency access.~~

**~~Sec. 3-7. — Water Supply.~~**

~~— General Requirements: An accessible, adequate, safe and potable supply of water shall be provided in each mobile home park. Where a public supply of water is available, connection shall be made thereto and its supply used exclusively.~~

**~~Sec. 3-8. — Water Distribution System.~~**

~~— The water supply system of the mobile home park shall conform to the standards required by the City as approved by the Council.~~

**~~Sec. 3-9. — Sewage Disposal.~~**

~~— An adequate and safe sewerage system shall be provided in all mobile home parks for conveying and disposing of all sewage in conformance to the standards required by the City as approved by the Council.~~

**~~Sec. 3-10. — Electrical Distribution System.~~**

~~— Every park shall contain an electrical wiring system which complies to the standards required by the City as approved by the Council.~~

**~~Sec. 3-11. — General Requirements.~~**

~~— The requirements of this Section shall apply to service buildings, recreation buildings and other community service facilities such as:~~

- ~~A. Management offices, repair shops, and storage areas.~~
- ~~B. Sanitary facilities.~~
- ~~C. Laundry facilities.~~



~~D. Indoor recreation areas.~~

~~E. Commercial uses supply essential goods and services for the exclusive use of park occupants.~~

~~— All of which must comply with all Federal, State, City and local codes.~~

**Sec. 3-12. — Fire Protection.**

~~— The mobile home park area shall be subject to the rules and regulations of the City, as approved by the City and the Fire Chief. Each owner of a mobile home park shall provide on their mobile home park plan a fire protection system, which must be developed and submitted to the City and the Fire Chief for approval.~~

**Sec. 3-13. — Responsibilities of Park Owners and Occupants.**

~~— The park occupants shall comply with all applicable requirements of this Chapter and regulations issued hereunder and shall maintain their mobile home lots, facilities and equipment, in good repair and in a clean and sanitary condition. The owner shall develop a set of park rules and regulations which shall be distributed to each mobile home occupant.~~

**Sec. 3-14. — Fees.**

~~— The City shall establish certain fees for inspections which shall be effective from and after approval by resolution duly adopted at a regular meeting of the City Council.~~

~~— Said inspection fees shall include but not be limited to:~~

~~A. Permit for installation and tie down and occupancy inspection.~~

~~B. Plumbing.~~

~~C. Electrical.~~

~~— All inspection and requirements shall be made in accordance with this Code and amendments thereto from time to time.~~

**SECTION 3:** That Moscow City Code Title 6, Chapter 4 be amended as follows:

**Sec. 43-1. — Title.**

This Chapter shall be known and designated as the "Recreational Vehicle Park and Campgrounds Chapter" of this Code, and shall apply to all recreational vehicle parks and campgrounds developed after the adoption of this Chapter.

**Sec. 43-2. — Statement of Purpose.**

Realizing that there is an identifiable need to provide locations in the City for the Traveling Public to park recreational vehicles or the placement of tents, this Chapter is provided to permit the development of recreational parks and campgrounds.

**Sec. 43-3. — Definitions.**

A. *Accessory Structure.* A subordinate building or structure, the use of which is incidental to the use of a recreational vehicle park such ~~A structure intended as a permanent residence for the park operator owner of such structures~~ as storage buildings, laundry, restrooms and shower facilities, recreation halls, maintenance shops, etc.

B. *Application, Recreational Vehicle (RV) Park.* Standard form provided by the City to be completed and submitted to the City along with accompanying maps, plans and other requested information.



- C. *Buffer Zone*. The area immediately within the external property lines of any recreational vehicle park which is intended as an open transitional area between the recreational vehicle development and adjacent land uses.
- D. *Building*. Any structure having a roof ~~built for the complete enclosure of persons or property or any kind of real property~~, but excluding all forms of vehicles even though immobilized.
- E. *Construction Permit*. An official certificate issued by the City granting permission after all final plans are approved to start construction (roads, utilities, site preparation, etc.) on the development of a recreational vehicle park.
- F. *Recreational Vehicle*. A vehicle type unit ~~previously primarily~~ designed as temporary living quarters for recreational, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. The basic entities are: camping trailer, motor home, travel trailer or fifth wheel camper, ~~and~~ truck camper, and park model recreational vehicle, and are defined as follows:
  - 1. *Camping Trailer*. A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by ~~another vehicle~~ and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.
  - 2. *Motor Home*. A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self propelled motor vehicle chassis cab or van which is an integral part of the completed vehicle.
  - 3. *Travel Trailer or Fifth Wheel Camper*. A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty (220) square feet, excluding built in equipment and bath and toilet rooms.
  - 4. *Truck Camper*. A portable unit constructed for recreational, camping or travel use, consisting of a floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.
  - 5. *Park Model Recreational Vehicle*. A recreational vehicle that is designed to provide temporary accommodations for recreational, camping or seasonal use, is built on a single chassis, was originally mounted on wheels, has a gross trailer area not exceeding four hundred (400) square feet in the set-up mode, and is certified by its manufacturer as complying with the American National Standards Institute (ANSI) A119.5 Standard for Recreational Park Trailers, and includes park models, park trailers, recreational park trailers, and certain tiny homes.
- G. *Tent*. A collapsible structure, primarily constructed of fabric, with a floor area of no more than two hundred (200) square feet designed to provide temporary living quarters for recreational, camping or travel use.
- H. *Recreational Vehicle (RV) Park*. Any lot of land upon which two (2) or more recreational vehicle spaces are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters.

#### **Sec. 4.4. — Principles for Development.**

- A. ~~Recreational vehicle parks and campgrounds are permitted in the Motor Business (MB) Zoning District or the General Business Zoning District as a permitted use; and in the University (U) Zoning District, the Multiple Family Residential (R-4) Zoning District, and the Agriculture/Forestry (AF) Zoning District through the issuance of a Special Use Permit.~~



- ~~B. In evaluating a proposal the Planning and Zoning Commission may require the applicant to demonstrate that the recreational vehicle park will not generate traffic conditions that would be a hazard to pedestrians or motorists in the neighborhood in which it is located.~~

**Sec. ~~43-45~~. Preliminary Development Plans.**

Any person wishing to make application for a recreational vehicle park and campground should contact the City to determine the regulations and requirements for such a development. A conference between the applicant and the appropriate staff will be scheduled:

- A. To provide clarification of the recreational vehicle park development process;
- B. To review adequacy of utilities for the development; and
- C. To clarify public utilities and other development policies of the City.

**Sec. ~~43-56~~. Applications and Preliminary Plans.**

The applicant shall submit to the City, an application on the form prescribed by the City, and ~~one (1) paper copy along with one (1) digital copy (in PDF format) at least five (5) complete sets~~ of preliminary plans to the City for consideration by the Planning and Zoning Commission, at least twenty-one (21) days prior to the meeting at which such plans will be considered. The application and preliminary plans shall include at least the following:

- A. Application:
  - 1. Name, address of developer and names of principal professional personnel involved in plan preparation;
  - 2. Legal description of development site;
  - 3. Area of proposed development measured in acres and square feet;
  - 4. Percentage of total area to be set aside for use in common or recreation;
  - 5. Number of spaces or lots intended for development; and
  - 6. Any intentions for phasing the project, along with a description of the proposed phases.
- B. Preliminary Plans:
  - 1. A drawing to scale of not less than one inch (1") to fifty feet (50') showing all land uses on the periphery of the development and all public and private roads within three hundred feet (300') of the development drawings;
  - 2. A topographical map showing existing and final contours and drain systems through the development, with maximum contour intervals of five feet (5'), extending not less than one hundred fifty feet (150') beyond the boundaries of the development area; this requirement may be waived by the City Engineer;
  - 3. Tentative patterns of streets, bikeways and walkways, showing width and separation of same, and their relationship to similar facilities outside the boundaries of the proposed development, including sizing. Proposed street names shall be shown;
  - 4. Location and specific nature of open areas and playground equipment, if any;
  - 5. Location of all existing and proposed structures within the development;
  - 6. Location and precise nature of buffer area and its contents;
  - 7. A conceptual plan of landscaping, indicating type (trees, ~~shrubs~~, ground cover) and general extent of plantings, and a statement regarding the proposed maintenance program;
  - 8. Tentative location of lots or spaces and location of major areas intended for use in common; and
  - 9. Any other details specifically requested to be shown at the preliminary conference.



The preliminary plans will be submitted twenty-one (21) days prior to consideration before the Planning and Zoning Commission. The City will submit the preliminary plans for comment to the City Engineer, the Fire ~~Chief-Marshall~~ and the ~~City-Community-Development Department~~ designated City Staff at least fifteen (15) days prior to the scheduled meeting before the Planning and Zoning Commission. Staff comments will be provided within ten (10) days from the date they are provided copies of the development plans. The plans will be forwarded along with comments from the City sStaff to the Planning and Zoning Commission. The Planning and Zoning eCommission will review the plans and will approve or disapprove the plans; within forty-five (45) days after the first meeting at which they are considered.

If the preliminary plans are found to be in substantial compliance with requirements for final plans, the Planning and Zoning Commission may waive the final plan review.

**Sec. 43-67. —Final Plans.**

The final plan will include detailed drawings on all physical developments of the park development and any other requirements determined during the approval process of the preliminary plans. Within a year after the Planning and Zoning Commission approval of the preliminary plans, the applicant shall submit to the City one (1) paper copy along with one (1) digital copy (in PDF format) five (5) copies of the final plans ~~to the City~~, twenty (20) days before the scheduled meeting of the Planning and Zoning Commission. Final plans will be checked for conformance with the concepts presented and approved in the preliminary plans, the requirements of this Chapter and City standards before submitting the final plans to the Planning and Zoning Commission for its approval. If the Planning and Zoning Commission finds the final plans to be in conformance with the approved preliminary plans, the plans will be approved. The decision of the Planning and Zoning Commission may be appealed to the Council within seven (7) days of adoption of findings of fact. ~~An appeal may be made by the applicant, by any person affected by the proposal, or by any member of the Council.~~ The provisions of Code Section 4-8-6 shall apply to appeals to the Council of decisions by the Planning and Zoning Commission on recreational vehicle park applications. The final plans shall include:

- A. Construction plans prepared by a licensed engineer indicating alignment and grade for water, sanitary sewer, storm sewer and streets; this requirement may be waived or modified by the City Engineer;
- B. Parking location and layout;
- C. Street lighting layout;
- D. Space numbering;
- E. Fire protection plan; content determined by the City; and
- F. Landscaping plan. The placement of landscaping shall be left to the discretion of the owner or operator of the recreational vehicle park. In order to create a park-like setting and promote privacy for the users of the recreational vehicle park, however, the following standards shall apply:
  - 1. At least one (1) canopy tree of one point five inch (1.5") ~~inch~~ caliper and two (2) shrubs a minimum of 12twelve inches (12") in height per every two (2) recreational vehicle sites; and
  - 2. All common areas and lots not utilized for structures, parking or other landscaping shall be covered by turf or other vegetative ground cover.

Before occupancy is permitted, record ~~-~~drawings prepared by a licensed engineer of all public improvement construction will be submitted to the City Engineer.



**Sec. 43-78. — Approvals.**

Construction of recreational vehicle park improvements shall not commence until final plans have been approved by the Planning and Zoning Commission. All improvements shall be constructed in accordance with approved final plans before the recreational vehicle park may be occupied.

**Sec. 43-89. — Fees.**

Fees for permits will be established by resolution from time to time by the Council.

**Sec. 43-910. Standards for Recreational Vehicle Parks and Campgrounds.**

- A. Minimum space size shall be forty feet by twenty feet (40' x 20'); however, up to forty percent (40%) of the spaces may be a minimum of twenty-five feet by twenty feet (25' x 20').
- B. Design of spaces shall be such that minimum space between recreational vehicles is ten feet (10').
- C. Toilet facilities and potable water shall be provided in all campgrounds and in all recreational vehicle parks that allow tents or recreational vehicles which are not self-contained.
- D. Common open space will be provided for each space in the park. This area shall be exclusive of all setback areas and shall be developed with turf and trees. The size of the open spaces shall be left to the discretion of the developer.
- E. Trash receptacles shall be provided, and shall be located no further than one hundred fifty feet (150') away from any recreational vehicle or campground space.

**Sec. 43-101. Streets.**

Internal private streets shall be a minimum of twenty-eight feet (28') (including a twenty foot [20'] ~~foot~~ surface and four foot [4'] ~~foot~~ shoulders) in width for two (2)-way streets and twenty feet (20') (including a twelve foot [12'] surface and four foot [4'] shoulders) for one- (1) way streets, with a minimum of three-quarters inch (3/4") processed rock, six inches (6") in depth. Minimum outside radius of all curves in streets shall be forty feet (40').

**Sec. 43-112. Setbacks and Buffer Yards.**

Setbacks and buffer yards shall be required to provide a physical and/or visual buffer to eliminate potential land use conflicts. Setbacks or buffer yards shall be required as follows:

- A. Adjoining Public Streets: Portions of a recreational vehicle park that adjoin public streets shall have a B buffer yard, as defined in Code Section 4-6-9, except in such areas required for access and/or a vision clearance triangle. Portions of a public right-of-way may be used as a part of the buffer yard at the discretion of the City;
- B. Adjacent to Residential and Industrial Uses: Portions of a recreational vehicle park that adjoin a residential or industrial use shall have a minimum setback of ten feet (10') from the property line and shall have a six foot (6') high, sight-obscuring fence located within the setback area. Utility lines and outlets may be located within the setback area.
- C. Adjoining Undeveloped Land: Portions of a recreational vehicle park that adjoin undeveloped land shall have an 'A' buffer yard, as defined in Code Section 4-6-9, except in such areas required for access and/or a vision clearance triangle.

**Sec. 43-123. Sewage Holding Tank.**



A sewage holding tank for self-contained recreational vehicles shall be provided within the recreational vehicle park or the park ~~operator-owner~~ shall provide or have provided a pumping service from the recreational vehicles into a sewage tank truck.

**Sec. ~~43-134~~. Lighting.**

Street lights along the public right-of-way shall be provided by the developers of the recreational vehicle park as required by the City Engineer ~~and the Code~~. Lighting of RV park and campground internal roads and/or pedestrian paths may be required by the Planning and Zoning Commission as dictated by the size, layout and scale of the development and in accordance with the Outdoor Lighting Section of the Zoning Code.

**Sec. ~~43-145~~. Utilities.**

All recreational vehicle parks and campgrounds with access to City sewer and/or water shall be served by such. In recreational vehicle parks and campgrounds served by private streets, a utility easement may be required by the City. In those that have no access to City sewer and water, septic systems and wells are permissible subject to Idaho State Health District approval.

**Sec. ~~43-156~~. Length of Stay in Recreational Vehicle Park.**

Maximum length of occupancy of spaces within the RV park shall be as follows:

- A. Persons occupying vehicles with total hookups, including sewer, water and electricity, shall be permitted to occupy an RV park space year-round. not occupy any RV park space for a period exceeding one hundred eighty (180) days in any 12 month period, nor shall the cumulative occupancy by such persons of different RV park spaces anywhere in the facility exceed a total of one hundred eighty (180) days in any 12 month period.
- B. Persons occupying tents or vehicles with less than total hookup capacity shall not occupy any RV park space for a period exceeding fourteen (14) days in any twelve (12)-month period, nor shall the cumulative occupancy by such persons of different RV park spaces anywhere in the facility exceed a total of fourteen (14) days in any twelve (12)-month period.

**Sec. ~~43-167~~. Responsibilities of the Recreational Vehicle Park ~~Management~~Owner.**

- A. The ~~operator-owner~~ of a recreational vehicle park shall operate in compliance with this Chapter and regulations issued hereunder and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and a clean and sanitary condition.
- B. The park ~~management-owner~~ shall notify park occupants of all applicable provisions of this Chapter and inform them of their duties and responsibilities under this Chapter and regulations issued hereunder as applicable.

**Sec. ~~43-178~~. Violation of Provisions; Operations Suspension.**

Whenever, upon inspection of any recreational vehicle park, the City finds that conditions or practices exist which are in violation of any provision of this Chapter, or the park operator's permit for the development, or any other regulation adopted pursuant thereto, the City shall give notice which shall:

- A. Be in writing;
- B. Include a statement of reasons for its issuance;
- C. Allow a reasonable time for the performance of any act it requires;



- D. Be served upon the owner or owner's agent when a copy thereof has been sent by certified or regular mail to owner's last known address or when owner has been served with such notice by any other method authorized or required by the laws of this State; and
- E. Contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this Chapter and with regulations adopted pursuant thereto.

At the end of the specified period of time, the City shall reinspect such recreational vehicle park and, if such conditions or practices have not been corrected, take legal action to have the recreational vehicle park operator's permit revoked and the recreational vehicle park cease operation, or have City take remedial action to correct the problem and ~~bill the park operator~~ owner for these costs or put a lien on ~~operator's~~ the owner's property.

Any person whose recreational vehicle park has received notice that their recreational vehicle park operator's permit will be revoked unless certain conditions or practices at the recreational vehicle park are corrected, may request a hearing on the matter before the Council. The recreational vehicle park owner/operator has thirty (30) days to appeal the ruling of the City and to file an appeal with the Council. The filing of the request for a hearing shall operate as a stay of notice and of suspension. Under receipt of such petition, the Council shall set a time and place for such hearing and shall give the petitioner notice thereof. At such hearing, the petitioner shall be given the opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced no later than thirty (30) days after the day on which the petition was filed; provided that upon application of the petitioner, the date of the hearing may be postponed for a reasonable time beyond such thirty (30) days period when it is felt that the petitioner has submitted good and sufficient reasons for postponement.

After such hearing, the Council shall make findings as to compliance with the provisions of this Chapter and regulations issued thereunder, shall issue orders in writing sustaining, modifying or withdrawing the notice which shall be served in a manner prescribed in this Code. Upon failure to comply with the order sustaining or modifying a notice, the operation of the recreational vehicle park affected by the order shall be stopped or corrective action taken by the City and charged to the park ~~operator~~ owner. The proceedings at such hearing, including the findings and decisions of the Council, together with a copy of every notice and order related thereto, shall be entered as a matter of public record of the Council, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by the laws of this State.

When the City finds an emergency exists which requires immediate action to protect the public health, it may, without notice of hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as deemed necessary to meet the emergency, including the suspension of operation and the revoking of the park operator's permit. Notwithstanding any other provisions of this Chapter, such order as directed shall comply therewith immediately, but upon petition to the Council, shall be afforded a hearing as soon as possible. The provisions of this Section shall be applicable to such hearing and order issued thereafter.

#### **Sec. 43-189. Waivers.**

The applicant may petition the Planning and Zoning Commission to waive or modify requirements of these regulations. The applicant must demonstrate to the satisfaction of such Commission that there are special or extraordinary circumstances particular to his/her proposal such that strict application of these regulations would impose undue hardship or not meet with the intent of this Chapter. The applicant must further demonstrate that the waiver or modification will

not result in any adverse impacts on the users of the development, adjacent properties, nor the general public.

**Sec. 43-1920. Appeals.**

Any person whose application for a recreational vehicle park development under this Chapter has been denied may, within ten (10) days after the date on which the application was denied, appeal to the Council under the procedure provided in Code Section 6-4-18 herein. A hearing on the matter will be scheduled within sixty (60) days of the date of the appeal being filed.

**Sec. 43-201. Violations; Penalties.**

Any person, firm or corporation violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined pursuant to this Code and the Idaho Code. Each day such violation is permitted to continue shall constitute a separate offense and shall be punishable as such. The City may also use any civil remedies available to gain compliance with this Chapter.

...

**SECTION 4: SEVERABILITY.** Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions. The remaining sections of Title 6 shall be in full force and effect.

**SECTION 5: EFFECT ON OTHER ORDINANCES.** Where the definitions contained in this Ordinance are in conflict with relevant portions of the City of Moscow, Idaho, Municipal Code, the definitions contained within those portions of the Moscow Municipal Code will be unaffected until such time, if any, as they are amended to be consistent with this Ordinance.

**SECTION 6: EFFECTIVE DATE.** This Ordinance shall be effective upon its passage, approval, and publication according to law.

PASSED by the City Council and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Bill Lambert, Mayor

ATTEST:

\_\_\_\_\_  
Laurie M. Hopkins, City Clerk



## **Subdivision Review Committee Recommendations**

### **Lot Line Adjustment, Lot Division and Subdivision Plats**

#### **Sec. 1-1 Lot Line Adjustments.**

- A. General. Lot line adjustments provide for a change in the location, configuration or alignment of a lot line or lot lines common between two (2) or more lots and do not create an additional lot or lots.
- B. City Approval Required. City approval must be obtained prior to the conveyance of land for the intended purpose of changing the location, configuration or alignment of a lot line or lot lines common between two (2) or more lots. Such City review and approval provides the opportunity to ensure that any such lot line adjustments are in accordance with applicable City Code requirements and will not create any violations to required lot area, width, yards and other provisions of this Code.
- C. Submittal. Requests for lot line adjustments shall be submitted to the Zoning Administrator. Such request shall include one (1) paper copy along with one digital copy (in PDF format) of a preliminary lot line adjustment plan drawn to an engineer's scale not smaller than one inch equals fifty feet (1" = 50') and not larger than one inch equals twenty feet (1" = 20') and shall include existing plat and tax parcel numbers and ownership information for the subject properties. Plan shall clearly and accurately depict all existing and proposed lot line configurations, including dimensions and lot areas and shall include a north arrow and depiction of any easement or right-of-way within or adjacent to the subject land. Where the subject lots contain private improvements, including but not limited to buildings, structures, driveways, sidewalks, fences, or walls, etc. or is adjacent to any improved public right-of-way, such improvements shall be clearly and accurately depicted on a separate site plan of the same scale and dimension. Any proposal or requirement to grant or adjust any easement(s) to accommodate any private or public improvements or access resulting from the proposal shall be clearly depicted on the lot line adjustment plan.
- D. Review. Upon receipt of a lot line adjustment request, the Zoning Administrator shall forward the request to the City Engineer, Fire Marshal, and Building Official for review and comment. After consideration of all comments received, the Zoning Administrator may approve the proposed lot line adjustment as requested, approve with conditions or required revisions, or deny the proposed lot line adjustment. Upon determination of decision, the Zoning Administrator shall mail notice of the decision to the applicant. Such notice shall provide a summary of the Administrator's decision and the process and deadline for submission of an appeal.
- E. Appeal. The applicant may appeal the Zoning Administrator's decision to the City Council within fifteen (15) days of the date of notice of the Zoning Administrator's decision. Such appeals shall be processed in accordance with this Code.

#### **Sec. 1-2 Lot Divisions.**

- A. General. Lot Divisions provide for the division of a parcel land or a platted lot to create no more than ~~one~~ four (14) additional lots for sale, use or development. Conveyance or

acquisition of land resulting from legal condemnation procedures or acquisition of street rights-of-way by a public agency shall not be deemed lot division for purposes of this Code.

- B. City Approval Required. City approval must be obtained prior to the conveyance of land for the intended purpose of creating a new building lot, and no such new lot shall be eligible for a building permit until such City approval has been obtained.
- C. Submittal. Requests for lot divisions shall be submitted to the Zoning Administrator. Such request shall include one (1) paper copy along with one digital copy (in PDF format) of a preliminary lot division plan drawn to an engineer's scale not smaller than one inch equals fifty feet (1" = 50') and not larger than one inch equals twenty feet (1" = 20') and shall include existing plat and tax parcel numbers and property ownership for the subject property. Plan shall clearly and accurately depict all existing and proposed lot line configurations, including dimensions and lot areas, and shall include a north arrow and depiction of any easement or right-of-way within or adjacent to the subject land. Where the subject land contains private improvements, including but not limited to buildings, structures, driveways, sidewalks, fences, or walls, etc. or is adjacent to any improved public right-of-way, such improvements shall be clearly and accurately depicted on a separate site plan of the same scale and dimension. Any proposal or requirement to grant or to adjust any easement(s) to accommodate any private or public improvements or access resulting from the proposal shall be clearly depicted on the preliminary lot division plan.
- D. Review. Upon receipt of a preliminary lot division request, the Zoning Administrator shall forward the request to the City Engineer, Fire Marshall and Building Official for review and comment. Notice of the proposed request shall also be mailed to property owners within ~~six~~ three hundred feet (6300') of the subject property. Such notice shall provide fifteen (15) days for the submission of written comments upon the proposed lot division.
- E. Preliminary Approval. After consideration of all comments received, the Zoning Administrator may approve the proposed lot division as requested, approve with conditions or required revisions, or deny the proposed lot division. Upon determination of decision, the Zoning Administrator shall mail notice of the lot division decision to the applicant and all property owners within ~~six~~ three hundred feet (600~~2~~300') of the subject property. Such notice shall provide a summary of the Administrator's decision and the process and deadline for submission of an appeal.
- F. Appeals. Any affected party may appeal the Zoning Administrator's decision to the City Council within fifteen (15) days of the date of notice of the Zoning Administrator's decision. Such appeals shall be processed in accordance with this Code.
- G. Final Approval. The Zoning Administrator's decision shall not be final until the expiration of the preliminary lot division appeal period and the submission of a Record of Survey map based upon a land survey of the subject property and drawn by a professional surveyor or engineer licensed to conduct such work in the State of Idaho drawn to an engineer's scale not smaller than one inch equals fifty feet (1" = 50') and not larger than one inch equals twenty feet (1" = 20') and prepared and recorded in accordance with Idaho Code Title 55, Chapter 19. Such Record of Survey shall depict the new boundary lines and location of property boundary monuments in accordance with the approved preliminary lot division and any conditions of approval. Upon review of the Record of Survey, and determination of conformance and/or



completion of any required conditions of approval, the Zoning Administrator shall issue a letter of final approval and the new lot shall be eligible for a building permit.

**Sec. 1-3 Subdivisions.**

- A. General. Subdivisions are the division of land that results in the creation of more than one (1) additional lot for sale, use or development.
- B. City Approval Required. No subdivision plat shall be recorded, or offered for record, nor shall any land be offered for sale with reference to such plat, until the said plat has been approved in writing by the City Council, which shall ascertain, before approving it, that the said plat has satisfied all of the requirements of this Code.
- C. Subdivision Parkland Dedication Required. All subdivisions administered and approved under this Code shall include lands dedicated, or fee paid in lieu subject to City approval, to the City in accordance with this Code so that adequate sites for public parks may be properly located and preserved as the City develops, and in order that the cost of providing additional public parkland may be equitably apportioned on the basis of the additional need created by the individual development.
- D. Subdivision Public Improvements Required.
  - 1. Requirements of this Code are authorized by Article XII, Section 2 of the Idaho Constitution; Title 50, Chapter 13 of the Idaho Code; Title 67, Chapter 65 of the Idaho Code and by any and all other delegation of State authority relevant to this Code, as amended or subsequently codified.
  - 2. Standards for subdivisions required by this Code are imposed pursuant to authority in Idaho Code Section 67-6518, as amended or subsequently codified.
  - 3. No public improvement(s) required by this Code pursuant to Idaho Code Section 67-6513 shall be greater than necessary to mitigate the effects of such subdivision development on the ability of the City to deliver services without compromising quality of service delivery or imposing substantial additional costs upon City residents to accommodate the proposed subdivision, at the time of the application for subdivision development. Such improvements may include the extension of streets, sidewalks, utilities or similar improvements outside the subject property where such improvements are deemed necessary to maintain the quality of service delivery to the proposed subdivision without imposing substantial additional cost upon City residents.
  - 4. All costs of public improvements required by this Code shall be borne by the owner or subdivider, unless oversize costs are appropriate and applicable due to anticipated City growth, as determined by the City Engineer. When determining whether oversize costs are appropriate and applicable, the City Engineer shall take into consideration present and anticipated community needs and any relevant plans and policies adopted by the City.
  - 5. No permits shall be issued by the City for the construction of any building or other improvement requiring a permit, upon any land for which a plat is required by this Code unless and until the requirements hereof have been fully met.

- E. Preliminary Plat Submittal. Every subdivision applicant shall conduct a pre-application conference and neighborhood meeting in accordance with this Code. Subdivision applications shall include one (1) digital copy in AutoCAD dwg file format and one (1) digital copy in PDF file format of the preliminary plat drawings, three (3) twenty four inch by thirty six inch (24" x 36") paper copies of the preliminary plat and associated grading plan drawn to an appropriate engineering scale of an even ten foot increment no smaller than one inch equals fifty feet (1" = 50') and no larger than one inch equals one hundred feet (1" = 100'). The grading plan shall show clearly labeled existing and proposed contour lines of a five foot (5') or lesser contour interval. The content of the preliminary plat drawing shall including the following elements and comply with the Subdivision Design Standards of this Code.
1. Plat name and the name of any subdivision being replatted;
  2. Name, mailing address, and phone number of the land owner;
  3. Name, mailing address, phone number and signed stamp of the registered land surveyor preparing the plat;
  4. Metes and bounds legal description of property to be platted;
  5. Plat location by section, township, and range;
  6. Plat preparation date;
  7. North arrow and drawing scale;
  8. Vicinity map showing location of proposed plat in relation to surrounding neighborhoods or larger area;
  9. Gross acreage contained within the plat boundary;
  10. Existing and proposed topography of the land indicated by clearly labeled contours at five (5') feet intervals or less, except where a slope is in excess of fifty percent (50%), then the interval may be ten (10') feet. All elevation data shall be based on current City of Moscow datum. Topography data shall extend a minimum of fifty (50') feet outside the plat boundary;
  11. Boundary lines of the preliminary plat;
  12. City limits lines, if applicable;
  13. Section lines and section corners used to locate the plat;
  14. Ownership of all unplatted adjacent lands;
  15. Names of any and all adjacent plats;
  16. All adjacent property and right-of-way lines which intersect with or are shared in common with the preliminary plat boundary;
  17. Proposed lot, block, street, and alley layout, labeled and dimensioned, and including street names, right-of-way widths, and lot sizes;
  18. All existing and proposed easements both on and immediately adjacent to the preliminary plat;



19. Location, width, and names of existing or prior platted and proposed streets, alleys, railroad, or utility rights-of-way or easements, parks or other public spaces, pedestrian walkways, and existing permanent structures to be retained within and adjacent to the proposed plat. (In a replat, the original lots, blocks, streets, and easements shall be shown in dotted lines in scale with the proposed replat);
  20. Net acreage of preliminary plat, exclusive of dedicated right-of-way or other public lands;
  21. Any proposed dedicated parkland;
  22. Location and boundaries of stormwater detention and treatment tract(s);
  23. Lot and block numbering;
  24. Existing and proposed zoning district(s) and any related zoning district boundary lines;
  25. Datum used to determine ground elevations;
  26. Location of any flood way and/or flood plain boundaries;
  27. Location and boundary lines of any delineated wetlands, lake, pond, or other significant natural resource land feature;
  28. Existing tax assessor parcel number(s) within the preliminary plat boundary;
  29. Existing and proposed water and sewer lines and utilities on, under, or over the land showing approximate size, grades, and locations; and
  30. Location of all ditches, culverts, catch basins, and other parts of the preliminary design for the control of surface water drainage.
- F. Preliminary Plat Review. Upon receipt of a preliminary plat application, the Zoning Administrator shall distribute copies of the preliminary plat to the City Engineer, Parks and Recreation Director, and Fire Marshal for review, comment or recommendation. Upon determination that the application is complete, the subdivision request shall be scheduled and noticed for public hearing as a Type 2 Quasi-Judicial Hearing, before the Planning and Zoning Commission and City Council pursuant to this Code.
- G. Relevant Criteria and Standards. Approval or denial of preliminary plats shall be based upon the following criteria:
1. The proposed subdivision is in conformance with all applicable City Code requirements;
  2. The proposed subdivision is in general conformance with the Comprehensive Plan;
  3. Public Services and utilities are available or can be made available and are adequate to accommodate the proposed subdivision; and
  4. The proposed subdivision will not be detrimental to the public health, safety, or general welfare.
- H. Subdivision Phasing. Subdivision development may be phased subject to City approval. Such approval shall be made in consideration of required development access, access to proposed public parks and other facilities, and other similar considerations. Phasing plans approved as part of the subdivision approval shall not be modified without prior City Council approval.

- I. Preliminary Plat Approval. Approval of the preliminary plat shall be valid for a period of twelve (12) months from the date of approval of the preliminary plat by the City Council. Before the expiration of the initial twelve (12) month period after approval, the applicant may request of the Council a one- (1) time extension of the preliminary plat approval for an additional period not to exceed six (6) months (i.e., for a total time period not to exceed eighteen (18) months from the date of the City Council preliminary plat approval).
- J. Final Plat Submittal. Final subdivision applications shall include one digital copy in AutoCAD dwg format and one digital copy in PDF format and three (3) eighteen inch by twenty seven inch (18" x 27") paper copies of the final plat and drawn to a scale of no less than one inch equals one hundred feet (1" = 100'). The final plat shall be drawn to such a scale and contain lettering of such size as to insure the clarity of all lines, bearings, dimensions and all other text and symbols. The final plat shall be in accordance with any conditions of preliminary plat approval, comply with all provisions of Idaho State Code Title 50, Chapter 13, and the Subdivision Design Standards of this Code, and shall include the following:
  1. The title under which the subdivision is to be recorded, including the County, State, Section and Township and Range in which the subdivision is located. The name and title of the subdivision shall not duplicate the name of any existing subdivision in Moscow or the surrounding area.
  2. The name and certification of the surveyor preparing the plat to the accuracy of the field survey and plat and that all work was done under their direct supervision. The surveyor shall in every case have a valid certificate of registration with the Idaho Board of Registration of Professional Engineers and Professional Land Surveyors.
  3. A description of the boundary of the subdivision in bearings and distances with a certification by the property owner or owners verifying ownership and dedicating all rights-of-way and any other appropriate sites and easements for public use.
  4. Date, north point, scale.
  5. Certification of approval by the City of Moscow Planning and Zoning Commission, including approval date.
  6. Certification of approval of the plat and acceptance of the dedications by the Moscow City Council, including approval date, and approval of connection to City public water system.
  7. Certification shall be signed by the Mayor and attested by the City Clerk.
  8. Certification of approval by the City Engineer.
  9. Certification of approval by the County Surveyor.
  10. Certification of filing by the County Recorder.
  11. Certification of satisfaction of the sanitary restrictions, to be endorsed by the county recorder at the time of filing, of subsequent thereto, when the sanitary restrictions shall have been satisfied.
  12. Certification of approval by the Latah County Treasurer.
  13. Initial point and tie to at least two (2) government corners. If any portion of the plat boundary is congruent with, parallel with, adjoining, adjacent to, or including a section



line, quarter section line, or quarter quarter section line, ties to said section lines and corners shall be shown by bearing and distance, along with bearings and distances between the corners.

14. Bearing reference based on nearest section line.
  15. Boundary of subdivision shown in bold lines with bearings, distances, and curve data for each segment in concurrence with the legal description.
  16. Adjacent plats showing subdivision name, lots, blocks, streets, easements, pathways, and all pertinent information including widths and names of abutting streets and alleys, recording numbers, dimensions and labels. Adjoining unplatted property shall be labeled "Unplatted" and show the name of the owner.
  17. Show exact location, widths, exact length and bearing of the center lines of all streets, alleys, pedestrian walkways, and easements with centerlines shown for streets and alleys. Include names of all streets.
  18. Location and description of all monuments. City of Moscow standard street monuments shall be placed along street centerlines at all intersections, angle points, points of curvature, and points of tangency created by the plat. Street monuments may be placed at the point of intersection ("P1") of curves in lieu of placement at the "PC" and "PI" if the point falls within the street surface, and at the discretion of the City Engineer.
  19. Lots, Blocks, and other tracts or parcels. Blocks shall be numbered consecutively throughout the subdivision and shall not be divided by streets. Blocks may be divided by alleys. Lots shall be numbered consecutively throughout each block.
  20. All lots, tracts, parcels, or other areas created by the plat shall show all bearings, distances, curve data, and areas. Lot areas shall be shown in square feet for all lots less than one acre in size. Areas of lots one acre or larger shall be shown in acres.
  21. Dimensions for each segment of all lots, streets, easements, tracts, parcels, and any other element created by the plat. Linear dimensions shall be shown in decimal feet, rounded to the nearest one hundredth of a foot. Angular dimensions shall be shown in degrees, minutes, and seconds rounded to the nearest second. Curves shall include curve data consisting of radius, interior angle, tangent, chord distance, and chord bearing for each curve. Curves may be numbered for inclusion into a curve table to provide clarity to the plat. Short lines may also be numbered for inclusion into a line table if necessary.
  22. Street profiles showing continuity to adjoining property shall be required where the contour of the surface warrants such consideration.
- K. Final Plat Review and Approval. Upon receipt of a final plat submittal, the Zoning Administrator shall distribute copies of the final plat to the City Engineer, Parks and Recreation Director, and Fire Marshal for review, comment or recommendation. The final plat shall be reviewed for conformance to the approved preliminary plat, and conditions or modifications required by preliminary plat approval, and for final plat standards of Idaho Code and this Code. Upon determination that the final plat is in conformance with the requirements of this code and any conditions of approval of the preliminary plat, the Zoning Administrator shall schedule consideration of the final plat by the City Council as a regular agenda item.

- L. Duration of Final Plat Approval. The City Council approval of the final plat shall be void unless the original tracing, bearing the endorsements of the City Engineer and the Council, is offered to the Latah County Clerk and Recorder for filing within one hundred eighty (180) days from the date of the City Council's approval. Proof of recordation shall be provided to the City Engineer. Upon written request by the applicant, the City Council may grant a single one hundred eighty (180) day extension if the City Council finds conditions in the area have not significantly changed since the Council's original approval.
- M. Development and Monumentation Agreements. The Mayor shall not sign the approved final plat until the required public improvements are completed and monumentation is set, or agreements to provide for the completion of said public improvements and monumentation have been entered into in accordance with this Code.

#### **Sec. 1-4 Replatting.**

- A. General. Replatting of all or a portion of an existing plat shall be processed as a subdivision plat in accordance with the requirements of this Code.

#### **Sec 1-5 Subdivision Design Standards.**

- A. Purpose. The purposes of these Subdivision Design Standards is to promote the public health, safety, and welfare, the goals, objectives and policies of the City's Comprehensive Plan, Parks and Recreation Master Plan, Multimodal Transportation Plan and Comprehensive Utility plans, and to promote the orderly and functional development of lots, neighborhoods, and the community. The standards contained herein are intended to provide efficient circulation through coordinated and connected street, bike and pedestrian path systems, secure adequate infrastructure for streets, emergency services, parks, recreation facilities, and utilities necessary to serve proposed subdivisions. The standards contained herein are also intended to ensure that subdivision development mitigates its impact upon service delivery within the community and does not place an undue financial burden upon the public to provide the public services required by subdivision developments.
- B. Applicability. These Subdivision Design Standards shall apply to all subdivision applications received by the City.

#### **Sec. 1-5-1 Subdivision or Development Name.**

- A. To facilitate wayfinding and the provision of emergency response services, the name of a subdivision or development shall not be the same or substantially similar to the name of an existing subdivision development, or street, which is located within the City or the Area of City Impact.

#### **Sec. 1-5-2 Street Standards and Access.**

- A. Street Standards.
  - 1. Streets, alleys, sidewalks and pathways shall be constructed in accordance with City of Moscow Street Standards adopted by resolution of the Council. Requirements for public improvements may be less than those specified in the most current City Standard Construction and Specification Drawings, subject to approval by the City Engineer and based upon consistency with the nature and status of the existing street along the entire



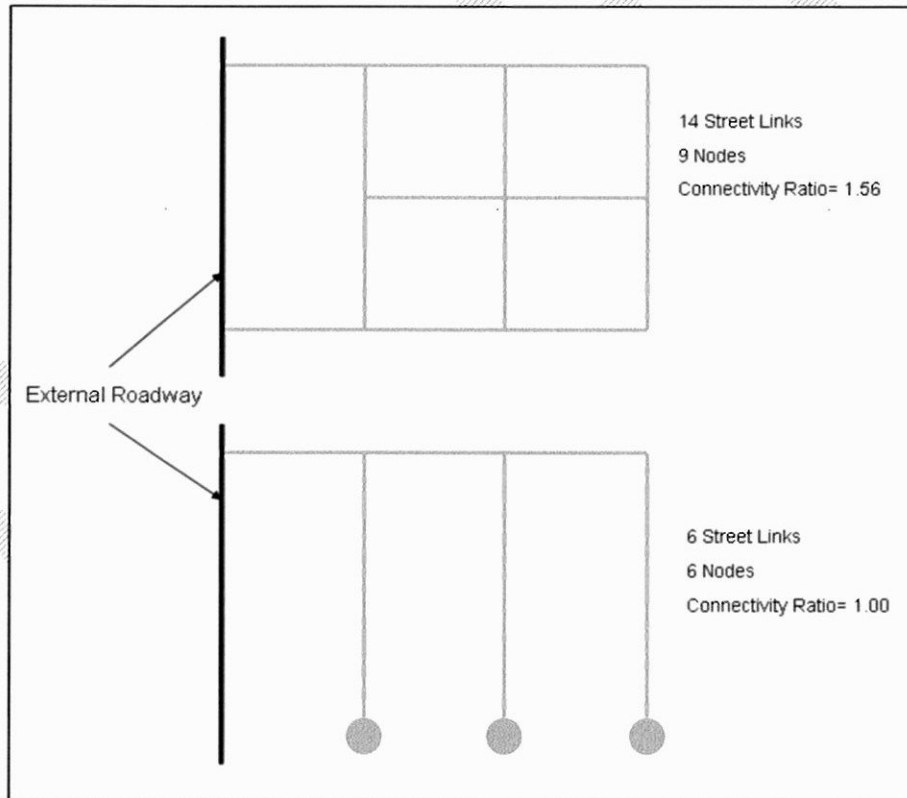
block length and considerate of changes to required City Street Standards since the existing street was constructed.

2. Streetlights shall be installed by the developer at locations designated by the City Engineer.
  3. Prior to installation, the developer shall pay the City for the cost of the street name signs and for the installation in the subdivision.
  4. Regulatory traffic signage, (i.e. no parking signs, stop signs, one-way signs, etc.) shall be installed by the developer in a manner consistent with City installation procedures and methodology and in conformance with the approved construction drawings and the current edition of the Manual of Uniform Traffic Control Devices (MUTCD).
  5. Horizontal and vertical alignment of City streets shall generally conform to American Association of state Highway and Transportation Officials (ASHTO) standards unless otherwise approved by the City Engineer.
- B. Number of Access Points. Access to subdivisions shall conform to the public street and alley right-of-way standards and shall provide for general traffic circulation, shall support the delivery of City services, and shall meet the requirements of emergency service providers.
- a. All residential development shall provide a minimum number of access points as follows:
    - i. Less than 30 dwelling units: 1 access point
    - ii. 30 to 100 dwelling units: 2 access points
    - iii. More than 100 dwelling units: no less than 3 access points
  - b. The number of required access points may be reduced if it is demonstrated to the City Engineer and Council that the access that is provided:
    - i. Is adequate to ensure delivery of City services and emergency response; and
    - ii. Provides for safe and efficient traffic circulation.
  - c. The City Engineer may require an increased number of access points if, due to unusual characteristics of a site or adjacent streets, such additional access is necessary to ensure safe and adequate vehicular circulation for the general public, delivery of sanitation services, public school transportation, and emergency response.

### **Sec. 1-5-3 Street Layout and Connectivity**

- A. General. Street alignments within subdivisions shall provide for logical and orderly movement of persons and goods within the community, shall provide for the continuation and extension of existing streets, and shall provide a well-connected street system that facilitates navigation, use by all modes of transportation, and delivery of emergency and vehicle-based services.
- B. Street Alignments. All subdivisions shall include the continuation of existing adjacent streets through the proposed subdivision and their projection and continuation to adjacent subdivisions or undivided property. Arterial and collector street alignments shall generally conform to their alignments as shown in the City's adopted Comprehensive Plan and Multimodal Transportation Plan.

- C. Offset Intersections. In all cases where it is feasible, opposing streets shall align at street intersections to provide for safe and efficient use of the roadways. Where site conditions prohibit the proper alignment of street intersections the City Engineer shall determine the necessary street intersection offset distance to protect the safety of the public.
- D. Gated Streets Prohibited. Gated public or private street entryways into residential developments are prohibited.
- E. Street Connectivity.
1. To provide adequate connectivity within a subdivision or planned development, the street network shall have a minimum connectivity index of 1.40, unless specific, unique site conditions prohibit the achievement of such minimum index rating as approved by the City. The connectivity index is defined as the number of street links divided by the number of nodes and link ends. A link is defined as a segment of road between two intersections or from an intersection to a cul-de-sac/stub-out. This includes road segments leading from the adjoining highway network or adjacent development. Nodes are defined as intersections and cul-de-sacs. They do not include the end of a stub-out at the property line or intersection with the adjoining roadway network.



- F. Maximum Block Length. Blocks shall not be longer than six hundred and sixty feet (660'). Longer blocks may be approved by the City where specific, unique conditions such as topography, the street network in the subject area, or other such conditions dictate that a longer block length is necessary and will not adversely impact circulation and street network connectivity. Where block lengths exceed six hundred and sixty feet (660'), pedestrian and bicycle walkway connections shall be provided to mitigate the impact upon pedestrians and cyclists in accordance with this Code. Such pedestrian walkway connections shall be located



along desirable pedestrian routes to nearby parks, schools, commercial services and other similar pedestrian destinations in accordance with the standards of this Code- unless specifically waived by the Council.

- G. Cul-de-sac Allowance. Cul-de-sacs, or other dead-end street configurations, shall only be allowed in limited situations where the street cannot be continued or extended due to extreme topography, existing development, or a natural or manmade physical barrier that precludes such street extension.
- H. Maximum Cul-de-sac Length. Streets terminating in a cul-de-sac shall not exceed six hundred and sixty feet (660') in length, measured from the center point of the nearest intersection to the center point of the cul-de-sac. Longer cul-de-sac street lengths may be approved by the City where specific, unique conditions such as topography, the street network in the subject area, or other such conditions dictate that a longer cul-de-sac length is necessary and will not adversely impact circulation and street network connectivity. All cul-de-sacs shall include pedestrian walkways that provide pedestrian connections to adjacent streets and neighborhoods, parks, or other pedestrian routes or destinations unless specifically waived by the Council.

#### **Sec. 1-5-4 Pedestrian Walkways.**

- A. General. Pedestrian walkways may be required within subdivisions where necessary to mitigate long block lengths and in other locations as necessary to provide convenient and direct access to adjacent schools, parks, shopping and employment centers where the existing or proposed street and sidewalk system does not provide such access. In consideration of where such walkways may be required, travel distances shall be compared between existing and proposed public street sidewalk routes and the travel distance of a potential pedestrian walkway. Pedestrian walkways shall generally be required where the pedestrian walkway would reduce the average travel distance of pedestrians by more than fifty percent (50%) or where otherwise required by the Council to mitigate potential safety hazards.
- B. Pedestrian Walkway Standards. Public pedestrian walkways shall be located within a dedicated public right-of-way of a minimum width of ten feet (10'). Such pedestrian walkways shall be constructed by the developer in accordance with adopted City standards. Where the pedestrian walkway is anticipated to have high bicycle use, such as walkways that provide access to bike routes or separated pathway facilities, the minimum constructed width shall be eight feet (8').

#### **Sec. 1-5-5 Lots.**

- A. Lot Arrangement. The arrangement of lots shall be logical and orderly and shall be considerate of designated floodplains or wetlands that may be present within the subdivision development. Alternative development options, such as clustered or Planned Use Developments, should be utilized when such natural features are present to provide design flexibility and reduce the development impact upon these areas.
- B. Lot Lines. Side lines of lots shall be at right angles or radial to the street lines, unless a variation from the rule will give a better street and lot layout. ~~Such variation must be approved by the Planning and Zoning Commission.~~

- C. Through Lots. Through lots shall be avoided where practicable through the use of rear alley or private drive access, alternate street layout or other means. ~~Corner Lots. Corner lots in residential zoning districts shall be at least 10 percent (10%) greater than the minimum lot size of the applicable zoning district to ensure adequate building opportunities upon the lot.~~
- D. Flag Lots. Flag lots may be allowed, subject to the requirements in MCC Section 4-4-5.

### **Sec. 1-5-6 Parkland Dedication**

- A. Dedication of Parkland. With any subdivision, re-subdivision or lot division filed or applied for after December 15, 1985, lands shall be dedicated, or payment in lieu of dedication shall be paid, to the City in order that adequate sites for public parks may be properly located and preserved as the City develops, and in order that the cost of providing additional public parkland may be most equitably apportioned on the basis of the additional need created by individual development. This provision shall not apply to any subdivision or lot division that would result in the creation of no more than one additional single family residential lot; nor shall it apply to land for which parkland had previously been dedicated to satisfy the requirements of this Section. It is the intention of the City to develop each parcel of land dedicated to meet this requirement for park purposes when the area is occupied by residents.
- B. Amount of land to be dedicated.

1. The amount of land to be dedicated shall be a portion of the net developable area. The net developable area will be determined by calculating, from the plat or site plan, the land area exclusive of proposed or existing streets and other public lands.
2. The amount of land to be dedicated shall be a percentage of the net developable area, as follows:

|                            |     |
|----------------------------|-----|
| AF and FR Zoning Districts | 0%  |
| SR Zoning District         | 1%  |
| R-1 Zoning District        | 5%  |
| R-2 Zoning District        | 6%  |
| R-3 Zoning District        | 8%  |
| R-4 Zoning District        | 12% |

3. If the zoning district classification for a parcel of land is subsequently changed at the request of an owner to a zoning district requiring a higher proportion of land for parkland purposes, or from a zoning district not requiring dedication to one that does, then dedication of the parkland or additional parkland required for the subdivision by this Section, or payment in lieu of dedication, becomes due before the zoning district change becomes effective.
4. Land Suitability. Land is acceptable for dedication to meet the requirements of this Section if in the judgment of the Council the land is suitable for beneficial park and open space use considering its location, size, configuration, public access, topography, surroundings,



compliance with standards for parks established in the Moscow Parks and Recreation Plan and the Moscow Comprehensive Plan, and the needs of the public in that area. Land acceptable for dedication is not necessarily required to be located within a proposed subdivision; however, the land must conveniently serve parkland needs of residents of the subdivision. The Council shall consider recommendations received from the Parks and Recreation Commission on the suitability of a particular parcel of land proposed for dedication.

5. Payment in Lieu of Dedication. In the event that the City determines in good faith that proposed dedication does not meet land suitability standards and that there are no alternative proposals which satisfy the conditions of land suitability, then payment in lieu of the land dedication shall be required for all or any portion of land necessary to meet the requirements of this Section.
  - a. The amount of payment in lieu of dedication shall be the current fair market value of land suitable to meet the parkland dedication requirement of this Section. The payment in lieu of dedication shall be computed by averaging the value of the land exclusive of improvements, (both public and private), and multiplying by the percent required for park dedication. This value shall be determined prior to granting final approval of the subdivision, or lot division. If the value of such land cannot be determined satisfactorily by the City and the developer, the following procedure shall determine value:
    - i. The parties shall each submit an offer of value to the other, in writing. For ten (10) days thereafter either party may accept the other's offer of value.
    - ii. If neither offer is accepted, an appraiser, selected jointly by the City and the developer shall determine the value.
    - iii. If the parties cannot agree on selection of an appraiser, the names of two (2) Member Appraisal Institute appraisers, one designated by each party, shall be placed in a container, and one appraiser's name shall be picked at random by the Mayor. This appraiser shall then proceed to determine value.
    - iv. The party who has submitted the value closest to that ultimately determined to be fair market value by the appraiser shall be considered the prevailing party. The party not prevailing shall pay for the appraisal related expenses. Either party may appeal the decision of the appraiser to the district court. The court shall consider the matter as a review consistent with the administrative procedures act. The prevailing party shall be paid court costs and reasonable attorney fees by the party not prevailing.
  - b. Payment in lieu of dedication shall be held by the City in a secure account until it is spent. Payment in lieu of dedication shall be spent for the acquisition of those new parklands that in the judgment of the Council will most conveniently serve the people who will use the development for which payment in lieu of dedication was collected. If the Council finds that the development is served by an adequate amount of parkland, then the payment in lieu of dedication may be used to purchase landscaping materials or for other capital improvements to develop the parklands most conveniently serving the needs of those who will be users of the development.

- c. The Council may make such arrangements with a subdivider through a contract to permit the payment in lieu of dedication over a period of time. Payment in lieu of dedication shall be expended as provided herein within ten (10) years of the last receipt of such payment in lieu of dedication in the development unless such expenditure is impractical or would result in waste.
- d. Dedicated parkland may be sold or traded only if the proceeds are used to acquire other parklands which in the judgment of the Council will better serve those who would be users of the parkland sold.
- e. Where Council determines it to be in the best interest of the City, the applicant or developer may execute and file an agreement specifying the period of time and the conditions pursuant to which a combination of parkland dedication and development of such parkland shall occur.

#### **Sec. 1-5-7 Stormwater Management and Conveyance.**

- A. General.
- B. Stormwater Standards. Surface drainage from the subdivision shall be collected, conveyed, and discharged through an approved system of gutters, catch basins, storm sewers, detention ponds, culverts, and/or swales and shall conform to the stormwater runoff control requirements contained in this Code and any additional stormwater runoff control requirements and standards established from time to time by resolution duly passed and adopted by the Council.
- C. Preservation of Natural Drainage Courses. To the greatest extent possible, existing natural drainage courses should be preserved and incorporated within the development to allow greater opportunities for natural stormwater conveyance and treatment.
- D. Stormwater Detention Facilities. Residential subdivision stormwater detention and treatment facilities shall be constructed by the development and thereafter owned, operated, and maintained by the City in accordance with the Stormwater Runoff Control Standards of this Code. The site of such detention and treatment facilities shall be dedicated to the City in the form of a separate tract of land identified on the face of the plat. The size, dimensions, purpose of, and access route to said tract shall be clearly shown on the final plat document.

#### **Sec. 1-5-8 Utilities and Easements.**

- A. General.
- B. Utilities. All public and private water, sanitary sewer, and storm sewer system improvements shall conform to the design and construction requirements set forth in the Standard Construction Specifications, Standard Drawings, other Chapters of this Code, Idaho Code, and as shown in an adopted Comprehensive Land Use or Utility Plans, and as deemed appropriate by the City Engineer.
  - 1. Sanitary sewer and storm sewer facilities connecting to the existing City sewer system shall be installed to serve each lot and shall be installed with grade, location, design, material, and size approved by the City Engineer.



2. A potable water distribution system, including fire hydrants, shall be installed to serve each lot and shall be installed with grade, location, design, material, and size approved by the City Engineer.
  3. Where it is anticipated that multiple structures may be placed upon a single lot, the City Engineer may require that multiple utility services, in a quantity that is deemed to be adequate to serve the anticipated number of structures upon such lot, be installed so as to reduce the likelihood of the necessity of future street cuts to serve such future development.
- C. In certain instances, as determined by the City Engineer, sanitary sewer lift stations and/or potable water booster stations and water storage reservoirs may be necessary to adequately serve a proposed subdivision. In such cases, the developer shall design and construct such facilities to a size and standard deemed appropriate by the City Engineer. Oversizing costs for such facilities may be applicable and shall be determined based upon present and anticipated community needs and any relevant plans and policies adopted by the City.
- D. Utility Easements.
1. Public utility easements shall be granted for all public water, sanitary sewer, and storm sewer mains and facilities, either as part of the final subdivision plat document or by separate conveyance. Easements granted by separate conveyance shall be recorded at the Latah County Recorder's office prior to approval of the final plat by the City Engineer. For utility mains, the minimum width of the easement shall be twenty feet (20') with the main centered in the easement. Where two (2) public mains are proposed for the same easement, the minimum width shall be thirty feet (30') with the mains generally set five feet (5') off the centerline of the easement. Minimum width requirements may be expanded where topographic or other conditions warrant a wider easement to accommodate access or maintenance needs, as deemed appropriate by the City Engineer.
  2. Utility easements shall include a minimum twelve feet (12') wide all weather driving surface (pavement, gravel, pavers, etc.) on an adequate base section to accommodate utility maintenance access as deemed necessary by the City Engineer. Where such easements provide access to water booster stations, sewer lift stations, and similar facilities, the minimum driving surface width shall be twenty feet (20'). Maximum slope of the driving surface shall not exceed fifteen percent (15%). Where topography and/or alignment of the utilities/easements warrant, a wider easement and/or driving surface may be required by the City Engineer.
  3. Encroachment into public utility or access easements with the installation of sheds, fences, walls, buildings, trees, or other significant surface features is prohibited, unless approved by the City Engineer. Landscaping of public utility easements and public access easements outside the area of the all-weather driving surface is permitted as long as such landscaping does not interfere with the use of the easement or the maintenance and/or operations of the public facilities contained therein. A statement summarizing these conditions shall be included on the face of the final plat and shall be included in all separate conveyance documents.

## **Sec. 1-5-9 Flood Hazard Areas**

### **A. General.**

- B. Flood Hazard Areas. All subdivision and lot division proposals in areas of special flood hazard shall:
1. Be designed to be considerate of the need to minimize flooding, including layout of streets and lots and the related desire to avoid construction in the one hundred (100) year flood plain, whenever possible, and avoid unnecessary construction in the floodway;
  2. Design, locate and construct all public utilities and facilities such as sewer, gas, electrical, and water systems to prevent infiltration and flood damage and the potential for discharges from such utility systems into flood waters;
  3. Provide adequate drainage to reduce exposure to flood damage; and
- C. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated by the subdivider for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less).

## **Sec. 1-6 Required Improvements**

### **A. Design and installation of improvements.**

1. All subdivision improvements required by this Code shall be designed and installed in accordance with the City's adopted Construction Specification Standard Drawings, Erosion and Sediment Control Standards, Stormwater Runoff Control Standards and other applicable improvement standards duly adopted by the City which are in force and affect at the time of the installation of such improvements. The City Engineer may allow exceptions to application to the current improvement standards in affect at the time of the installation of such improvements where such standards have substantively changed since the approval of the subdivision plat and the width of the previously dedicated right-of-way prohibits the ability to fully comply with the current improvement standards. In Addition, the City Engineer may specify additional requirements is unusual conditions warrant such requirements to ensure the public health, safety and welfare.
2. All subdivision improvements shall be furnished, installed, and constructed by the developer at no cost to the City. The City may, at the City's sole discretion, accept a suitable form of financial security in lieu of the completion of required public improvements where the City Council determines that such is in the best interest of the City in consideration of the specific conditions of the site and surrounding area or planned future public improvements.
3. Plans and specifications for subdivision improvements herein set forth shall be prepared by a registered professional engineer licensed to practice within the State of Idaho.

### **B. Public Improvements Required**

1. Except as provided ~~herein~~ within subsection C below, all required subdivision public improvements shall be completed prior to the Mayor's signature on the related final subdivision plat and prior to issuance of a building permit for development or redevelopment of a lot created by a lot division or of a lot having gained the necessary minimum lot area for the applicable zoning district by way of the lot line adjustment or lot



consolidation. No building permit shall be issued for development or redevelopment prior to City acceptance of compliance with the public improvement requirements of this Chapter.

2. All public improvement construction documents shall be prepared by a professional engineer licensed by the State of Idaho. Plans shall include extensions necessary to connect with existing and proposed streets, alleys, and utilities. Plans shall show sufficient information to indicate that streets, alleys, and utilities can be logically extended into future adjoining subdivisions or parcels. The capacity and dimensions of water, sewerage, drainage, and street infrastructure shall be adequate to provide for future needs of other undeveloped properties in the general vicinity. Where undeveloped properties exist in the general vicinity of the subdivision, all relevant public utilities shall be extended to the boundary of the subdivision to allow for their logical and orderly extension. The City Engineer may specify additional requirements where conditions warrant such requirements.
3. Construction of public improvements shall not commence until engineered construction documents for such work have been approved by the City Engineer.
4. The applicant or developer shall dedicate the required public improvements and any related land required to the City free and clear of all liens and encumbrances. Following completion of the construction of the public improvements required by this Code, acceptance of said improvements by the City in writing, and approval and filing of the final plat; ownership of said improvements shall transfer from the developer to City.
5. Upon completion of the construction of public improvements required by this Code, the developer shall submit to the City a set of as-constructed plans prepared by an engineer licensed in the State of Idaho attesting that the drawings accurately depict the improvements as actually constructed in ink on mylar. Submittal of said plans shall be completed before the City accepts the public improvements as complete. The subdivision developer shall also include an electronic version of the as-constructed plans in a format acceptable to the City.

#### C. Development Agreements

1. In lieu of completion of required public improvements prior to the Mayor's signature on the final subdivision plat, the applicant or developer and the City may execute and file a Development Agreement specifying the period of time within which the applicant or developer shall complete all required public improvements, granting of easements, and dedications required under this Chapter.
2. The Development Agreement shall provide that, if the applicant or developer shall fail to complete such public improvements, granting of easements, and/or dedications within the specified period, or shall fail to correct deficiencies therein as may be directed by the City Engineer during a period of two (2) years following completion and acceptance of such public improvements, granting of easements, and/or dedications, the City may, at its option, direct the completion of such public improvements, granting of easements, and/or dedications, and shall recover the full cost and expense thereof from the applicant or developer. The Development Agreement may also provide for any of the following:
  - a. Construction of the improvements in phases;

- b. An extension of time under conditions therein specified;
- c. The termination of the Development Agreement upon the completion of proceedings under a Local Improvement District for the construction of public improvements deemed by the Council to be at least the equivalent of the improvements specified in said Development Agreement and required to be constructed by the applicant or developer;
- d. Proportional refund or release of security, which has been set in accordance with this Chapter and filed with the Development Agreement. Such refund or release shall only occur for the portion of the required public improvements which have been completed and accepted;
- e. Conditions of parkland dedication;
- f. Traffic mitigation participation;
- g. No protest of LID agreements;
- h. Street tree obligation;
- i. Any other provisions designed to ensure construction of required public improvements;
- j. And/or any contractual agreement allow by Idaho law.

#### D. Security

1. To assure such applicant or developer's full and faithful performance of the Development Agreement set forth in this Chapter, the applicant or developer shall also file with the Development Agreement at least one of the following forms of security:
  - a. Certified check to be cashed;
  - b. Cashier's check to be cashed;
  - c. Cash;
  - d. Irrevocable letter of credit from a certified bank or financial institution;
  - e. Bond; or
  - f. Any other form of security which is specifically approved by the City Finance Director.
2. Any form of security required by this Chapter shall be in an amount as determined by the City Engineer, sufficient to cover the cost of required public improvements including the construction, maintenance, correction, inspection, engineering, and administration thereof. The amount of the security shall be the City Engineer's estimated cost of the required public improvements to be completed plus ten percent (10%) contingency plus twelve percent (12%) engineering and administration costs.
3. In the event the applicant or developer fails to complete all public improvements in accordance with the provisions of the Subdivision Code, this Code, or a Development Agreement, the City may use the security to pay the costs of completing said public improvements, including construction, engineering inspection, and administration.



4. No releases of any form of security required herein shall be made except upon certification by the City Engineer that the required public improvements have been satisfactorily completed.

E. Payment in Lieu of Public Improvements Construction

1. If, in the opinion of the City Council, it is in the best interest of the City, the City may accept cash in lieu of construction of required public improvements. Such cash payment made to the City pursuant to this Subsection shall be used to pay the cost of completing said public improvements and, when used, shall relieve the applicant or developer from any further payment and/or expense regarding said public improvements. Neither the applicant nor the developer shall have claim against the cash payment, or any interest generated therefrom, regardless of the eventual use of said payment. The amount of the cash payment shall be equal to that specified for security in this Chapter.

F. Warranty Period for Public Improvements

1. Term. Following completion of the construction of the required public improvements and following acceptance of said improvements by the City, the applicant and developer shall provide a one (1) year warranty for said improvements. Such warranty shall ensure that the constructed improvements shall, at the end of one (1) year period, remain in an operational condition meeting the City design standards and shall be free of any defects or failures identified during such warranty period.
2. Warranty Repairs. In the event that the City identifies any defect or failure of the public improvements installed by the developer as a requirement of this Code within one (1) year of the acceptance of said improvements, the City shall notify the developer in writing of the noted defect or failure. Upon such notification, the developer shall repair said defect and/or failure to the satisfaction of the City Engineer within ninety (90) days of notice to developer of said defect or failure.
3. Security. To ensure that the repair of defect or failure in the required public improvements shall be remedied by the developer, security for the warranty period shall be required. The amount of the security shall be equal to at least twenty percent (20%) of the documented construction cost of said public improvements. The form of the security shall be at least one of the following:
  - a. Certified check to be cashed;
  - b. Cashier's check to be cashed;
  - c. Cash;
  - d. Irrevocable letter of credit from a certified bank or financial institution;
  - e. Bond;
  - f. Any other form of security which is approved by the City Finance Director.
4. In the event that that the developer fails to make the necessary repairs to remedy the defect or failure of the public improvements, the City may utilize the security to pay the costs of completing said repairs, including construction, engineering, inspection, and administration and may pursue placement of a lien on the subject property, if necessary to pay such costs.

### **Sec. 1-7 Monumentation**

- A. General. Monumentation shall be in accordance with this Code, the Idaho Code and shall comply with all requirements herein.
- B. Street Monuments. City standard street monuments shall be set at all exterior corners of the subdivision; at all points where street lines intersect the exterior boundaries of the subdivision; at all points of curvature in each street or at point of intersection, in lieu of points of curvature, when point of intersection are situated within street pavement; at all street intersections; and at centers of cul-de-sacs.
- C. Lot Corners. All lot corners shall be marked with five-eighths (5/8") inch steel bar, two (2') feet long and driven flush with the finished grade.
- D. Witness Corners. In the event an interior monument cannot be placed at the location shown on the plat, the professional land surveyor shall place a witness corner or reference monument and shall file a record of survey as provided in Chapter 19, Title 55, Idaho Code, to show the location of any witness corner or reference monument in relation to the platted location of the corner.
- E. Recording of Plat with Only Exterior Monumentation. Where interior monumentation security has been provided in accordance with this Code, the professional land surveyor may prepare the plat of the subdivision indicating that only the exterior monuments have been set at the time of recording. There shall be a certification on the plat by the Idaho professional land surveyor that the interior monuments for the subdivision will be set in accordance with Section 50-1303 Idaho Code on, or before, a specified date, and the said interior monuments will be referenced on the plat with a unique symbol. The time for setting of the interior monuments shall not exceed two (2) calendar years from the date the plat is recorded, unless otherwise approved by the City Engineer.

### **Sec. 1-7-1 Monumentation Security**

- A. Interior Monumentation Security. Where the subdivider wishes to defer the setting of interior monuments for a subdivision, the subdivider shall furnish to the City, prior to recording the plat, security in the form of a bond or cash deposit in an amount equal to one hundred twenty percent (120%) of the estimated cost of performing the work for the interior monumentation. The estimated cost of performing such work shall be determined by the Idaho professional land surveyor signing the plat and verified and approved by the City Engineer.
- B. Upon receipt of notification of the setting of the interior monuments within the subject subdivision, the City shall inspect such monuments to ensure their proper placement and installation. Upon determination the monument placement has been satisfactorily completed, the City shall release the security to the subdivider.
- C. In the event that the person subdividing the land fails or refuses to authorize the payment for interior monumentation, the Idaho professional land surveyor may request payment from the City, and upon inspection by the City Engineer of the interior monumentation, the City shall pay the professional land surveyor from the interior monumentation security established in accordance with this Subsection.



- D. In the event that the Idaho professional land surveyor charged with the responsibility for setting interior monumentation for the subdivision does not set such monuments, the City may contract with an Idaho professional land surveyor in private practice to set such monuments for recording as required herein. Payment of the fees for these services shall be made from the security established in accordance with this Chapter.