

SEPTEMBER 27, 1973

The City Council of the City of Idaho Falls met in a recessed regular meeting, September 27th, 1973, at 7:30 p.m. in the Council Chambers in Idaho Falls, Idaho. There were present at said meeting: Mayor S. Eddie Pedersen, Councilmen Mel Erickson, Jack Wood, Paul Hovey, Norris Gesas, Jim Freeman. Absent: Councilman Gil Karst. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Lorna Coughlin, City Treasurer; Rod Gilchrist, City Planner; Paul Lundblade, Building Official; Don Lloyd, Public Works Director; Steve Harrison, Electrical Engineer.

Minutes of the last recessed regular meeting, held September 13, 1973 were read and approved.

The Mayor announced that this was the time and the place, as legally advertised, for a public hearing for the purpose of determining whether or not a Conditional Use Permit be issued for the construction of an administration building for the Electric Light Division. It was explained that said public hearing was being conducted pursuant to the provisions of Section 4-26-K of the Comprehensive Zoning Code, Ordinance No. 1115, as amended.

Mr. Eldon Wirt, 215 Pine, appeared before the Council. In answer to his question as to location, the City Clerk read from the legal notice to-wit: West of Capital Avenue, east of the Snake River, south of the U. P. R. R. right-of-way located south of Broadway and north of the alley between Cliff and Basalt Streets. Mr. Wirt then asked if he was right in his assumption that this development would not add to the tax base and was answered in the affirmative by the Mayor. Councilman Hovey then explained that there would be a tax base equivalent, inasmuch as the City collects \$1,003,000 annually from the electric revenues which is placed in the General Fund, thus lowering, to that degree, the total City tax which otherwise would be levied. Mr. Wirt said he was aware of that but the same revenue would be forthcoming regardless of where the building was located. Mr. Wirt said that in his opinion, the building should be placed on City property, thus reserving the proposed site for development that would add to the tax base. Councilman Wood then reminded Mr. Wirt that a portion of the land to be used was not within the urban renewal area. Moreover, continued Wood, the proposed site, in the immediate vicinity of the elevated water tank and other City owned utilities, was not conducive to development and the Electrical Building would adequately serve as a buffer to adjacent development within the urban renewal area. To this, Mr. Wirt agreed. In the absence of further protest or comment, it was moved by Councilman Hovey, seconded by Gesas that a Conditional Use Permit be issued for the construction of an electrical administration building for the purpose and at that location as advertised in the legal notice, all of this pursuant to the provisions of Section 4-26-K of the Zoning Code of the City of Idaho Falls. Roll call as follows: Ayes, 4; No, 1; carried. Councilman Erickson voting no.

The Mayor announced that this was the time and the place for a public hearing to consider the creation and adoption of a Comprehensive Residential Mobile Home Zone. The Mayor asked the City Clerk to present and read aloud the notice of this public hearing, as follows:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that a meeting of the City Council of the City of Idaho Falls, Idaho, will be held in the Council Chambers in the City Hall in said City on the 27th day of September, 1973, at 7:30 p.m. of said day, for the purpose of conducting a public hearing in relation to amending Ordinance No. 1115 of the Ordinances of the City of Idaho Falls, Idaho; said Ordinance being the Zoning Code of said City. The Amendments to said Ordinance which will be considered at said meeting are as follows:

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1. Repeal of Sections 7-17-1, 7-17-2, 7-17-3, 7-17-4, and 7-17-5 of the Zoning Code of Idaho Falls, Idaho being also Ordinance No. 1139.
2. Repeal of Ordinance No. 1140, being an Ordinance regulating Mobile Courts or Travel Courts within Idaho Falls, Idaho.
3. Adopting as part of the Zoning Code (Ordinance No. 1115) of Idaho Falls, Idaho, as Comprehensive Residential Mobile Home Zone.

Following said hearing the City Council shall have jurisdiction to amend said Zoning Code and to repeal Ordinances as aforesaid. At said hearing all parties in interest and all citizens of Idaho Falls shall have an opportunity to be heard in relation to such Amendments.

This notice is given pursuant to Sections 50-1204 and 50-1205, Idaho Code.

s/ Roy C. Barnes
City Clerk

The Mayor noted that the proposed Amendment was not only voluminous but comprehensive and had been the subject of intensive study for many months by many responsible City Officials including the Building and Planning Council Committee, the Building Official, the City Planner, the City Attorney, and the Planning Commission. Following, then, is the Amendment, entitled Article IX, fully describing the proposed Comprehensive Residential Mobile Home Zone:

ARTICLE IX

9-1 RMH – RESIDENTIAL MOBILE HOME ZONE

9-1-1 Definitions: For the purpose of this article, certain terms are defined as follows:

Residence – A single or multiple family dwelling unit which meets the minimum requirements of the Uniform Building Code.

Mobile Home – A manufactured relocatable living unit which does not meet the minimum requirements of the Uniform Building Code.

Council – City Council of Idaho Falls.

Travel Trailer – The term “Travel Trailer” shall mean and include all living accommodation units which are capable of unrestricted highway use, and not placed upon any foundation. The term shall include, but not be limited to, travel trailers, motor home units, campers mounted on automotive vehicles and camping tents.

Mobile Home Subdivision – A tract of land subdivided according to the rules and regulations of the Subdivision Ordinance of the City of Idaho Falls, to provide for the sale of individual lots for the express purpose of placement of mobile homes.

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Mobile Home Court – A tract of land retained under one ownership for the purpose of lease or rental of spaces for the placement of mobile homes as defined in this Ordinance.

Travel Trailer Court – A tract of land retained in one ownership, for the purpose of rental of spaces for temporary placement of travel trailers, as defined in this Ordinance.

Roadway – A means of vehicular access in a mobile home or travel trailer court which is not a dedicated street.

9-1-2 General Objectives and Characteristics of Zone.

The objective in establishing the RMH Residential Mobile Home Zone is to provide an environment within the City which is characterized by the somewhat denser residential environment than is characteristic of the other residential zones. A mobile home subdivision, mobile home court, or travel trailer court are special residential facilities specifically designed to accommodate mobile homes or other movable dwellings which do not conform to the requirements for permanent location within the City, and to do so in a manner that will provide a living environment of sustained desirability for the occupants, and which will protect the integrity and characteristics of the area surrounding the Residential Mobile Home Zone. It is the intent of the travel trailer provisions to provide safe, sanitary, and attractive facilities for the tourist to park a travel trailer or camper while visiting the City.

9-1-3 Use Requirements.

The following uses shall be permitted in the RMH Residential Mobile Home Zone:

A. Any use permitted in the R-1 Residence Zone except residences as defined in this article.

B. Mobile Home Subdivisions when approved by the Planning Commission and Council as required in Section 9-4 of this Ordinance.

C. Mobile Home Courts when approved by the Planning Commission and Council as required in Section 9-2-2 of this Ordinance.

D. Travel Trailer Courts when approved by the Planning Commission and Council as required in Section 9-3-2 of this Ordinance.

E. It shall be unlawful for any person to locate or maintain a mobile home or travel trailer on any lot in the City of Idaho Falls and to use the same for human habitation, except as follows:

1. A mobile home may be located in a mobile home court or in an approved mobile home subdivision.

2. A travel trailer may be located in a travel trailer court.

9-1-4 Construction.

Any portion of, or appendage, or any habitation, shelter, cabana, add-on or storage facility as permitted herein shall conform with the requirements of this Ordinance and the Uniform Building Code, as determined by the Zoning Administrator. No person shall construct a habitation, shelter, cabana, add-on or storage facility without first obtaining a permit from the Zoning Administrator.

9-2 MOBILE HOME COURTS – APPROVAL OF PLANS AND DOCUMENTS NECESSARY.

Any person wishing to construct a mobile home court shall obtain from the Zoning Administrator, information pertaining to the City's plan of land use, streets, public facilities, zoning and Subdivision Ordinance, and any other requirements affecting the land within the development. Before any permit can be issued for any construction connected with a mobile home court, the preliminary plans, required documents pertaining to the development, and the final plan shall have been approved as hereinafter set forth.

9-2-1 Preliminary Plans and Documents.

The preliminary plan and documents shall be prepared and submitted as follows:

A. Plan Requirements. Six (6) copies of the preliminary plan must be submitted to the Zoning Administrator at least two (2) weeks prior to the meeting of the Planning Commission at which the plan will be considered. The preliminary plan shall be drawn to a scale not smaller than one inch equals 100 feet, or as recommended by the Zoning Administrator, and shall show the following information:

1. The topography represented by contours shown at no greater intervals than two (2) feet when required by the Zoning Administrator.
2. The proposed street and mobile home court layout.
3. Proposed reservations for parks, playgrounds and open spaces.
4. Size and character of recreation buildings and other structures associated with land and facilities to be used by the mobile home occupants.
5. Layout of typical trailer space.
6. Tabulations showing:
 - (a) area of land within the mobile home court.
 - (b) number of mobile homes permitted.
 - (c) number of mobile home spaces provided for in the mobile home court.
 - (d) number of off-street parking spaces.

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7. Proposed location of off-street parking spaces.
8. Generalized landscape planting plan.
9. Location of existing and proposed utility lines and easements, water and sewer lines, fire hydrants, storm drains and facilities, curbs, and other improvements.
10. Draft of proposed documents including:
 - (a) management policies, covenants and restrictions.
 - (b) maintenance agreement.
11. Typical street cross-sections.
12. Any other data that the Planning Commission may require.

B. Standards and Requirements. The development of a mobile home court shall conform to the following standards and requirements:

1. The area shall be in one ownership and shall remain in one ownership and the same shall not be subdivided.
2. The final development plan must be prepared by an engineer or architect licensed to practice in the State of Idaho.
3. The initial site size for a mobile home court shall provide space for a minimum of five (5) mobile homes and such additional area as may be necessary to meet the requirements of this Ordinance.
4. The mobile homes may be clustered, provided that the gross density of mobile home units within the development does not exceed seven (7) units per acre.
5. The land area not contained in individual lots, roads, or automobile parking spaces shall be set aside and developed as parks, playgrounds and service areas for the common use and enjoyment of the occupants of the mobile home court within two (2) years from the date of approval of the mobile home court.
6. No less than 500 square feet per mobile home in the mobile home court shall be set aside for parks and playgrounds. The land covered by vehicular roadways, sidewalks, off-street parking and landscaped areas surrounding mobile home spaces which are pertinent to each mobile home, and the area devoted to service facilities shall not qualify as part of the area required for parks and playgrounds. Designated open space shall be located as near the central part of the development as good design will permit.
7. No mobile home or add-on shall be closer than ten (10) feet to a property or lot line. A rear yard of twenty-five (25) feet will be required except that a minimum rear yard of fifteen (15) feet will be accepted if one of the required side yards is a

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minimum of twenty-five (25) feet. All mobile homes and add-ons shall be set back at least fifteen (15) feet from all interior, private mobile home court roadways.

8. All off-street parking space and driveways shall be hard-surfaced within one year from date of approval of the mobile home court.

9. A strip of land at least 20 feet wide surrounding the mobile home court shall be left unoccupied by mobile homes and shall be planted and maintained in lawn, shrubs, and trees designed to afford privacy to the development.

10. All storage and solid waste receptacles outside of the confines of a mobile home must be housed in a closed structure compatible to design and construction to the mobile home and to any service building within the mobile home court. All patios, garages, carports, and other add-ons must also be compatible in design and construction with the mobile home and with the service buildings as approved by the Zoning Administrator.

11. Occupancy shall be by written lease which lease shall be made available to the Officials of the City upon demand. The terms of said lease shall be consistent with the Declaration of Management Policies, Covenants, and Restrictions, as required in Subparagraph C of this Section.

12. Roadways shall be of adequate width to accommodate anticipated traffic as follows:

(a) For one-way and two-way with parking: 50 feet in width.
(b) For entrance streets: minimum of 60 feet in width (48 feet curb-to-curb).

(c) All streets shall be bordered by curb, gutter and sidewalk and shall be hard-surfaced, or constructed as specified by the Engineering Department and Planning Commission.

13. There shall be no more than two entrances from the mobile home court into any one street, which entrances shall be no closer than 100 feet from each other, nor closer than 70 feet to the corner of an intersection. All mobile home courts shall have at least two entrances and more may be required depending on the size of development.

14. Access shall be provided to each mobile home space by means of an access way reserved for maneuvering mobile homes into position and shall be kept from trees and other immovable obstructions. Paving the access way shall not be required. Use of planks, steel mats, or other means during placement of a mobile home shall be allowed so long as the same are removed immediately after placement of the mobile home.

15. Off-street parking shall be provided at the rate of two parking spaces per mobile home space contained within the mobile home court. In no case shall the parking space be located greater than one-hundred feet away from the mobile home space it is designed to serve.

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16. In addition to meeting the above requirements and conforming to the other laws of the City, all mobile home courts shall also conform to requirements of the State Health Department. In event of any conflict between said regulations or codes of this article, the most restrictive provision shall govern.

17. Mobile home courts containing not less than twenty-five mobile homes may include a launderette for convenience of the occupants of the court, but not for the general public.

18. All mobile homes shall be located at least 30 feet back from any public street and the resulting yards must be landscaped except for driveways.

19. Yard Lighting. A minimum of two-tenths (0.2) foot candles of light shall be required for protective yard lighting the full length of all driveways and walks.

20. All aggregate area of at least 100 square feet for each mobile home space contained within the mobile home court shall be provided for the storage of the renters' boats, trailers, campers and other items that cannot be stored in the mobile homes. Said storage space shall be enclosed with a sight-obscuring fence of not less than six (6) nor more than eight (8) feet in height.

21. The site of any mobile home court shall be graded and/or filled and maintained so as to prevent the accumulation of storm or waste water of any kind. A mobile home court shall not be permitted where there is inadequate drainage. Adequate drainage shall be provided and maintained for all patios, mobile home stands, buildings, sidewalks, streets and other improvements.

22. Signs as may be required by the Zoning Administrator shall be placed in all mobile home courts indicating the direction of travel and the areas where no automobile parking will be permitted on roadways.

23. All streets, water, sanitary sewer, and storm drain systems shall meet City Standards and shall meet the approval of the City Engineer.

24. Any mobile home which has been legally established and which was in use at the time of the effective date of this Ordinance shall be deemed to be a non-conforming use and such non-conforming use may be continued notwithstanding the fact that it may not comply with the provisions of this Ordinance, provided that such non-conforming use does not constitute a hazard to health or a nuisance. Such non-conforming use shall not be extended, changed or enlarged except in compliance with this Ordinance.

If any mobile home or mobile home court was illegally established at the effective date of this Ordinance, the enactment of this Ordinance shall not be deemed to render such use legal unless such use is expressly authorized by the terms of this Ordinance.

25. Only mobile homes shall be allowed to occupy a mobile home space in a mobile home court.

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C. Documents. Documents shall also be submitted with the preliminary plan consisting of:

1. A declaration of management policies, covenants and restrictions setting forth the responsibilities and duties of the renters or occupants and owner within the mobile home court.

2. An agreement between the developers and the City stating among other things:

(a) that the developer will construct the project in accordance with approved plans.

(b) that in the event of failure or neglect on the part of the owners, successors, or assigns to maintain the common areas, landscaping and other improvements in good condition, the City may perform the necessary work and for the purpose may enter in upon the land and do said work and charge the cost thereof, including reasonable attorney's fees, against the owners or their successors or assigns.

9-2-2 Review and Approvals.

The Planning Commission shall review the plan and proposed documents to determine compliance with all portion of the City's Land Use Plan and Zoning Ordinance. In considering said plan, the Planning Commission, among other things, shall make sure that such developments shall constitute a residential environment of sustained desirability and stability and that it will not adversely affect amenities in surrounding area. The Planning Commission may require changes to be made in the plan or documents. They may also require additional yards or buffers or other improvements to be installed along with greater amounts of landscaping or parking spaces. Said changes may be imposed as conditions of approval that are necessary to insure that the development will mix harmoniously with adjoining or nearby uses, and to insure that the stated quality of the maintenance will be carried out.

An application for approval of a mobile home court shall be granted or denied only after a public hearing by the Planning Commission. Notice of the hearing shall be given in a newspaper of general circulation at least 15 days prior to said hearing.

If approved by the Planning Commission, the application, with the Planning Commission's recommendations shall be submitted to the City Council for its approval. An application denied by the Planning Commission may be appealed to the Council. Said appeal must be made in writing within 10 days after the denial is made by the Planning Commission. Approval of the preliminary plan shall be valid for a period of one (1) year.

9-2-3 Final Site Plan.

Upon approval of the preliminary plan and documents by the City Council, the developer shall submit to the Planning Commission a final site plan of either the entire mobile home court or the first stage of such development that is to be constructed, and final copies of the required documents. Such plan shall be drawn to scale and provide, in detail,

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the information required under Section 9-2-1 of this Ordinance. This shall include detailed and complete plans of the alignment, location and grades of all streets and utilities.

Copies of the final approved documents shall also be filed in the office of the Zoning Administrator. No building permit shall be issued for said mobile home court until final plans have been approved by the Planning Commission and City Council and the required documents filed in the Office of the Zoning Administrator and until the guarantee of performance required under 9-2-5 of this Ordinance has been properly posted.

9-2-4 Stage Construction Permitted.

Development may be carried out in progressive stages in which each stage shall be so planned that the requirements and intent of this Ordinance shall be fully complied with at the completion of each stage. No final plan for the initial stage shall provide for less than five (5) mobile home spaces and such additional area as may be necessary to meet the requirements of this Ordinance.

9-2-5 Guarantee of Performance.

A. Ability to Perform. Prior to issuing a building permit for the construction of the mobile home court, the developer must submit evidence satisfactory to the Council that the developer has the financial means and the ability to complete the stage of construction for which he has applied for a building permit. Such evidence shall consist of the contractor's bid or the engineer's or architect's estimate of the amount required to complete the development, together with the resources of the developer committed to such expenditure or the proof of the loan commitment sufficient to construct and complete such development.

B. Possession and Occupancy. No possession or occupancy of the mobile home court shall be allowed until the improvements as planned for each stage shall be fully constructed. However, if the developer desires to have any occupancy of a portion of the partially developed staged construction, then the developer shall post bond as security for the completion of all improvements, including, but no limited to, landscaping, road improvements, pedestrian ways, curbs, gutters, road surfacing, water and sewer lines and common facilities as shown on the final site plan. Upon the posting of bond satisfactory in form and amount to the Council for the completion of such improvement, occupancy may be granted upon a partially constructed and developed mobile home court.

C. Estimates. All estimates of completing and costs shall be submitted to the City Engineer for his approval.

D. Duration of Bond. The duration of any bonds or other assurance of completing of improvements and development of mobile home courts shall be for a minimum of two (2) years from the date of approval of the development by the Council. An extension of time may be granted by the Council upon application of the developer, provided such application is submitted at least sixty (60) days prior to the expiration of the bond and provided the issuer of the bond is willing to extend the time of the assurance.

E. Default. In the event the developer defaults or fails or neglects to satisfactorily install the required improvements within the time limitation, the Council may declare the bond or other assurance forfeited and the City may install or cause to be installed, the required improvements using the proceeds from the bonds or other assurance to defray the expense thereof.

F. Release of Security. The Developer shall be responsible for the quality of all materials and workmanship. All street, utility, and park work shall be continuously inspected by the City and the City Engineer shall make a final inspection of the improvements and shall submit a report to the Council. If the improvements do not meet the standards and the plans the Engineer shall so report and the developer shall be obligated to correct the improvements and complete the installation to meet all such plans and to be approved by the City Engineer. Upon the Engineer's approval of the installation or improvements, the bond or other assurance shall be released and exonerated.

G. Continuing Obligation. Any failure on the part of the developer or his assigns to maintain the mobile home court or any portion thereof in accordance with the approved management policies, covenants, conditions and restrictions and agreements shall be deemed a public nuisance endangering the health, safety, and general welfare of the public and a detriment to the surrounding area.

All maintenance of private drives, including but not limited to, utilities, drainage, streets and snow removal, shall be the responsibility of the owner.

In addition to any other remedy provided by law for the abatement or removal of such public nuisance, the City may remove or abate the nuisance and charge the cost thereof, including reasonable attorney's fees, to the owners.

9-2-6 Development of Parks and Play Areas.

The parks and play areas shall be protected against building development by conveying to the City an open space easement over such open areas, restricting the area against any future building or use, except as is consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of the residents. Buildings or uses for non-commercial, recreational, or cultural purposes, compatible with the open space objectives, may be permitted only with the express approval of Council, following approval of building, site, and operational plans by the Planning Commission. The granting of such open space easement shall not absolve the developer from the responsibility of developing and maintaining the parks and play areas.

9-3 TRAVEL TRAILER COURTS - APPROVAL OF PLANS AND DOCUMENTS NECESSARY

Any person wishing to construct a travel trailer court shall obtain from the Zoning Administrator information pertaining to the City's plan of land use, streets, public facilities, and other requirements affecting the land within the development. Before a permit can be issued for any construction connect with a travel trailer court, the preliminary plans, required documents pertaining to the development and the final plan shall have been approved as hereinafter set forth.

9-3-1 Preliminary Plan and Documents.

The preliminary plan and documents shall be prepared and submitted as follows:

A. Plan Requirements. Six copies of the preliminary plan must be submitted to the Zoning Administrator at least two (2) weeks prior to the meeting of the Planning Commission at which the plan will be considered. The preliminary plan shall be drawn to a scale not smaller than one-inch equals one-hundred feet (1" = 100') or as recommended by the Zoning Administrator and shall show the following information:

1. Proposed road and trailer space layout.
2. Proposed reservation for parks, playgrounds, and other open space.
3. Proposed location for service facilities.
4. A generalized landscape plan.
5. Location of existing and proposed utility lines and easements, water and sewer lines, fire hydrants, storm drains and facilities, curbs and other improvements.
6. Any other data that the Planning Commission may require.

B. Standards and Requirements.

1. Each travel trailer court shall be held in one ownership and shall contain at least two (2) acres of land.
2. All travel trailer court shall abut upon a collector or arterial street, as set forth in the major street plan of Idaho Falls, Idaho.
3. All travel trailers shall be set back at least thirty (30) feet from any public street, and fifteen (15) feet from an interior private roadway.
4. The roadway system shall provide convenient circulation through the travel court and provide access to each travel trailer space. No travel trailer space will be permitted direct access to a public street, road, or highway other than by means of the travel trailer court roadway system. All entrances and exists from the travel trailer courts shall be by forward motion only. No exit or entrance from a travel trailer court shall be through a residential zone and no entrance or exit shall be located closer than seventy (70) feet to the intersection of two streets.
5. All one-way and two-way roadways shall have a curb-to-curb width of at least 37 feet and all roadways shall be hard-surfaced.

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6. All areas within the court which are not hard-surfaced shall be landscaped and maintained with lawns, trees and shrubs designed to provide privacy and noise containment and shall be equipped with adequate sprinkling or watering devices as approved by the Zoning Administrator. A land-space screen at least eight (8) feet in width shall be provided adjacent to the exterior boundaries of the court.

7. Each travel trailer space shall be at least twenty (20) feet in width and at least forty (40) feet in length.

8. No travel trailer space shall be rented for a period of more than thirty (30) days and no travel trailer which exceeds eight (8) feet in width shall be placed in a travel trailer court.

9. A minimum of 50 percent of all travel trailer spaces shall be served by an approved water and sewage disposal system. In addition, each travel trailer court shall have a sewage dump for self-contained trailer units.

10. In addition to meeting the above requirements, all travel trailer courts shall conform to the requirements of the State and City Health Regulations relating to travel trailer courts.

11. The site for any travel trailer court shall be graded and/or filled and maintained so as to prevent the accumulation of storm water or waste water of any kind. A travel trailer court shall not be permitted where there is inadequate drainage. Adequate drainage shall be provided and maintained for all patios, travel trailer stands, buildings, streets and other improvements.

12. Signs as may be required by the Zoning Administrator shall be placed in all travel trailer courts indicating the direction of travel and the area where no automobile parking will be permitted on the roadways.

13. No permit to construct or enlarge a travel trailer court shall be issued until the plans for the proposed construction or enlargement have been approved by the Zoning Administrator and City Engineer.

14. Both dependent and independent travel trailers shall be allowed to occupy travel trailer spaces in a travel trailer court.

15. All improvements, including utilities, streets, paved areas and landscaping, must be completed within two (2) years of date the plan is approved by the City Council.

9-3-2 Review and Approvals.

The Planning Commission shall review the plan to determine its compliance with any portion of the City's Land Use Plan and Zoning Ordinance. In considering approval of the development, the Planning Commission shall, among other things, make sure that such development will mesh harmoniously with the surrounding area, that it will not produce a volume of traffic beyond the capacity of the surrounding street system, that

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requirements for utilities, off-street parking, traffic circulation and other public requirements will be adequately met and that the standards and intent of this section shall be adequately complied with.

The Planning Commission may require changes to be made in the plan. They may also require additional yards or buffers or other improvements to be installed along with greater amounts of landscaping or parking spaces. Said changes may be imposed as conditions of approval where it is determined by the Planning Commission that such changes are necessary to insure that the development will mesh harmoniously with adjoining or nearby uses.

An application for approval of a travel trailer court shall be granted or denied only after a public hearing by the Planning Commission. Notice of the hearing shall be given in a newspaper of general circulation at least 15 days prior to said hearing.

After consideration by the Planning Commission, the application, with the Planning Commission's recommendations shall be submitted to the Council for its approval. An application denied by the Planning Commission may be appealed to the Council. Said appeal must be made in writing within ten (10) days after the denial is made by the Planning Commission. Approval of the preliminary plan shall be valid for a period of one (1) year.

9-3-3 Final Site Plan.

Upon approval of the preliminary plan by the Council, the developer shall submit to the Planning Commission a final site plan of either the entire travel trailer court or the first stage of such development that is to be constructed. Such plan shall be drawn to scale, and provide, in detail, the information required under this Ordinance.

Copies of the final approved documents shall also be filed in the Office of the Zoning Administrator. No building permit shall be issued for said travel trailer court until final plans have been approved by the Planning Commission and City Council and the required documents filed in the Office of the Zoning Administrator and until the guarantee of performance required under 9-2-5 of this Ordinance has been properly posted.

9-3-4 Stage Construction Permitted.

Development may be carried out in progressive stages in which event each stage shall be so planned that the requirements and intent of this Ordinance shall be fully complied with at the completion of each stage. No final plan for the initial stage shall cover less than one (1) year.

9-3-5 Guarantee of Performance.

A. Ability to Perform. Prior to issuing a building permit for the construction of a travel trailer court, the developer must submit evidence satisfactory to the Council that the developer has the means and the ability to complete the stage of construction for which he has applied for a building permit. Such evidence shall consist of the contractor's bid or the engineer's or architect's estimate of the amount required to complete the development,

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together with the resources of the developer committed to such expenditure or the proof of the loan commitment sufficient to construct and complete such development.

B. Possession and Occupancy. No possession or occupancy of the travel trailer court shall be allowed until the improvements as planned shall be fully constructed. Provided, however, that if the developer desires to have any occupancy of a portion of the partially developed staged construction then the developer shall post bond as security for the completion of all improvements, including, but not limited to, landscaping, road improvements, pedestrian ways, curbs, gutters, road surfacing, water, sanitary and storm drain lines and common facilities as shown in the final site plan. Upon the posting of bond satisfactory in form and amount to the Council for the completion of such improvements, occupancy may be granted upon a partially constructed and developed travel trailer court.

C. Estimates. All cost estimates for completing the development shall be submitted to the City Engineer for his approval.

D. Duration of Bond. The duration of any bonds or other insurance of completing of improvements and development of travel trailer courts shall be for a minimum of two (2) years from the date of the approval of the development by the Council. An extension of time may be granted by the Council upon application of the developer, provided such application is submitted at least sixty (60) days prior to the expiration of the bond and provided the issuer of the bond is willing to extend the time of assurance.

E. Default. In the event the developer defaults or fails or neglects to satisfactorily install the required improvements within the time limitation, the Council may declare the bond or other assurance forfeited and the City may install or cause to be installed, the required improvements using the proceeds from the bonds or other assurance to defray the expense thereof.

F. Release of Security. The developer shall be responsible for the quality of all materials and workmanship. All street and utility work shall be inspected by the City and upon the completion of installation of all such improvements the City Engineer shall make a final inspection of the improvements and shall submit a report to the Council. If the improvements do not meet the standards and the plans, the engineer shall so report and the developer shall be obligated to correct the improvements and complete the installation to meet all such plans and the approval of the City Engineer. Upon the Engineer's approval of the installation of improvements the bond or other assurance shall be released and exonerated.

G. Continuing Obligation. Any failure on the part of the developer or his assigns to maintain the travel trailer court in accordance with the approved management policies, covenants, conditions, and restrictions and agreements shall be deemed a public nuisance endangering the health, safety, and general welfare of the public and a detriment to the surrounding area.

All maintenance of private drives including, but not limited to, utilities, drainage, streets and snow removal, shall be the responsibility of the owner.

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In addition to any other remedy provided by law for the abatement or removal of such public nuisance, the City may remove or abate the nuisance and charge the cost thereof, including reasonable attorney's fees to the owners.

9-4 **MOBILE HOME SUBDIVISIONS**

All mobile home subdivisions must be approved by the Planning Commission and by the City Council and shall be made to comply with the provisions of the Subdivision Ordinance and the R-1 Requirements of Ordinance No. 1115 shall apply, with the following exceptions:

1. The minimum lot size of a mobile home subdivision shall be 5,000 square feet.
2. The minimum size of a mobile home subdivision shall be five (5) acres.
3. Each mobile home shall be required to have off-street parking for a minimum of two (2) cars, and such parking shall be hard-surfaced.
4. Use Requirements. Any use permitted in the RP, RP-A, and R-1 Residence Zones, except residences as defined in Article 9-1-1.
5. No mobile home or add-on shall be closer than ten (10) feet to a side yard or lot line.
6. A rear yard of twenty-five (25) feet will be required except that a minimum rear yard of fifteen (15) feet will be excepted if one of the required side yards is a minimum of twenty-five (25) feet.

There were none who appeared for purposes of protesting this proposed addition to the Zoning Ordinance. Therefore, the following Ordinance, incorporating Article IX in its entirety, was introduced by Councilman Wood:

ORDINANCE NO. 1368

AN ORDINANCE AMENDING ORDINANCE NO. 1115 OF THE ORDINANCES OF IDAHO FALLS, IDAHO, SAID ORDINANCE BEING THE ZONING CODE, BY ESTABLISHING AN RMH RESIDENTIAL MOBILE HOME ZONE WITHIN SAID CITY PURSUANT TO A COMPREHENSIVE ZONING PLAN; REGULATING THE USES WHICH MAY BE MADE OF THE LANDS, WITHIN SAID ZONE; REGULATING THE SIZE OF LOTS, YARDS, COURTS, AND OPEN SPACES THEREIN AS WELL AS THE DENSITY OF POPULATION AND THE LOCATION AND TYPES OF BUILDINGS PERMITTED WITHIN SAID ZONE; SETTING FORTH THE PROCEDURE AND REQUIREMENTS FOR OBTAINING PERMITS FOR BUILDING UPON AND OCCUPYING PERMITS FOR BUILDING UPON AND

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OCCUPYING LANDS WITHIN THE SAID ZONE; REPEALING SECTIONS 7-17-1, 7-17-2, 7-17-3, 7-17-4 AND 7-17-5 OF SAID ZONING CODE; REPEALING ORDINANCE NO. 1140 OF THE ORDINANCES OF IDAHO FALLS; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

It was moved by Councilman Wood, seconded by Freeman, that the provisions of Section 50-902 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being "SHALL THE PROVISIONS OF SECTION 50-902 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 5; No, none; carried. The majority of all of the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the ordinance placed before the Council for final consideration, the question being "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 5; No, none; carried.

It was then moved by Councilman Wood, seconded by Erickson, that Ordinance No. 1139 be repealed. Roll call as follows: Ayes, 5; No, none; carried.

Finally, it was moved by Wood, seconded by Erickson, that Ordinance No. 1140 be repealed. Roll call as follows: Ayes, 5; No, none; carried.

The Mayor noted that the term of William Rigby, as a member of the Library Board, had expired. The Mayor proceeded to reappoint Mr. Rigby for a five-year term in this capacity. It was moved by Councilman Freeman, seconded by Erickson, that this reappointment be confirmed. Roll call as follows: Ayes, 5; No, none; carried.

At this time, Mayor Pedersen asked to be excused from the Council Meeting. Councilman Freeman then took the Mayor's position, thus serving as Mayor ProTem.

License applications for ELECTRICAL CONTRACTOR, Ramon Curtis with Curtis Electric; JOURNEYMAN ELECTRICIAN, Ramon Curtis; APPRENTICE ELECTRICIAN, Kelly Johnson with Century Electric, Gerald S. Hammer with Shore Electric, Troy Brenson with Northwest Electric; CAB DRIVERS, Willard Hammon, Robert Shrives; BARTENDER, Jack K. Jensen, Charles S. Cherry, Margaret Linkowski, Stanley Linkowski, were presented. It was moved by Councilman Erickson, seconded by Wood, that these licenses be granted, subject to the approval of the appropriate Division Director, where required. Roll call as follows: Ayes, 5; No, none; carried.

This memo from the Purchasing Department was presented:

City of Idaho Falls
September 26, 1973

Honorable Mayor and Council Members:

At an informal Council Session, action was taken on the acceptance of the bid for three 250 KVA Single Phase Transformers from Spokane Transformer Company of Spokane, Washington for \$5,241.00. This bid is the low bid which meets the delivery requirements of the specifications.

The Purchasing Department requests formal ratification of the above action.

s/ W. J. Skow
Purchasing Department

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It was moved by Councilman Hovey, seconded by Gesas, that the Council's informal action, as explained, be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

Another matter requiring Council ratification was explained by this memo from the Building Official:

City of Idaho Falls
September 27, 1973

MEMORANDUM

TO: Mayor and City Council
FROM: Building and Zoning
SUBJECT: SIGN VARIANCE

The Riv-Eon Sign Company at 515 West 19th Street requested a variance to erect a double-faced illuminated sign for the Bank of Commerce at 1770 East 17th Street in an R-3A Zone.

This variance was approved by the Mayor and Council Work Session at the Bonneville Hotel noon luncheon meeting September 25, 1973 and now needs only ratification.

Very truly yours,
s/ Paul Lundblade
Building Official

It was moved by Councilman Wood, seconded by Erickson that this informal action also be ratified. Roll call as follows: Ayes, 5; No, None; carried.

A City Redemption Tax Deed in favor of Ted Samargis was presented, accompanied by this Resolution:

RESOLUTION (Resolution No. 1973-18)

WHEREAS, the City of Idaho Falls, did under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by Deed of the City Treasurer dated the 20th day of January, 1964, recorded in Book 153 of Deeds at Page 485, Records of Bonneville County, Idaho acquire title to and possession of the following described real property, to-wit:

Lots 6 and 7, and south half of 8, Block 63, Highland Park Addition to the City of Idaho Falls, Idaho.

WHEREAS, TED SAMARGIS has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW, THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be, and they hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to make, execute and

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deliver to the said TED SAMARGIS a deed to said property, pursuant to the provisions of Section 50-2951, Idaho Code.

PASSED BY THE COUNCIL this 27th day of September, 1973.

APPROVED BY THE MAYOR this 27th day of September, 1973.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

It was moved by Councilman Erickson, seconded by Hovey, that the Mayor and City Clerk be authorized to sign the Resolution and the Deed. Roll call as follows: Ayes, 5; No, none; carried.

From the Purchasing Department, this memo was submitted:

City of Idaho Falls
September 26, 1973

Cable Fault Locator

Honorable Mayor and Council Members:

Tabulation of bids for a cable fault located is attached.

Evaluation of bids received show Associated Research of Chicago, Illinois submitting the low bid for \$5,140.00, with 9 weeks delivery.

It is the recommendation of the Electric Light Division and the Purchasing Department that the above bid be accepted.

This recommendation subject to your approval.

s/ W. J. Skow
Purchasing Department

It was moved by Councilman Hovey, seconded by Gesas, that the low bid of Associated Research of Chicago be accepted for the equipment as described. Roll call as follows: Ayes, 5; No, none; carried.

A Lease Assignment in favor of the First Security Bank was submitted from the United Development Corporation. It was moved by Councilman Wood, seconded by Gesas, that this be referred to the Airport Committee for additional study. Roll call as follows: Ayes, 5; No, none; carried.

This letter was presented and read by the City Clerk:

September 25, 1973

Honorable S. Eddie Pedersen, Mayor
City of Idaho Falls

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Dear Mayor Pedersen:

As an adjoining property owner I am very disturbed and indeed do object to the location of the house under construction on the southeast corner of 19th Street and Boulevard. This house is being built facing Boulevard and is set back only 15 feet from the sidewalk. This is apparently legal under the exception in the Building Code to the normal 30-foot required setback. This exception requires that Boulevard be defined as a side street. This definition is arrived at because there are only two houses facing Boulevard in one block. While this interpretation may be made on the number of houses in a given block it certainly doesn't seem right that a thoroughfare such as Boulevard is treated as a side street.

There are at least four major problems with this building as I see it.

1. The house will detract from the homes on Boulevard by being set so close to the street.
2. The appearance of Boulevard will be degraded.
3. An unsafe condition exists with only 17-1/2 feet from the garage and the sidewalk. This means that automobiles the size of mine can't be parked in front of the garage without extending onto the sidewalk.
4. It is highly probable that Boulevard will be widened at a future date as it has been between 17th and 18th Streets. This would place the house only about 20 feet from the street.

In view of the above, I request that you evaluate the current building permit and I feel that the permit should be rescinded and the house moved back to the required 30 feet. I would also suggest that the Code be revised to preclude this problem in the future. I understand that many residents have called your building inspectors office to complain about the location of this house.

Sincerely yours,
s/ Richard E. Wood
1995 South Boulevard
Idaho Falls, Idaho

Councilman Wood reported that the Building Department had checked this location thoroughly and the house under construction complied with the Building Code. Asked for comment, City Planner Gilchrist explained that, only because of the layout of the lots in question which run parallel to Boulevard, would that street be considered the side street. He said the house and garage are so located that a car could not conveniently be parked in the driveway without extending out into 19th Street. Building Official Lundblade appeared briefly to say that the owner of the property in question was made aware of this potential problem. Councilman Hovey questioned the practical aspect of a collector street, such as Boulevard, being considered a side street. Gilchrist explained, further, that this is because of the manner in which the Ordinance was written and an amendment would be necessary to correct this misnomer in terminology. It was moved by Councilman Wood, seconded by Gesas, that this matter be referred to the Planning Commission for study and recommendation. Roll call as follows: Ayes, 5; No, none; carried.

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Mr. Wirt reappeared before the Council briefly representing certain senior citizens. He appealed for help and consideration from the City Council in providing mini-bus service for the elderly. The Mayor concurred that this service had merit. Councilman Erickson explained to Mr. Wirt that a private firm was presently studying this matter in an effort to, in some way, provide the service as described. Councilman Erickson drew attention to the fact that the City Council had recently, but informally, approved a red flashing traffic signal light at F Street and Park Avenue, causing Park Avenue vehicles to stop for F Street traffic. It was moved by Councilman Erickson, seconded by Wood, that this action be duly ratified. Roll call as follows: Ayes, 5; No, none; carried.

Councilman Erickson again drew attention to that same intersection and the fact that it had been the scene of many accidents. Specifically, he noted that the City Council had eliminated two parking spaces on the north side of F Street just east of Park Avenue but that there still remained two parking spaces between that restricted parking area and the F Street driveway entering the A & W Drive Inn. Because vehicles parked in these spaces continued to create a sight problem, it was moved by Councilman Erickson, seconded by Wood, that these parking spaces also be removed. Roll call as follows: Ayes, 5; No, none; carried.

Finally, Councilman Erickson reported that First and Woodruff has been the subject of a traffic study occasioned because of numerous accidents at that intersection. He said a traffic count had been ordered and that some remedial action might prove necessary.

There being no further business, it was moved by Councilman Hovey, seconded by Gesas that the meeting adjourn at 8:10 p.m.; carried.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

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