



Elk River City Council Workshop Minutes

Thursday, January 4, 2024 – 11:00 a.m.

Andrew Bloom Community Center, 112 South Second Street, Elk River, Idaho

Members present: Mayor Dave Brown, Councilwoman Debbie Manwaring, Councilwoman Connie McCartney

Staff present: Christina Bartlett: Clerk/Treasurer

Visitors: Rhonda Bliss

1. Call to order: Mayor Dave called the meeting to order at 12:08 p.m.
2. Proposed Elk River Camper Ordinance discussion:

Clerk's Notes

Bobbi's Notes

1/4/24 meeting minutes/notes

Reasons for an RV Ordinance

1. Protect the city limits of Elk River from transforming into a "RV" campground.
2. Strain on infrastructure.
3. RVs do not provide property tax revenue to the city and county.
4. The Recreation District works hard to keep campgrounds in good condition. Allowing unlimited RVs on privately owned parcels in the city takes away from their business, as well as from other existing, privately owned campgrounds.
5. Possible affect on property values.

Suggestions for City Council consideration:

~~1. Property owners should be required to have a city business license if they receive compensation, of any kind, for allowing RVs on their property.~~

- ~~City does not require any sort of business license at this time. So are we going to require all businesses to get one? I believe that this would lead to another ordinance/resolution needing to be developed~~
- ~~How would this be policed, honor system?~~
- ~~Is this like being compensated for people staying in your home, ie. AIR BNB? I also know of other that do not advertise as being a vacation rental and claim people "gift" them for letting them stay at their place for free. What about family/friends that come stay and they "throw" in money for food and the extra utilities they use.~~

2. Properties having more than ~~one~~ **two** RV's using a single sewer connection should be assessed a monthly surcharge. Because sewer charges have seen some significant increases, this cost needs to be shared by all users.

- **What about homes that have more than 1 toilet in their home? 1 in their home and 1 in their shop/garage that are on the same connection?**

ORDINANCE #175 (Rewritten 10/4/2023)

AN ORDINANCE OF THE CITY OF ELK RIVER, COUNTY, STATE OF IDAHO, FINDING THAT SAID CITY HAS SIGNIFICANT INTEREST IN PERSONS REQUESTING TO PLACE RECREATIONAL VEHICLES ON PERSONAL LOTS, PROVIDING FOR DEFINITIONS, PROVIDING PROHIBITION WITHIN FIRE LIMITS, PROVIDING FOR PERMITS TO BE REQUIRED, PROVIDING FOR APPLICATION OF PERMITS, PROVIDING FOR CLERK TO ISSUE SUCH PERMIT, PROVIDING FOR TIME LIMIT, PROVIDING FOR NUMBER OF RECREATIONAL VEHICLE ALLOWED PER PARCEL, PROVIDING FOR TOILET FACILITIES REQUIREMENTS, PROVIDING FOR WATER HOOKUP REQUIREMENTS, PROVIDING FOR FIRE HAZARD AND NUISANCE, PROVIDING FOR REVOCATION OF PERMITS, PROVIDING FOR ENFORCEMENT, PROVIDING FOR SEVERABILITY, PROVIDING REPEALER CLAUSE, PROVIDING AN EFFECTIVE DATE.

SECTION 1 FINDINGS

The City Council of the City of Elk River hereby finds that said City has been asked by property owners for permission to use their recreational vehicles/trailers for dwelling house purposes. The Council further finds that the foregoing use should be regulated to safeguard the health, safety, and welfare of the City's inhabitants. Property should be developed in such a way as to maintain the integrity of our neighborhoods and avoid overcrowding while recognizing the rights of property owners.

SECTION 2 DEFINITIONS

Recreational Vehicle shall be defined as: A vehicle primarily designed as temporary living quarters for recreational camping, or travel use, which either uses its own mode of power or is mounted on or drawn by another vehicle. The basic entities are, but not limited to: Travel or camping trailer, truck camper, fifth-wheel camper or motor home.

Full time resident shall be defined as a person who claims primary residency within the city limits of Elk River.

Permanent structure shall be defined as an existing dwelling with at least 750 square feet and set on a **permanent foundation** as per 102c, Section III, Item D, Number 10.

- **Mobile homes that are allowed to be set on blocks might be considered contradictory**
- **Definition needs to be reviewed**
- **Should we put this in ordinance #102c and has been talked about lowering**

the minimum square footage

Parcel shall be defined as the total acreage indicated on the Clearwater County property tax bill.

SECTION 3 PROHIBITED WITHIN CITY LIMITS

No overnight camping or RV storage is allowed on any public street, alleyway, or City right of way.

SECTION 4 VENDOR PERMIT REQUIRED

No person shall use any RV/tent for dwelling purposes on any public property. Vendors on public property will be required to have a permit.

- I'm confused...what does dwelling in an rv on public property have to do with being a vendor? Doesn't a vendor set up, sell their goods and leave?
- "vendor": are you talking food/craft vendor? If so, I don't think that falls under this ordinance
- Since the City doesn't have licenses this could be hard

SECTION 5 CLERK TO ISSUE RV PERMIT/TIME LIMIT

Upon submitting a completed application, the Clerk shall issue a permit allowing such applicant and the persons named in the application to reside in the RV described in application, for a period not to exceed 9 months from date of placement. Such permit shall be nontransferable.

Property owner whose intent is to develop a permanent structure while residing in their RV- Upon submitting a completed application, the Clerk shall issue a permit allowing such applicant and the persons named in the application to reside, year-round, in the RV described in application, for a period not to exceed 5 years from date of placement. Such permit shall be non-transferrable.

- Current ordinance allows 2 rv's per city lot, unlimited number of days so this is contradictory

SECTION 6 RECREATIONAL VEHICLES

Recreational Vehicles, as defined shall be a permitted use in all zones within the city subject to the following conditions:

A. Standards for Recreation Vehicles:

1. Number of Units: ~~One~~ **Two** RV units is allowed, per parcel, without a permit. **More than** two units that are kept on-site for more than an **occasional** weekend will require a Recreational Visitors permit with a fee as adopted by resolution. More than two units will require a **conditional use permit**.

- **Go by square footage, not lot/parcel. Get info from Deb Manwaring on what the committee had come up with for footage**
- **Needs to be called something other than a “conditional use permit”**
- **“occasional” needs to be defined**
- **“Conditional use permit” if you want something like this it needs to be called something else. In other ordinances “conditional use permit” is already used and defined and requires a larger process**
- **Zoning for how many RV’s are allowed on a property needs to be looked at. In the county rural zone, we allow non-commercial RV’s on property as an example.**

~~2.—Water/Sewer Requirements~~

~~a. The RV must meet all requirements with respect to the provision of individual potable water and sewage disposal facilities, portable holding tanks. The RV must meet State Plumbing Code requirements which will prevent any backflow into the system. Backflow/regulator devices are required.~~

- ~~City does not oversee state plumbing codes and is not notified if someone is in or out of compliance~~
- ~~The State regulates plumbing code.~~

b. All connections with the city sewer service must meet plumbing code requirements. The RV must dispose of black and gray water at an approved dump site. Disposal of gray water onto the ground is prohibited.

3. No porta potties allowed in exception for being used for a period during construction. (Need to keep working on this, does it need to be in a different ordinance, 102c?) **Setback Requirements: The RV and any other structures over three (3) feet in height shall be subject to single family residential setback requirements, including porta potties. Porta potties cannot be placed in any area that will adversely affect neighbors.**

- ~~What is the definition of “adversely affect neighbors” very wide interpretation~~
- ~~No porta potties at all. Take out of ordinance~~

4. Parking Space: Vehicle parking shall not be on a road right-of-way or in a setback area.

- **Kinda agree but people with houses do this already**

~~5.—Use as a Rental Property: If any of the property is used as a rental unit or rental property, a conditional use permit shall be required and will be considered an RV Park.~~

- ~~•—“conditional use permit” wordage, needs to be changed~~
- ~~•—RV park is defined in another ordinance and cannot contradict that definition~~
- ~~•—Rental properties are different than RV parks.
Idaho Code 67-6539-67-6539. LIMITATIONS ON REGULATION OF SHORT-TERM RENTALS AND VACATION RENTALS. (1) Neither a county nor a city may enact or enforce any ordinance that has the express or practical effect of prohibiting short-term rentals or vacation rentals in the county or city. A county or city may implement such reasonable regulations as it deems necessary to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate. A short-term rental or vacation rental shall be classified as a residential land use for zoning purposes subject to all zoning requirements applicable thereto.
(2) Neither a county nor a city can regulate the operation of a short-term rental marketplace.~~

~~6.—Camp Fire Management: All campfires must be in a safe and well-maintained fire pit. All fires must always be attended to and fully extinguished when not. A fire extinguisher and/or water hose along with a shovel must be accessible. Take out of this ordinance and put in ordinance #102c~~

- ~~•—If you do this it needs to apply to all properties because lots of places have fire pits. What about burn barrels?~~
- ~~•—Take out campfires. This is a city wide issue~~

~~—7.—Lot Coverage: All structures, parking lots, fire pits, and impervious areas cannot cover more than 35% of the lot.~~

- ~~•—I’ve found this to be more of a “big city” concern where they have lack of “green spaces”~~

B. Recreational Visitors Permit shall be submitted to the City with the appropriate fee as adopted by resolution. ***Need to keep working on this section**

- Need this permit developed if adopted, what do you want on it?
- How are you going to manage that?

SECTION 7 RECREATIONAL VISITORS PERMIT

***Just reference that fees will be set by resolution. 1/4/2024**

- Suggestion of doing a flat permit fee for the season instead of doing one over and over again whenever a resident has visitors throughout the season

~~7 Day Permit \$50
14 Day Permit \$100
21 Day Permit \$150
28 Day Permit \$200~~

- ~~• Fees are set by resolutions. Should take this section out and make a resolution~~

SECTION 8 CREATING FIRE HAZARD OR NUISANCE PROHIBITED

~~Any license or permit granted hereunder may be revoked by reason of misrepresentation in the application whereby the use of an RV at any given location may or is likely to increase substantially the fire risk or create a sanitary nuisance or other nuisance.~~

- ~~• Take out fire hazard and nuisance. City already has a nuisance ordinance.~~

SECTION 9 REVOCATION OF PERMITS *look at this at the end of developing the ordinance

Any permit granted hereunder may be revoked by reason of misrepresentation in the application, violation of the terms of the permit, the creation of a fire hazard or a sanitary nuisance or the violation of the Ordinance or the violation of any law relating to sanitary matters, building construction, zoning, fire hazards, vagrancy and the preservation of peace and order.

SECTION 10 APPLICATION FOR REVOCATION OF PERMITS

Any person may file an application in duplicate with the Clerk asking for revocation of any RV permit.

SECTION 11 DUTIES OF POLICE

When any person shall live in a RV within the City in violation of the terms of this Ordinance, the Clearwater County Sheriff's Department, shall issue a citation and may cause said RV to be taken into police custody and towed and stored and ultimately sold in the same manner as provided for illegally parked cars.

- Police power-Need to know exactly what the steps are (we have the same issue)

SECTION 12 PENALTY

Any person or persons living in an RV and is in violation of this ordinance shall be guilty of a misdemeanor and may be fined.

- Make sure this doesn't contradict State Code

- **Should we consult with Clearwater County Sheriff's office?**

SECTION 13 SEVERABILITY

It is hereby declared to be the legislative intent that the provisions, and parts thereof, of this Ordinance shall be severable. Should any section, subsection, paragraph, clause or phrase of this Ordinance or any particular application thereof, be declared invalid or unconstitutional for any reason by a Court of competent jurisdiction, such decision shall not affect the remaining portions of said section, subsection, paragraph, clause or phrase of this Ordinance.

SECTION 14 REPEALER CLAUSE

All ordinances or parts thereof in conflict herewith are hereby repealed.

SECTION 15 EFFECTIVE DATE

This Ordinance shall be in full force and effect in and after its approval, passage, and publication.

PASSED by the City Council and APPROVED by the Mayor on this _____ day of _____, 20____

Other notes

- **Concern about people showing up on weekends, hearing about this after the fact, want to get a permit so that they aren't in trouble and cannot because it's after hours. Is this defined as "occasional"**
- **Need to develop the different permits listed in this ordinance at the same time that this ordinance is adopted**
- **Have the fee resolution ready to adopt at the same time. I have found ordinances that refer to the fees adopted by resolution and no resolution was ever done. Just don't want this step missed.**

Meeting adjourned at 1:40 p.m.