



Twin Falls Planning & Zoning Commission Agenda

Tuesday, December 17, 2024, 6:00 PM

203 Main Ave East
Twin Falls, ID 83301

COUNCIL CHAMBERS

Members -

City Limits: Chairperson Danielle Titus; Vice-Chair Cortney Campbell; Todd Rambur; Robyn Weatherford; Kelly Herrgesell; Tiffany Zimmerman

Area of Impact:

- 1) Confirmation of Quorum/Call Meeting to Order
- 2) Conflict of Interest Declaration
- 3) Consent Calendar
 - a) **ACTION ITEM:** Approval of the minutes from the following meeting: December 3, 2024.
- 4) Items of Consideration
- 5) Public Hearings
 - a) **ACTION ITEM:** Request for a Special Use Permit for a public charter school and alternative landscape plan on property located at Harrison Street South c/o Katrina Kulm, erstad Architects.
By: Kelli Ebersole, City Planner
 - b) **ACTION ITEM:** Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 5 "Parking Regulations".
By: William Klaver, Senior City Planner
 - c) **ACTION ITEM:** Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 6 "Landscaping Regulations".
By: William Klaver, Senior City Planner
 - d) **ACTION ITEM:** Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 7, "Required Improvements of Development".
By: William Klaver, Senior City Planner
 - e) **ACTION ITEM:** Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 12, "Floodplain Regulations".
By: William Klaver, Senior City Planner
- 6) Upcoming Meeting(s)
 - a) January 8, 2025 - Work Session
January 14, 2025
- 7) Adjournment

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Kelli Ebersole (208) 735-7267 at least two working days before the meeting. Si desea esta información en Español, por favor llame a Josh Palmer al teléfono (208) 735-7312.

CITY OF TWIN FALLS

PLANNING & ZONING COMMISSION

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chair shall review the public hearing procedures.
 2. Individuals wishing to testify or speak before the City Council or Planning & Zoning Commission shall wait to be recognized by the Mayor or Chair, approach the microphone/podium, state their name, and then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.
 3. A City Staff Report shall summarize the application and history of the request.
 4. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
 - **A complete explanation and description of the request.**
 - **Why the request is being made.**
 - **Location of the Property.**
 - **Impacts on the surrounding properties and efforts to mitigate those impacts.**
 5. Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor or Chairman.
 6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.
 7. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chair may limit public testimony to no less than two (2) minutes per person.
 - **Individuals are not permitted to give their time to other speakers.**
 - **However, five (5) or more individuals that received written notice of the public hearing may appoint, by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the Mayor or Chair. The spokesperson shall be limited to 15 minutes.**
 - **Written comments, including e-mail, received by 12:00 p.m. on the date of the hearing shall be either read into the record or displayed to the public on the overhead projector.**
 8. Following the Public Testimony, the applicant is permitted five (5) minutes to respond.
 9. Following the Public Testimony and Applicant's response, Council or Commission members, as recognized by the Mayor or Chair, shall be allowed to question the Applicant, Staff or anyone who has testified. Responses shall be limited to answering the questions asked. The Mayor or Chair may limit the time permitted for the answer.
 10. The Mayor or Chair shall close the Public Hearing. The City Council or Planning & Zoning Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.
- * Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor or Chairman.



Twin Falls Planning & Zoning Commission Minutes

Tuesday, December 3, 2024, 6:00 PM

203 Main Ave East
Twin Falls, ID 83303

Members -

City Limits: Chairperson Danielle Titus; Vice-Chair Cortney Campbell; Todd Rambur; Robyn Weatherford; Kelly Herrgesell; Tiffany Zimmerman

Area of Impact:

1) Confirmation of Quorum/Call Meeting to Order

Chairperson Titus called the meeting to order at 06:00 PM

Members Attending: Titus, Campbell, Rambur, Weatherford, Zimmerman

Staff Attending: Spendlove, Klaver, Ebersole, Green, Vitek

2) Conflict of Interest Declaration

3) Consent Calendar

- a) Approval of minutes from the following meeting: November 19, 2024

Vice-Chair Campbell made a motion to approve the consent calendar, as presented.

Commissioner Rambur seconded the motion.

4) Items of Consideration

5) Public Hearings

- a) Request a recommendation to City Council for a Zoning District Change from R-4 to C-1 on property located at 929 Washington Street South. c/o City of Twin Falls (PZ24-0102)

Staff Presentation:

Senior Planner Klaver presented the request for a recommendation to City Council for a Zoning District Change from R-4 to C-1 on property located at 929 Washington Street South. c/o City of Twin Falls (PZ24-0102)

Zoning districts, zoning subdistricts and overlay districts shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a

comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

Zoning Map Amendment: The commission, prior to recommending a zoning map amendment that is in accordance with a comprehensive plan to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title.

In 1988, the Fire Station received approval for a sign and records show the zoning being the current zoning designation of R-4. In 2005, the Fire Station was expanded to accommodate two brush trucks by building a 2,000 Square Foot garage.

The subject property was the old Fire Station #3, which has stopped being used since the new Fire Station #3 was finished in February 2024.

The City of Twin Falls would like to rezone the property located generally at 929 Washington Street South from Residential Medium Density (R-4) to Commercial Highway (C-1). The property is located on the intersection of two (2) arterials, Washington Street South and Orchard Drive. The busy intersection makes this property better suited for the C-1 district, which is intended to provide for commercial activities of various sizes from large malls to small shops, fast food restaurants and tourist accommodations. This district is designed for application on major streets or portions thereof. Furthermore, the property is surrounded by the C-1 zoning district on the south, east, and west.

How the proposed zoning change relates to the Comprehensive Plan.

- The future land use map of the comprehensive plan calls out the area being a mixed-use area. The mixed-use designation describes this area as anchored by grocery store, civic, or entertainment uses that allows for high-intensity mixed use development in a compact, pedestrian oriented environment. The desired mix of land uses is retail, office, restaurants, civic, hotels, apartments, vertical mixed use, etc. All these uses align with the uses in which the C-1 zone allows by right or with a Special Use Permit.

Compatibility with the surrounding area.

- The area is surrounded by C-1 zoning. Immediately to the south and east is zoned C-1 with the Orchard Park Planned Unit Development. This development is housing the fire station, Swenson's Market, a Coffee shop, with other development in the works. Across the Washington St S, to the west, is undeveloped land that is zoned C-1 with a family dollar directly to the south of the vacant land. On the North East corner of Orchard and Washington St S is residential property zoned R-1. On the North West corner of the Orchard and Washington St S is C-1 zoned property that has an Oasis gas station.

Explanation of the intended use/development of the property.

- The intended or desired use of this property is follow the desired uses outlined in the Comprehensive Plan's future land use designation of Mixed-use as stated above in question 1. We believe this rezone request would allow for the

flexibility to make that desire a reality.

Upon conclusion, the commission is tasked with making a recommendation to the City Council on the zoning designation being requested.

The commission may recommend the proposed zone change from R-2 to C-1, recommend the R-2 zoning be maintained, recommend an alternative zoning designation, or table the request to acquire additional information.

PZ/Questions & Comments:

- Commissioner Rambur asked if there were any specific plans.
- Senior Planner Klaver replied that there are none but the zone change would be beneficial in the future.
- Commissioner Rambur asked if the city is planning on keeping or selling the property.
- Senior Planner Klaver stated they plan on selling.
- Chairperson Titus asked about the R-4 zone and how the fire station was permitted.
- Senior Planner Klaver answered that a Special Use Permit was given.

Public Hearing: Opened and closed with no public input.

Discussions Followed:

Commission feels this will be a good fit with the surrounding.

MOTION: Vice-Chair Campbell moved to approve the request for a recommendation to City Council for a Zoning District Change from R-4 to C-1 on property located at 929 Washington Street South. c/o City of Twin Falls (PZ24-0102). Commissioner Weatherford seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 0.

- b) Request a recommendation to City Council for a Zoning Development Agreement Amendment to allow an additional building on property located at 132 Falls Avenue West. c/o Jared Nielson on behalf of Falls Crossing (PZ24-0114).

Staff Presentation:

Senior Planner Klaver presented the request for a recommendation to City Council for a Zoning Development Agreement Amendment to allow an additional building on property located at 132 Falls Avenue West. c/o Jared Nielson on behalf of Falls Crossing (PZ24-0114).

Per City Code 10-6-1.7 (B) The applicant is required to present a preliminary review prior to a public hearing to the Planning and Zoning Commission in which the Commission may give suggestions and ask questions of the applicant about the proposed ZDA.

Per City Code 10-6-1.7(E) Approval of a ZDA shall be based on the following

standards: the proposed uses are not detrimental to surrounding properties; deviations from Title 10 shall be warranted by the design of the conceptual plan; conformance to the Comprehensive Plan, and existing and/or proposed infrastructure must be adequate for the project.

Per City Code 10-14-1 thru 8 Any application for a zoning district change shall follow the procedures outlined in these sections.

In 2005, Campus Park PUD was created and established the land use and zoning entitlements.

The proposed amendment is to increase the building coverage of the sight by allowing for another building consisting approximately 8,000 SF. Per 10-6-1.6, increasing the building coverage of the sight from the approved Conceptual Development Plan requires a recommendation from the Planning and Zoning Commission to the City Council. The Council makes the decision.

The applicant is not requesting to increase the density, building height, reduction in off-street parking ratio, reducing setbacks, reduction in open space, or the design theme. This approval grants the right for the developer to apply for a building permit for a new residential building, while keeping all regulations (i.e. parking ratio, height, density, etc.) the same.

The City of Twin Falls Comprehensive Plan calls for Commercial and Town Neighborhood type uses. Commercial uses denoted in the Comprehensive Plan are Highway-oriented, large-format retail, hotels, restaurants, and other retail. Town Neighborhood uses denoted in the Comprehensive Plan are primarily residential, such as single family, triplex, schools, etc. City Staff believe this amendment would be in line with the City's Comprehensive Plan.

Staff does not see detrimental impacts with the request, and would recommend approval.

Upon conclusion, the commission is tasked with making a recommendation to the City Council on the zoning designation being requested by the applicant.

The commission may recommend the approval as presented, recommend approval with conditions, recommend denial, or table the request to acquire new information. Should the commission recommend approval of the request, Staff recommends the following condition:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.

PZ/Questions & Comments:

- Vice-Chair Campbell asked about parking.
- Senior Planner Klaver stated it still meets standards and is included when obtaining the building permit.

Public Hearing: Opened and closed with no public input

Discussions Followed:

Commission feels this will work in the property.

MOTION: Commissioner Rambur moved to approve the request for a recommendation to City Council for a Zoning Development Agreement Amendment to allow an additional building on property located at 132 Falls Avenue West. c/o Jared Nielson on behalf of Falls Crossing (PZ24-0114). Vice-Chair Campbell seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 0.

- c) Request for a Special Use Permit to allow drive-thru services and extended hours of operation on property located at 1823 Blue Lakes Blvd N. c/o Michael O'Reilly on behalf of LuAron Foster (PZ24-0120).

Staff Presentation:

Planner Ebersole presented the request for a Special Use Permit to allow drive-thru services and extended hours of operation on property located at 1823 Blue Lakes Blvd N. c/o Michael O'Reilly on behalf of LuAron Foster (PZ24-0120).

Per City Code 10-13-2-2, the Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall decide on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months, or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony, and minutes of the previous hearing to reach a decision on the appeal.

Standards Applicable to Special Uses:

- Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
- Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
- Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- Will not be hazardous or disturbing to existing or future neighboring uses.
- Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the

establishment of the proposed use shall be able to provide adequately any such services.

- Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Per City Code 10-4-8.2 states a special use permit is required for “any facility with drive-through service” and “permitted retail/trade uses operating outside the hours of seven o’clock (7:00) A.M. to ten o’clock (10:00) P.M.”

10-13-2-2: Upon Granting a Special Use Permit, Conditions May Be Attached To A Special Use Permit Including, But Not Limited To, Those:

1. Minimizing adverse impact on other developments.
2. Controlling the sequence and timing of development.
3. Controlling the duration of development.
4. Assuring that development is maintained properly.
5. Designating the exact location and nature of development.
6. Requiring the provision for on-site or off-site public facilities or services.
7. Requiring more restrictive standards than those generally required in this Title.

The property is zoned C-1 PUD, located within the Canyon Park West No. 1 PUD. The property was home to Golden Corral until mid-2024, and the building is now vacant. The applicant's narrative states the proposed hours of operation are seven (7) days per week, 9:30 A.M. – 1:30 A.M., Sunday – Thursday and 9:30 A.M. – 3:30 A.M., Friday and Saturday. The hours of operation fall outside the allowed retail hours of 7:00 A.M. – 10:00 P.M. and require a Special Use Permit.

The restaurant will be staffed with an average of twelve (12) associates per shift.

The parking requirements for this request are calculated by building size. A building of 3,118 square feet plus 1,209 square foot outdoor seating area requires 43 total parking spaces, per City Code. The Canyon Park West No. 1 PUD has a cross-use parking agreement that allows the center's parking to be used by all tenants. On the site plan, the applicant has shown the parking for the restaurant at forty-eight (48) spaces, including ADA spaces, exceeding the requirement.

The restaurant will have two (2) drive-through lanes for order taking and food service. Per city code, drive-through lanes have a vehicle stacking requirement of five (5) cars per lane from the first window, pickup window, order board, or other stopping point. The proposed site plan shows the queue in three (3) different phases, depending on the

number of vehicles waiting in the drive-through lanes.

With the grand opening and other busier times of the shopping and tourist seasons, this queue may become overcrowded with vehicles. The applicant has addressed this concern in their narrative by having store associates available to manage the excess vehicle traffic. Staff is deployed with handheld tablets to take multiple orders, moving the vehicles through the drive-through lanes efficiently.

Per the ITE Trip Generation Manual, a fast-food restaurant with a drive-through window will generate 50.94 vehicle trips per PM peak hour (4:00 – 6:00 pm) per 1,000 Sq. Ft. GFA (gross floor area), with a directional distribution of 51% entering, 49% exiting. Based on this statistic, a restaurant of approximately 3,118 sq. ft. can expect up to 154 total vehicle trips per PM peak hour. That calculates out to roughly seventy-nine (79) vehicles entering and seventy-five (75) vehicles exiting per PM peak hour.

A “buzz” may be created with the restaurants' grand opening and extra traffic may be generated to this location. Staff have discussed traffic concerns with the applicant and have added a condition that the restaurant traffic cannot impact the local public roads. Should the traffic become a condition, they would be in violation of the Special Use Permit and would have to figure out a new traffic management solution or the permit would be revoked. Fillmore Street is a private road, while Canyon Springs Road is public. Raising Cane's and Wood Investment Group will oversee the traffic management through the shopping center and to and from the restaurant. The narrative speaks to their traffic management plan, with staff and possible off-duty police officers directing traffic through the site.

This request is not the first drive-through request that has come before the commission in this area. There are currently multiple drive-through businesses in the surrounding area, which are all responsible for managing their drive-through queues. Swig has a drive-through in the same shopping center as this proposed location. In N Out Burgers was approved for a drive-through in October. The Habit is also located in the same shopping center and has a working drive-through. Across the street, at the Magic Valley Mall, there are two drive-through restaurants (Starbucks and Taco Bell), plus many more along Blue Lakes Blvd. and Pole Line Rd.

The 2016 Comprehensive Plan; “Grow With Us” designates this area as appropriate for “Mixed Use” serving local and regional commercial businesses, which allows for high-density mixed use development in a compact, pedestrian-oriented environment, sitting at intersections of major arterials. Staff has determined the proposed use is compatible with the comprehensive plan and the area, as it is a high-density commercial center with other retail stores and restaurants serving the community at large.

Based on the standards for approval, Staff does not foresee detrimental impacts related to the land use, although traffic congestion may be an issue with the grand opening of a new, highly anticipated business coming to town. Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project.

Upon conclusion should the Commission recommend approval of the request, as presented, staff recommends the following:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to the traffic flow for the drive-thru does not impact the local public roads.

PZ/Questions & Comments:

- Commissioner Zimmerman asked what the hours were for In-N-Out.
- Planner Ebersole answered they are approved until 1:30 am.

Applicant Presentation:

Michael O'Reilly presented on behalf of the applicant. The site plan shows a right-in right-out set up for traffic to prevent backup. If needed, they will hire off-duty police officers to help facilitate traffic. They have 3 phases of operation as needed.

PZ/Questions & Comments:

- Commissioner Zimmerman asked if customers come off Fillmore how will they enter.
- Michael O'Reilly explained on screen the different options. They are flexible with hours and will close if not busy.
- Chairperson Titus asked for clarification about the extended hours and if they are asking for both drive-thru and lobby, and would close the lobby if slow.
- Michael O'Reilly replied yes.
- Chairperson Titus asked staff if the city has anyone else with 2 lanes. How will applicant deliver food to the second lane.
- Michael O'Reilly answered that the food is hand delivered to cars.
- Commissioner Weatherford asked about the phase 3 vehicle plan and who is facilitating the movement.
- Michael O'Reilly explained the employees or police.

Public Hearing: Opened and closed with no public input.

- Director Spendlove clarified the 154 was incoming traffic, city does not have city police that would work there. The applicant would have to hire independently.
- Chairperson Titus asked to clarify the intention of the escape lane.
- Director Spendlove stated after chick-fil-a had an emergency, an escape lane was needed.
- Chairperson Titus asked the applicant to clarify about employee walking food to the second lane.
- Michael O'Reilly replied that there is no curb just striping.

Discussions Followed:

- Vice-Chair Campbell had concern with hours until 3 but others have the same.

- Commissioner Weatherford stated the city has some 24 hour restaurants and this will be a great addition.
- Chairperson Titus feels this is a good use of the property and there were no public comments.
- Commissioner Zimmerman feels with no public comment this shouldn't be an issue.

MOTION: Commissioner Weatherford moved to approve the request for a Special Use Permit to allow drive-thru services and extended hours of operation on property located at 1823 Blue Lakes Blvd N. c/o Michael O'Reilly on behalf of LuAron Foster (PZ24-0120). Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 0.

- d) Request for a recommendation to City Council to allow Additional Building Height for new silos, up to 75 feet, on property located at 236 Washington Street South. c/o Kim Jasper on behalf of Glanbia Nutritionals (PZ24-0123).

Staff Presentation:

Planner Ebersole presented the request for a recommendation to City Council to allow Additional Building Height for new silos, up to 75 feet, on property located at 236 Washington Street South. c/o Kim Jasper on behalf of Glanbia Nutritionals (PZ24-0123).

The additional height process requires a public hearing to be held in which interested persons have the opportunity to be heard in regard to the application. After the public hearing, the Commission shall make a recommendation to the City Council in the form of approval, conditional approval, or disapproval of the application as presented during the hearing.

Per City Code 10-4-10(C) states "No building shall exceed fifty feet (50') in height except as provided by Section 10-7-3".

Per City Code 10-7-3 The council may allow greater than standard building heights with or without extra setback requirements, in the CB, C1, OT, M1 and M2 zoning districts and subdistricts. A request for additional height shall follow the public hearing process for zoning map amendments as described in subsection 10-4-5(B) and 10-14-7 of this title.

After receiving the recommendation from the Commission, the City Council shall hold a public hearing. After the public hearing, the Council may approve, conditionally approve, or disapprove the application as presented.

In February 2011, a non-conforming expansion permit was issued to Glanbia Foods for an expansion of their operations at this location.

In December 2014, the city council approved additional building height for two other silos on the subject property.

In August 2021, the city council approved additional building height for an additional silo on the subject property.

The applicant wants to add additional 50,000 gallon raw milk silos for milk segregation,

to better serve their needs at the facility on the subject property. The silos will be a maximum of 75 feet tall. The first silo is expected to be the same height as Silo #8.

The addition of the silos will not have detrimental impacts on surrounding properties, due to traffic, noise, glare, odor, or fumes and/or vibrations. There is no need for additional employees, and no change to the hours of operation.

The location of the silo is considerably set back from the current roadway, and from any nearby residential properties.

Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project.

Upon conclusion, should the Commission recommend approval to City Council of the request as presented, staff recommends the following:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.

PZ/Questions & Comments:

- Chairperson Titus asked where the new one is going.
- Planner Ebersole showed on screen they are in the back of the current ones.

Applicant Presentation:

Kim Jasper presented on behalf of the applicant. They are asking for 2 additional feet for the pads.

PZ/Questions & Comments:

- Chairperson Titus asked for clarification if they are asking for 2 new silos.
- Kim Jasper replied yes.

Public Hearing: Opened and closed with no public input

Discussions Followed:

Commission feels that with the city approving the same heights for other silos, this should not be an issue.

MOTION: Vice-Chair Campbell moved to approve the request for a recommendation to City Council to allow Additional Building Height for new silos, up to 75 feet, on property located at 236 Washington Street South. c/o Kim Jasper on behalf of Glanbia Nutritional (PZ24-0123). Commissioner Weatherford seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 0.

6) Upcoming Meeting(s)

a) December 17, 2024

7) Adjournment

The meeting adjourned at 06:58 PM

Jody Green, Planning Technician

DRAFT



Date: Tuesday, December 17, 2024
To: Planning and Zoning Commission
From: Kelli Ebersole, City Planner

ACTION ITEM

Request:

Request for a Special Use Permit for a public charter school and alternative landscape plan on property located at Harrison Street South c/o Katrina Kulm, erstad Architects.

Time Estimate:

Approximately 5-10 minutes for the presentation with questions/comments to follow.

Background:

The applicant, Katrina Kulm, with erstad Architects, has submitted a Special Use Permit application for Elevate Academy, a public charter school for 6th through 12th grade students. The school offers both traditional and career-technical focused education choices. The applicant is also requesting approval of an alternative Landscaping Plan.

Currently, the property is vacant and used for Agriculture.

Approval Process:

Per City Code 10-13-2-2, The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall decide on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months, or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony, and minutes of the previous hearing to reach a decision on the appeal.

Standards Applicable to Special Uses:

- Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
- Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
- Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- Will not be hazardous or disturbing to existing or future neighboring uses.
- Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.

- Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Per City Code 10-4-5.2, a special use permit is required for “Schools – private academic or public”.

10-13-2-2: Upon Granting a Special Use Permit, Conditions May Be Attached To A Special Use Permit Including, But Not Limited To, Those:

1. Minimizing adverse impact on other developments.
2. Controlling the sequence and timing of development.
3. Controlling the duration of development.
4. Assuring that development is maintained properly.
5. Designating the exact location and nature of development.
6. Requiring the provision for on-site or off-site public facilities or services.
7. Requiring more restrictive standards than those generally required in this Title.

Budget Impact:

N/A

Regulatory Impact:

If the Special Use Permit and Alternate Landscape Plan are approved tonight, Elevate Academy will be entitled to utilize the property for the use of a school and have an alternative landscaping plan. This will enable the applicant to start the building permit process for the school.

History:

In October 2024, the property was annexed to the city by request of the applicant. The land is now located in city limits with the R-4 zoning Designation, and under the City of Twin Falls city codes and laws.

The property is currently vacant and there are no records that the property has ever been used for anything but Agriculture.

Analysis:

This area is primarily residential in nature, in the southeast portion of Twin Falls. This property is located off Harrison Street South, with South Hills Road (3600 E) to the south, both having road classifications of collectors. South Hills Middle School is located directly to the west.

There are multiple residential developments under different phases of construction in the area. R-4, Medium Density Residential, is the primary zone in the area, mixed with R-2 and R-1 Variable.

Per the Engineering Department, the sewer and water modeling has been completed for this upcoming project. The applicant will have their own Pressurized Irrigation system. All current irrigation systems are to remain and will not take away from any of the neighbors’ water rights.

Having two schools across the street from each other will increase traffic on Harrison Street South-during drop off and pick-up times. A way to help mitigate traffic issues would be to stagger the start and end times of school days. Elevate Academy has addressed this concern in the enclosed traffic study, showing there are different start and end times between the two schools.

There is no crosswalk across Harrison Street South. A condition has been added for a crosswalk to be installed, paid for by the applicant, if deemed necessary by the City Engineer. The applicant has shown a potential crosswalk location on their site plan.

The applicant is required to build the public infrastructure (curb, gutter, sidewalk, street improvements) for the entire length of the property and will work with the Engineering Department to get this accomplished.

The applicant has asked to do an alternative landscape plan, removing the parking islands and moving the island landscaping to the perimeter of the grounds, for easier parking lot weather maintenance.

The site plan shows two approaches on Harrison Street South that will line up with the approaches at South Hills Middle School. There is a parent drop off zone in front of Building A, with bus parking along the south approach. The parking lot is located in front of the buildings, with a pedestrian/ADA crossing lane from the lot to the buildings.

The 2016 Comprehensive Plan; “Grow With Us” designates this area as appropriate for “Town Neighborhood”, which is primarily residential in character, with parks, schools, and civic facilities included.

Staff has determined the proposed use is compatible with the comprehensive plan.

Based on the standards for approval, Staff does not foresee detrimental impacts related to the land use. The applicant has addressed potential traffic issues with an extensive traffic study and, as this land has never been developed located in the R-4 zone, Staff believes a new charter school is a good use of the land.

There are two items for the commission to vote on:

1. The alternative landscape plan.
2. The Special Use Permit for the public charter school.

Conclusion:

Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project. The commission may approve each request, deny one or both of the requests, or table for further information.

Upon conclusion, should the Commission recommend approval of the request as presented, staff recommends the following:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to a crosswalk paid for by Elevate Academy, if deemed necessary by the City Engineer.

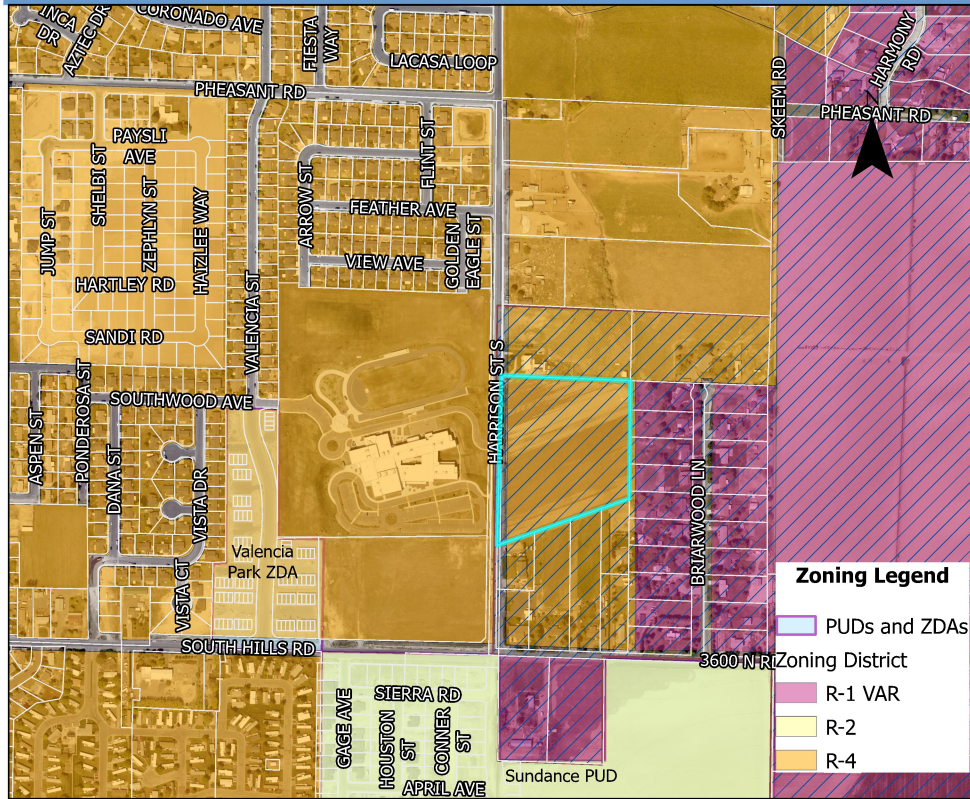
Attachments:

1. PZ24-0144 Vicinity Map
2. PZ24-0144 PRESENTATION MAP
3. PZ24-0144 Google Street View
4. PZ24-0144 Applicant Narrative
5. PZ24-0144 Proposed Site Plan
6. PZ24-0144 Elevate Academy elevations
7. PZ24-0144 Elevate Academy Traffic Impact Study_December 2024

VICINITY MAP



ZONING MAP



Zoning

Current Zoning: R-4

Current Land Use: Vacant

Proposed Zoning: R-4

Proposed Land Use: Charter School

Surrounding Area

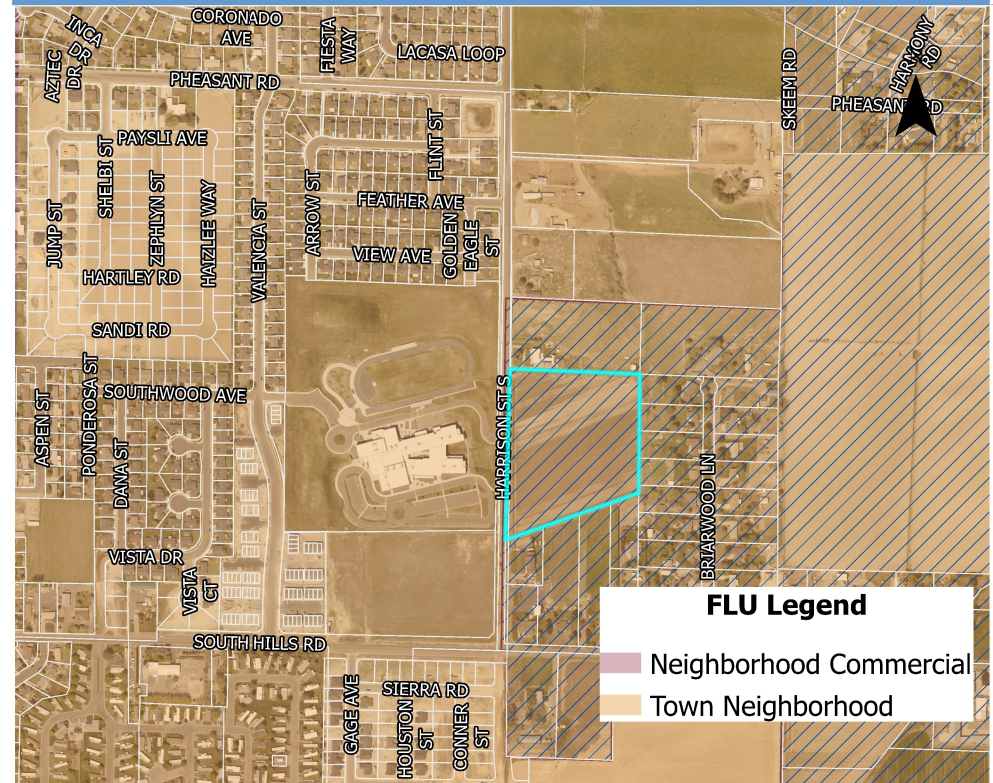
North: Residential/Agricultural

South: Residential

East: Harrison St S/Public School

West: Residential

FUTURE LAND USE MAP



Regulations

10-3, 10-15, 10-4-5

FLU Category

Town Neighborhood:

Primarily residential in character

- Lot sizes are smaller than found in Rural

Residential

- Contiguous, and clustered development to maximize open space and community gathering areas

Single-family attached and detached

- Duplexes, triplexes, and townhomes

- Parks and recreation facilities

- Schools

- Civic facilities

Street View

North



South



East



West





November 14, 2024

City of Twin Falls
Planning and Zoning
203 Main Avenue East
Twin Falls, ID 83301

Project: Elevate Academy Twin Falls
Re: Special Use Permit Application

Dear Planning Staff,

erstad is pleased to submit to the City of Twin Falls the attached Special Use Permit application for your consideration. The property is located on a 9.9 acre site adjacent to the existing South Hills Middle School.

Elevate Academy is a 6th grade through 12th grade public charter school which provides opportunities for both traditional and career-technical focused education. The campus contains two buildings: a 39,760sf Academic Building and a 14,520sf Technical Building. The Education Building houses typical classrooms, administrative, cafeteria, and kitchen spaces as well as career classrooms such as culinary arts, medical arts, business/marketing, criminal justice, and more. The Technical Building, located across an interior courtyard, provides shop spaces for classes in construction, agricultural mechanics, and machining as well as a workout space.

To emphasize this non-traditional school program the architecture will incorporate an industrial influence, leading to a more modern aesthetic. The buildings front toward Harrison St., with sidewalk along the street frontage. Fencing provides necessary security to the campus without obscuring the frontage of the building.

Elevate Academy will be open typical school hours from 8am to 3:15pm Monday through Friday. Their Charter maximum student count is 480 students at full enrollment (330 students year 1) with 35 staff members. Ample parking on site provides space for students with the ability to drive while 5 school-owned and operated buses provide specialized routing to ensure coverage for students. A dedicated parent drop-off and pickup lane at the front entry provides over 400 feet of stacking length for all students being dropped off individually. With similar programs in operation around the state this is an appropriate length for the demographic being served. The bus pick up and drop off will occur opposite the parents and the students will have direct access to the green space and student courtyard.

Outdoor activity space is located at the north side of the property which will help to distance louder outdoor noises from the single-family homes largely to the east and south of the site. The project will be compatible with the other properties in the area as schools fit well into a residential neighborhood.

Landscape request: we are requesting that the landscape be grouped at the perimeter to allow for easier maintenance access in the parking lot, including snow removal. We will provide the same overall percentage of landscape required.

erstad believes that this project will be well served in this area as it will enhance the street, bring life and activity to a currently empty site, and thrive as a transition between South Hills Middle School and the residential properties beyond.

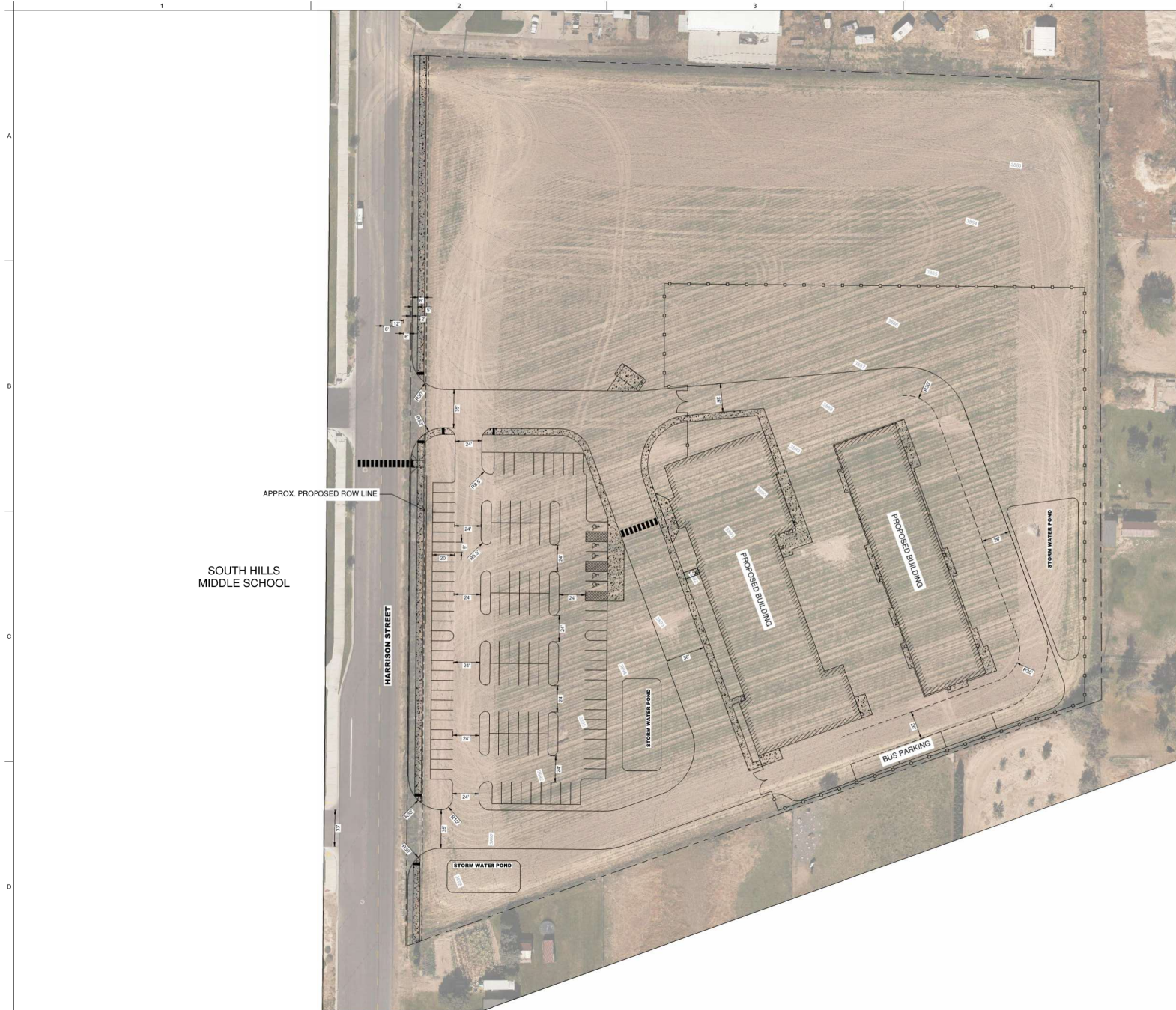
We look forward to working with the City as this project moves through the development process.

Sincerely,

erstad

A handwritten signature in black ink, appearing to read 'Katrina Kulm', written in a cursive style.

Katrina Kulm, Architect



SOUTH HILLS
MIDDLE SCHOOL

APPROX. PROPOSED ROW LINE

HARRISON STREET

PROPOSED BUILDING

PROPOSED BUILDING

STORM WATER POND

BUS PARKING

STORM WATER POND



PP1.0

PAGE 1 OF 8

ELEVATE ACADEMY

CITY OF TWIN FALLS,
IDAHO

CONCEPTUAL LAYOUT

EXHIBIT

PRELIMINARY
NOT FOR
CONSTRUCTION

DRAWING INFO		REVISIONS	
DATE	12/16/2024	REV #	DATE
DESIGNED			
DRAWN		NMC	
CHECKED		MG	
PROJECT			

WARNING

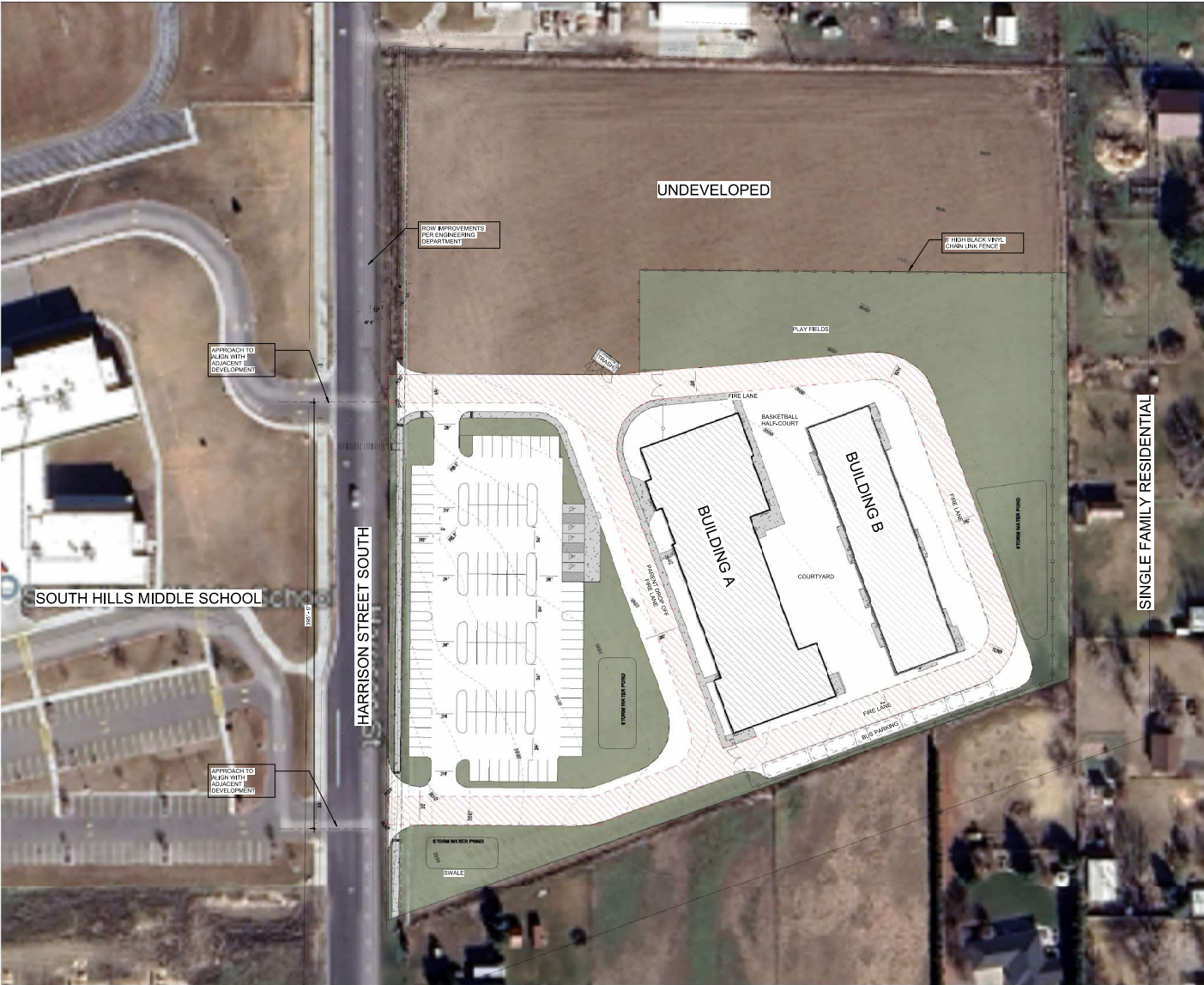
0 1 2

IF THIS BAR DOES NOT
MATCH THE SCALE OF THE
DRAWING IS NOT TO SCALE



Horrocks

2194 Snake River Hwy., Ste 205
Twin Falls, ID 83402
(208) 322-1223
www.horrocks.com



 Harrison Street Site-Elevate Academy
1" = 40'-0"



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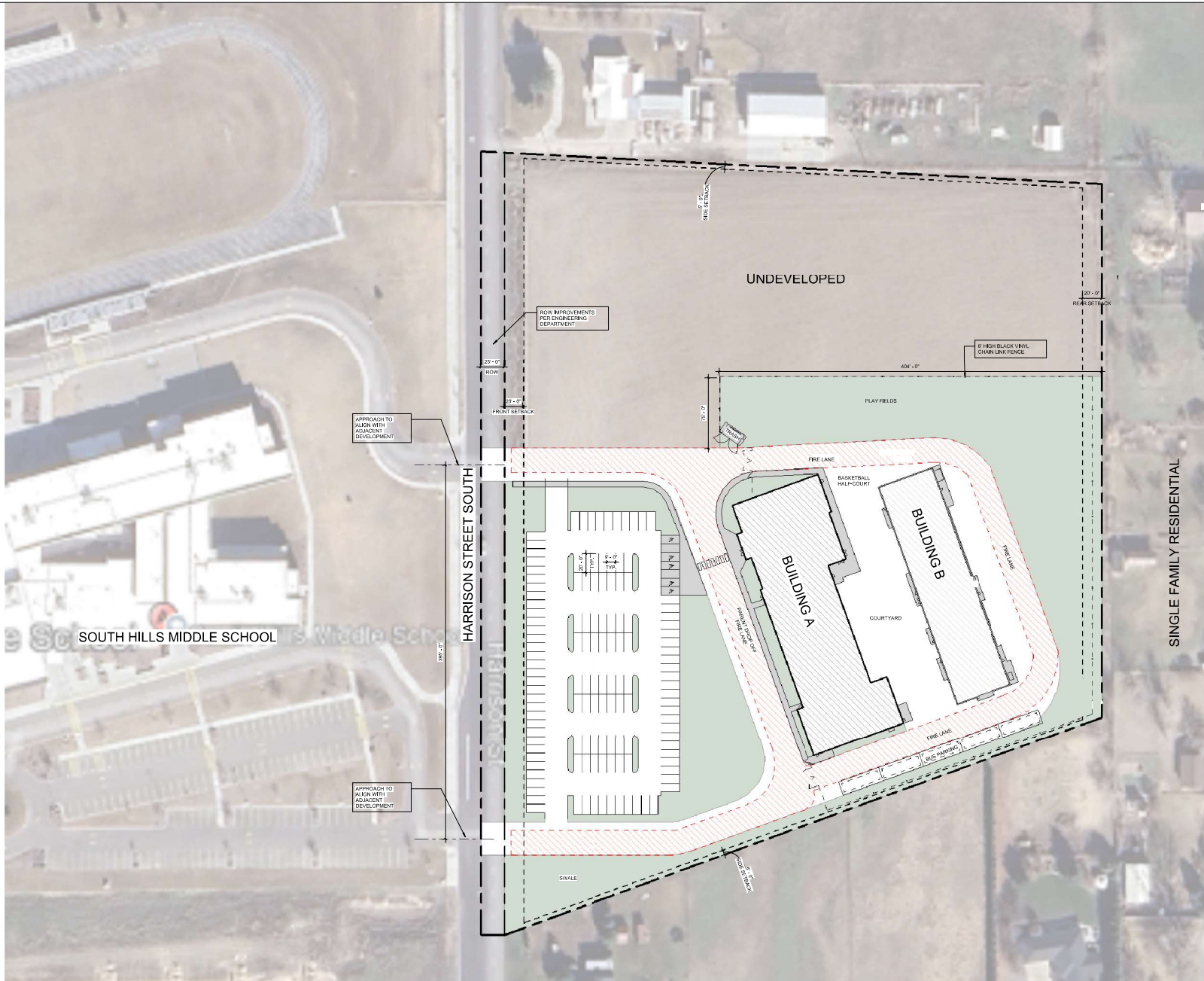
elevate academy - twin falls
education building
twin falls, id 83301

revision:			
no.	desc.	date	

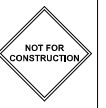
project: 231106
date: 10.29.24

special use permit

site plan
a1.12



 Harrison Street Site-Elevate Academy
1" = 40'-0"



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elevate academy - twin falls
education building
twin falls, id 83301

revision:
no. desc. date

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special use permit

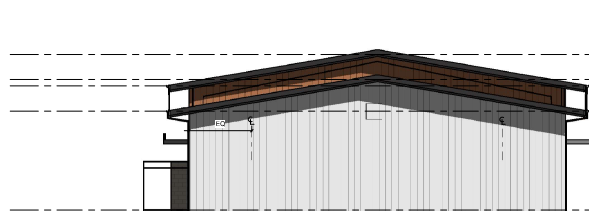
site plan
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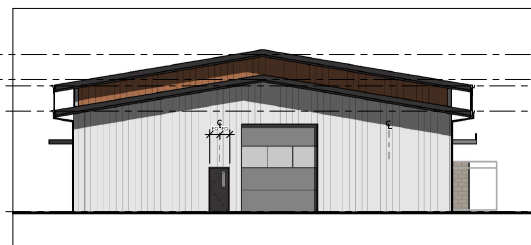
1 north elevation - courtyard
1/8" = 1'-0"



2 south elevation - fire lane
1/8" = 1'-0"



3 east elevation
1/8" = 1'-0"



4 west elevation
1/8" = 1'-0"

exterior material schedule:

FINISH	LEGEND	DESCRIPTION
M		MANUFACTURER: RRM STEEL PRODUCT: METAL SIDING COLOR: COPPER HENRY
		MANUFACTURER: RRM STEEL PRODUCT: METAL SIDING COLOR: PACIFIC WHITE

keynotes

general notes:

- DO NOT SCALE HATCH PATTERNS FOR MATERIAL REPRESENTATION ONLY.
- PAINT ALL EXPOSED ROOF PENETRATIONS TO MATCH ROOF.
- EXTERIOR JAMB AND WINDOW AND DOOR FRAMES, OPENINGS BETWEEN WALLS AND FOUNDATIONS, BETWEEN WALLS AND ROOF, BETWEEN WALLS AND PANELS, AT PENETRATIONS OR UTILITY SERVICES THROUGH WALLS, FLOORS, AND ROOFS, AND ALL OTHER SUCH OPENINGS INTO BUILDINGS SHALL BE SEALED, CALKED, GASKETED, OR WEATHERSTRIPPED TO LIMIT AIR LEAKAGE AROUND THEIR PENETRATOR WHEN IN CLOSED POSITION.

project: 231106
date: 01.30.2024

sd set

elevations

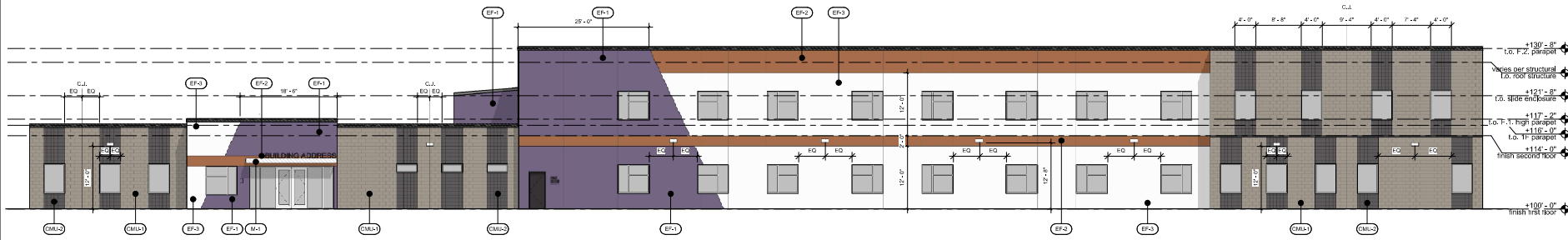
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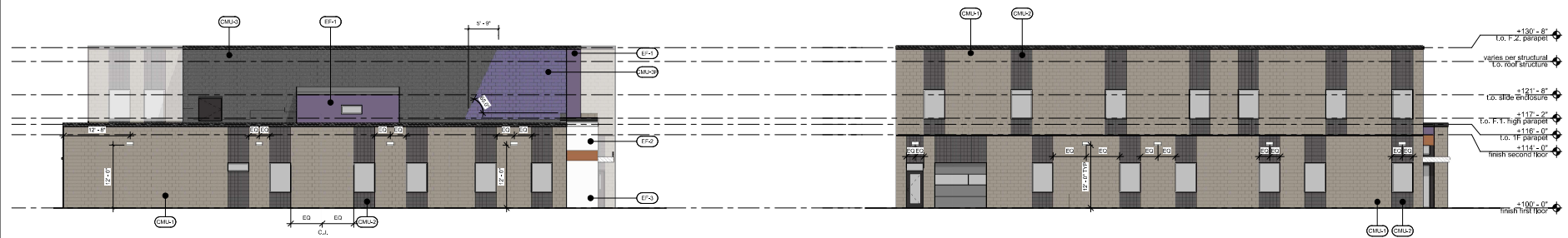
elevate academy - twin falls
vocational building
twin falls, id 83301

revision:
no. desc. date

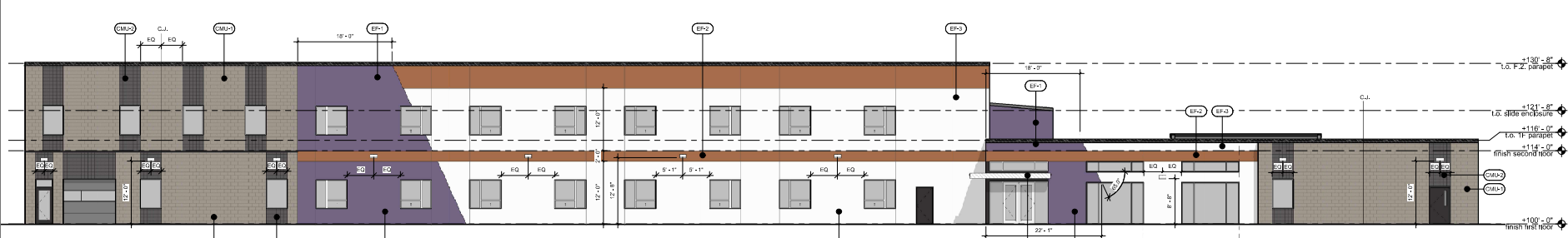
erstad



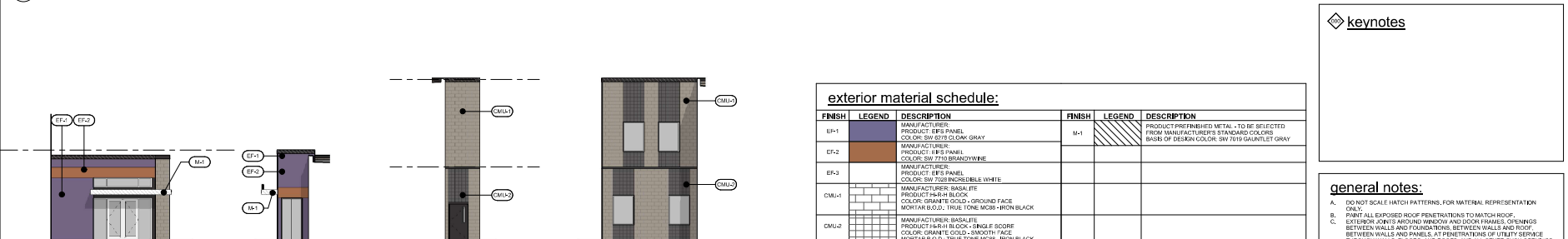
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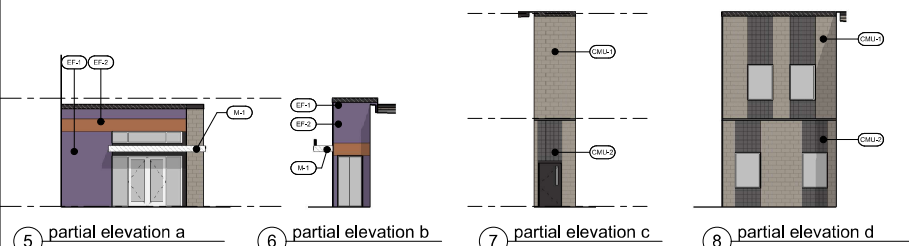
2 East Elevation
1/8" = 1'-0"



3 West Elevation
1/8" = 1'-0"



4 South Elevation - Courtyard
1/8" = 1'-0"



5 partial elevation a
1/8" = 1'-0"

6 partial elevation b
1/8" = 1'-0"

7 partial elevation c
1/8" = 1'-0"

8 partial elevation d
1/8" = 1'-0"

exterior material schedule:					
FINISH	LEGEND	DESCRIPTION	FINISH	LEGEND	DESCRIPTION
EF-1		MANUFACTURER: PRODUCT: EP-1 PANEL COLOR: SW 7710 CLOAK GRAY	M-1		PRODUCT: PRE-FINISHED METAL - TO BE SELECTED FROM MANUFACTURER'S STANDARD COLORS SHAIR OF SEIGN COLOR: SW 7710 CLOAK GRAY
EF-2		MANUFACTURER: PRODUCT: EP-2 PANEL COLOR: SW 7710 BRANDY WINE			
EF-3		MANUFACTURER: PRODUCT: EP-3 PANEL COLOR: SW 7710 INCREDEBLE WHITE			
CM-1		MANUFACTURER: BASALITE PRODUCT: BA-H BLOCK COLOR: GRANITE GOLD - GROUND FACE MORTAR B.O.D.: TRUE TONE MOB - IRON BLACK			
CM-2		MANUFACTURER: BASALITE PRODUCT: BA-H BLOCK COLOR: GRANITE GOLD - GROUND FACE MORTAR B.O.D.: TRUE TONE MOB - IRON BLACK			
CM-3		MANUFACTURER: BASALITE PRODUCT: BA-H BLOCK COLOR: GRANITE GOLD - GROUND FACE MORTAR B.O.D.: TRUE TONE MOB - IRON BLACK			

keynotes

general notes:

- DO NOT SCALE HATCH PATTERNS, FOR MATERIAL REPRESENTATION ONLY.
- PARTIAL EXPOSED ROOF PENETRATIONS TO MATCH ROOF.
- SEAM JOINTS AROUND WINDOW AND DOOR FRAMES, OPENINGS BETWEEN WALLS AND FOUNDATIONS, BETWEEN WALLS AND ROOF THROUGH WALLS, FLOORS, AND ROOFS, AND ALL OTHER SUCH OPENINGS INTO BUILDING SHALL BE SEALED, GASKETED, GASKETED, OR WEATHERSTRIPPED TO LIMIT AIR LEAKAGE AROUND THEIR PERIMETER WHEN IN CLOSED POSITION.

revision:
no. desc. date

project: 231106
date: 01.30.2024

Special
Use Permit
Application

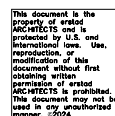
elevations

a3.11



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elevate academy - twin falls
education building
twin falls, id 83301



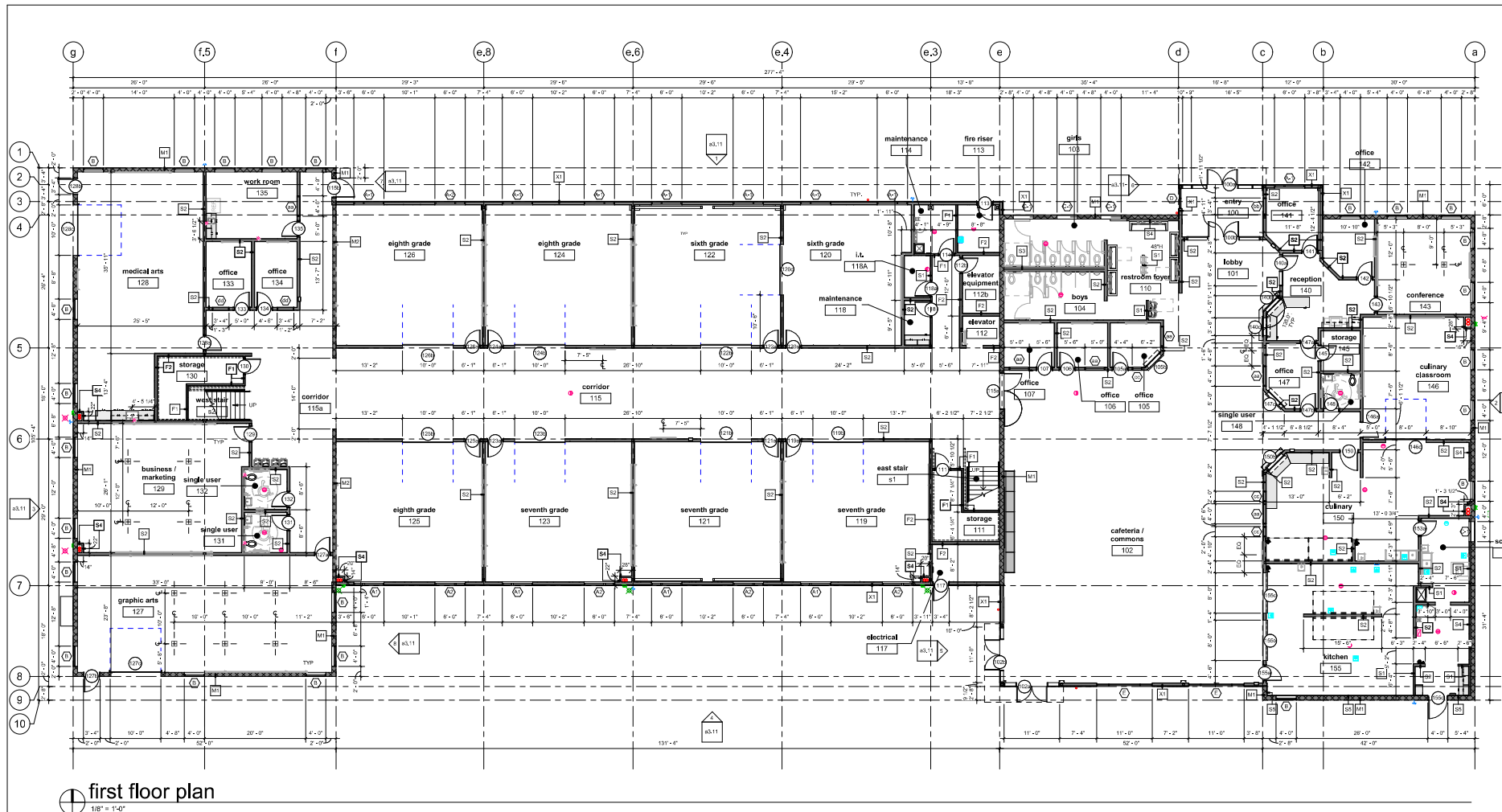
elevate academy - twin falls
education building
twin falls, id 83301

revision:		
no.	desc.	date

Special
Use Permit
Application

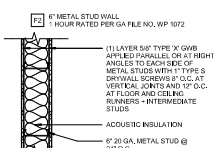
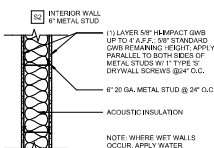
first floor
plan

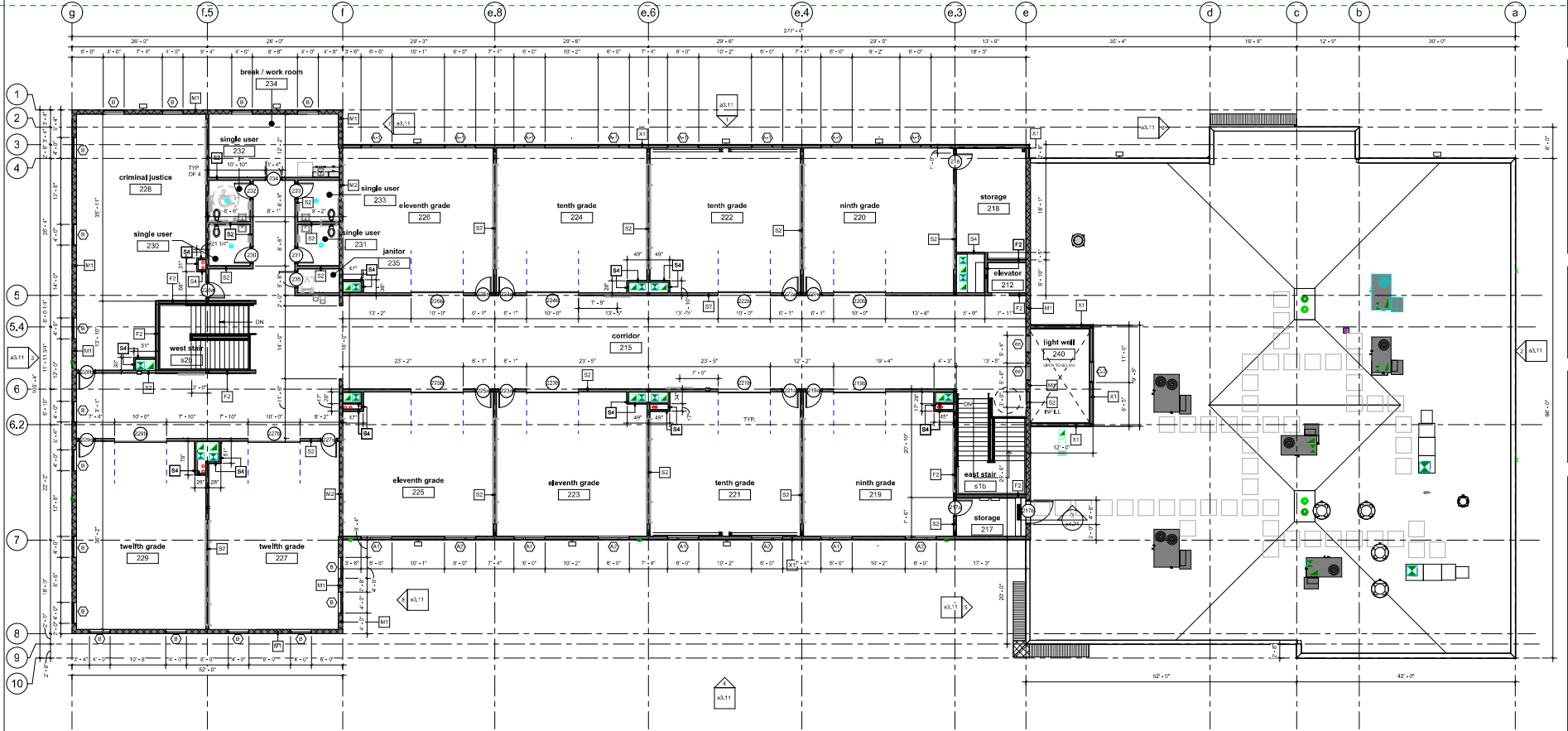
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wall types:

NOTE: WALLS FULL HEIGHT UNLESS OTHERWISE NOTED.
ACOUSTIC SEALANT TOP AND BOTTOM OF WALL.

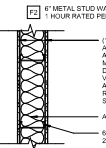
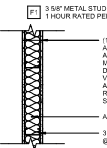
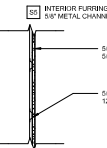
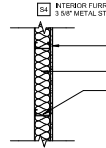
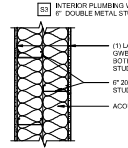
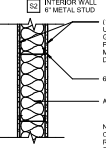
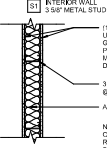
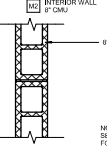
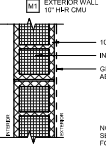
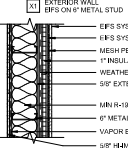




second floor plan
1/8" = 1'-0"

wall types:

NOTE: WALLS FULL HEIGHT UNLESS OTHERWISE NOTED.
ACOUSTIC SEALANT TOP AND BOTTOM OF WALL.
SEE CEILING DETAILS 1, 4, 13, AND 17.

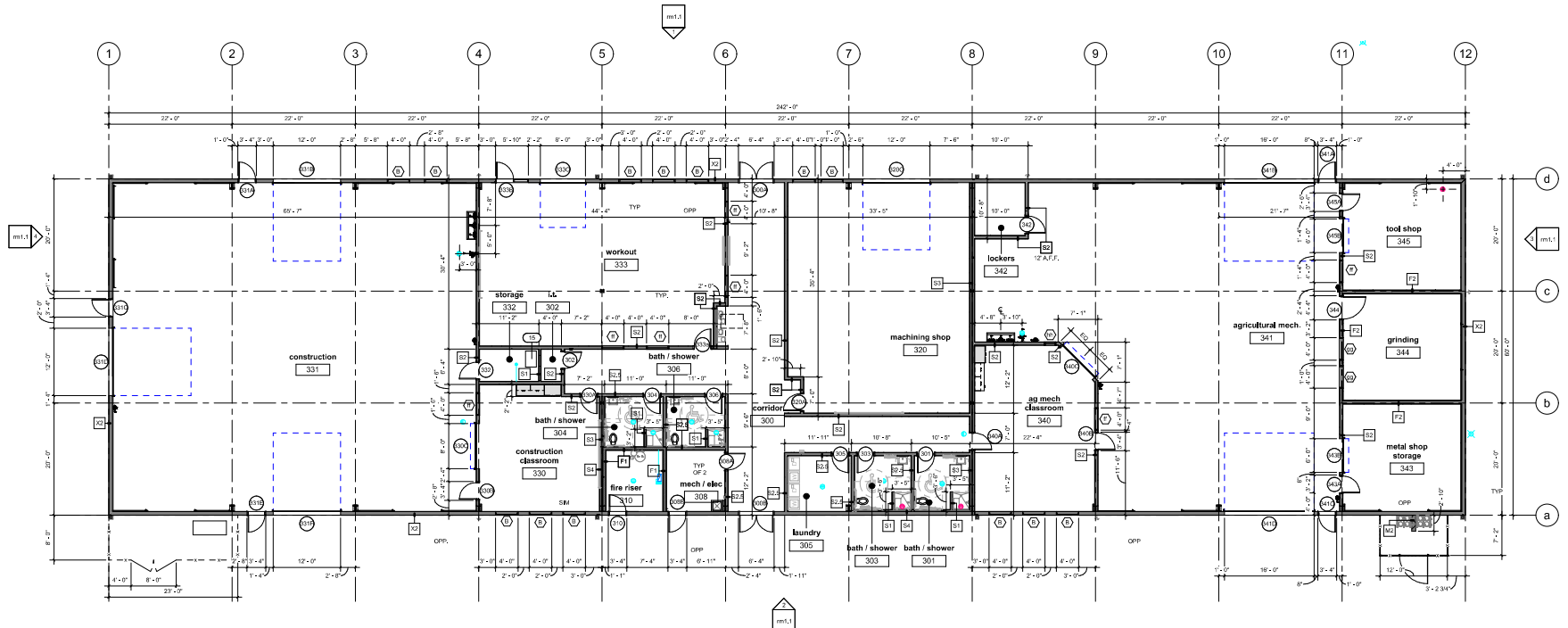


keynotes

general notes:

- CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD. NOTIFY ARCHITECT IF DISCREPANCIES ARE FOUND.
- CURB WALL BOARD APPLICATION & FINISHING AT ALL EXPOSED SURFACES TO COMPLY WITH SPECIFICATIONS.
- UNLESS NOTED OTHERWISE, ALL EXTERIOR WALLS ARE DIMENSIONED TO FACE OF FOUNDATION/GRID LINE.
- UNLESS NOTED OTHERWISE, ALL PARTITIONS ARE DIMENSIONED TO FACE OF STUD.
- UNLESS DIMENSIONED OTHERWISE, INTERIOR DOORS SHALL BE LOCATED 4\"/>

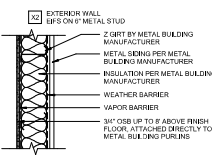




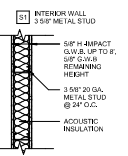
first floor plan
1/8" = 1'-0"

wall types:

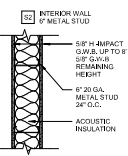
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ACOUSTIC SEALANT TOP AND BOTTOM OF WALL.



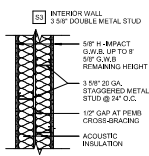
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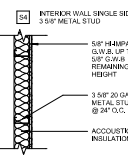
NOTE: WHERE OCCURS APPLY WATER RESISTANT GYP. ON RESTROOM SIDE OF WALL.



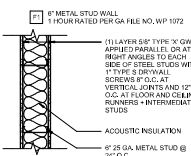
NOTE: WHERE OCCURS APPLY WATER RESISTANT GYP. ON BOARD @ RESTROOM SIDE OF WALLS



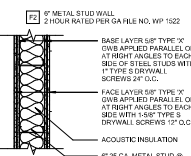
NOTE: WHERE OCCURS APPLY WATER RESISTANT GYP. ON BOARD @ RESTROOM SIDE OF WALLS



NOTE: WHERE OCCURS APPLY WATER RESISTANT GYP. ON BOARD @ RESTROOM SIDE OF WALLS



NOTE: WHERE OCCURS APPLY WATER RESISTANT GYP. ON BOARD @ RESTROOM SIDE OF WALLS



NOTE: WHERE OCCURS APPLY WATER RESISTANT GYP. ON BOARD @ RESTROOM SIDE OF WALLS

keynotes

128 6'-0" CHAINLINK FENCE

general notes:

- CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD.
- NOTIFY ARCHITECT IF DISCREPANCIES ARE FOUND.
- GYP. WALLBOARD APPLICATION & FINISHING AT ALL EXPOSED SURFACES TO COMPLY WITH SPECIFICATIONS.
- LINE IS NOT OTHERWISE ALL EXTERIOR WALLS ARE DIMENSIONED TO FACE OF FOUNDATION - GRID LINE.
- UNLESS NOTED OTHERWISE, ALL PARTITIONS ARE DIMENSIONED TO FACE OF STUD.
- UNLESS DIMENSIONED OTHERWISE, INTERIOR DOORS SHALL BE LOCATED 4" FROM ADJACENT PARTITION.



ELEVATE ACADEMY TRAFFIC IMPACT STUDY

Prepared By:

**Horrocks Engineers
2194 Snake River Parkway, Suite 205
Idaho Falls, ID 83402**

Date:

December 2024

Table of Contents

Executive Summary	3
Development Description	3
Principal Findings	3
Recommendations	3
Introduction	4
Proposed Development	4
Study Area Conditions	5
Roadway Characteristics	5
Harrison Street	5
Zoning	6
Crash Data	7
Access Management	8
Existing Traffic Conditions	8
Existing Conditions Analysis	11
Projected Traffic	12
Trip Generation	13
Trip Distribution	13
Traffic Analysis	16
Buildout Year (2026) Background Traffic	16
Buildout Year (2026) Traffic with Development	18
2026 Turn Lane Analysis	18
2026 with Project LOS Analysis	18
2026 Queue Analysis	19
School Considerations	21
Land-use master plan	21
Zoning in the vicinity	21
Access safety	21
Anticipated development on surrounding parcels	21
Location of school zone	21
Level of service	21
Need for acceleration and deceleration lanes	21
Required striping and signing modifications	22
Anticipated future improvements	22
Internal traffic circulation	22
School bus plan	24
Pedestrian plan	24
Crossing guard plan	25

Need for flashing beacons	25
Need for traffic control signals.....	25
Barriers between Roadways and school.....	25
Access control on adjacent Roadways.....	25
Funding of Roadway improvements.....	25
Proposed Roadway projects in the vicinity.....	26
Recommendations	27
Appendix A: Site Plan	28
Appendix B: Turning Movement Counts.....	29
Appendix C: Vistro Reports.....	30
Appendix D: Land Use Description	31
Appendix E: Turn Lane Warrants	32

List of Tables

Table 1-Intersection Level of Service	11
Table 2-Existing LOS Analysis	12
Table 3-Historical Growth Data from ITD	12
Table 4-Trip Generation for the Proposed Development-Total Generated Trips	13
Table 5-2026 Background LOS Analysis	16
Table 6- 2026 Left-Turn Lane Warrants	18
Table 7-2026 Right-Turn Lane Warrants.....	18
Table 8-2026 with Development Traffic LOS Analysis	19

List of Figures

Figure 1-Location of Elevate Academy.....	4
Figure 2-Accesses to Elevate Academy	5
Figure 3-Existing School Zone on Harrison Street.....	6
Figure 4-Twin Falls Zoning Map	7
Figure 5-Crashes Near the Proposed Development	8
Figure 6-Existing Traffic Volumes.....	10
Figure 7-Trip Distribution for Elevate Academy.....	14
Figure 8-Site Generated Traffic Volumes.....	15
Figure 9-2026 Background Traffic Counts.....	17
Figure 10-2026 Turning Movement Counts with Development Traffic.....	20
Figure 11-Internal Circulation Plan	23
Figure 12-School Bus Area	24

Executive Summary

DEVELOPMENT DESCRIPTION

Elevate Academy is a charter school proposed on Harrison Street across from South Hills Middle School in Twin Falls, Idaho.

The proposed development is planned to be opened in 2026. Elevate Academy is expected to have a maximum of 486 students.

PRINCIPAL FINDINGS

The following are the principal findings recorded in this report:

- The proposed development is expected to generate 147 trips in the AM peak hour (7:15-8:15 AM) and 116 trips in the PM peak hour (2:30-3:30 PM).
 - These trips include 70 percent of the students traveling by bus.
- In the existing conditions, the study intersections are operating at an acceptable Level of Service (LOS).
- In the 2026 background conditions and with the traffic from Elevate Academy, the study intersections will operate at an acceptable LOS.
- Turn-lanes are not warranted at the proposed accesses with the addition of the traffic from Elevate Academy.
- Elevate Academy is planning to provide queuing or excess parking spaces for approximately 57 vehicles, which is expected to be sufficient to prevent queuing onto Harrison Street.

RECOMMENDATIONS

Based on the findings in the report, the following are recommended to improve circulation and safety:

- Restrict accesses to one way during drop off and pick up.
- Illuminate flashing beacons on the existing school zone signs during Elevate Academy drop-off and pick-up times as well as during South Hills drop-off and pick-up times.
- Monitor the crosswalk on Harrison Street and consider flashing beacons or a crossing guard.
- Encourage buses to turn right out of the North Access to avoid conflicting with the crosswalk.
- Preserve the sight distance at the accesses by avoiding tall vegetation near the accesses, and not allowing parking too close to the accesses.

Introduction

This report presents the findings of the Traffic Impact Study (TIS) performed for Elevate Academy in Twin Falls, Idaho. This TIS will evaluate the existing traffic conditions, the projected background traffic conditions in the year the development is completed, and the projected traffic conditions with the development in the year the development is completed. This report addresses the impacts based on Level of Service (LOS) values calculated by delay per vehicle for the selected study intersections.

Proposed Development

Elevate Academy is planned to open in 2026. It is planned as a public charter school that will serve a maximum of 486 sixth through twelfth grade students.

Figure 1 shows the location of Elevate Academy in Twin Falls. The parcel has recently been annexed into the city. A full site plan is included in the Appendix.

There are two proposed accesses onto Harrison Street. They are planned directly across Harrison Street from the accesses to South Hills Middle School.



Figure 1-Location of Elevate Academy

For the purposes of this report, the accesses are labeled as shown in Figure 2.

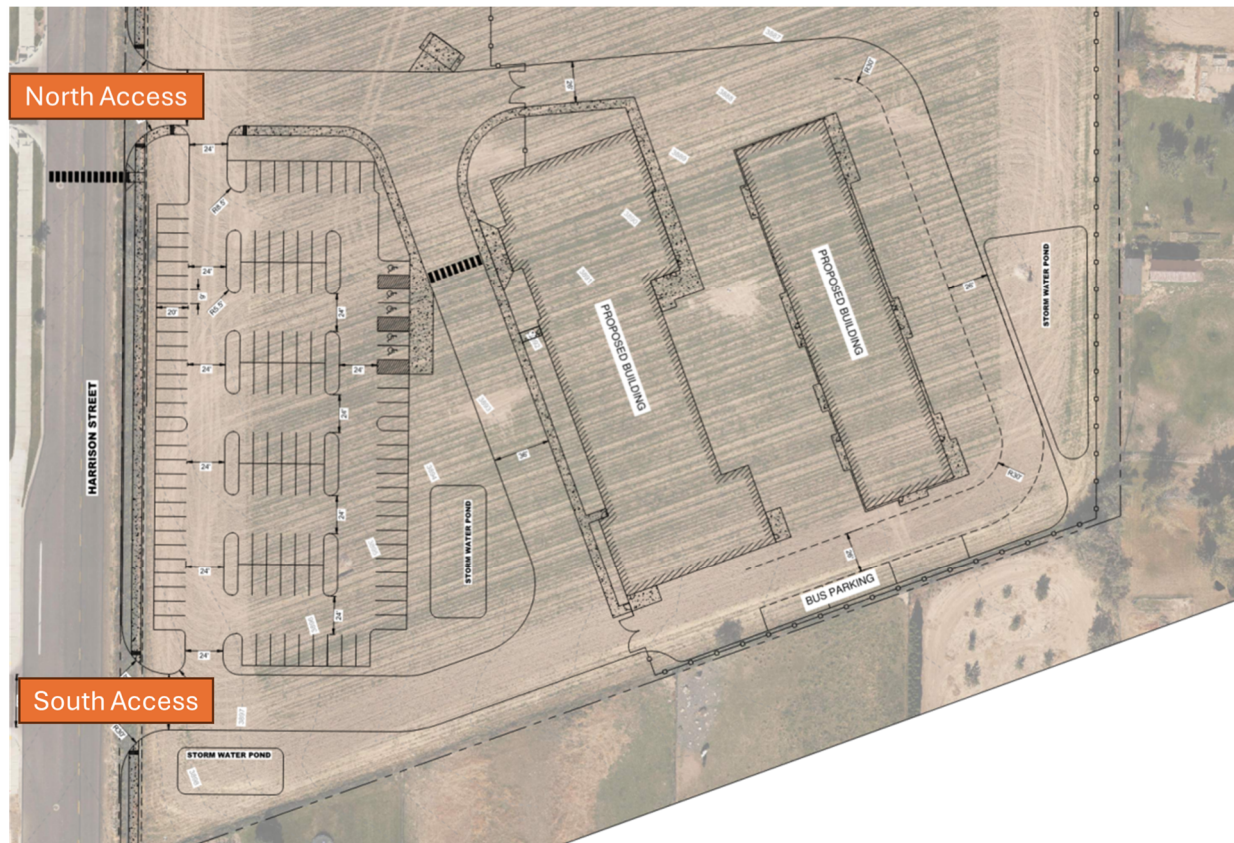


Figure 2-Accesses to Elevate Academy

During the drop-off and pick-up times at the school, the accesses are expected to operate as one-way. The North Access will be exit only and the South Access will be entrance only. The rest of the day, they will not be restricted.

Study Area Conditions

ROADWAY CHARACTERISTICS

HARRISON STREET

Elevate Academy is planned on the east side of Harrison Street. Harrison Street is a two-lane collector street with a 35 mile per hour (mph) speed limit. There is an existing 20 mph school zone from the north edge of South Hills Middle School to where the shoulder ends as shown in Figure 3.

Harrison Street is under joint jurisdiction of the City of Twin Falls and the Twin Falls Highway District.

There is sidewalk on the west side of Harrison Street. There is no sidewalk on the east side. There are crosswalks at the intersection of S Hills Road and Harrison Street, but no other crossings until El Camino Avenue, about 3800 feet north of S Hills Road.

Harrison Street is a straight flat road with good sight distance at the accesses. The sight distance should be preserved by avoiding tall vegetation near the accesses, and not allowing parking too close to the accesses.

According to the *Twin Falls Master Transportation Plan*, Harrison Street is planned to have bike lanes in both directions.

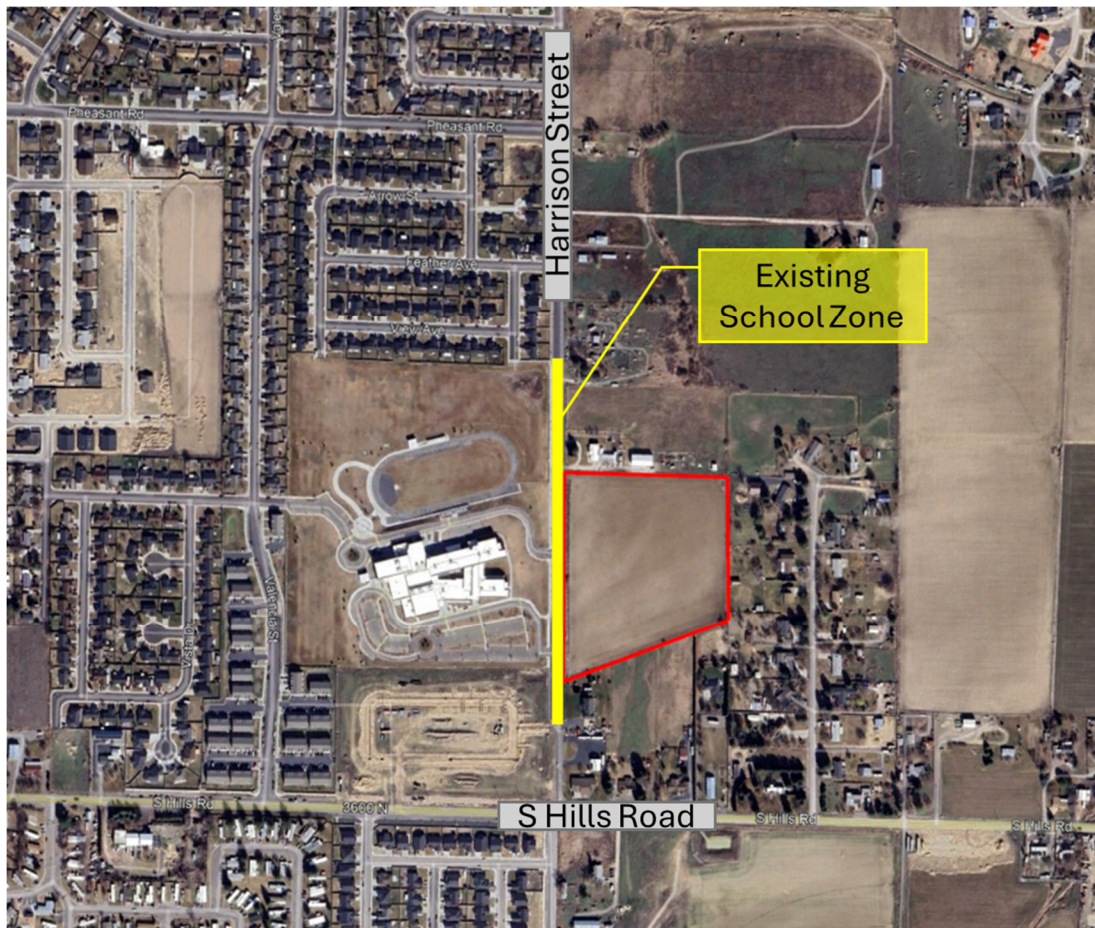


Figure 3-Existing School Zone on Harrison Street

ZONING

Until it was annexed into Twin Falls, the proposed parcel for Elevate Academy was in the County Area of Impact and zoned as R-4, which is a medium density residential zone. The west side of Harrison Street is also zoned R-4. Figure 4 shows a portion of the Twin Falls zoning map with the study parcel highlighted.

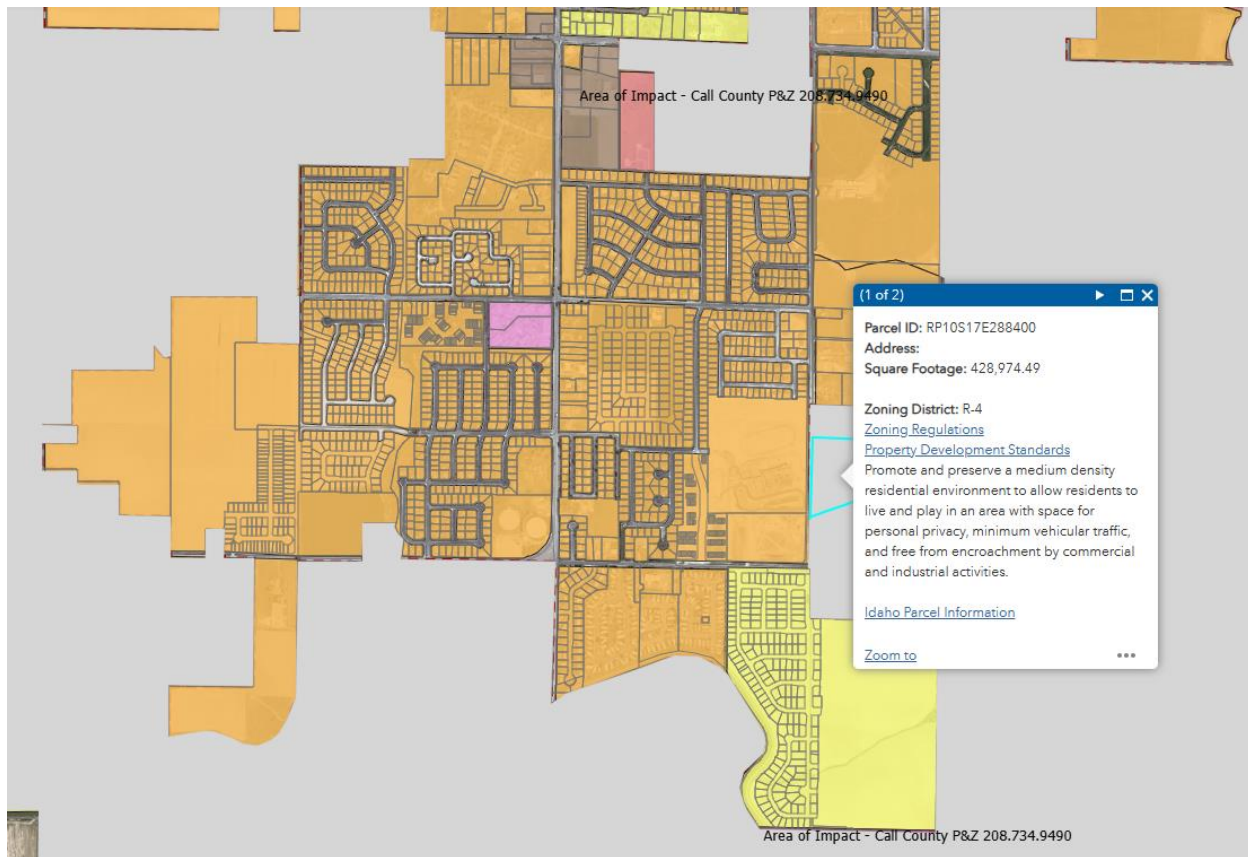


Figure 4-Twin Falls Zoning Map

CRASH DATA

Current crash data on the streets surrounding the proposed development were reported from the Local Highway Technical Assistance Council (LHTAC). The data from LHTAC for the study area includes crashes between 2019 and 2023.

Figure 5 shows a map of the crash locations in the study area. On Harrison Street, from 2019 to 2023, there were three Property Damage Only (PDO) crashes, one minor injury crash, and two major or severe injury crashes. One crash at the intersection of Harrison Street and Pheasant Road involved a cyclist. The other crash at the intersection of Harrison Street and Pheasant Road was a single vehicle crash where the driver lost control. The crash at the intersection of Harrison Street and S Hill Road was due to a driver trying to avoid an animal in the road.

All of the crashes in the study area were due to different circumstances and there were no patterns of crashes that are a cause for concern. Pedestrian and cycle crashes are always a cause for concern as pedestrians and cyclists are vulnerable users on the road. In this case, the cyclist failed to obey the stop sign on Pheasant Road. Ideally, a bike lane or buffered bike lane would be installed on Harrison Street to provide a separate facility for bicyclists. Bikes lanes are planned on Harrison Street in the *Twin Falls Master Transportation Plan*.

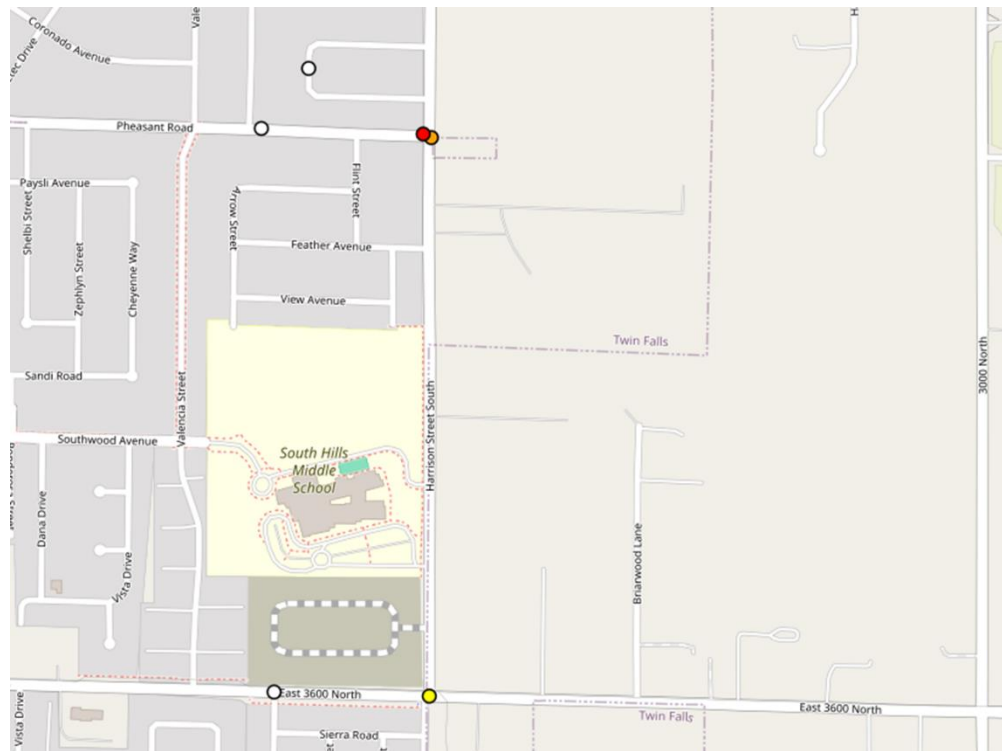


Figure 5-Crashes Near the Proposed Development

ACCESS MANAGEMENT

The *Twin Falls Master Transportation Plan* details the guidelines for access spacing for certain roads in Twin Falls. Harrison Street is not identified, but the proposed accesses will align with the existing accesses across the street.

EXISTING TRAFFIC CONDITIONS

To determine the existing conditions, traffic counts were collected at the following intersections:

- S Hills Road & Harrison Street
- South School Access & Harrison Street
- North School Access & Harrison Street
- Pheasant Road & Harrison Street
- Orchard Drive & Harrison Street

Each intersection was counted for the AM and PM school peak hours (7-9 AM and 2-4 PM) in November 2024, except at Orchard Drive and Harrison Street. Hourly approach volumes for Orchard Drive and Harrison Street taken in September 2023 were provided to Horrocks by the City of Twin Falls and Horrocks used the directional percentages to estimate the turning movement volumes at the intersection. The collected counts are included in the Appendix.

The peak hours in the area are closely related to the South Hills Middle School pick-up and drop-off times. South Hills starts at 8:40 AM and ends at 3:50 PM, and so the peak hours are generally 7:45-8:45 AM and 3:00-4:00 PM. Elevate Academy is planning to start at 8:00 AM and end at 3:15 PM, so it is expected that the pick-up and drop-off traffic will not overlap between the two schools. To analyze the existing traffic at the same times that Elevate Academy will add traffic, the peak hours used in the existing conditions in this study will be 7:15-8:15 AM and 2:30-3:30 PM.

The existing traffic counts were used to establish a base condition for the analysis and provide a comparison for future traffic impacts from the proposed development. The existing volumes used in the LOS analysis are shown in Figure 6.



1 S HILLS RD & HARRISON ST

AM PEAK HOUR

PM PEAK HOUR

2 SOUTH ACCESS & HARRISON ST

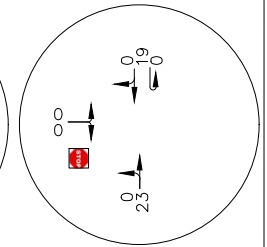
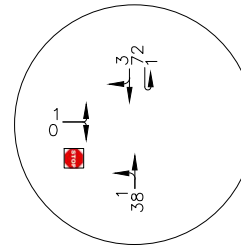
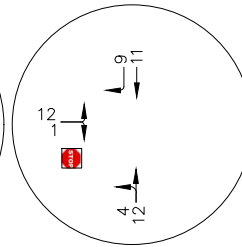
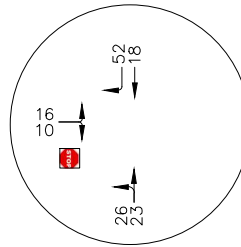
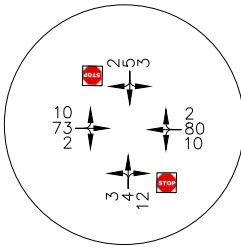
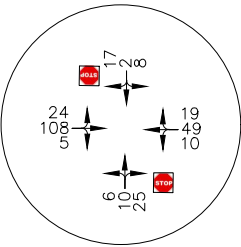
AM PEAK HOUR

PM PEAK HOUR

3 NORTH ACCESS & HARRISON ST

AM PEAK HOUR

PM PEAK HOUR



4 PHEASANT RD & HARRISON ST

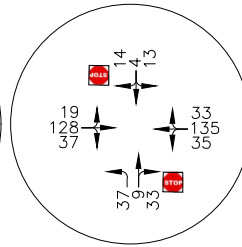
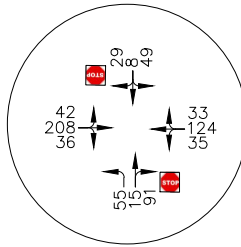
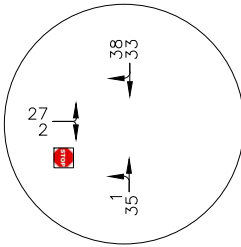
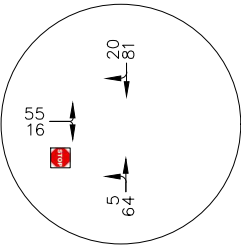
AM PEAK HOUR

PM PEAK HOUR

5 ORCHARD RD & HARRISON ST

AM PEAK HOUR

PM PEAK HOUR



EXISTING CONDITIONS ANALYSIS

To quantify the traffic conditions currently exhibited in the study area, intersection geometry, intersection traffic control, and turn pocket lengths were obtained by field review for each intersection and entered with the turning movement volumes into Vistro 2023 for analysis. Using the 7th edition of the Highway Capacity Manual (HCM) method of calculating intersection delay, a Level of Service (LOS) grade and volume-to-capacity (v/c) ratio was assigned to the intersection for both the AM and PM school peak hours.

LOS is a term used by the HCM to describe the traffic operations of an intersection, based on congestion and delay. LOS ranges from A (almost no congestion or delay) to F (traffic demand exceeds capacity and intersection experiences long queues and delay). LOS E and LOS F are considered to have unacceptable delay.

The delay criteria used to assign a letter grade to an intersection for signalized and unsignalized intersections are shown below in Table 1. The full Vistro reports are included in the Appendix.

Table 1-Intersection Level of Service

Level of Service	Average Control Delay (sec/veh)	
	Signalized	Un-signalized
A	≤ 10	≤ 10
B	> 10 - 20	> 10 - 15
C	> 20 - 35	> 15 - 25
D	> 35 - 55	> 25 - 35
E	> 55 - 80	> 35 - 50
F	> 80	> 50

The v/c ratio is a measure of the capacity of the intersection. When the v/c ratio reaches 1, the intersection is over capacity. Typically, v/c ratio less than .9 is considered acceptable.

The existing LOS conditions are shown below in Table 2. All of the study intersections are two-way stop-controlled (TWSC) intersections. Intersections that only have one stop approach are also considered TWSC intersections.

Table 2-Existing LOS Analysis

Intersection (Traffic Control*)	AM Peak Hour	PM Peak Hour	Intersection (Traffic Control)	AM Peak	PM Peak
S Hills Road & Harrison Street (TWSC)			Pheasant Road & Harrison Street (TWSC)		
Worst Movement	NBLTR	SBLTR	Worst Movement	EBLR	EBLR
Volume to Capacity (v/c) Ratio	0.02	0.01	Volume to Capacity (v/c) Ratio	0.11	0.05
Average Delay (sec/veh)	11.60	10.81	Average Delay (sec/veh)	10.67	9.44
Level of Service	B	B	Level of Service	B	A
Harrison Street & South Access (TWSC)			Orchard Drive & Harrison Street (TWSC)		
Worst Movement	EBLR	EBLR	Worst Movement	SBLTR	NBL
Volume to Capacity (v/c) Ratio	0.03	0.02	Volume to Capacity (v/c) Ratio	0.24	0.03
Average Delay (sec/veh)	9.60	8.88	Average Delay (sec/veh)	23.82	13.43
Level of Service	A	A	Level of Service	C	B
Harrison Street & North Access (TWSC)					
Worst Movement	EBLR	--			
Volume to Capacity (v/c) Ratio	0.00	0.00			
Average Delay (sec/veh)	9.49	0.00			
Level of Service	A	A			

*TWSC-Two-Way Stop-Controlled

**The worst movement is identified as the approach (northbound (NB), southbound (SB), westbound (WB), and eastbound (EB)) and then by the turning movement (left (L), through (T), and right (R)). For example, if the westbound left-turn has the highest delay, it would be abbreviated as WBLR.

The existing intersections are operating at LOS C or better.

Projected Traffic

To successfully analyze traffic conditions for future scenarios, existing traffic was grown based on the historical growth rate in the surrounding area. ITD provides Annual Average Daily Traffic (AADT) for road segments across Idaho. Segments in the study area with their AADT are shown in Table 3.

Table 3-Historical Growth Data from ITD

Roadway	3 Year	5 Year	10 Year	2023	2022	2021	2020	2019	2018	2017	2016	2015	2014
				AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT	AADT
SH-74 (Park Avenue to Pheasant Road)	-2.73%	-1.64%	-0.37%	8,300	7,800	8,000	9,100	9,100	9,100	8,400	8,400	8,700	8,700
				6.41%	-2.50%	-12.09%	0.00%	0.00%	8.33%	0.00%	-3.45%	0.00%	
SH-74 (Pheasant Road to Southwood Avenue)	-4.07%	-3.13%	-1.74%	4,800	6,100	6,200	5,600	5,800	5,800	5,800	5,800	5,800	5,800
				-21.31%	-1.61%	10.71%	-3.45%	0.00%	0.00%	0.00%	0.00%	0.00%	
Orchard Drive (SH-74 to Harrison Street)	-5.13%	-5.51%	3.26%	4,400	4,400	4,400	5,200	5,400	5,900	5,000	5,000	3,600	3,600
				0.00%	0.00%	-15.38%	-3.70%	-8.47%	18.00%	0.00%	38.89%	0.00%	
Orchard Drive (Harrison Street to Blue Lakes Boulevard)	5.72%	-1.10%	5.57%	6,000	5,800	5,800	5,100	6,000	6,500	5,500	5,500	4,000	4,000
				3.45%	0.00%	13.73%	-15.00%	-7.69%	18.18%	0.00%	37.50%	0.00%	
S Hills Drive (Vista Drive to Blue Lakes Boulevard)	13.97%	5.16%	1.11%	1,900	1,800	1,800	1,320	1,700	1,600	1,900	1,900	1,900	1,900
				5.56%	0.00%	36.36%	-22.35%	6.25%	-15.79%	0.00%	0.00%	0.00%	
Average	1.55%	-1.24%	1.57%										

The historical data shows that between 2021 and 2023, the average growth per year was 1.55 percent. The ten-year average growth was similar. The five-year average growth was negative, however 2020 has shown below average traffic because of the COVID-19 pandemic. Without 2020, the five-year growth rate was .67 percent per year. The three-year average on S Hills Drive was also affected by the decrease in traffic in 2020. The reduction in traffic in 2020 showed as greater average growth in 2021. The *Twin Falls Master Transportation Plan* identifies the population growth at about 1.5 percent per year. In this study, 1.5 percent growth per year will be used to estimate the future traffic.

TRIP GENERATION

The estimated number of vehicle trips to be generated by the development was calculated using the methodology found in the Institute of Transportation Engineers (ITE) Trip Generation Manual 11th edition. The following ITE land use was used:

- 538: Charter School (K-12)

A description of the land use can be found in the Appendix.

Elevate Academy is planning for 70 percent of the students to ride the bus to school. Students that ride the bus will not be included in the trip generation calculation, because the usual trips assigned to each student will be consolidated to one trip by the bus. Elevate Academy is planning on providing five buses.

Table 4 shows the estimated trip generation of the development with 70 percent of the students removed from the calculation since they will be taking the bus.

Table 4-Trip Generation for the Proposed Development-Total Generated Trips

Elevate Academy								
ITE Land Use Trip Generation	Units		AM Peak Hour of Generator			PM Peak Hour of Generator		
			In	Out	Total	In	Out	Total
538: Charter School (K-12)	146	Students	78	69	147	58	58	116

Pass-by trips and internal capture were not evaluated for Elevate Academy because there is no pass-by data available from ITE for a Charter School use.

In the AM Peak Hour of the Generator, the school is expected to generate 147 new trips, including five bus trips in and five bus trips out. In the PM Peak Hour of the Generator, the school is expected to generate 116 new trips, including five bus trips in and five bus trips out.

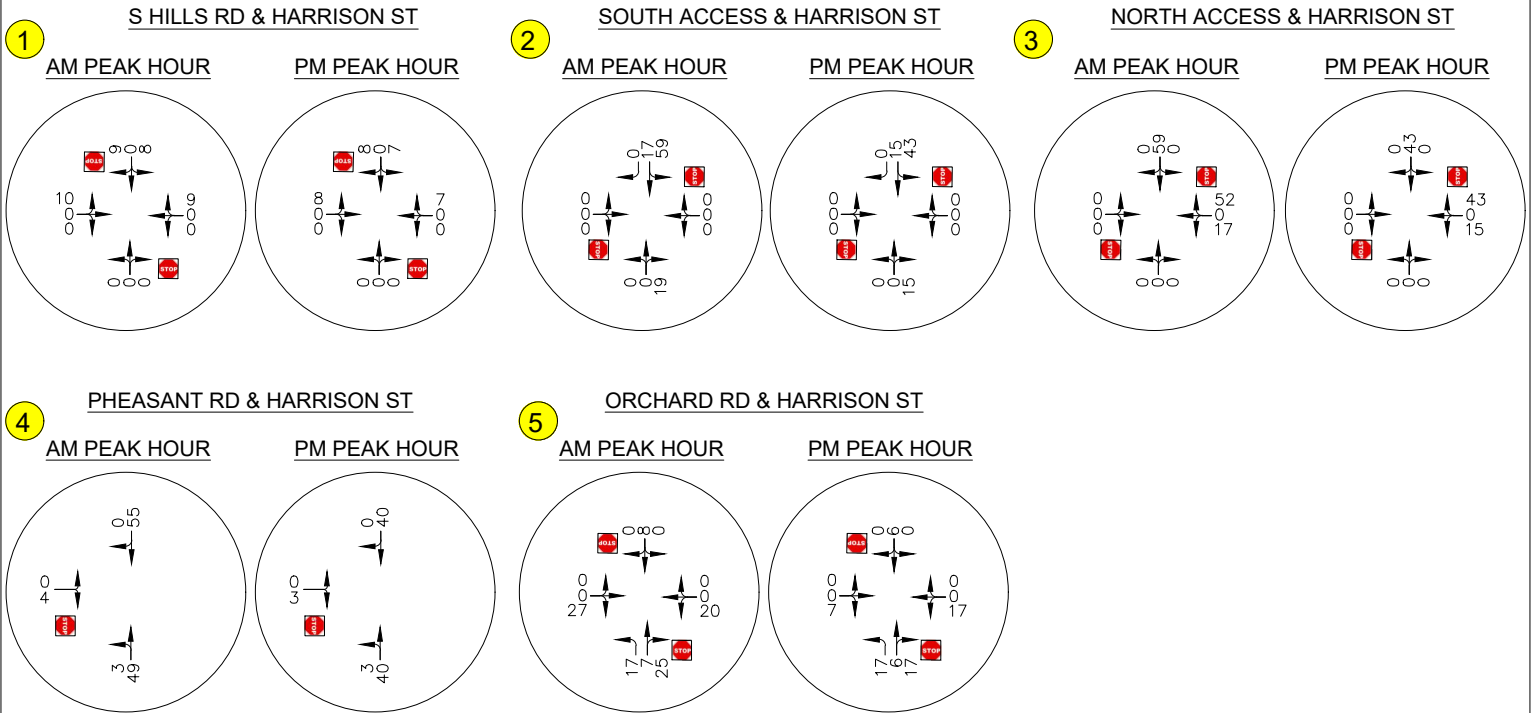
Trip Distribution

The new trips estimated to be generated from the proposed development were distributed onto the roadway network based on the proposed site access locations, existing turning movements, existing traffic patterns, and proximity to major roadways. To estimate the trip distribution, the existing counts were used for guidance of how to assign the proposed generated trips.

Figure 7 shows the trip distribution to and from Elevate Academy and the surrounding area. It is assumed that the distribution is the same during the AM and PM peak hours to and from the development. Figure 8 shows the distributed site traffic at each intersection.



Figure 7-Trip Distribution for Elevate Academy



Traffic Analysis

Future traffic is analyzed by projecting the existing 2024 traffic into the future based on the historical data and growth rate discussed previously. The background traffic assumes that the roadway configuration is the same as the existing condition. The development traffic and any proposed changes to the roadway are then added to the background traffic to estimate the total future traffic. The AM and PM peak hours are analyzed for the future development scenarios.

BUILDOUT YEAR (2026) BACKGROUND TRAFFIC

Future traffic was analyzed by projecting the existing 2024 traffic based on the growth rates discussed previously. The 2026 traffic counts without the development traffic are shown in Figure 9.

Table 5 shows the LOS analysis for the 2026 background conditions.

Table 5-2026 Background LOS Analysis

Intersection (Traffic Control*)	AM Peak	PM Peak	Intersection (Traffic Control)	AM Peak Hour	PM Peak Hour
S Hills Road & Harrison Street (TWSC)			Pheasant Road & Harrison Street (TWSC)		
Worst Movement	NBLTR	SBLTR	Worst Movement	EBLR	EBLR
Volume to Capacity (v/c) Ratio	0.02	0.01	Volume to Capacity (v/c) Ratio	0.05	0.05
Average Delay (sec/veh)	11.69	10.86	Average Delay (sec/veh)	10.76	9.48
Level of Service	B	B	Level of Service	B	A
Harrison Street & South Access (TWSC)			Orchard Drive & Harrison Street (TWSC)		
Worst Movement	EBLR	EBLR	Worst Movement	SBLTR	NBL
Volume to Capacity (v/c) Ratio	0.03	0.02	Volume to Capacity (v/c) Ratio	0.26	0.03
Average Delay (sec/veh)	9.64	8.88	Average Delay (sec/veh)	25.14	13.66
Level of Service	A	A	Level of Service	D	B
Harrison Street & North Access (TWSC)					
Worst Movement	EBLR	--			
Volume to Capacity (v/c) Ratio	0.00	0.00			
Average Delay (sec/veh)	9.52	0.00			
Level of Service	A	A			

*TWSC-Two-Way Stop-Controlled

**The worst movement is identified as the approach (northbound (NB), southbound (SB), westbound (WB), and eastbound (EB)) and then by the turning movement (left (L), through (T), and right (R)). For example, if the westbound left-turn has the highest delay, it would be abbreviated as WBLTR.

In 2026, all of the study intersections are expected to operate at LOS D or better, which is considered acceptable.



1 S HILLS RD & HARRISON ST

AM PEAK HOUR

PM PEAK HOUR

2 SOUTH ACCESS & HARRISON ST

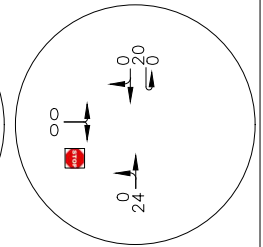
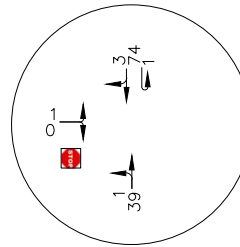
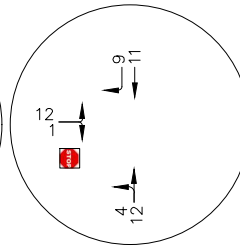
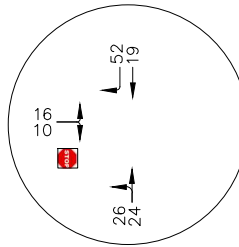
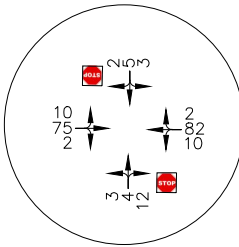
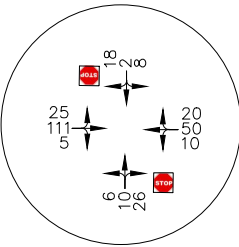
AM PEAK HOUR

PM PEAK HOUR

3 NORTH ACCESS & HARRISON ST

AM PEAK HOUR

PM PEAK HOUR



4 PHEASANT RD & HARRISON ST

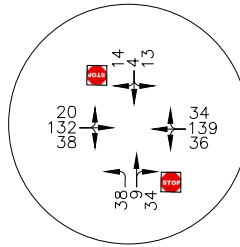
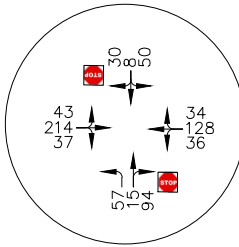
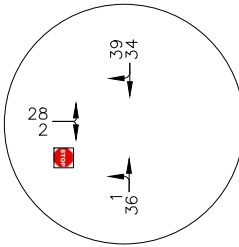
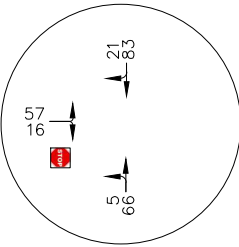
AM PEAK HOUR

PM PEAK HOUR

5 ORCHARD RD & HARRISON ST

AM PEAK HOUR

PM PEAK HOUR



BUILDOUT YEAR (2026) TRAFFIC WITH DEVELOPMENT

2026 traffic with the addition of the proposed development traffic was estimated by adding the distributed development traffic for 486 students to the projected 2026 traffic. The estimated turning movement counts are shown in Figure 10.

2026 TURN LANE ANALYSIS

The National Cooperative Highway Research Program (NCHRP) Report 457 provides guidance on when left- and right-turn lanes are required based on the turning movement counts for each intersection. The requirements from the NCHRP Report 457 are included in the Appendix of this report.

Table 6 and Table 7 show the left- and right-turn lane warrants, respectively, in 2026 based on the volumes shown in Figure 10.

Table 6- 2026 Left-Turn Lane Warrants

Access	Peak Hour	Left-Turn Lane Warrant			Warranted?
		Opposing Volume	Advancing Volume	Percent Left Turns	
Harrison Street @ South Access	AM	69	147	40%	NO
	PM	31	78	55%	NO

Table 7-2026 Right-Turn Lane Warrants

Access	Peak Hour	Right-Turn Lane Warrant			Warranted?
		Advancing Volume	Right Turns in Advancing Volume	Percent Right Turns	
Harrison Street @ South Access	AM	69	19	28%	NO
	PM	31	15	48%	NO

Based on the turning volumes, neither a left-turn lane or a right-turn lane is warranted when the project is completed.

2026 WITH PROJECT LOS ANALYSIS

Table 8 shows the LOS analysis for the projected 2026 traffic with the added traffic from Elevate Academy. With the additional development traffic, all of the study intersections are expected to operate at LOS D or better.

Table 8-2026 with Development Traffic LOS Analysis

Intersection (Traffic Control*)	AM Peak	PM Peak	Intersection (Traffic Control)	AM Peak Hour	PM Peak Hour
S Hills Road & Harrison Street (TWSC)			Pheasant Road & Harrison Street (TWSC)		
Worst Movement	NBLTR	SBLTR	Worst Movement	EBLR	EBLR
Volume to Capacity (v/c) Ratio	0.03	0.03	Volume to Capacity (v/c) Ratio	0.09	0.07
Average Delay (sec/veh)	11.76	12.21	Average Delay (sec/veh)	10.96	10.80
Level of Service	B	B	Level of Service	B	B
Harrison Street & South Access (TWSC)			Orchard Drive & Harrison Street (TWSC)		
Worst Movement	EBLR	EBLR	Worst Movement	SBLTR	NBL
Volume to Capacity (v/c) Ratio	0.04	0.05	Volume to Capacity (v/c) Ratio	0.35	0.25
Average Delay (sec/veh)	11.46	11.61	Average Delay (sec/veh)	34.35	20.48
Level of Service	B	B	Level of Service	D	C
Harrison Street & North Access (TWSC)					
Worst Movement	EBLR	--			
Volume to Capacity (v/c) Ratio	0.00	0.05			
Average Delay (sec/veh)	10.66	10.88			
Level of Service	B	B			

*TWSC-Two-Way Stop-Controlled

**The worst movement is identified as the approach (northbound (NB), southbound (SB), westbound (WB), and eastbound (EB)) and then by the turning movement (left (L), through (T), and right (R)). For example, if the westbound left-turn has the highest delay, it would be abbreviated as WBL.

2026 QUEUE ANALYSIS

Typically, queue analysis is reported as the 95th percentile queue length. However, schools have atypical queuing around the pick-up time, because vehicles queue for fifteen to thirty minutes before the final bell rings and vehicles continue to arrive without leaving until students are dismissed. Then, the queue clears within fifteen to thirty minutes after the students are dismissed. Drop-off usually is more spread out with students arriving sporadically before school and does not result in long queues.

To accommodate the queuing at pick-up, Elevate Academy is proposing 930 feet of queuing with two pick-up lanes and a through-lane in front of the school. Figure 11 shows the queuing lengths and locations that are available. There are also approximately 20 excess parking spaces that could be used for pick-up.

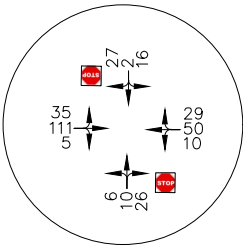
In a queueing analysis, 25 feet per vehicle is considered typical. With the queuing space and the additional parking spaces, there is space for approximately 57 vehicles to queue or park in the excess spaces.

The trip generation shows that there will be 58 vehicles entering and exiting the school driveways. Having space for approximately 57 vehicles should be sufficient to manage the queuing for 58 without it impacting Harrison Street. At other Elevate Academy locations, it has been reported that there are rarely issues with queuing backing into the neighboring streets.

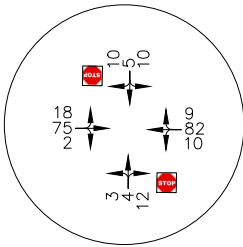


1 S HILLS RD & HARRISON ST

AM PEAK HOUR

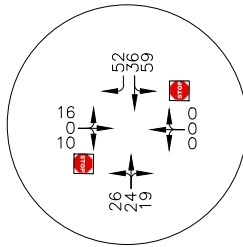


PM PEAK HOUR

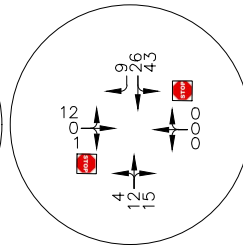


2 SOUTH ACCESS & HARRISON ST

AM PEAK HOUR

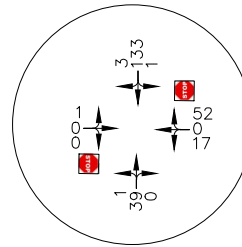


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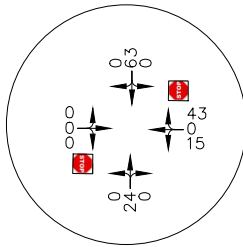


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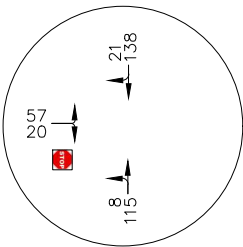


PM PEAK HOUR

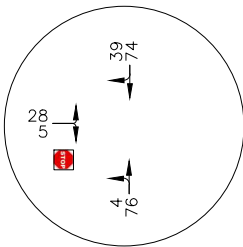


4 PHEASANT RD & HARRISON ST

AM PEAK HOUR

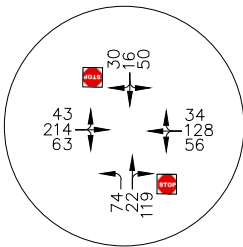


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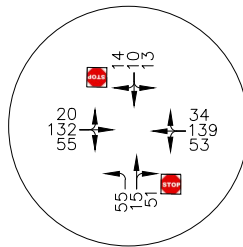


5 ORCHARD RD & HARRISON ST

AM PEAK HOUR



PM PEAK HOUR



School Considerations

Idaho Code 67-6519(3) requires additional information be addressed in the traffic impact study for new school development. The following sections address the additional considerations. Any information provided earlier in this report will be identified but not repeated.

LAND-USE MASTER PLAN

The Land-Use Master Plan is addressed previously in the Study Area Conditions-Zoning section.

ZONING IN THE VICINITY

The zoning in the area is addressed previously in the Study Area Conditions-Zoning section.

ACCESS SAFETY

The access safety and access spacing are addressed previously in the Study Area Conditions section.

ANTICIPATED DEVELOPMENT ON SURROUNDING PARCELS

Horrocks reached out to the City of Twin Falls and no in-process developments were provided to include in the traffic analysis. There are a few developments in the area that are being constructed slowly, but it is likely that the school will be built before they are complete.

LOCATION OF SCHOOL ZONE

There is an existing school zone for South Hills Middle School. For information and the location of the existing zone, see Figure 3 and the documentation as addressed in the Roadway Characteristics section.

Elevate Academy will have earlier start and release times than South Hills Middle School, and the flashing beacons on the school zone signs should be illuminated during Elevate Academy's drop-off and pick-up times as well as during South Hills Middle School drop-off and pick-up times.

LEVEL OF SERVICE

All of the study intersections are expected to operate at LOS D or better with the construction of Elevate Academy.

NEED FOR ACCELERATION AND DECELERATION LANES

The 2026 Turn Lane Analysis section, discussed previously, determined that turn lanes are not warranted on Harrison Street.

REQUIRED STRIPING AND SIGNING MODIFICATIONS

Figure 11 shows the proposed striping plan for the internal circulation of the school. Additional striping and signing modifications may include:

- Signing and striping for the crosswalk on Harrison Street
 - The crossing may eventually need additional signage to accompany the flashing beacons
- Striping for the crosswalk across the pick-up/drop-off lane
- Signing and striping for interior circulation and parking
 - Including signing for no parking in the fire lane and for bus parking

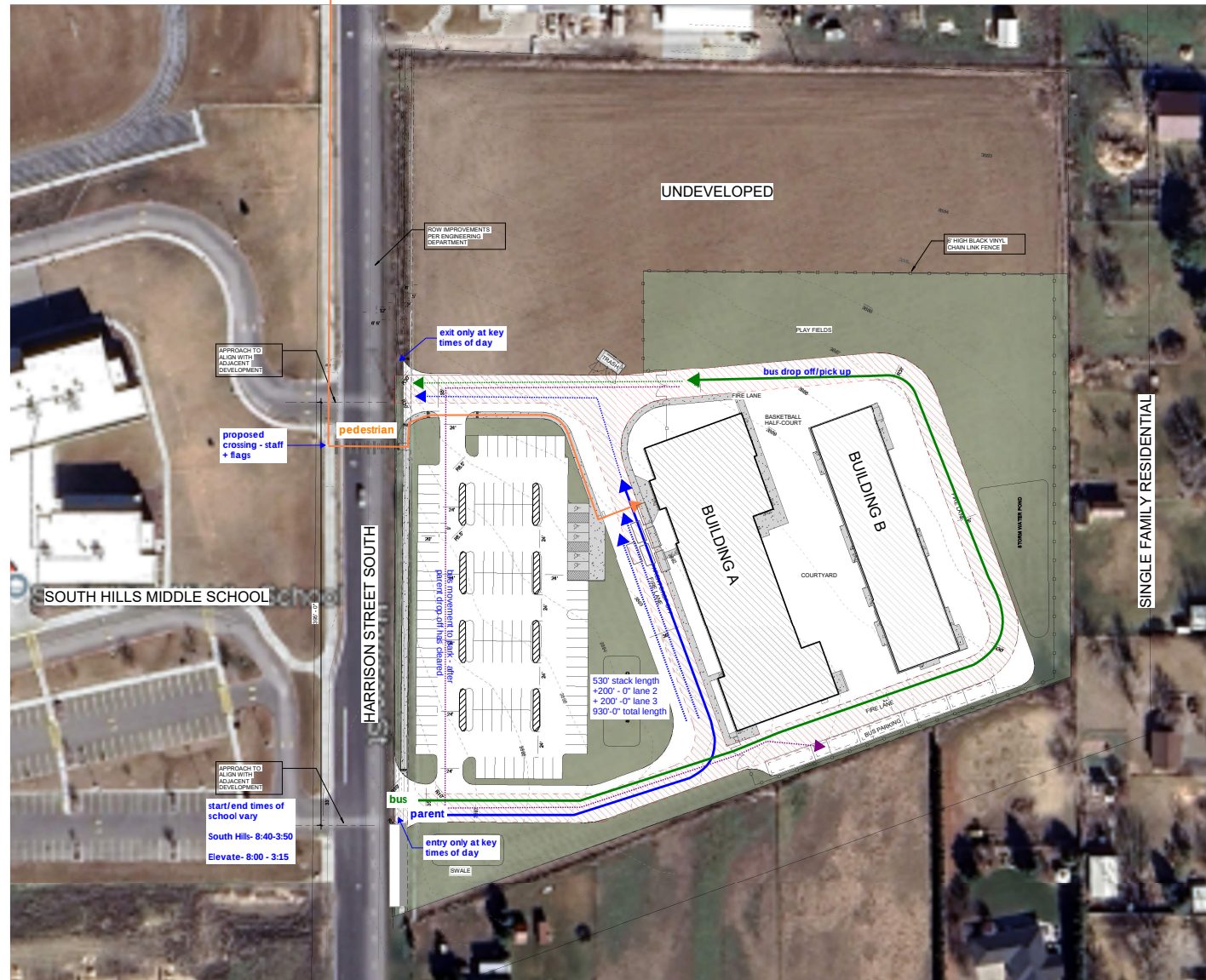
ANTICIPATED FUTURE IMPROVEMENTS

As a part of the construction of Elevate Academy, Harrison Street will be improved by paving the remaining portion of the three-lane road and constructing a landscape strip and sidewalk. The total asphalt width will be 48 feet of road surface with a five-foot planter strip and six-foot sidewalk.

INTERNAL TRAFFIC CIRCULATION

Figure 11 shows the internal circulation plan for vehicles and pedestrians entering and exiting Elevate Academy. Drop-off and pick-up will be at the front of the school. Vehicles will be guided to the south access to enter, follow along the drive aisle to the front of the building where they can queue in three different lanes, and then continue to the exit at the north access.

The accesses are planned to be one-way during drop-off and pick-up. These restrictions are the responsibility of Elevate Academy to enforce.



Harrison Street Site-Elevate Academy
1" = 40'-0"

Figure 11-Internal Circulation Plan



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elevate academy - twin falls
education building
twin falls, id 83301

revision:
no. desc. date

project: 231106
date: 10.29.24

special use
permit

site plan

a1.12

SCHOOL BUS PLAN

Elevate Academy provided a school bus plan. As discussed in the traffic analysis, 70 percent of the students are planned to be served by the buses. Figure 12 shows the area that the buses will serve.

Figure 11 shows the on-site circulation plan for the buses in purple. They are planned to enter the south access to Elevate Academy, park on the south side of the building for loading and unloading, and then exit around the back of the buildings to the north access. This circulation will allow the buses to stay out of the main flow of vehicles along the front of the building, however they will use the same accesses as all other vehicles.

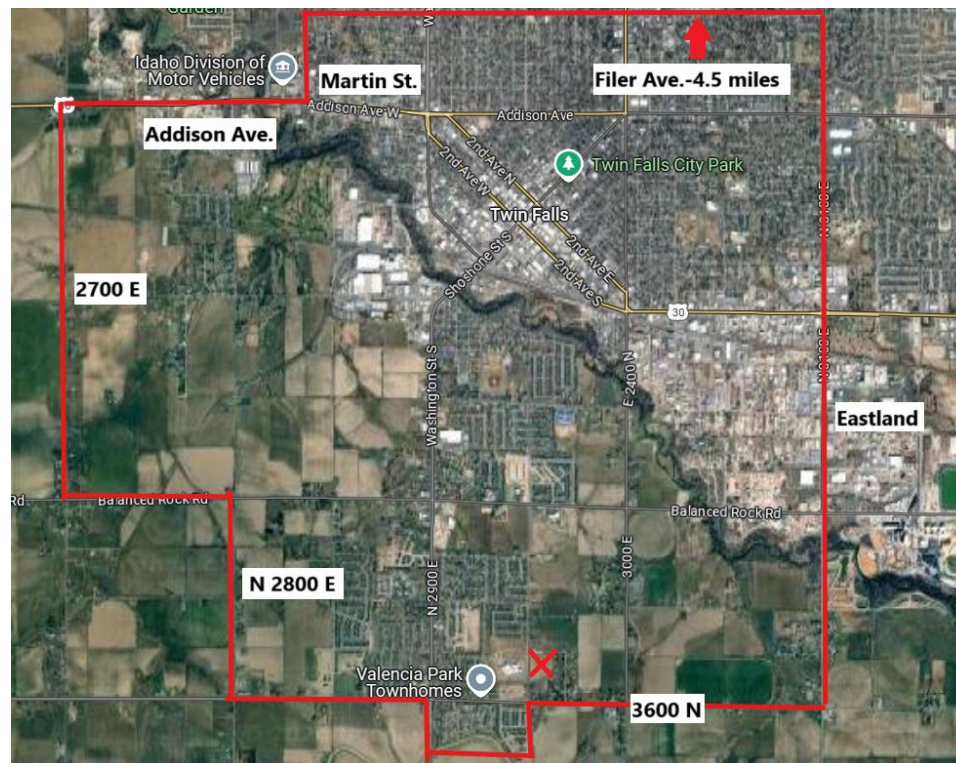


Figure 12-School Bus Area

If the buses were to only turn right out of the North Access, they would not interfere with the vehicles traveling south to enter the South Access, and they would not conflict with the crosswalk proposed on the south leg of the North Access. Encouraging the bus drivers to turn right only out of the North Access should be considered.

PEDESTRIAN PLAN

The Elevate Academy pedestrian plan assumes that the school will provide bus service in areas that are not accessible by sidewalks. The only available sidewalk to the school is along the west side of Harrison Street. A crosswalk is proposed on the south leg of the north access to Elevate Academy. It is expected that there will be students that cross between Elevate Academy and South Hills Middle School for after-school activities.

Elevate Academy's pedestrian plan also identifies a crossing at the front of the school across the drop-off/pick-up zone. The crossing on Harrison Street and the crossing of the drop-off/pick-up zone will be connected by a sidewalk that skirts the driveway and separates the pedestrians from the vehicles. Figure 11 shows the proposed pedestrian plan in orange.

CROSSING GUARD PLAN

Elevate Academy is proposing crossing flags or a flashing beacon system for the proposed crosswalk.

It is unknown exactly how many students will be using the crosswalk. If many students transfer from South Hills Middle School to Elevate Academy, there may be more students walking to school from the neighborhood to the north. After school, some students from Elevate Academy are expected to walk to South Hills for extracurricular activities. Approximately 30 students are expected to walk to South Hills in the afternoon.

NEED FOR FLASHING BEACONS

Flashing beacons are an option for the proposed crosswalk at the North Access. It is unknown exactly how many students will use the crosswalk on Harrison Street, so it is recommended that the crosswalk be installed and monitored when school starts. Flashing beacons could be installed in the future as needed.

NEED FOR TRAFFIC CONTROL SIGNALS

It is not anticipated that traffic control signals will be needed at any of the study intersections for Elevate Academy.

BARRIERS BETWEEN ROADWAYS AND SCHOOL

The Elevate Academy site is planned so that the school buildings are set back behind the parking lot and the drop-off/pick-up lane. The pedestrians will be separated from the vehicles on a sidewalk from Harrison Street, a crosswalk across the drop-off/pick-up lane, and sidewalk in front of the school. Any additional physical barriers are not needed.

ACCESS CONTROL ON ADJACENT ROADWAYS

The access spacing on Harrison Street was discussed previously in the Study Area Conditions-Access Management section.

FUNDING OF ROADWAY IMPROVEMENTS

Frontage improvements such as paving, sidewalk, and planter strips will be constructed by Elevate Academy. As discussed previously in this report, no additional roadway improvements are needed to accommodate Elevate Academy. No additional funding to improve other portions of Harrison Street is anticipated.

PROPOSED ROADWAY PROJECTS IN THE VICINITY

Harrison Street is not included in any projects listed in the *Twin Falls Master Transportation Plan*; except that bike lanes are planned on Harrison Street.

Recommendations

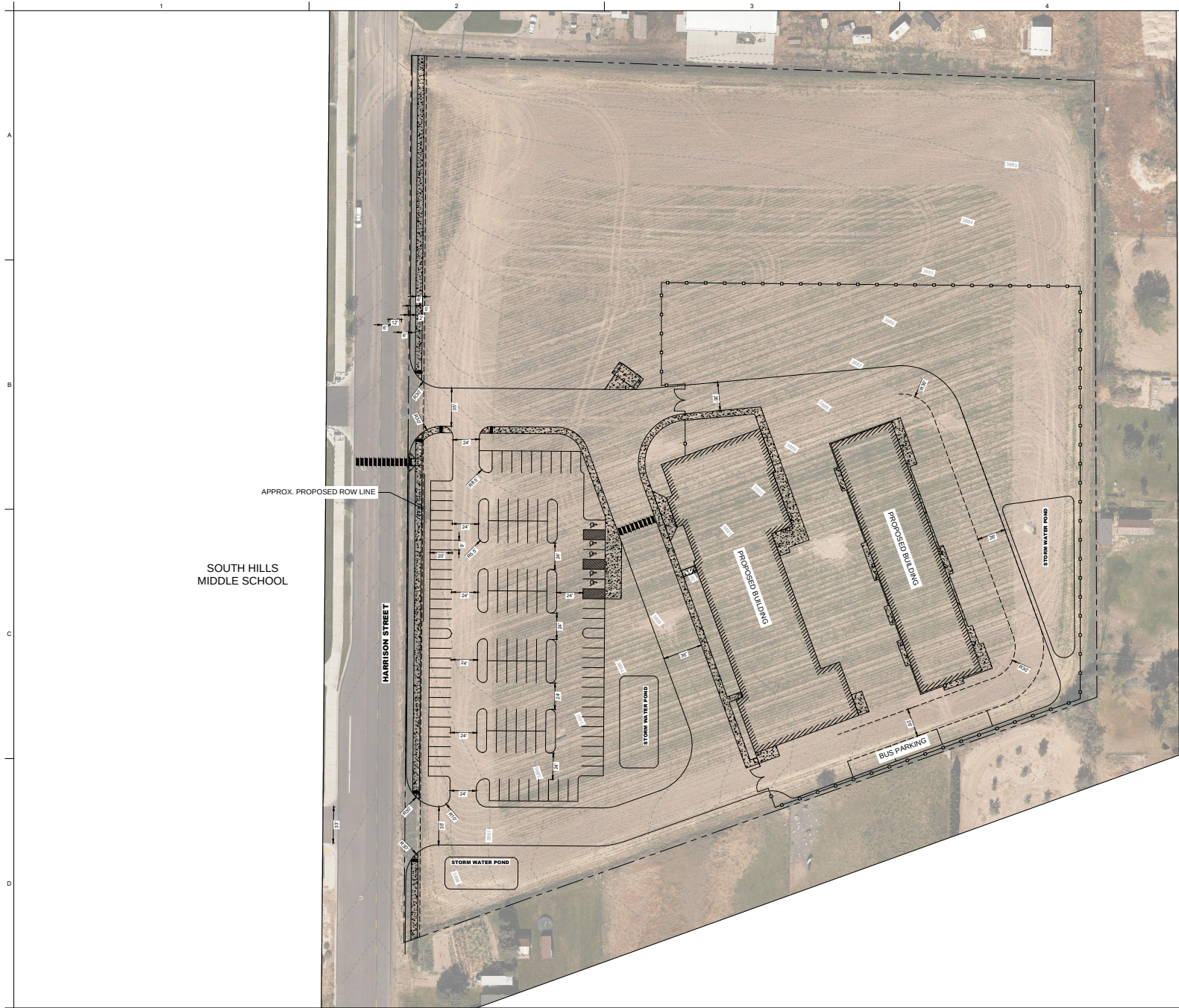
The following are the principal findings recorded in this report:

- The proposed development is expected to generate 147 trips in the AM peak hour (7:15-8:15 AM) and 116 trips in the PM peak hour (2:30-3:30 PM).
 - These trips include 70 percent of the students traveling by bus.
- In the existing conditions, the study intersections are operating at an acceptable Level of Service (LOS).
- In the 2026 background conditions and with the traffic from Elevate Academy, the study intersections will operate at an acceptable LOS.
- Turn-lanes are not warranted at the proposed accesses with the addition of the traffic from Elevate Academy.
- Elevate Academy is planning to provide queuing or excess parking spaces for approximately 57 vehicles, which is expected to be sufficient to prevent queuing onto Harrison Street.

Based on the analysis in the report, the following are recommended to improve circulation and safety:

- Restrict accesses to one way during drop off and pick up.
- Illuminate flashing beacons on the existing school zone signs during Elevate Academy drop-off and pick-up times as well as during South Hills drop-off and pick-up times.
- Monitor the crosswalk on Harrison Street and consider flashing beacons or a crossing guard.
- Encourage buses to turn right out of the North Access to avoid conflicting with the crosswalk.
- Preserve the sight distance at the accesses by avoiding tall vegetation near the accesses, and not allowing parking too close to the accesses.

Appendix A: Site Plan



**Horrocks.**

2104 State River Pkwy., Ste. 205
Idaho Falls, ID 83402
(208) 522-1223
www.horrocks.com

WARNING



IF THIS BAE DOES NOT
MATCH THE FIELD CONDITIONS
DRAWING IS NOT TO SCALE

DRAWING INFO		REVISIONS	
DATE	12/14/2024	REV #	A
DESIGNED		BY	
CHECKED		DATE	
PROJECT		NO.	
DRAWN		DATE	
CHECKED		NO.	
PROJECT		DATE	

PRELIMINARY

NOT FOR CONSTRUCTION

ELEVATE ACADEMY

CITY OF TWIN FALLS,
IDAHO

CONCEPTUAL LAYOUT

EXHIBIT



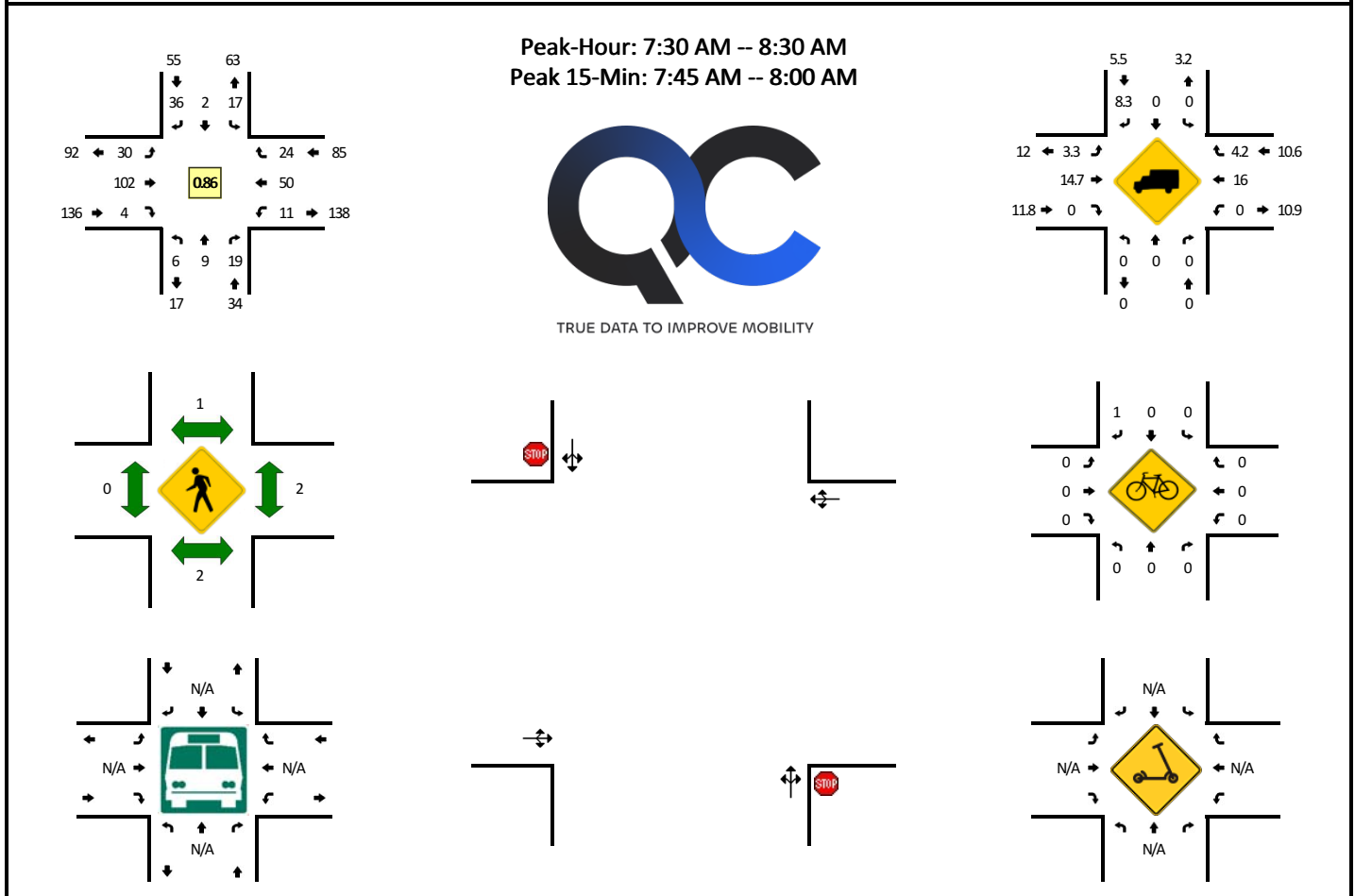
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PAGE

Appendix B: Turning Movement Counts

LOCATION: Harrison St -- S Hills Rd
CITY/STATE: Twin Falls, ID

QC JOB #: 16798301
DATE: Thu, Nov 7 2024



15-Min Count Period Beginning At	Harrison St (Northbound)				Harrison St (Southbound)				S Hills Rd (Eastbound)				S Hills Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	1	1	5	0	0	0	1	0	1	15	2	0	3	10	0	0	39	
7:15 AM	0	1	6	0	0	0	1	0	3	22	1	0	1	7	0	0	42	
7:30 AM	1	4	7	0	1	0	3	0	7	35	1	0	1	12	2	0	74	
7:45 AM	4	4	6	0	4	0	7	0	7	31	1	0	3	13	10	0	90	245
8:00 AM	1	1	6	0	3	2	6	0	7	20	2	0	5	17	7	0	77	283
8:15 AM	0	0	0	0	9	0	20	0	9	16	0	0	2	8	5	0	69	310
8:30 AM	0	1	2	0	6	0	12	0	11	11	0	0	1	12	8	0	64	300
8:45 AM	0	0	1	0	2	0	3	0	4	18	0	0	3	8	1	0	40	250
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	16	16	24	0	16	0	28	0	28	124	4	0	12	52	40	0	360	
Heavy Trucks	0	0	0		0	0	0		0	12	0		0	4	0		16	
Buses																		
Pedestrians		4				4				0				4			12	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Scooters																		

Comments:

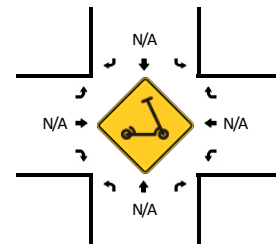
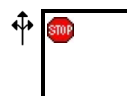
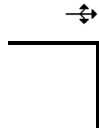
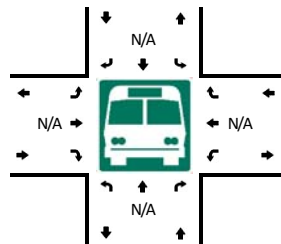
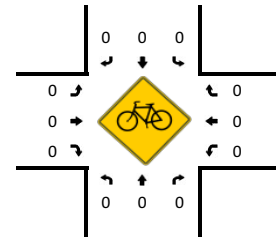
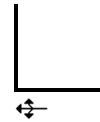
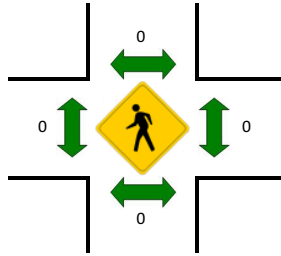
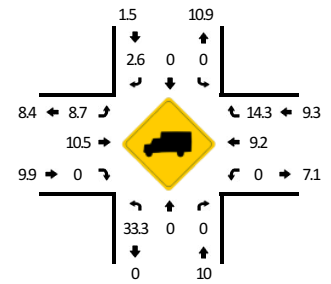
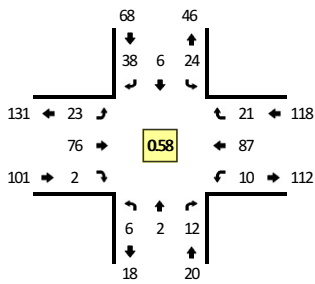
Report generated on 11/13/2024 11:20 AM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>) 1-877-580-2212

LOCATION: Harrison St -- S Hills Rd
CITY/STATE: Twin Falls, ID

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DATE: Thu, Nov 7 2024

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Peak 15-Min: 3:45 PM -- 4:00 PM

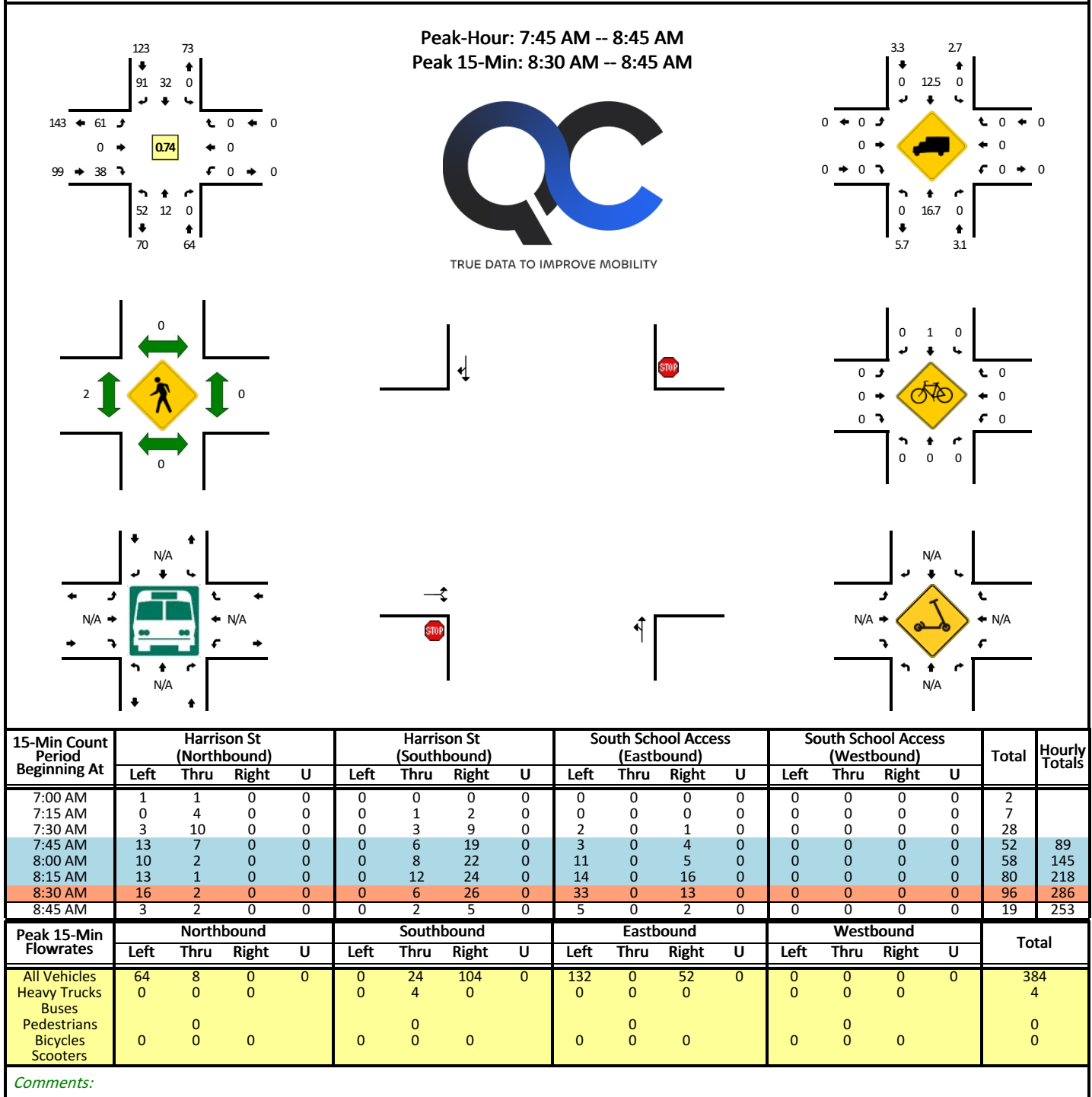


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	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
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2:15 PM	0	0	2	0	0	1	0	0	2	22	0	0	2	18	2	0	49	
2:30 PM	1	2	2	0	0	1	0	0	1	18	1	0	3	16	0	0	45	
2:45 PM	1	1	3	0	1	0	0	0	3	14	0	0	1	20	0	0	44	163
3:00 PM	1	1	5	0	2	3	2	0	4	19	1	0	4	26	0	0	68	206
3:15 PM	1	0	0	0	1	1	3	0	3	18	0	0	1	20	5	0	53	210
3:30 PM	1	1	2	0	0	0	1	0	8	14	0	0	2	18	6	0	53	218
3:45 PM	3	0	5	0	21	2	32	0	8	25	1	0	3	23	10	0	133	307
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	12	0	20	0	84	8	128	0	32	100	4	0	12	92	40	0	532	
Heavy Trucks	8	0	0		0	0	4		4	12	0		0	8	4		40	
Buses																		
Pedestrians		0				0				0				0			0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Scooters																		

Comments:

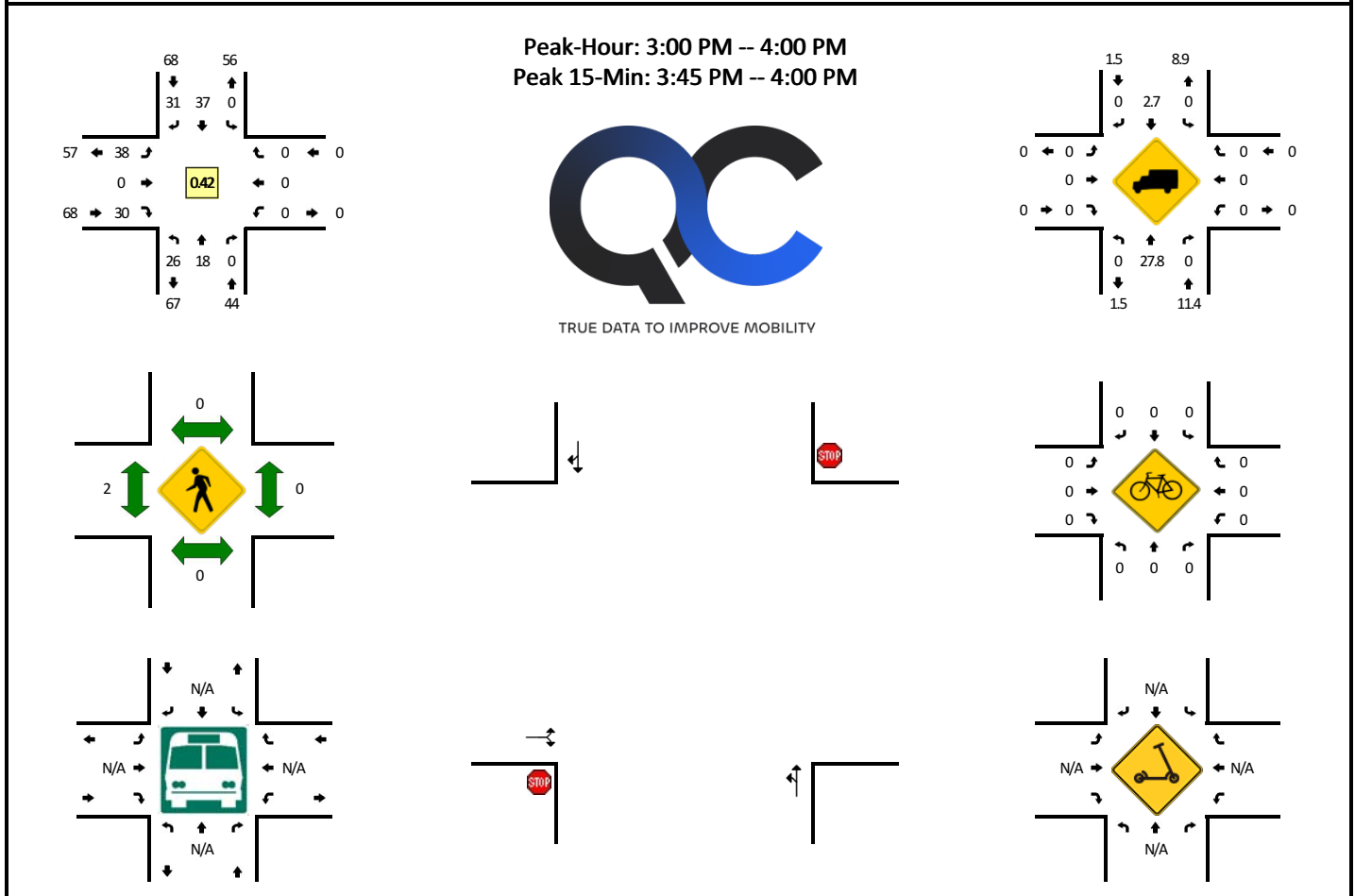
LOCATION: Harrison St -- South School Access
CITY/STATE: Twin Falls, ID

QC JOB #: 16798303
DATE: Thu, Nov 7 2024



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CITY/STATE: Twin Falls, ID

QC JOB #: 16798304
DATE: Thu, Nov 7 2024

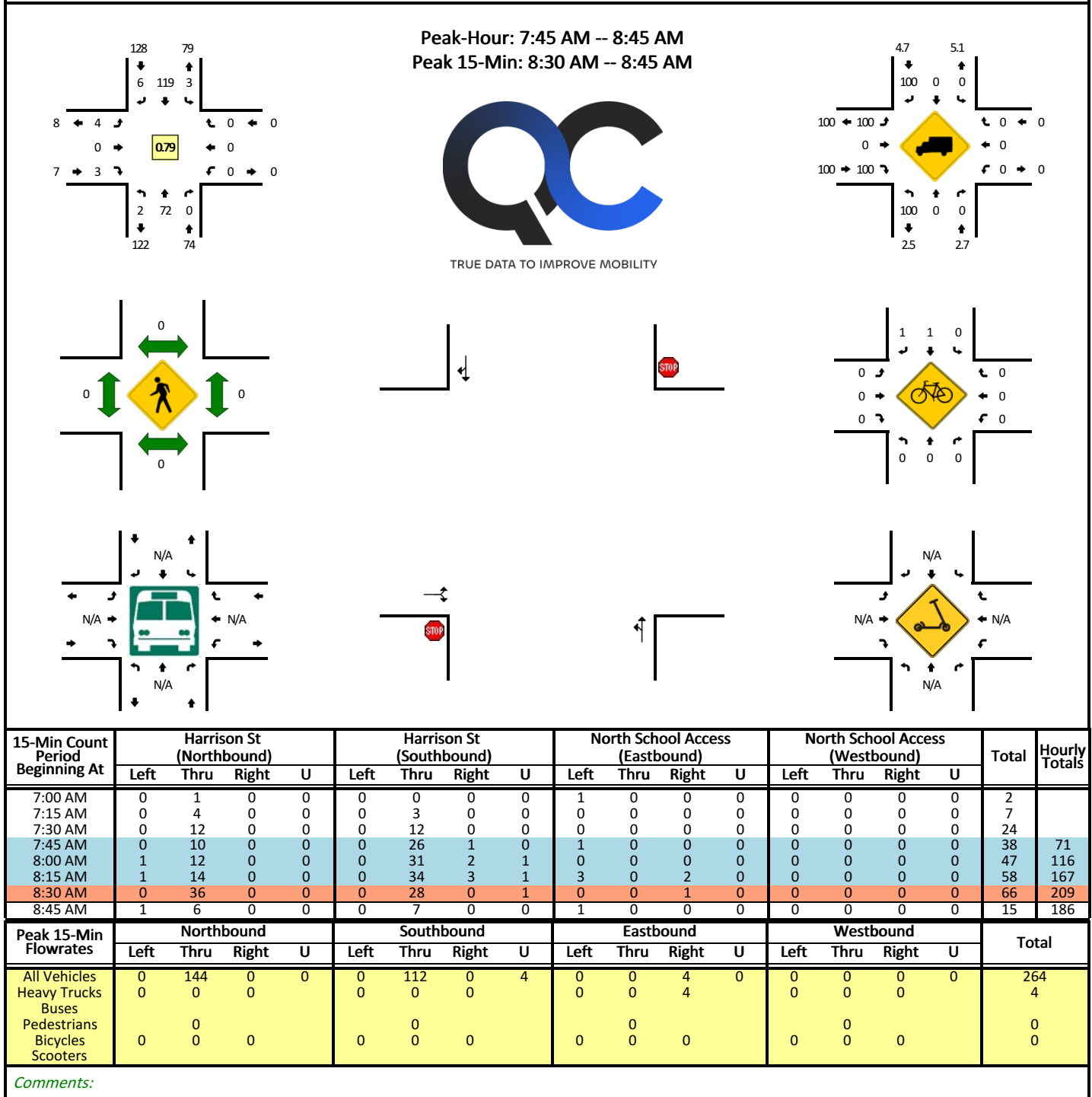


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2:30 PM	0	3	0	0	0	1	2	0	2	0	0	0	0	0	0	0	8	
2:45 PM	1	3	0	0	0	2	3	0	4	0	0	0	0	0	0	0	13	30
3:00 PM	3	2	0	0	0	7	4	0	4	0	1	0	0	0	0	0	21	49
3:15 PM	7	1	0	0	0	3	6	0	5	0	2	0	0	0	0	0	24	66
3:30 PM	7	7	0	0	0	0	11	0	2	0	1	0	0	0	0	0	28	86
3:45 PM	9	8	0	0	0	27	10	0	27	0	26	0	0	0	0	0	107	180
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	36	32	0	0	0	108	40	0	108	0	104	0	0	0	0	0	428	
Heavy Trucks	0	8	0	0	0	4	0	0	0	0	0	0	0	0	0	0	12	
Buses																		
Pedestrians		0				0				8				0			8	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Scooters																		

Comments:

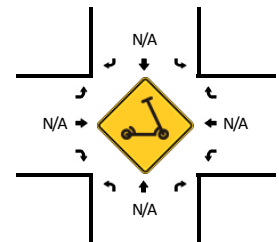
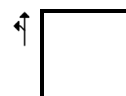
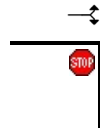
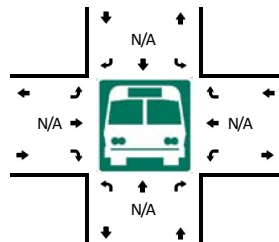
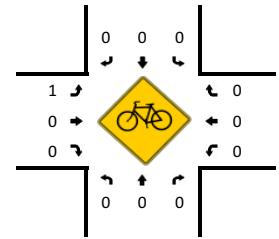
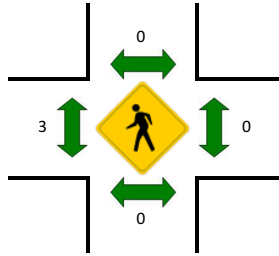
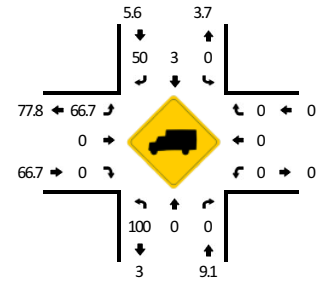
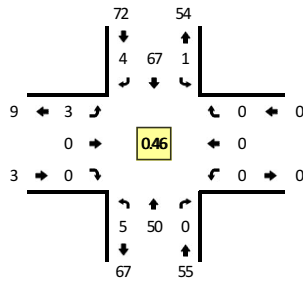
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CITY/STATE: Twin Falls, ID

QC JOB #: 16798305
DATE: Thu, Nov 7 2024



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Peak-Hour: 3:00 PM -- 4:00 PM
Peak 15-Min: 3:45 PM -- 4:00 PM



15-Min Count Period Beginning At	Harrison St (Northbound)				Harrison St (Southbound)				North School Access (Eastbound)				North School Access (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
2:00 PM	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2	
2:15 PM	0	5	0	0	0	1	0	0	0	0	0	0	0	0	0	0	6	
2:30 PM	0	6	0	0	0	3	0	0	0	0	0	0	0	0	0	0	9	
2:45 PM	0	6	0	0	0	4	0	0	0	0	0	0	0	0	0	0	10	27
3:00 PM	0	6	0	0	0	11	0	0	0	0	0	0	0	0	0	0	17	42
3:15 PM	0	6	0	0	0	10	0	0	0	0	0	0	0	0	0	0	16	52
3:30 PM	2	5	0	0	0	16	3	0	0	0	0	0	0	0	0	0	26	69
3:45 PM	3	33	0	0	0	30	1	1	3	0	0	0	0	0	0	0	71	130
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	12	132	0	0	0	120	4	4	12	0	0	0	0	0	0	0	284	
Heavy Trucks	12	0	0	0	0	8	0	0	8	0	0	0	0	0	0	0	28	
Buses																		
Pedestrians		0				0				12				0			12	
Bicycles	0	0	0		0	0	0		4	0	0		0	0	0		4	
Scooters																		

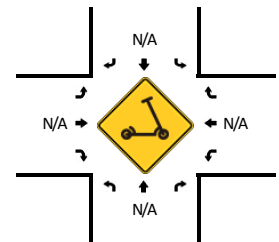
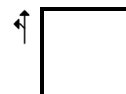
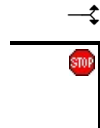
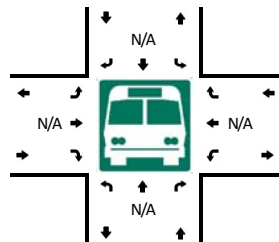
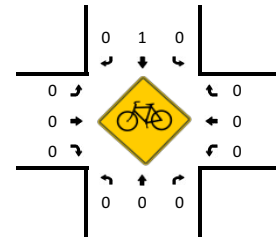
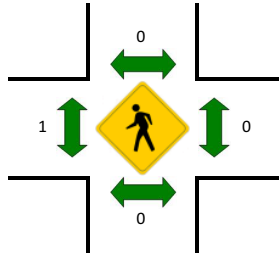
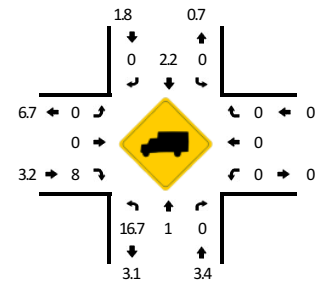
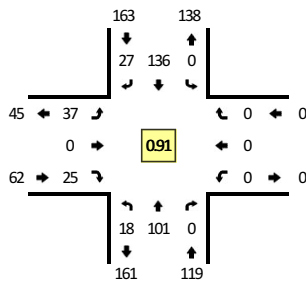
Comments:

Report generated on 11/13/2024 11:20 AM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>) 1-877-580-2212

LOCATION: Harrison St -- Pheasant Rd**CITY/STATE:** Twin Falls, ID**QC JOB #:** 16798307**DATE:** Thu, Nov 7 2024

Peak-Hour: 7:45 AM -- 8:45 AM
Peak 15-Min: 8:15 AM -- 8:30 AM



15-Min Count Period Beginning At	Harrison St (Northbound)				Harrison St (Southbound)				Pheasant Rd (Eastbound)				Pheasant Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	0	3	0	0	0	0	5	0	9	0	0	0	0	0	0	0	17	
7:15 AM	2	5	0	0	0	3	2	0	19	0	1	0	0	0	0	0	32	
7:30 AM	0	21	0	0	0	13	3	0	18	0	0	0	0	0	0	0	55	
7:45 AM	1	16	0	0	0	24	6	0	11	0	5	0	0	0	0	0	63	167
8:00 AM	2	22	0	0	0	41	9	0	7	0	10	0	0	0	0	0	91	241
8:15 AM	9	21	0	0	0	43	6	0	9	0	7	0	0	0	0	0	95	304
8:30 AM	6	42	0	0	0	28	6	0	10	0	3	0	0	0	0	0	95	344
8:45 AM	0	8	0	0	0	8	5	0	8	0	1	0	0	0	0	0	30	311
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	36	84	0	0	0	172	24	0	36	0	28	0	0	0	0	0	380	
Heavy Trucks	12	0	0	0	0	8	0	0	0	0	0	0	0	0	0	0	20	
Buses																		
Pedestrians		0				0				4				0			4	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Scooters																		

Comments:

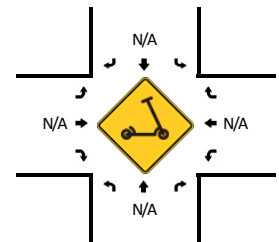
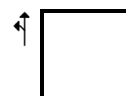
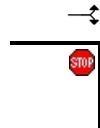
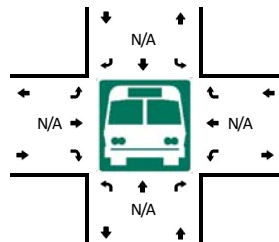
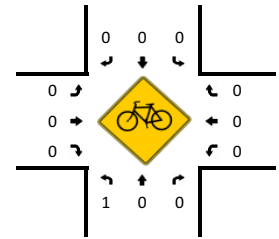
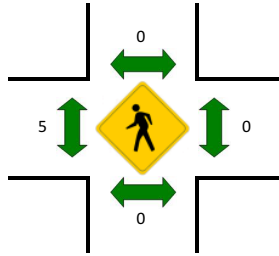
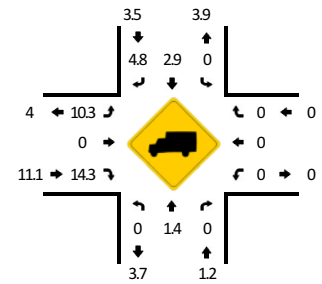
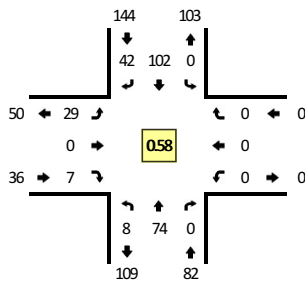
Report generated on 11/13/2024 11:20 AM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>) 1-877-580-2212

LOCATION: Harrison St -- Pheasant Rd
CITY/STATE: Twin Falls, ID

QC JOB #: 16798308
DATE: Thu, Nov 7 2024

Peak-Hour: 3:00 PM -- 4:00 PM
Peak 15-Min: 3:45 PM -- 4:00 PM



15-Min Count Period Beginning At	Harrison St (Northbound)				Harrison St (Southbound)				Pheasant Rd (Eastbound)				Pheasant Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
2:00 PM	0	2	0	0	0	4	3	0	3	0	1	0	0	0	0	0	13	
2:15 PM	0	8	0	0	0	3	3	0	7	0	0	0	0	0	0	0	21	
2:30 PM	0	9	0	0	0	6	13	0	4	0	1	0	0	0	0	0	33	
2:45 PM	1	8	0	0	0	4	10	0	8	0	0	0	0	0	0	0	31	98
3:00 PM	0	10	0	0	0	20	12	0	8	0	1	0	0	0	0	0	51	136
3:15 PM	2	8	0	0	0	8	13	0	8	0	1	0	0	0	0	0	40	155
3:30 PM	0	4	0	0	0	29	14	0	7	0	4	0	0	0	0	0	58	180
3:45 PM	6	52	0	0	0	45	3	0	6	0	1	0	0	0	0	0	113	262
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	24	208	0	0	0	180	12	0	24	0	4	0	0	0	0	0	452	
Heavy Trucks	0	4	0	0	0	4	0	0	4	0	0	0	0	0	0	0	12	
Buses																		
Pedestrians		0				0				4				0			4	
Bicycles	4	0	0		0	0	0		0	0	0		0	0	0		4	
Scooters																		

Comments:

Location: : On Harrison, south of the intersection
Study Dates: : 09/11/2023 thru 09/19/2023
Counted by: : rhite, counter #12

Site: Orchard/Harrison (NB)

Seven Day Volume

Interval	Mon 9/11/2023		Tue 9/12/2023		Wed 9/13/2023		Thu 9/14/2023		Fri 9/15/2023		Sat 9/16/2023		Sun 9/17/2023		Mon - Fri Average		7 Day Average	
Start	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB
12:00 AM	-	-	7	6	1	5	5	10	4	10	5	9	9	9	4.3	7.8	5.2	8.2
1:00 AM	-	-	2	4	2	2	0	3	1	6	3	5	6	5	1.3	3.8	2.3	4.2
2:00 AM	-	-	1	4	4	1	3	2	3	1	3	1	1	4	2.8	2.0	2.5	2.2
3:00 AM	-	-	5	1	5	2	3	4	2	3	0	4	2	3	3.8	2.5	2.8	2.8
4:00 AM	-	-	12	4	9	2	9	2	9	1	3	2	3	1	9.8	2.3	7.5	2.0
5:00 AM	-	-	31	4	35	5	36	2	26	2	11	3	13	2	32.0	3.3	25.3	3.0
6:00 AM	-	-	43	18	37	18	49	24	48	20	17	11	8	7	44.3	20.0	33.7	16.3
7:00 AM	-	-	172	59	188	69	161	62	89	34	34	13	18	7	152.5	56.0	110.3	40.7
8:00 AM	-	-	165	179	155	172	155	169	72	47	50	23	33	11	136.8	141.8	105.0	100.2
9:00 AM	-	-	75	46	42	36	58	43	62	27	56	21	58	27	59.3	38.0	58.5	33.3
10:00 AM	-	-	62	46	50	45	53	39	53	41	46	35	48	39	54.5	42.8	52.0	40.8
11:00 AM	-	-	57	58	53	58	56	42	51	59	64	43	72	53	54.3	54.3	58.8	52.2
12:00 PM	-	-	66	61	51	64	47	60	73	63	55	66	50	73	59.3	62.0	57.0	64.5
1:00 PM	-	-	61	70	59	55	54	65	62	59	46	69	33	80	59.0	62.3	52.5	66.3
2:00 PM	113	174	88	69	78	60	79	57	64	78	61	57	63	69	84.4	87.6	78.0	80.6
3:00 PM	85	87	106	173	94	161	104	172	77	89	55	59	60	70	93.2	136.4	83.0	115.9
4:00 PM	76	96	101	181	103	110	110	114	86	91	42	76	45	71	95.2	118.4	80.4	105.6
5:00 PM	86	135	121	160	104	155	109	159	83	111	47	57	61	52	100.6	144.0	87.3	118.4
6:00 PM	57	97	187	119	110	108	71	94	69	106	44	63	44	55	98.8	104.8	83.1	91.7
7:00 PM	51	76	57	79	98	89	51	70	77	83	34	39	34	49	66.8	79.4	57.4	69.3
8:00 PM	37	67	32	60	26	68	33	61	33	52	34	54	28	40	32.2	61.6	31.9	57.4
9:00 PM	36	30	31	35	29	33	26	38	37	39	24	32	23	29	31.8	35.0	29.4	33.7
10:00 PM	13	22	5	22	17	18	18	25	21	35	11	30	13	15	14.8	24.4	14.0	23.9
11:00 PM	8	9	5	8	5	11	3	9	10	11	11	17	3	13	6.2	9.6	6.4	11.1
Totals	562	793	1492	1466	1355	1347	1293	1326	1112	1068	756	789	728	784	1297.5	1299.7	1124.5	1144.2
Combined	1355		2958		2702		2619		2180		1545		1512		2597.2		2268.7	
Split (%)	41.5	58.5	50.4	49.6	50.1	49.9	49.4	50.6	51.0	49.0	48.9	51.1	48.1	51.9	50.0	50.0	49.6	50.4
Peak Hours																		
12:00 AM - 12:00 PM	-	-	7:30 AM	7:45 AM	7:15 AM	7:45 AM	7:30 AM	7:45 AM	7:15 AM	11:00 AM	10:45 AM	11:00 AM	11:00 AM	10:45 AM	7:30 AM	7:45 AM	7:30 AM	7:45 AM
Volume	-	-	203	194	204	194	189	193	97	59	64	43	72	53	170.8	158.3	124.7	110.8
Factor	-	-	0.82	0.63	0.78	0.64	0.86	0.63	0.81	0.82	0.76	0.72	0.75	0.70	0.81	0.66	0.83	0.67
12:00 PM - 12:00 AM	2:30 PM	2:00 PM	5:45 PM	4:15 PM	5:15 PM	3:00 PM	3:45 PM	3:00 PM	3:15 PM	5:30 PM	2:00 PM	4:00 PM	2:30 PM	1:15 PM	5:45 PM	5:00 PM	5:45 PM	3:30 PM
Volume	122	174	197	203	124	161	131	172	91	112	61	76	67	90	113.2	144.0	93.1	121.3
Factor	0.61	0.75	0.60	0.85	0.86	0.71	0.63	0.69	0.73	0.93	0.90	0.73	0.88	0.78	0.88	0.87	0.88	0.75

Location: : On Harrison, south of the intersection
Study Dates: : 09/11/2023 thru 09/19/2023
Counted by: : rhite, counter #12

Site: Orchard/Harrison (NB)

Seven Day Volume

Interval Start	Mon 9/18/2023		Tue 9/19/2023		Wed 9/20/2023		Thu 9/21/2023		Fri 9/22/2023		Sat 9/23/2023		Sun 9/24/2023		Mon - Fri Average		7 Day Average	
	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB
12:00 AM	6	7	1	6	-	-	-	-	-	-	-	-	-	-	3.5	6.5	3.5	6.5
1:00 AM	3	2	0	8	-	-	-	-	-	-	-	-	-	-	1.5	5.0	1.5	5.0
2:00 AM	1	0	0	1	-	-	-	-	-	-	-	-	-	-	0.5	0.5	0.5	0.5
3:00 AM	6	4	5	2	-	-	-	-	-	-	-	-	-	-	5.5	3.0	5.5	3.0
4:00 AM	12	1	11	2	-	-	-	-	-	-	-	-	-	-	11.5	1.5	11.5	1.5
5:00 AM	30	8	31	2	-	-	-	-	-	-	-	-	-	-	30.5	5.0	30.5	5.0
6:00 AM	48	14	48	19	-	-	-	-	-	-	-	-	-	-	48.0	16.5	48.0	16.5
7:00 AM	169	67	157	67	-	-	-	-	-	-	-	-	-	-	163.0	67.0	163.0	67.0
8:00 AM	151	158	157	149	-	-	-	-	-	-	-	-	-	-	154.0	153.5	154.0	153.5
9:00 AM	61	42	46	35	-	-	-	-	-	-	-	-	-	-	53.5	38.5	53.5	38.5
10:00 AM	45	48	46	36	-	-	-	-	-	-	-	-	-	-	45.5	42.0	45.5	42.0
11:00 AM	48	39	21	16	-	-	-	-	-	-	-	-	-	-	48.0	39.0	48.0	39.0
12:00 PM	52	67	-	-	-	-	-	-	-	-	-	-	-	-	52.0	67.0	52.0	67.0
1:00 PM	73	56	-	-	-	-	-	-	-	-	-	-	-	-	73.0	56.0	73.0	56.0
2:00 PM	101	144	-	-	-	-	-	-	-	-	-	-	-	-	101.0	144.0	101.0	144.0
3:00 PM	78	101	-	-	-	-	-	-	-	-	-	-	-	-	78.0	101.0	78.0	101.0
4:00 PM	74	108	-	-	-	-	-	-	-	-	-	-	-	-	74.0	108.0	74.0	108.0
5:00 PM	84	117	-	-	-	-	-	-	-	-	-	-	-	-	84.0	117.0	84.0	117.0
6:00 PM	78	114	-	-	-	-	-	-	-	-	-	-	-	-	78.0	114.0	78.0	114.0
7:00 PM	42	69	-	-	-	-	-	-	-	-	-	-	-	-	42.0	69.0	42.0	69.0
8:00 PM	25	53	-	-	-	-	-	-	-	-	-	-	-	-	25.0	53.0	25.0	53.0
9:00 PM	32	25	-	-	-	-	-	-	-	-	-	-	-	-	32.0	25.0	32.0	25.0
10:00 PM	11	16	-	-	-	-	-	-	-	-	-	-	-	-	11.0	16.0	11.0	16.0
11:00 PM	3	9	-	-	-	-	-	-	-	-	-	-	-	-	3.0	9.0	3.0	9.0
Totals	1233	1269	523	343	0	0	0	0	0	0	0	0	0	0	1218.0	1257.0	1218.0	1257.0
Combined	2502		866		0		0		0		0		0		2475.0		2475.0	
Split (%)	49.3	50.7	60.4	39.6	-	-	-	-	-	-	-	-	-	-	49.2	50.8	49.2	50.8

Peak Hours

12:00 AM - 12:00 PM	7:30 AM	7:45 AM	7:45 AM	7:45 AM	-	-	-	-	-	-	-	-	-	-	7:30 AM	7:45 AM	7:30 AM	7:45 AM
Volume	203	178	174	180	-	-	-	-	-	-	-	-	-	-	186.0	179.0	186.0	179.0
Factor	0.85	0.56	0.82	0.64	-	-	-	-	-	-	-	-	-	-	0.86	0.60	0.86	0.60
12:00 PM - 12:00 AM	2:45 PM	2:30 PM	-	-	-	-	-	-	-	-	-	-	-	-	2:45 PM	2:30 PM	2:45 PM	2:30 PM
Volume	108	152	-	-	-	-	-	-	-	-	-	-	-	-	108.0	152.0	108.0	152.0
Factor	0.55	0.72	-	-	-	-	-	-	-	-	-	-	-	-	0.55	0.72	0.55	0.72

Location: : Orchard/Harrison SB (north of the intersection).
Study Dates: : 09/11/2023 thru 09/19/2023
Counted by: : rhite, counter # 11

Site: Orchard/Harrison SB

Seven Day Volume

Interval	Mon 9/11/2023		Tue 9/12/2023		Wed 9/13/2023		Thu 9/14/2023		Fri 9/15/2023		Sat 9/16/2023		Sun 9/17/2023		Mon - Fri Average		7 Day Average	
Start	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB
12:00 AM	-	-	2	0	1	0	3	1	1	1	1	1	4	6	1.8	0.5	2.0	1.5
1:00 AM	-	-	1	2	0	0	0	0	0	2	2	4	3	5	0.3	1.0	1.0	2.2
2:00 AM	-	-	0	1	2	2	4	3	0	1	2	2	2	1	1.5	1.8	1.7	1.7
3:00 AM	-	-	0	0	1	2	0	0	0	0	2	1	1	2	0.3	0.5	0.7	0.8
4:00 AM	-	-	0	5	2	4	1	4	2	4	1	1	1	0	1.3	4.3	1.2	3.0
5:00 AM	-	-	2	10	1	12	0	11	4	9	0	8	1	4	1.8	10.5	1.3	9.0
6:00 AM	-	-	5	14	7	12	6	12	8	15	2	3	3	2	6.5	13.3	5.2	9.7
7:00 AM	-	-	67	61	66	57	74	59	9	25	4	6	8	3	54.0	50.5	38.0	35.2
8:00 AM	-	-	69	58	62	75	67	76	23	21	8	15	53	10	55.3	57.5	47.0	42.5
9:00 AM	-	-	33	20	22	18	35	25	17	18	11	23	23	18	26.8	20.3	23.5	20.3
10:00 AM	-	-	36	29	21	18	29	18	12	20	15	17	21	27	24.5	21.3	22.3	21.5
11:00 AM	-	-	49	21	28	24	30	17	27	18	25	17	59	51	33.5	20.0	36.3	24.7
12:00 PM	-	-	33	33	25	27	21	19	23	23	26	23	33	34	25.5	25.5	26.8	26.5
1:00 PM	-	-	43	21	39	23	28	27	29	22	31	25	23	45	34.8	23.3	32.2	27.2
2:00 PM	28	37	61	26	46	32	53	30	27	34	17	21	21	22	46.8	30.5	37.5	27.5
3:00 PM	57	36	66	64	55	72	61	71	42	27	28	23	23	24	56.2	54.0	47.4	45.3
4:00 PM	34	24	69	68	61	42	53	56	32	28	27	25	29	25	49.8	43.6	43.6	38.3
5:00 PM	41	40	53	52	59	40	52	42	35	38	23	24	44	32	48.0	42.4	43.9	38.3
6:00 PM	30	30	69	36	50	25	44	26	27	25	22	22	36	27	44.0	28.4	39.7	27.3
7:00 PM	20	24	29	26	56	33	40	26	42	26	22	16	21	23	37.4	27.0	32.9	24.9
8:00 PM	21	18	29	21	42	27	27	29	27	23	27	13	31	10	29.2	23.6	29.1	20.1
9:00 PM	10	8	12	14	11	14	21	9	19	7	11	13	11	10	14.6	10.4	13.6	10.7
10:00 PM	2	5	3	6	4	6	10	3	15	7	16	5	8	2	6.8	5.4	8.3	4.9
11:00 PM	2	0	3	1	4	1	3	2	3	4	6	5	3	3	3.0	1.6	3.4	2.3
Totals	245	222	734	589	665	566	662	566	424	398	329	313	462	386	603.3	516.9	538.5	465.2
Combined	467		1323		1231		1228		822		642		848		1120.2		1003.7	
Split (%)	52.5	47.5	55.5	44.5	54.0	46.0	53.9	46.1	51.6	48.4	51.2	48.8	54.5	45.5	53.9	46.1	53.7	46.3
Peak Hours																		
12:00 AM - 12:00 PM	-	-	7:45 AM	7:30 AM	7:30 AM	7:30 AM	7:45 AM	7:30 AM	11:00 AM	7:15 AM	11:00 AM	9:15 AM	8:30 AM	10:45 AM	7:45 AM	7:30 AM	7:45 AM	7:30 AM
Volume	-	-	103	85	79	103	99	96	27	27	25	24	60	52	73.3	77.0	53.8	53.8
Factor	-	-	0.74	0.82	0.82	0.68	0.71	0.77	0.75	0.84	0.69	0.60	0.45	0.87	0.78	0.79	0.83	0.80
12:00 PM - 12:00 AM	2:30 PM	2:30 PM	5:45 PM	3:45 PM	3:45 PM	3:00 PM	2:30 PM	3:00 PM	7:15 PM	4:30 PM	1:00 PM	5:15 PM	5:00 PM	1:00 PM	2:30 PM	3:00 PM	2:30 PM	3:00 PM
Volume	65	57	74	69	73	72	71	71	44	45	31	27	44	45	59.2	54.0	48.9	45.3
Factor	0.77	0.53	0.88	0.72	0.73	0.62	0.89	0.68	0.73	0.80	0.86	0.96	0.69	0.66	0.94	0.78	0.95	0.87

Location: : Orchard/Harrison SB (north of the intersection).
 Study Dates: : 09/11/2023 thru 09/19/2023
 Counted by: : rhite, counter # 11

Site: Orchard/Harrison SB

Seven Day Volume

Interval Start	Mon 9/18/2023		Tue 9/19/2023		Wed 9/20/2023		Thu 9/21/2023		Fri 9/22/2023		Sat 9/23/2023		Sun 9/24/2023		Mon - Fri Average		7 Day Average	
	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB	NB	SB
12:00 AM	2	3	2	3	-	-	-	-	-	-	-	-	-	-	2.0	3.0	2.0	3.0
1:00 AM	3	2	1	0	-	-	-	-	-	-	-	-	-	-	2.0	1.0	2.0	1.0
2:00 AM	1	1	0	2	-	-	-	-	-	-	-	-	-	-	0.5	1.5	0.5	1.5
3:00 AM	2	1	2	0	-	-	-	-	-	-	-	-	-	-	2.0	0.5	2.0	0.5
4:00 AM	0	2	0	4	-	-	-	-	-	-	-	-	-	-	0.0	3.0	0.0	3.0
5:00 AM	2	9	3	7	-	-	-	-	-	-	-	-	-	-	2.5	8.0	2.5	8.0
6:00 AM	8	8	5	10	-	-	-	-	-	-	-	-	-	-	6.5	9.0	6.5	9.0
7:00 AM	69	66	76	71	-	-	-	-	-	-	-	-	-	-	72.5	68.5	72.5	68.5
8:00 AM	55	47	52	66	-	-	-	-	-	-	-	-	-	-	53.5	56.5	53.5	56.5
9:00 AM	31	24	17	20	-	-	-	-	-	-	-	-	-	-	24.0	22.0	24.0	22.0
10:00 AM	18	19	16	24	-	-	-	-	-	-	-	-	-	-	17.0	21.5	17.0	21.5
11:00 AM	25	21	18	21	-	-	-	-	-	-	-	-	-	-	25.0	21.0	25.0	21.0
12:00 PM	24	28	-	-	-	-	-	-	-	-	-	-	-	-	24.0	28.0	24.0	28.0
1:00 PM	51	19	-	-	-	-	-	-	-	-	-	-	-	-	51.0	19.0	51.0	19.0
2:00 PM	43	74	-	-	-	-	-	-	-	-	-	-	-	-	43.0	74.0	43.0	74.0
3:00 PM	42	30	-	-	-	-	-	-	-	-	-	-	-	-	42.0	30.0	42.0	30.0
4:00 PM	41	41	-	-	-	-	-	-	-	-	-	-	-	-	41.0	41.0	41.0	41.0
5:00 PM	47	33	-	-	-	-	-	-	-	-	-	-	-	-	47.0	33.0	47.0	33.0
6:00 PM	40	48	-	-	-	-	-	-	-	-	-	-	-	-	40.0	48.0	40.0	48.0
7:00 PM	32	18	-	-	-	-	-	-	-	-	-	-	-	-	32.0	18.0	32.0	18.0
8:00 PM	22	10	-	-	-	-	-	-	-	-	-	-	-	-	22.0	10.0	22.0	10.0
9:00 PM	15	12	-	-	-	-	-	-	-	-	-	-	-	-	15.0	12.0	15.0	12.0
10:00 PM	3	8	-	-	-	-	-	-	-	-	-	-	-	-	3.0	8.0	3.0	8.0
11:00 PM	3	2	-	-	-	-	-	-	-	-	-	-	-	-	3.0	2.0	3.0	2.0
Totals	579	526	192	228	0	0	0	0	0	0	0	0	0	0	570.5	538.5	570.5	538.5
Combined	1105		420		0		0		0		0		0		1109.0		1109.0	
Split (%)	52.4	47.6	45.7	54.3	-	-	-	-	-	-	-	-	-	-	51.4	48.6	51.4	48.6

Peak Hours

12:00 AM - 12:00 PM	7:45 AM	7:15 AM	7:15 AM	7:30 AM	-	-	-	-	-	-	-	-	-	-	7:15 AM	7:30 AM	7:15 AM	7:30 AM
Volume	83	77	83	90	-	-	-	-	-	-	-	-	-	-	82.0	83.5	82.0	83.5
Factor	0.59	0.77	0.69	0.83	-	-	-	-	-	-	-	-	-	-	0.63	0.80	0.63	0.80
12:00 PM - 12:00 AM	2:45 PM	2:00 PM	-	-	-	-	-	-	-	-	-	-	-	-	2:45 PM	2:00 PM	2:45 PM	2:00 PM
Volume	56	74	-	-	-	-	-	-	-	-	-	-	-	-	56.0	74.0	56.0	74.0
Factor	0.70	0.77	-	-	-	-	-	-	-	-	-	-	-	-	0.70	0.77	0.70	0.77

Location : Orchard/Harrison, EB (west of Harison)
 Study Dates: : 09/11/2023 thru 09/19/2023
 Counted by : rhite, counter #10

Site: Orchard/Harrison, EB

Seven Day Volume

Interval	Mon 9/11/2023		Tue 9/12/2023		Wed 9/13/2023		Thu 9/14/2023		Fri 9/15/2023		Sat 9/16/2023		Sun 9/17/2023		Mon - Fri Average		7 Day Average	
Start	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB
12:00 AM	-	-	15	4	17	3	12	8	6	8	21	14	21	17	12.5	5.8	15.3	9.0
1:00 AM	-	-	8	5	6	4	3	6	2	6	11	3	18	11	4.8	5.3	8.0	5.8
2:00 AM	-	-	12	6	8	6	7	6	10	2	15	7	6	8	9.3	5.0	9.7	5.8
3:00 AM	-	-	14	7	15	9	19	10	17	9	11	10	13	3	16.3	8.8	14.8	8.0
4:00 AM	-	-	28	31	23	37	26	44	22	31	6	14	13	13	24.8	35.8	19.7	28.3
5:00 AM	-	-	43	106	51	117	62	104	46	98	39	43	18	32	50.5	106.3	43.2	83.3
6:00 AM	-	-	112	143	93	139	113	137	112	148	48	31	49	11	107.5	141.8	87.8	101.5
7:00 AM	-	-	218	308	219	315	219	286	144	219	65	72	28	24	200.0	282.0	148.8	204.0
8:00 AM	-	-	286	200	258	203	227	231	199	190	111	87	60	79	242.5	206.0	190.2	165.0
9:00 AM	-	-	172	115	176	112	223	116	190	112	127	128	101	98	190.3	113.8	164.8	113.5
10:00 AM	-	-	147	151	183	113	176	128	191	149	136	116	159	107	174.3	135.3	165.3	127.3
11:00 AM	-	-	199	132	183	133	208	135	217	149	218	138	238	110	201.8	137.3	210.5	132.8
12:00 PM	-	-	212	149	180	120	212	140	279	152	226	129	168	133	220.8	140.3	212.8	137.2
1:00 PM	-	-	196	151	215	140	233	168	250	153	197	131	157	112	223.5	153.0	208.0	142.5
2:00 PM	78	60	285	180	245	198	217	184	317	158	225	135	163	98	266.0	180.0	242.0	158.8
3:00 PM	342	183	311	182	337	201	391	186	332	181	186	135	159	119	342.6	186.6	294.0	169.6
4:00 PM	311	175	303	214	384	195	383	176	311	175	202	151	190	122	338.4	187.0	297.7	172.6
5:00 PM	371	175	429	202	442	207	389	206	355	200	275	140	188	124	397.2	198.0	349.9	179.1
6:00 PM	220	105	292	152	299	129	261	142	273	137	269	103	203	102	269.0	133.0	259.6	124.3
7:00 PM	149	84	167	77	187	102	173	112	184	114	146	68	144	71	172.0	97.8	164.3	89.7
8:00 PM	129	62	120	84	158	109	158	76	138	88	135	90	91	66	140.6	83.8	132.7	82.1
9:00 PM	81	28	75	39	91	30	74	44	111	63	79	73	74	47	86.4	40.8	83.6	46.3
10:00 PM	59	25	32	28	44	24	47	25	66	49	63	71	31	24	49.6	30.2	48.9	35.1
11:00 PM	22	16	15	12	26	14	20	16	33	21	43	30	29	15	23.2	15.8	26.9	17.7
Totals	1762	913	3691	2678	3840	2660	3853	2686	3805	2612	2854	1919	2321	1546	3763.5	2629.0	3398.4	2339.6
Combined	2675		6369		6500		6539		6417		4773		3867		6392.5		5738.0	
Split (%)	65.9	34.1	58.0	42.0	59.1	40.9	58.9	41.1	59.3	40.7	59.8	40.2	60.0	40.0	58.9	41.1	59.2	40.8
Peak Hours																		
12:00 AM - 12:00 PM	-	-	7:30 AM	7:15 AM	7:45 AM	7:15 AM	7:45 AM	7:15 AM	10:15 AM	7:15 AM	11:00 AM	11:00 AM	11:00 AM	9:45 AM	7:45 AM	7:15 AM	11:00 AM	7:15 AM
Volume	-	-	298	322	294	334	247	322	217	237	218	138	238	114	256.8	303.8	210.5	219.5
Factor	-	-	0.85	0.74	0.86	0.77	0.80	0.89	0.81	0.93	0.72	0.93	0.86	0.89	0.90	0.88	0.99	0.87
12:00 PM - 12:00 AM	5:00 PM	2:45 PM	5:00 PM	4:15 PM	5:00 PM	3:15 PM	4:30 PM	2:15 PM	2:30 PM	5:00 PM	5:30 PM	3:45 PM	5:45 PM	12:00 PM	5:00 PM	2:30 PM	5:00 PM	4:30 PM
Volume	371	217	429	233	442	214	424	210	361	200	317	157	213	133	397.2	200.3	349.9	182.0
Factor	0.87	0.90	0.88	0.92	0.79	0.91	0.91	0.89	0.93	0.83	0.90	0.96	0.89	0.85	0.87	0.87	0.90	0.92

Location : Orchard/Harrison, EB (west of Harison)
 Study Dates: : 09/11/2023 thru 09/19/2023
 Counted by : rhite, counter #10

Site: Orchard/Harrison, EB

Seven Day Volume

Interval Start	Mon 9/18/2023		Tue 9/19/2023		Wed 9/20/2023		Thu 9/21/2023		Fri 9/22/2023		Sat 9/23/2023		Sun 9/24/2023		Mon - Fri Average		7 Day Average	
	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB
12:00 AM	16	5	14	8	-	-	-	-	-	-	-	-	-	-	15.0	6.5	15.0	6.5
1:00 AM	16	5	8	5	-	-	-	-	-	-	-	-	-	-	12.0	5.0	12.0	5.0
2:00 AM	6	7	15	7	-	-	-	-	-	-	-	-	-	-	10.5	7.0	10.5	7.0
3:00 AM	17	13	12	13	-	-	-	-	-	-	-	-	-	-	14.5	13.0	14.5	13.0
4:00 AM	18	39	25	42	-	-	-	-	-	-	-	-	-	-	21.5	40.5	21.5	40.5
5:00 AM	56	116	61	118	-	-	-	-	-	-	-	-	-	-	58.5	117.0	58.5	117.0
6:00 AM	125	144	109	145	-	-	-	-	-	-	-	-	-	-	117.0	144.5	117.0	144.5
7:00 AM	250	311	290	343	-	-	-	-	-	-	-	-	-	-	270.0	327.0	270.0	327.0
8:00 AM	269	192	319	182	-	-	-	-	-	-	-	-	-	-	294.0	187.0	294.0	187.0
9:00 AM	168	118	204	129	-	-	-	-	-	-	-	-	-	-	186.0	123.5	186.0	123.5
10:00 AM	167	121	215	120	-	-	-	-	-	-	-	-	-	-	191.0	120.5	191.0	120.5
11:00 AM	207	150	214	101	-	-	-	-	-	-	-	-	-	-	207.0	150.0	207.0	150.0
12:00 PM	253	149	-	-	-	-	-	-	-	-	-	-	-	-	253.0	149.0	253.0	149.0
1:00 PM	253	159	-	-	-	-	-	-	-	-	-	-	-	-	253.0	159.0	253.0	159.0
2:00 PM	289	194	-	-	-	-	-	-	-	-	-	-	-	-	289.0	194.0	289.0	194.0
3:00 PM	354	152	-	-	-	-	-	-	-	-	-	-	-	-	354.0	152.0	354.0	152.0
4:00 PM	364	170	-	-	-	-	-	-	-	-	-	-	-	-	364.0	170.0	364.0	170.0
5:00 PM	381	181	-	-	-	-	-	-	-	-	-	-	-	-	381.0	181.0	381.0	181.0
6:00 PM	338	117	-	-	-	-	-	-	-	-	-	-	-	-	338.0	117.0	338.0	117.0
7:00 PM	194	98	-	-	-	-	-	-	-	-	-	-	-	-	194.0	98.0	194.0	98.0
8:00 PM	127	61	-	-	-	-	-	-	-	-	-	-	-	-	127.0	61.0	127.0	61.0
9:00 PM	95	44	-	-	-	-	-	-	-	-	-	-	-	-	95.0	44.0	95.0	44.0
10:00 PM	47	19	-	-	-	-	-	-	-	-	-	-	-	-	47.0	19.0	47.0	19.0
11:00 PM	19	18	-	-	-	-	-	-	-	-	-	-	-	-	19.0	18.0	19.0	18.0
Totals	4029	2583	1486	1213	0	0	0	0	0	0	0	0	0	0	4111.0	2603.5	4111.0	2603.5
Combined	6612		2699		0		0		0		0		0		6714.5		6714.5	
Split (%)	60.9	39.1	55.1	44.9	-	-	-	-	-	-	-	-	-	-	61.2	38.8	61.2	38.8

Peak Hours

12:00 AM - 12:00 PM	7:30 AM	7:15 AM	7:45 AM	7:15 AM	-	-	-	-	-	-	-	-	-	-	7:30 AM	7:15 AM	7:30 AM	7:15 AM
Volume	324	338	357	350	-	-	-	-	-	-	-	-	-	-	337.5	344.0	337.5	344.0
Factor	0.90	0.79	0.86	0.80	-	-	-	-	-	-	-	-	-	-	0.87	0.82	0.87	0.82
12:00 PM - 12:00 AM	5:00 PM	2:15 PM	-	-	-	-	-	-	-	-	-	-	-	-	5:00 PM	2:15 PM	5:00 PM	2:15 PM
Volume	381	210	-	-	-	-	-	-	-	-	-	-	-	-	381.0	210.0	381.0	210.0
Factor	0.91	0.82	-	-	-	-	-	-	-	-	-	-	-	-	0.91	0.82	0.91	0.82

Location: : Orchard Dr and Harrison St (WB)
 Study Dates: : 9/11/2023 thru 9/19/2023
 Counted by : rhite counter #9

Site: Orchard/Harrison, WB

Seven Day Volume

Interval	Mon 9/11/2023		Tue 9/12/2023		Wed 9/13/2023		Thu 9/14/2023		Fri 9/15/2023		Sat 9/16/2023		Sun 9/17/2023		Mon - Fri Average		7 Day Average	
Start	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB
12:00 AM	-	-	17	7	16	3	18	10	14	10	22	15	22	21	16.3	7.5	18.2	11.0
1:00 AM	-	-	10	6	7	7	6	6	6	7	7	3	17	16	7.3	6.5	8.8	7.5
2:00 AM	-	-	10	6	9	10	7	7	9	6	12	7	9	7	8.8	7.3	9.3	7.2
3:00 AM	-	-	12	12	12	12	19	11	16	9	14	8	12	4	14.8	11.0	14.2	9.3
4:00 AM	-	-	21	44	20	49	20	52	15	32	8	9	8	12	19.0	44.3	15.3	33.0
5:00 AM	-	-	38	141	45	152	47	141	38	106	29	48	14	40	42.0	135.0	35.2	104.7
6:00 AM	-	-	101	183	94	174	111	164	92	146	51	38	42	13	99.5	166.8	81.8	119.7
7:00 AM	-	-	185	408	199	418	192	363	115	221	51	69	28	23	172.8	352.5	128.3	250.3
8:00 AM	-	-	255	253	237	247	226	279	167	212	92	109	49	47	221.3	247.8	171.0	191.2
9:00 AM	-	-	161	158	150	134	176	147	145	146	97	147	82	117	158.0	146.3	135.2	141.5
10:00 AM	-	-	149	189	148	147	146	161	149	174	127	142	114	127	148.0	167.8	138.8	156.7
11:00 AM	-	-	198	147	173	165	179	158	180	164	164	160	156	106	182.5	158.5	175.0	150.0
12:00 PM	-	-	192	178	189	159	207	171	221	189	207	152	145	131	202.3	174.3	193.5	163.3
1:00 PM	-	-	214	194	189	167	208	190	237	187	197	144	133	111	212.0	184.5	196.3	165.5
2:00 PM	224	180	262	207	216	218	203	197	261	184	191	158	160	124	235.5	201.5	215.5	181.3
3:00 PM	308	240	353	208	346	236	359	202	288	205	184	159	149	142	330.8	218.2	283.9	198.9
4:00 PM	318	209	313	235	335	250	343	225	278	212	188	149	175	128	317.4	226.2	278.6	201.1
5:00 PM	373	223	397	242	393	237	378	230	298	222	225	154	154	137	367.8	230.8	316.9	206.4
6:00 PM	219	134	244	221	264	177	231	156	236	160	198	114	161	101	238.8	169.6	221.9	151.9
7:00 PM	134	95	169	102	173	125	162	115	166	117	113	73	117	76	160.8	110.8	147.7	100.4
8:00 PM	133	73	137	92	146	77	151	70	140	87	140	92	89	57	141.4	79.8	133.7	78.3
9:00 PM	76	49	79	56	79	40	85	44	107	73	75	75	69	51	85.2	52.4	81.4	55.4
10:00 PM	56	33	43	29	49	35	63	31	81	48	73	61	35	27	58.4	35.2	57.1	37.7
11:00 PM	19	17	16	10	29	13	22	14	32	21	43	30	25	13	23.6	15.0	26.6	16.9
Totals	1860	1253	3576	3328	3518	3252	3559	3144	3291	2938	2508	2116	1965	1631	3464.0	3149.3	3084.2	2739.2
Combined	3113		6904		6770		6703		6229		4624		3596		6613.2		5823.4	
Split (%)	59.7	40.3	51.8	48.2	52.0	48.0	53.1	46.9	52.8	47.2	54.2	45.8	54.6	45.4	52.4	47.6	53.0	47.0
Peak Hours																		
12:00 AM - 12:00 PM	-	-	7:45 AM	7:00 AM	7:45 AM	7:15 AM	7:45 AM	7:15 AM	11:00 AM	7:15 AM	10:45 AM	10:30 AM	11:00 AM	9:45 AM	7:45 AM	7:15 AM	7:45 AM	7:15 AM
Volume	-	-	280	408	269	424	251	385	180	246	164	163	156	139	242.8	365.8	182.5	261.8
Factor	-	-	0.77	0.69	0.93	0.75	0.90	0.82	0.90	0.87	0.73	0.89	0.81	0.94	0.90	0.79	0.93	0.81
12:00 PM - 12:00 AM	5:00 PM	2:45 PM	5:00 PM	4:15 PM	5:00 PM	3:45 PM	4:30 PM	4:45 PM	4:15 PM	3:30 PM	5:30 PM	1:30 PM	4:00 PM	3:00 PM	5:00 PM	4:45 PM	5:00 PM	4:45 PM
Volume	373	275	397	247	393	256	389	236	304	232	236	165	175	142	367.8	231.6	316.9	207.0
Factor	0.80	0.93	0.83	0.96	0.75	0.88	0.89	0.95	0.87	0.94	0.94	0.98	0.84	0.93	0.82	0.98	0.84	0.98

Location: : Orchard Dr and Harrison St (WB)
 Study Dates: : 9/11/2023 thru 9/19/2023
 Counted by : rhite counter #9

Site: Orchard/Harrison, WB

Seven Day Volume

Interval Start	Mon 9/18/2023		Tue 9/19/2023		Wed 9/20/2023		Thu 9/21/2023		Fri 9/22/2023		Sat 9/23/2023		Sun 9/24/2023		Mon - Fri Average		7 Day Average	
	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB
12:00 AM	14	7	15	9	-	-	-	-	-	-	-	-	-	-	14.5	8.0	14.5	8.0
1:00 AM	10	5	15	5	-	-	-	-	-	-	-	-	-	-	12.5	5.0	12.5	5.0
2:00 AM	5	5	10	6	-	-	-	-	-	-	-	-	-	-	7.5	5.5	7.5	5.5
3:00 AM	16	12	11	15	-	-	-	-	-	-	-	-	-	-	13.5	13.5	13.5	13.5
4:00 AM	14	45	19	47	-	-	-	-	-	-	-	-	-	-	16.5	46.0	16.5	46.0
5:00 AM	44	113	44	124	-	-	-	-	-	-	-	-	-	-	44.0	118.5	44.0	118.5
6:00 AM	100	147	93	154	-	-	-	-	-	-	-	-	-	-	96.5	150.5	96.5	150.5
7:00 AM	184	213	200	295	-	-	-	-	-	-	-	-	-	-	192.0	254.0	192.0	254.0
8:00 AM	219	198	230	169	-	-	-	-	-	-	-	-	-	-	224.5	183.5	224.5	183.5
9:00 AM	151	135	154	135	-	-	-	-	-	-	-	-	-	-	152.5	135.0	152.5	135.0
10:00 AM	137	131	155	136	-	-	-	-	-	-	-	-	-	-	146.0	133.5	146.0	133.5
11:00 AM	179	165	135	105	-	-	-	-	-	-	-	-	-	-	179.0	165.0	179.0	165.0
12:00 PM	213	165	-	-	-	-	-	-	-	-	-	-	-	-	213.0	165.0	213.0	165.0
1:00 PM	218	164	-	-	-	-	-	-	-	-	-	-	-	-	218.0	164.0	218.0	164.0
2:00 PM	302	167	-	-	-	-	-	-	-	-	-	-	-	-	302.0	167.0	302.0	167.0
3:00 PM	317	187	-	-	-	-	-	-	-	-	-	-	-	-	317.0	187.0	317.0	187.0
4:00 PM	329	170	-	-	-	-	-	-	-	-	-	-	-	-	329.0	170.0	329.0	170.0
5:00 PM	343	203	-	-	-	-	-	-	-	-	-	-	-	-	343.0	203.0	343.0	203.0
6:00 PM	273	141	-	-	-	-	-	-	-	-	-	-	-	-	273.0	141.0	273.0	141.0
7:00 PM	161	86	-	-	-	-	-	-	-	-	-	-	-	-	161.0	86.0	161.0	86.0
8:00 PM	123	62	-	-	-	-	-	-	-	-	-	-	-	-	123.0	62.0	123.0	62.0
9:00 PM	66	52	-	-	-	-	-	-	-	-	-	-	-	-	66.0	52.0	66.0	52.0
10:00 PM	41	24	-	-	-	-	-	-	-	-	-	-	-	-	41.0	24.0	41.0	24.0
11:00 PM	18	15	-	-	-	-	-	-	-	-	-	-	-	-	18.0	15.0	18.0	15.0
Totals	3477	2612	1081	1200	0	0	0	0	0	0	0	0	0	0	3503.0	2654.0	3503.0	2654.0
Combined	6089		2281		0		0		0		0		0		6157.0		6157.0	
Split (%)	57.1	42.9	47.4	52.6	-	-	-	-	-	-	-	-	-	-	56.9	43.1	56.9	43.1

Peak Hours

12:00 AM - 12:00 PM	7:30 AM	7:45 AM	7:30 AM	7:00 AM	-	-	-	-	-	-	-	-	-	-	7:30 AM	7:00 AM	7:30 AM	7:00 AM
Volume	262	234	264	295	-	-	-	-	-	-	-	-	-	-	263.0	254.0	263.0	254.0
Factor	0.87	0.87	0.87	0.84	-	-	-	-	-	-	-	-	-	-	0.89	0.89	0.89	0.89
12:00 PM - 12:00 AM	2:30 PM	5:15 PM	-	-	-	-	-	-	-	-	-	-	-	-	2:30 PM	5:15 PM	2:30 PM	5:15 PM
Volume	364	210	-	-	-	-	-	-	-	-	-	-	-	-	364.0	210.0	364.0	210.0
Factor	0.90	0.91	-	-	-	-	-	-	-	-	-	-	-	-	0.90	0.91	0.90	0.91

Appendix C: Vistro Reports

Appendix D: Land Use Description

Land Use: 538

Charter School (K-12)

Description

A charter school (K-12) is a school that is publicly funded and privately managed. The school serves students attending kindergarten through the 12th grade. The school may also offer extended care and day care. Elementary school (Land Use 520), middle school/junior high school (Land Use 522), high school (Land Use 525), private school (K-8) (Land Use 530), private school (K-12) (Land Use 532), private high school (Land Use 534), and charter elementary school (Land Use 536) are related uses.

Additional Data

The sites were surveyed in the 2010s in Minnesota and Nevada.

Source Numbers

1039, 1047

Charter School (K-12) (538)

Vehicle Trip Ends vs: Students

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 2

Avg. Num. of Students: 613

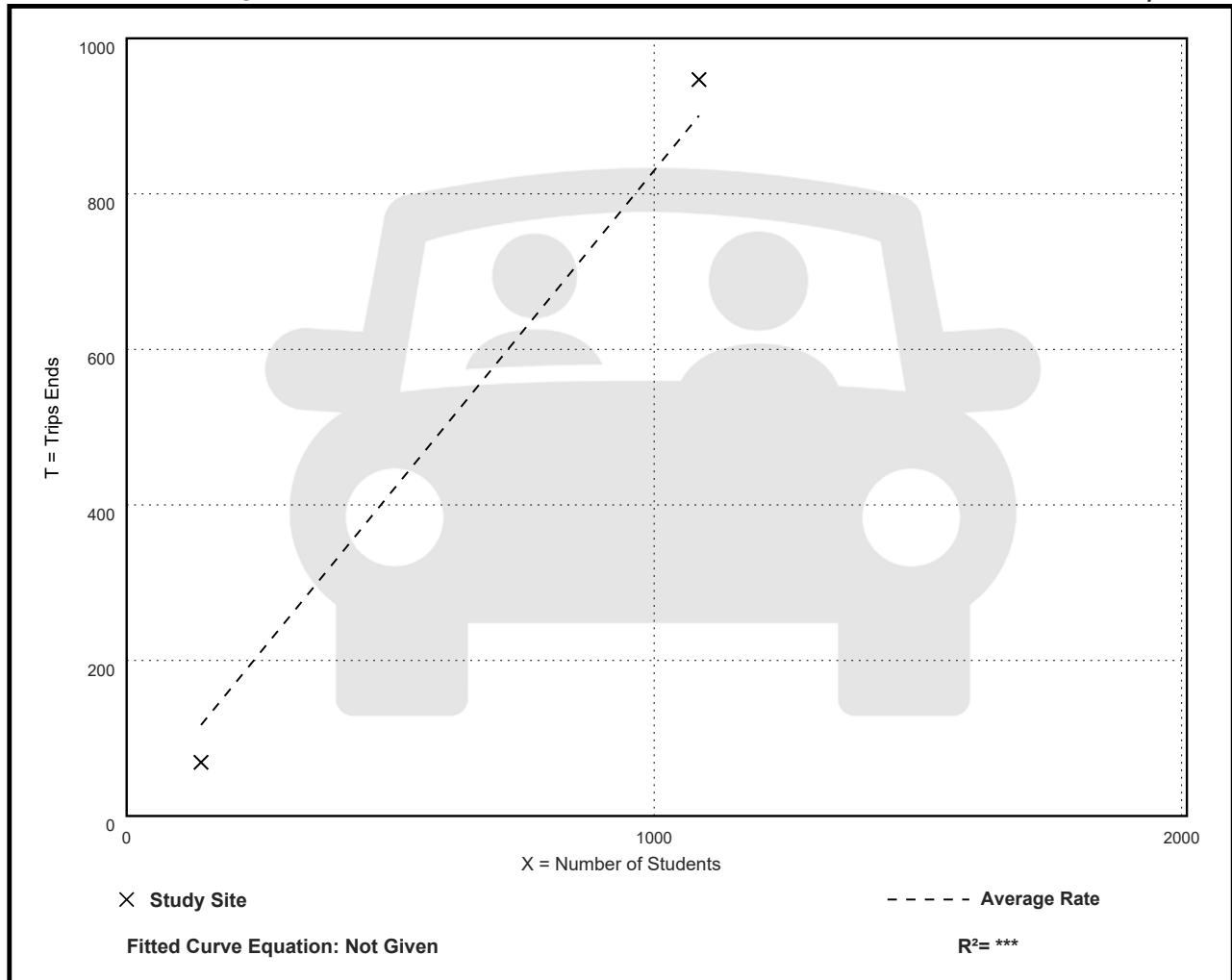
Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per Student

Average Rate	Range of Rates	Standard Deviation
0.83	0.49 - 0.87	***

Data Plot and Equation

Caution – Small Sample Size



Charter School (K-12) (538)

Vehicle Trip Ends vs: Students

On a: Weekday,

AM Peak Hour of Generator

Setting/Location: General Urban/Suburban

Number of Studies: 4

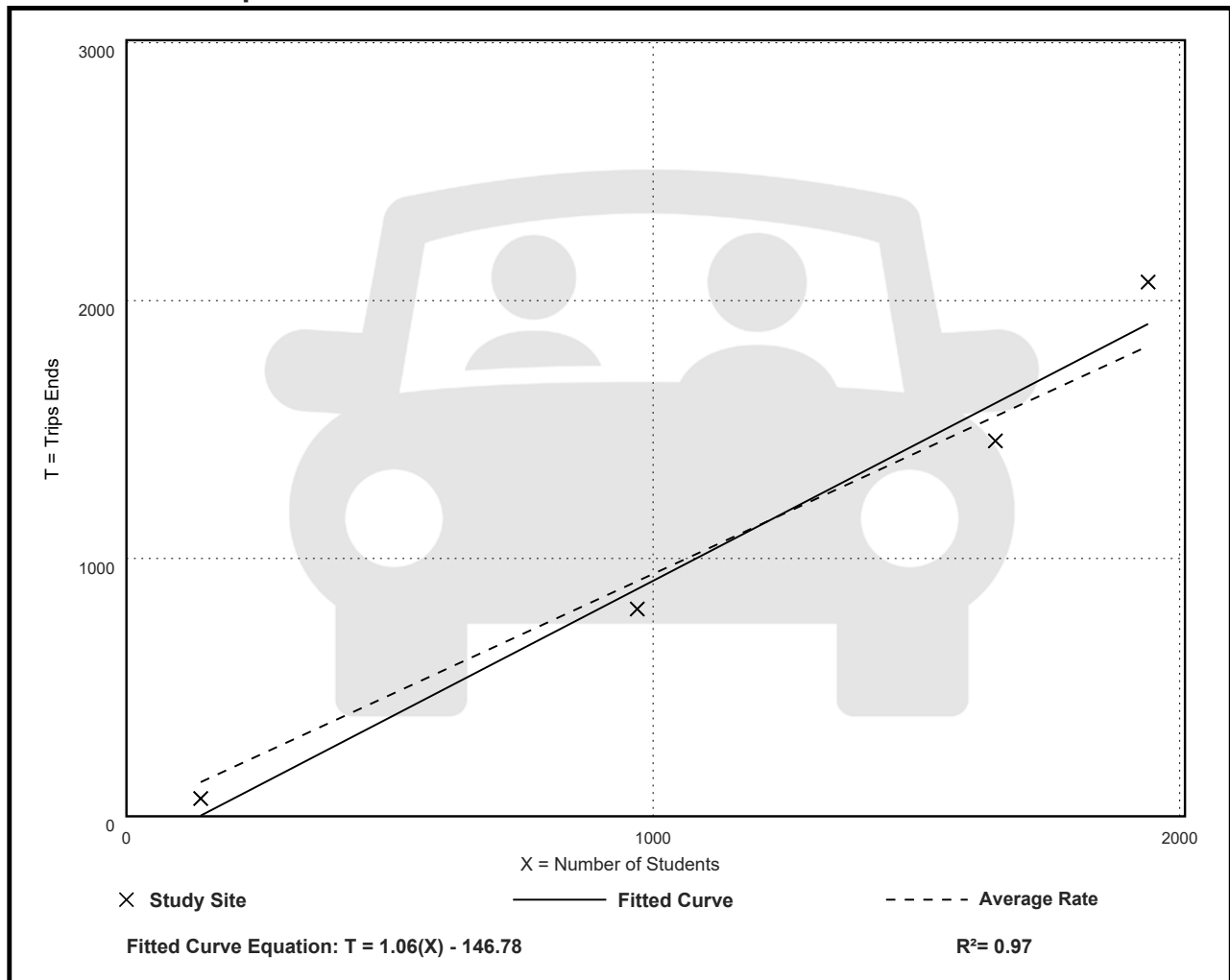
Avg. Num. of Students: 1175

Directional Distribution: 53% entering, 47% exiting

Vehicle Trip Generation per Student

Average Rate	Range of Rates	Standard Deviation
0.94	0.49 - 1.07	0.15

Data Plot and Equation



Charter School (K-12) (538)

Vehicle Trip Ends vs: Students

On a: Weekday,

PM Peak Hour of Generator

Setting/Location: General Urban/Suburban

Number of Studies: 4

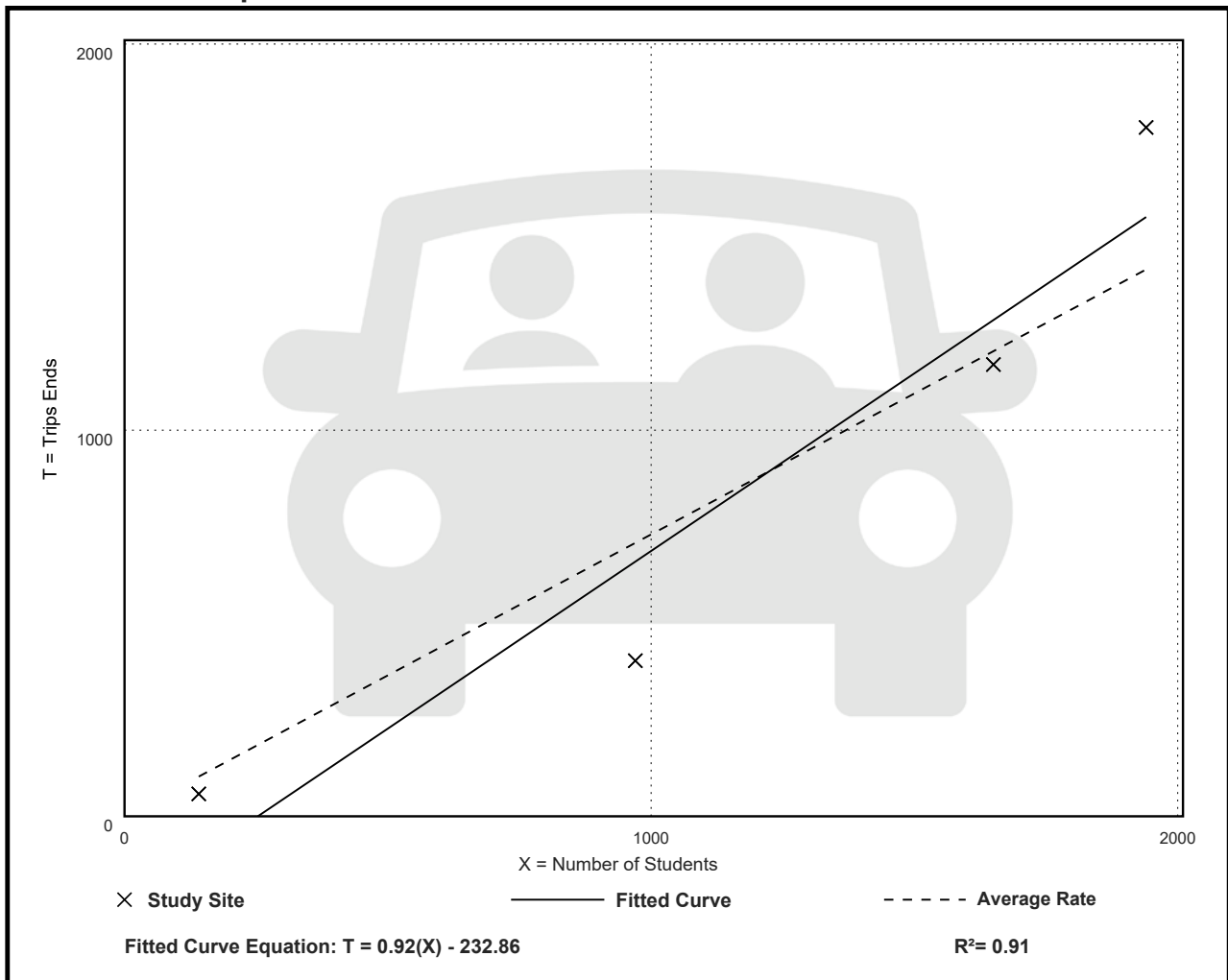
Avg. Num. of Students: 1175

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Student

Average Rate	Range of Rates	Standard Deviation
0.73	0.41 - 0.92	0.23

Data Plot and Equation



Charter School (K-12) (538)

Vehicle Trip Ends vs: Employees

On a: Weekday,

AM Peak Hour of Generator

Setting/Location: General Urban/Suburban

Number of Studies: 3

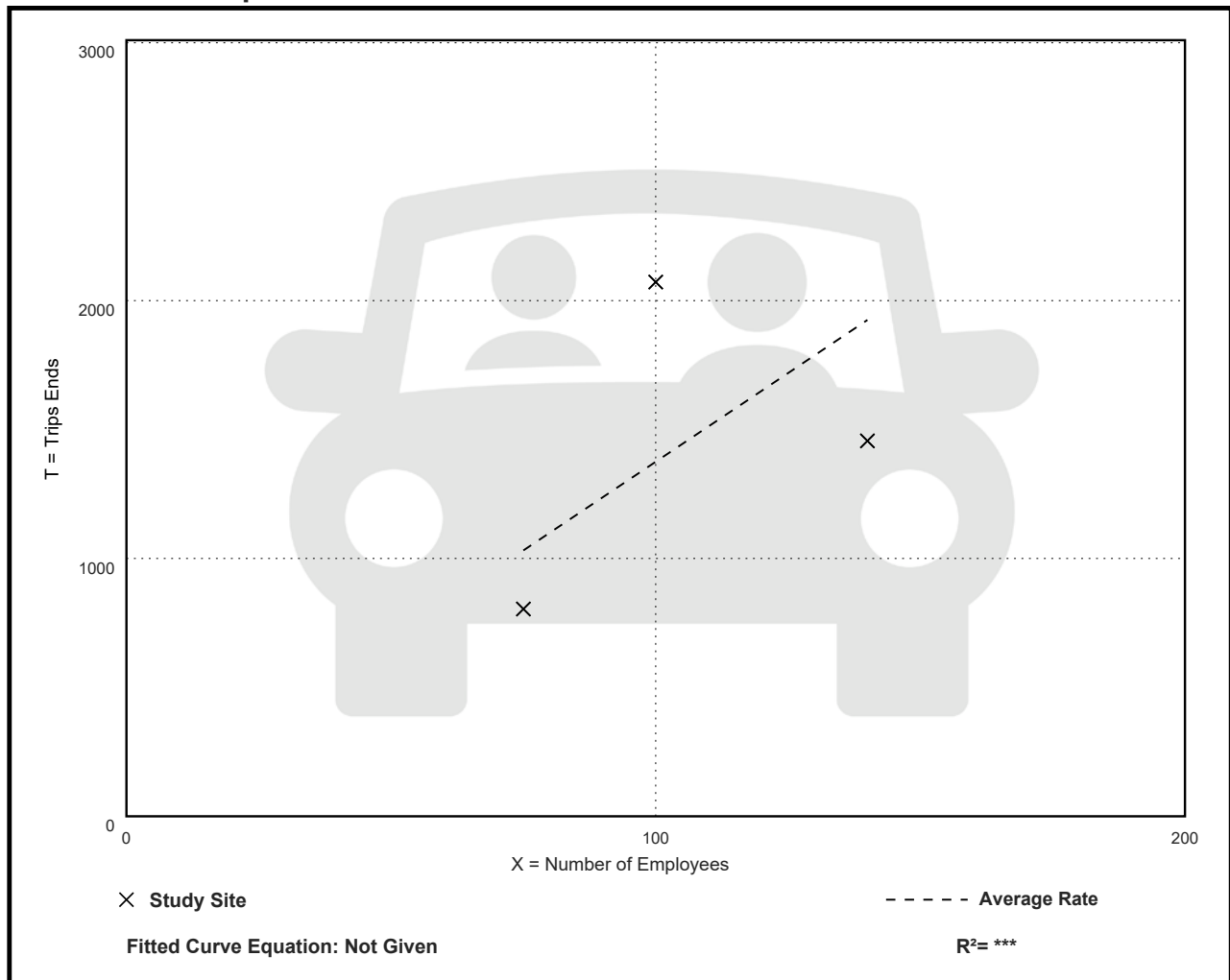
Avg. Num. of Employees: 105

Directional Distribution: 53% entering, 47% exiting

Vehicle Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
13.75	10.40 - 20.72	5.82

Data Plot and Equation



Charter School (K-12) (538)

Vehicle Trip Ends vs: Employees

On a: Weekday,

PM Peak Hour of Generator

Setting/Location: General Urban/Suburban

Number of Studies: 3

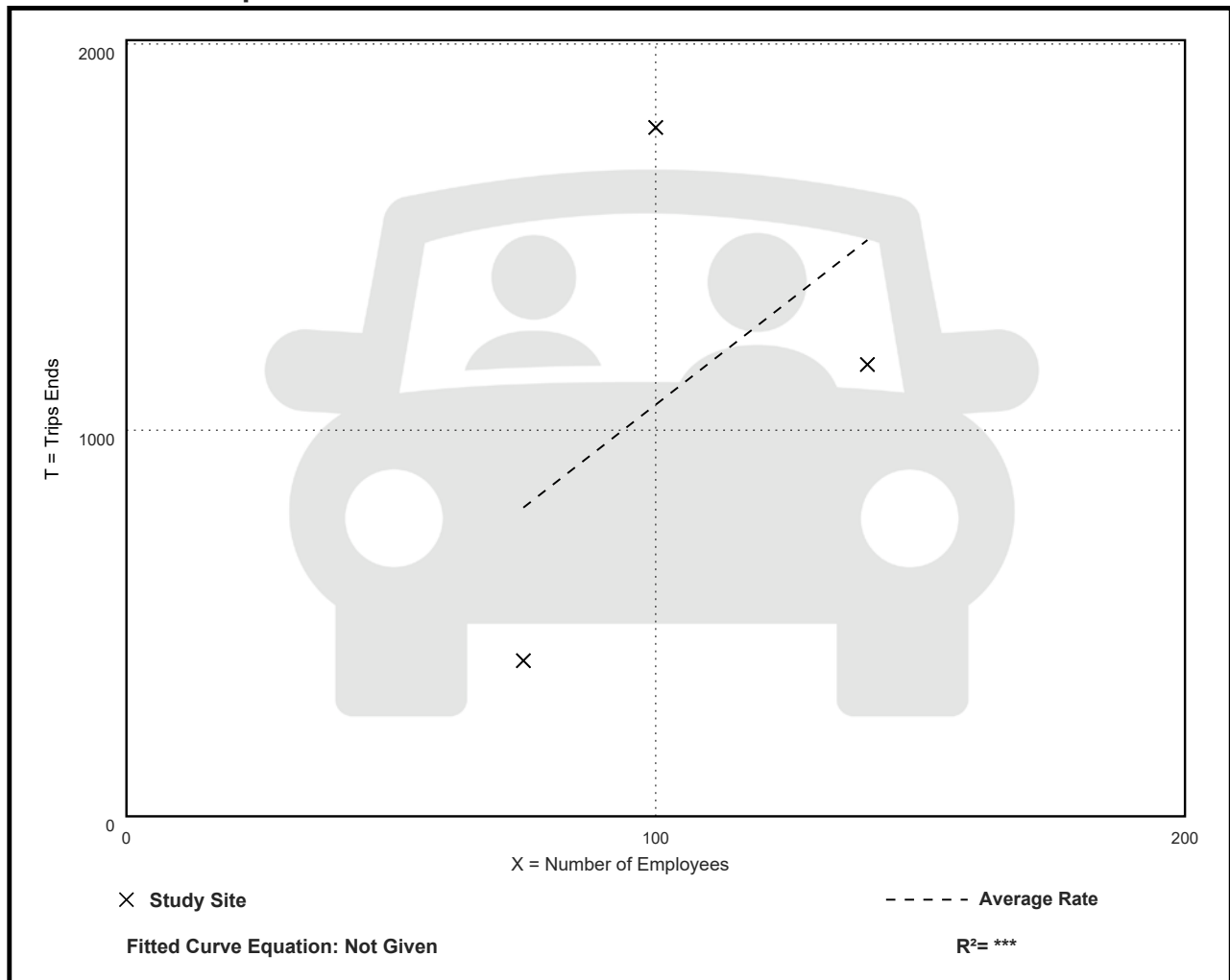
Avg. Num. of Employees: 105

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
10.66	5.37 - 17.84	6.17

Data Plot and Equation



Appendix E: Turn Lane Warrants

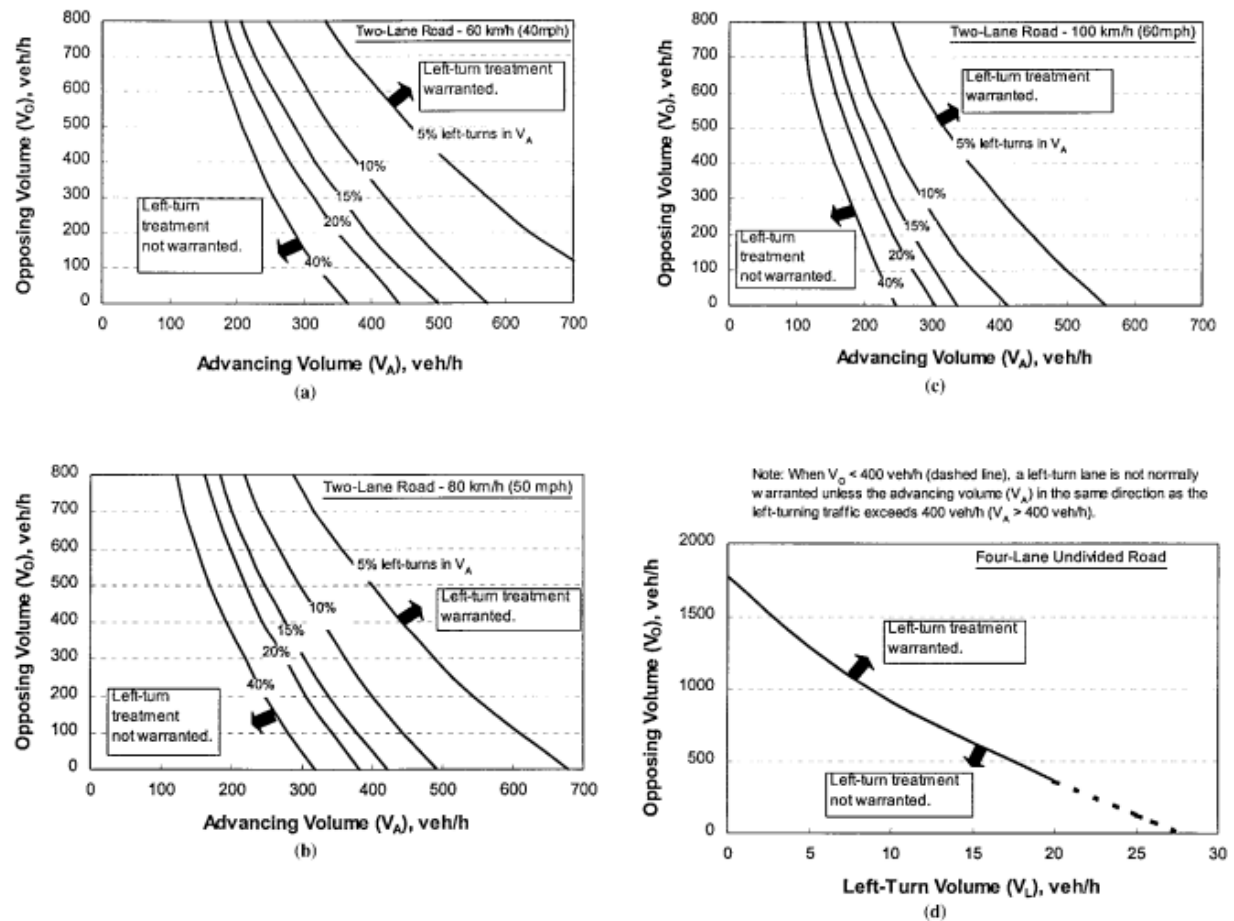


Figure 2-5. Guideline for determining the need for a major-road left-turn bay at a two-way stop-controlled intersection.

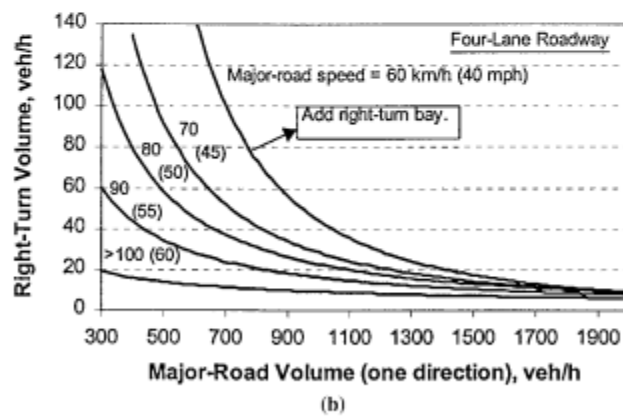
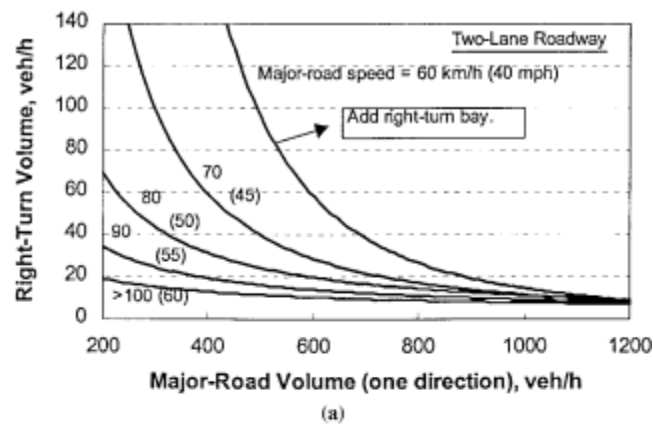


Figure 2-6. Guideline for determining the need for a major-road right-turn bay at a two-way stop-controlled intersection.



Date: Tuesday, December 17, 2024
To: Planning and Zoning Commission
From: William Klaver, Senior City Planner

ACTION ITEM

Request:

Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 5 "Parking Regulations".

Time Estimate:

15-20 minutes for staff presentation.

Background:

In February 2018, the City Council tasked Planning and Zoning Staff to initiate a complete rewrite of Title 10: Zoning and Subdivision Regulations. The main goals of the rewrite are to accomplish the following:

- Update the current definitions;
- Simplify the code navigation process for users;
- Streamline the development approval process; and
- Make the code reflect the goals, language, and strategies of the 2016 Comprehensive Plan.

The chapter applicable to this Staff Report is the "Parking Regulations". This chapter was adopted in August 2014 by Ord. 3076.

This chapter contains much the same language as before. The following items are being proposed as changes.

1. Allowance of Tandem Parking for single family and duplex situations;
2. Adjustment in off street parking by land use categories;
3. Expansion of Parking Overlay District 1 to engulf Parking Overlay 2;
4. Adding bicycle parking standings;
5. Changing stacking requirements for drive-thru facilities from number of cars to measurement of feet;
6. Allowance of shared parking to be utilized up to 1,000 feet of the requested use, up from 500 feet; and
7. Moving parking lot and stall design standards to a Design Manual as approved by the City Engineer.

Approval Process:

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;

- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

Budget Impact:

N/A

Regulatory Impact:

Should this be approved, this section will be the parking regulations for the zoning regulations.

History:

N/A

Analysis:

N/A

Conclusion:

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

1. *Move to recommend approval for the proposed zoning text amendment to the parking regulations chapter of Title 10 as presented;*
2. *Move to recommend approval with conditions for the proposed zoning text amendment to the parking regulations chapter of Title 10; or*
3. *Move to table the item to a date certain of _____.*

Attachments:

1. Proposed Parking Regulations
2. Proposed Parking Overlay Boundaries
3. Current Parking Regulations (Chapter 10) - 12.9.24

10-5: PARKING REGULATIONS

10-5-1: RESIDENTIAL PARKING PROVISIONS.

- A. Required parking shall be provided on the same lot as the use it is to serve, unless otherwise permitted by this Chapter.
- B. All required parking spaces shall be hard surfaced. Hard surfaced materials include concrete, asphalt, or other material approved by the city engineer prior to construction.
- C. No required parking space shall be used for the storage of any vehicle of one and one half ton capacity or more, or having an overall length of more than 22 feet, except while engaging in the actual loading or unloading of passengers or property.
- D. No development plan or plat creating lots which require direct residential driveway access to an arterial street (as shown in currently adopted Master Transportation Plan) shall be approved.
- E. When a property abuts both a residential and collector/arterial roadway, the driveway shall be required located on the residential street.
- F. Tandem parking is allowed for single dwellings and duplex units if the spaces meet the following:
 - 1. No more than two vehicles shall be placed one behind the other.
 - 2. Both spaces shall be assigned to a single dwelling unit.
 - 3. The tandem parking bay shall be a minimum 40 feet long by 9 feet wide.

10-5-2: NONRESIDENTIAL AND MULTI-DWELLING PARKING PROVISIONS.

- A. All parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties.

- B. All required parking spaces shall be hard surfaced. Hard surfaced materials include concrete, asphalt, or other material approved by the city engineer prior to construction.
 - 1. In the M1 and M2 zoning districts, the requirements in City Code 7-1-20 will apply.
- C. Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Nonpermanent markings, such as paint, shall be regularly maintained to ensure continuous identification.
- D. All parking, loading spaces, and vehicle sales areas on private property shall have a curb or vehicle stopping device for spaces adjacent to required landscaped areas, public right-of-way lines, public sidewalks, or other accessible paths, to prevent any parked vehicle from overhanging into these areas. Parking shall not be permitted to encroach upon the public right-of-way in any case.
- E. All vehicle maneuvering shall take place on site. No public right-of-way shall be used for backing or maneuvering into or out of a parking space, except as provided in the downtown parking overlay districts.
- F. Trash bin storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each trash bin facility shall be located so as to facilitate pick up by trash collection agencies and shall be screened according 10-7-3(B) of this title.
- G. Handicap parking space(s) shall conform to the current ADA standards for accessible design as amended.
- H. Tandem parking is not allowed in Multi-Dwelling Developments containing three or more dwelling units.

10-5-3: PARKING PLAN REQUIRED.

Whenever off-street parking is required by this code, a parking plan shall be submitted to and approved by the city engineer or designee.

- A. The plan shall show a sketch of all parking spaces, access aisles, entrances to the site and exits from the site drawn to scale and showing the dimensions of each item. The plan shall indicate all information necessary to determine the employee and customer parking requirements. The entrances to and exits from the parking site shall conform to the requirements of this code for driveway approaches.
- B. In all districts, parking plans shall provide for entrance and exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets.
 - 1. Where projected volumes of traffic entering or leaving the developments are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right of way and paving in the form of a deceleration lane or turn lane may be required to be furnished by the landowner in order to reduce such interference. Projections of traffic shall be based on analysis performed by the city engineer or designee.
 - 2. Additional right of way or paving requirements may be reviewed and determined during the platting and/or development process.

10-5-4: MINIMUM PARKING REQUIREMENTS.

- A. At the time any building or structure is constructed, structurally altered, enlarged, increased in capacity, or when the use of a building or structure is changed, parking spaces shall be provided in accordance with the following requirements:

Agriculture & Animal Care	<i>No Minimum Parking Requirement unless indicated below:</i>
Community Garden	Residential, Agricultural, CSI, and Airport Zoning Districts have no parking requirement. 4 spaces per acre.
Veterinary Clinic, Minor	CSI Zoning District has no parking requirement. 1 space per employee on the largest shift, plus 1 space per examination room.
Assembly	<i>1 space per 15 people of total occupant load.</i>
Civic/Institutional	<i>1 space per 1 employee, unless indicated below:</i>
Schools	2 spaces per classroom.
Commercial Services	<i>1 space per employee and 1 space per 500 sf of customer floor area, unless indicated below:</i>
Bar and Nightclub	1 space per 5 people of total occupant load.
Barber Shop/Beauty Salon/MediSpa, Body Art Studio, Pet Grooming	1 space per employee and 1 space per customer chair or kiosk.
Restaurant	1 space per employee on the largest shift and 1 space per 100 sf of customer floor area.
Vehicle Sales	1 space per employee.

CHAPTER 5

Health/Human Care	<i>1 space per staff member on largest shift unless indicated below:</i>
Assisted Care/Living Facility	1 space per 2 certified beds or 2 units, whichever is greater.
Hospital	1 space per employee on the largest shift, plus 1.5 spaces per each bed or examination room.
Daycare Center	Plus 2 unloading/loading spaces.
Daycare Facility	Plus 1 unloading/loading spaces.
Residential	<i>2 spaces per dwelling unit, unless indicated below:</i>
Studio	.75 (3/4) of a space.
1-Bedroom Units	1 space.
Accessory Dwelling Unit	See Conditional Use Criteria at 10-3-10-2c(2)f of this Title.
Industrial	<i>No Minimum Parking Requirement</i>
Lodging	<i>1 space per rentable room</i>
Campground / Recreational Vehicle Park	No Minimum Parking Requirement.
Office	<i>1 space per 500 sf of office floor area.</i>
Recreation / Entertainment	
Athletic Arena, Field, or Stadium	1 parking space for each 3 seats or 6 feet of customer bench seating.
Fun Center/ Fun Park	1 space per employee and 1 space per 500 sf of customer floor area.
Golf Course/Country Club	No Minimum Parking Requirement.
Golf Driving Range	2 spaces per driving lane.
Playground	No parking requirement.
Sport Shooting Range	2 spaces per shooting lane.
Zip Line	2 spaces per employee.
*Calculation of Parking Requirements related to number of seats: Where parking requirements relate to number of seats and seating is in the form of undivided pews, benches, or the like, 20 linear inches shall be construed to be equal to one seat. Where Parking requirements relate to movable seating in auditoriums and other assembly rooms, ten square feet of Floor Area shall be construed to be equal to one seat except where otherwise specified. Net floor area shall be the actual area occupied by seating and related aisles, and shall not include accessory unoccupied areas or the thickness of walls.	

10-5-6: PARKING OVERLAY DISTRICT.

A. The parking overlay district is established to accommodate the need for off street parking ratio alternatives in accordance with traffic patterns, ultimate densities and coordinated use of lands within the city. It is intended that the respective districts with which the parking district is combined shall have requirements particular to the land and uses which warrant off street parking variables to be applied. The following regulations of this section shall apply to all land classified as a "parking district" (P). All uses are permitted in the respective district with which the P district is combined, subject to the provisions of those districts. If any of the regulations specified in this section differ from corresponding regulations specified for a district with which the P district is combined, then the regulations of this district shall govern.

1. Parking District 1:

- a. The boundary of the P1 district is defined as illustrated on the current zoning district map.
- b. No off street parking is required within the P1 district as designated for outright permitted uses, but may be required through the special use permit required by the commission or council. This provision does not exempt any use from the requirements for off street loading.

2. Parking District 2:

- a. The boundary of the P2 district is defined as illustrated on the current zoning district map.

b. The off street parking requirement in the P2 district is 30% less than that required outside of the P districts. This provision does not exempt any use from the full requirements for off street loading.

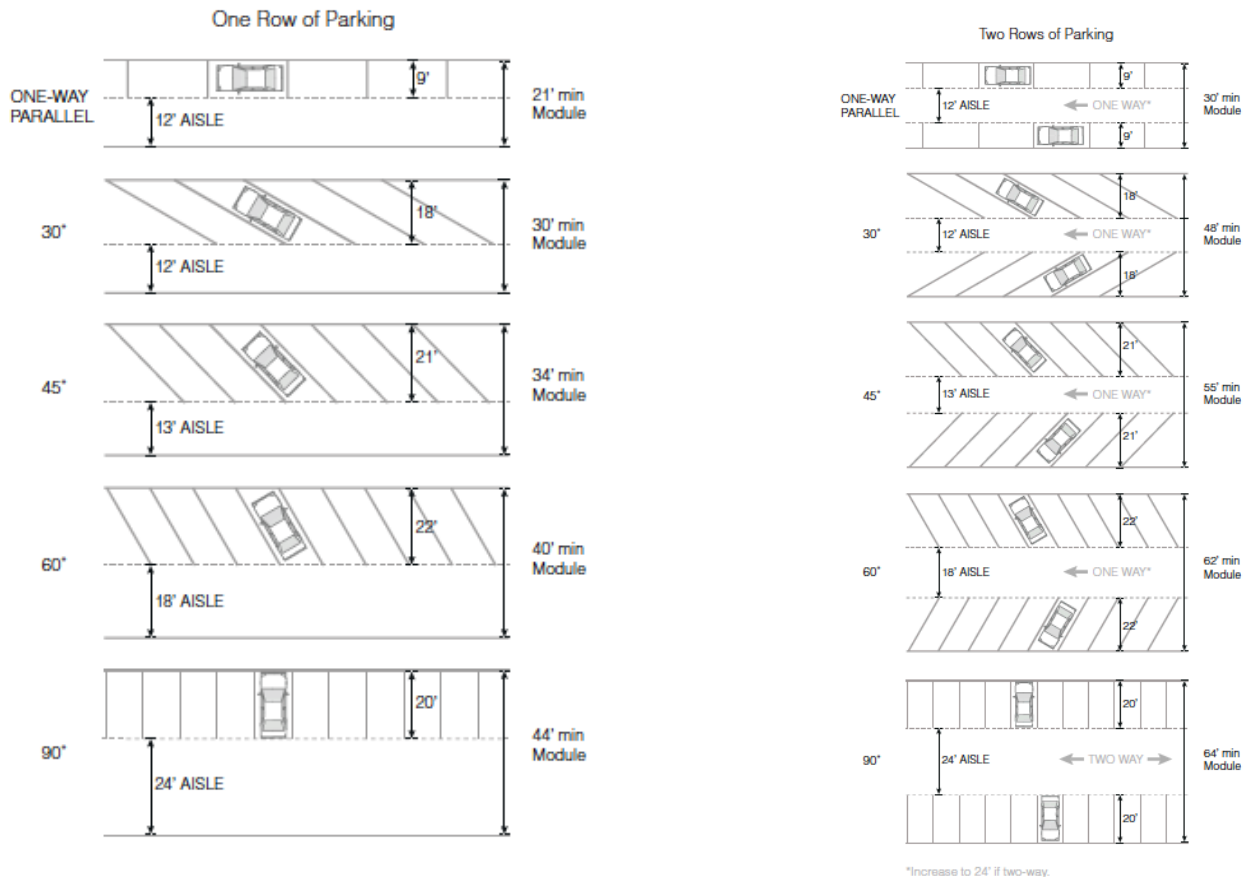
Due to the desire of the city to retain the character of the P3 district special consideration may be given on a case by case basis to the parking requirements, if the standard requirements cannot be applied. Examples of special consideration may be a variance, leased parking, and remote parking.

10-5-5: OFF-STREET PARKING STANDARDS

A. Parking Space Dimensions:

1. A standard angled or perpendicular parking space shall measure a minimum of nine feet in width by 20 feet in length.
2. Overhang with Wheel Stop. The minimum length may be reduced to 18.5 feet when an additional space of two feet is provided for the front overhang of vehicles overhanging a curb or wheel stop. Any front overhang of a vehicle may not reduce the clear width of an adjacent sidewalk or ADA accessible route to less than four feet in width. The minimum dimensions for an off street parallel parking space shall be nine feet wide by 22 feet long. Vehicle overhang shall not extend into any required landscaping areas.
3. Alley Access. Any parking space accessed directly from an alley shall have a minimum length of 22 feet.
4. Parallel Parking Spaces. A parallel parking space shall measure a minimum of nine feet in width by 23 feet in length.

Diagram 5.1: Parking Area Circulation Dimensional Requirements



10-5-6: BICYCLE INFRASTRUCTURE & PARKING.

A. Bike Parking Facility Design

1. Bicycle parking facilities shall be located as close as possible to the primary building entrance(s) and shall not obstruct pedestrian walkways, public sidewalks, or building entrances.
- c. Trail Proximity Option: Projects immediately adjacent to the Snake River - Canyon Rim Trail may place bicycle parking facilities within an acceptable distance to a trail access point as determined by the Administrator.
2. It is the responsibility of the applicant to ensure that the bicycle parking facilities meet all Americans with Disabilities Act (ADA) requirements.
3. Bicycle parking facilities shall support the bicycle upright by its frame and allow the owner to lock both the frame and front wheel with one lock.
4. Bicycle parking facilities abutting a structure, street furniture, landscaping, or other improvements should be installed with a minimum clearance of three feet from other improvements so that parking of bicycles will not cause damage or impede pedestrian access.
5. Bicycle parking facilities shall be a minimum of 34 inches in height and shall be securely anchored to the ground.
6. Each required bicycle parking space must be accessible without moving another bicycle.

7. The area devoted to bicycle parking must be hard surfaced in those zoning districts where hard surfaces for automobile parking is required.
- B. Bicycle Parking Exchange Option: At the property owner's discretion, a maximum of one required parking space may be exchanged for five or more bicycle spaces.

10-5-7: RULES FOR COMPUTING NUMBER OF PARKING SPACES.

In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

- A. Where fractional spaces result, the parking spaces required shall be rounded up to the next whole number.
- B. The parking space requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the Administrator.
- C. When an existing residential structure is converted to a nonresidential use, the parking requirements may be modified by the Administrator if it can be shown that strict compliance to these development standards is not possible.

10-5-8: LOADING SPACE AND STACKING REQUIREMENTS.

- A. All nonresidential uses having 10,000 square feet or more of gross floor area shall provide and maintain an area for the loading and unloading of merchandise and goods, in accordance with the following requirements:
 1. Retail and industrial uses with building sizes of 10,000 to 50,000 square feet of floor area will provide a minimum of one loading space. Uses with building sizes 50,000 to 100,000 square feet of floor area will provide a minimum of two loading spaces. Buildings over 100,000 square feet of floor area will provide a minimum of two loading spaces plus one additional space for each 100,000 square feet of floor area.
 2. A loading space shall consist of an unobstructed minimum area of twelve feet wide, 40 feet long and 14 feet tall.
 3. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks. Each site shall provide a designated maneuvering area for trucks.

- B. Stacking of cars shall not impede the public right-of-way. In all zoning districts, at the time any building or structure is erected or altered, stacking spaces shall be provided in the number and manner set forth in the following list of uses: ~~Table modified as follows:~~

USE	STACKING SPACES REQUIRED
Commercial Services	300 feet from pick-up window
Financial Institution or ATM	20 feet per window or service lane
Automobile oil change and similar establishments	20 feet per bay
Car wash – Automated	80 feet per bay.
Car wash – Self Service	30 feet per bay

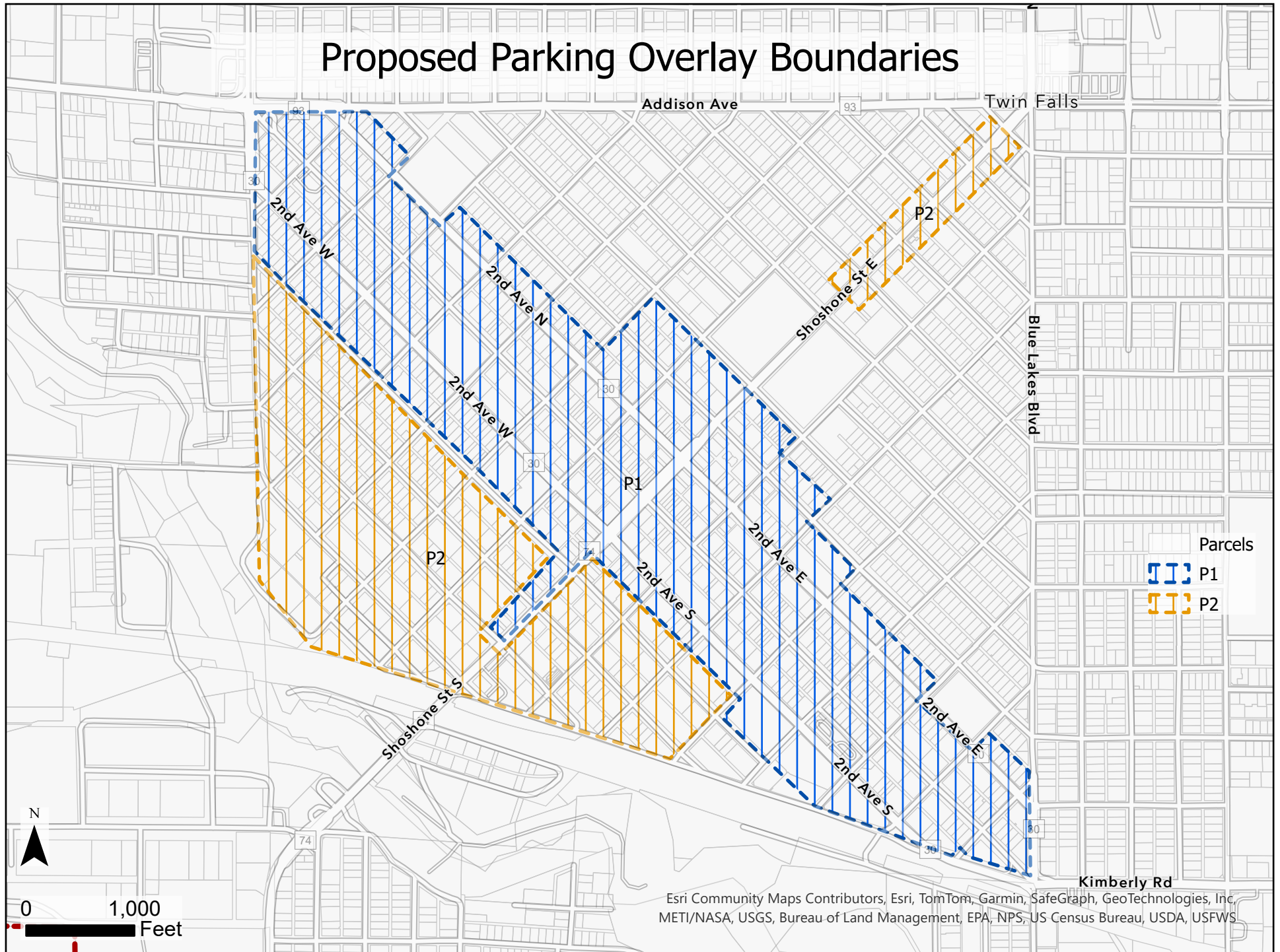
- C. A single stacking space shall be provided after the final window, order board, or stopping points, to allow vehicles to pull clear of the transaction area prior to entering an intersecting on-site driveway or maneuvering aisle. Buildings and other structures shall be set back a minimum of ten feet from the back of the curb of the intersecting driveway or maneuvering aisle to provide adequate visibility and to allow vehicles to safely exit drive-through lanes and escape lanes prior to merging into intersecting driveways or maneuvering aisles.
- D. An escape lane shall be provided for any use containing a drive-through facility to provide access around the drive-through facility in cases of emergency.
1. An escape lane shall be nine feet wide.
 2. An escape lane may be part of a circulation aisle.
 3. In cases where there are two drive thru lanes, only one escape is required.

10-5-9: SHARED PARKING REQUEST

- A. Process: Property Owners may take advantage of the Shared Parking Option by demonstrating there is no substantial conflict in the principal operating hours of the building, structure, or use for which the shared use of parking facilities is proposed. Staff will review the following when evaluating the shared parking request:
1. Whether the land uses have significantly different peak parking characteristics that vary by time of day, day of week, and/or season of year.
 2. Whether the parking spaces that are to be shared are located within a reasonable distance of all the destinations they are intended to serve. This will be determined by staff by identifying whether the proposed parking is within 1,000 ft of the requested use.
- B. The parties concerned in the joint use of off-street parking facilities shall submit a written agreement in a form to be recorded for such joint use, approved by the city attorney as to form and content, and conforming to the provisions of this chapter. The agreement shall be recorded in the office of the county recorder and shall be filed with the application for a building permit or certificate of occupancy (COO); whichever occurs first.
- C. A notarized shared parking agreement shall be submitted to the Planning & Zoning Department illustrating that the following shared parking requirements as outlined in 10-5-11 have been met.
- D. Approved agreements may be reviewed upon the determination that a change of use has occurred.

~~10-5-10: PARKING LOT & PARKING STALL DESIGN STANDARDS: SEE TWIN FALLS UNIFORM DEVELOPMENT DESIGN MANUAL.~~

Proposed Parking Overlay Boundaries



CHAPTER 10

OFF STREET PARKING AND LOADING

SECTION:

10-10-1: Purpose

10-10-2: Residential Parking Provisions

10-10-3: Nonresidential And Multi-Family Parking Provisions

10-10-4: Mixed Use Or Joint Use Parking Provisions

10-10-5: Parking Access And Layout Drawing - All Districts And Subdistricts

10-10-6: Parking Requirements Based On Use

10-10-7: Bicycle Parking Exchange

10-10-8: Rules For Computing Number Of Parking Spaces

10-10-9: Location Of Parking Spaces

10-10-10: Loading Space And Stacking Requirements

10-10-11: Minimum Standards For Parking Lot Design

10-10-12: Regulations For Parking Overlay Districts

10-10-1: PURPOSE:

To secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provisions of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land. Minimum off street parking and loading shall be provided as set forth in the following schedules and provisions. (Ord. 3076, 8-11-2014)

10-10-2: RESIDENTIAL PARKING PROVISIONS:

- (A) Required parking shall be provided on the same lot as the use it is to serve.
- (B) All required parking spaces shall be concrete, asphalt, or other material approved by the city engineer prior to construction.
- (C) No required parking space shall be used for the storage of any vehicle of one and one half (1.5) ton capacity or more, nor a vehicle which has an overall length of more than twenty two feet (22'), nor a trailer of more than one and one-half (1.5) ton capacity, except while engaging in the actual loading or unloading of passengers or property.
- (D) Direct private residential driveway access to arterial streets creates a traffic hazard. No development plan or plat creating lots which require direct residential driveway access to an arterial street (as shown in current master transportation plan) shall be approved.
- (E) When a property abuts a residential and collector/arterial, the driveway shall be located on the residential street. (Ord. 3076, 8-11-2014)

10-10-3: NONRESIDENTIAL AND MULTI-FAMILY PARKING PROVISIONS:

- (A) To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties.
- (B) All required parking spaces shall be constructed from asphalt, paved concrete, or another similar surface approved by the city engineer, or designated official, prior to construction. Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Nonpermanent markings, such as paint, shall be regularly maintained to ensure continuous identification.
- (C) All parking and loading spaces and vehicle sales areas on private property shall have a curb or vehicle stopping device for spaces adjacent to required landscaped areas, public right of way line, public sidewalk, or other accessible path, to prevent any parked vehicle from overhanging into these areas. Parking shall not be permitted to encroach upon the public right of way in any case. All vehicle maneuvering shall take place on site. No public right of way shall be used for backing or maneuvering into or out of a parking space, except as provided in the downtown parking overlay districts.
- (D) Required parking and loading spaces shall be used only for these respective purposes and not for the storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials, or products for sale.
- (E) Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be located so as to facilitate pick up by refuse collection agencies and shall be screened according to provisions in this title.
- (F) Handicap parking space(s) shall conform to the current ADA standards for accessible design as amended. (Ord. 3076, 8-11-2014)

10-10-4: MIXED USE OR JOINT USE PARKING PROVISIONS:

- (A) Mixed Uses: Total requirements for off street parking spaces shall be the sum of the requirements for various uses.
- (B) Joint Uses: The joint use of off street parking facilities is allowed provided:
 - 1. The applicant shows that there is no substantial conflict in the principal operating hours of the building, structure or use for which the joint use of parking facilities is proposed;
 - 2. The parking facility for such proposed joint use is not farther than three hundred fifty feet (350') for customers and five hundred feet (500') for employees from the building, structure or use which is being required to provide off street parking; and
 - 3. The parties concerned in the joint use of off street parking facilities shall submit a written agreement in a form to be recorded for such joint use, approved by the city attorney as to form and content, and such agreement, when approved as conforming to the provisions of this chapter, shall be recorded in the office of the county recorder and shall be filed with the application for a building permit or certificate of occupancy (COO); whichever occurs first.
- (C) Evening Parking Spaces: Up to fifty percent (50%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 P.M.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally occupied during evening hours if specifically approved by the zoning administrator. Approval may be reviewed upon the determination that a change of use has occurred. (Ord. 3076, 8-11-2014)

10-10-5: PARKING ACCESS AND LAYOUT DRAWING - ALL DISTRICTS AND SUBDISTRICTS:

- (A) In all districts building plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the city engineer or designated representative.
 - 1. Where projected volumes of traffic entering or leaving the developments are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right of way and paving in the form of a deceleration lane or turn lane may be required to be furnished by the landowner in order to reduce such interference. Projections of traffic shall be based on analysis performed by the city engineer or designated official.
 - 2. Additional right of way or paving requirements may be reviewed and determined during the platting and/or development process.
- (B) Backing a vehicle from an off street parking space directly into a public trafficway creates a traffic hazard. Parking layouts requiring this maneuver shall not be approved by the city engineer except for residential uses exiting onto a local trafficway of low traffic volume.

- (C) Whenever off street parking is required by this code a parking layout drawing shall be submitted to and approved by the city engineer. The layout shall show a sketch of all parking spaces, access aisles, entrances to the site and exits from the site drawn to scale and the dimensions of each item shown and shall indicate all information necessary to determine the employee and customer parking requirements. The entrances to and/or exits from the parking site shall conform to the requirements of this code for driveway approaches. Parking spaces shall have a minimum size of nine feet by twenty feet (9' x 20'), or if parallel to the access aisle, nine feet by twenty three feet (9' x 23'). (Ord. 3076, 8-11-2014)

10-10-6: PARKING REQUIREMENTS BASED ON USE:

In all zoning districts and subdistricts, at the time any building or structure is constructed, structurally altered, enlarged or increased in capacity, or when the use of a building or structure is changed, parking spaces shall be provided in accordance with the following requirements:

Assembly and education:

Assembly and education:

Assembly, convention, exhibition or reception hall without fixed seats	1 parking space for each 200 square feet of floor area
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Church, rectory, or other place of worship	1 parking space for each 3 fixed seats, or 6 feet of bench, in all areas that may be simultaneously used for assembly. Where there is no fixed seating or a combination of assembly areas with and without fixed seating, 1 parking space shall be provided for each 35 square feet of assembly space
College or university	1 space per 4 students at maximum capacity 10 parking spaces plus 1 additional space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the floor area and additional parking provided on the basis of 1 space for each 4 seats contained therein
Community center, library, museum, or art gallery	1.5 spaces per employee anticipated at full capacity plus 1 paved off street loading and unloading space
Kindergartens, day schools, and similar child training and care establishments	1 space per 100 square feet of floor area
Recreation center	2 parking spaces per classroom
School; elementary, secondary, or middle	1 space per 4 people calculated at maximum capacity
School; high school	1 parking space for each 3 seats or 6 feet of bench seating
Theater, sports arena, stadium, gymnasium or auditorium (except school)	
Health services:	
Assisted living, nursing home and retirement facilities	1 space per 2 certified beds or 2 units, whichever is greater
Hospital	1 space per employee on the largest shift, plus 1.5 spaces per each bed or examination room, whichever is applicable
Medical or dental office	1 space per 250 square feet of floor area. Facilities over 20,000 square feet shall use the parking standards set forth for hospitals
Residential:	
Dwellings, multi-family	2 spaces for units containing 1 and 2 bedrooms, each additional bedroom requires 0.5 additional space
Dwellings, single-family and duplex	2 spaces for each dwelling unit
Retail, commercial, industrial:	
Bank, savings and loan, or similar institution	1 space per 350 square feet of gross floor area
Bar or club	1 parking space for each 75 square feet of gross floor area
Beauty salon	See Personal service establishment
Bed and breakfast facility	1 space per guestroom in addition to the requirements for a normal residential use
Bowling alley	3 parking spaces for each alley or lane
Business or professional office (general)	1 space per 250 square feet of gross floor area except as otherwise specified herein
Commercial amusement	1 space per 3 guests at maximum designed capacity
Country club or private golf club	1 parking space for each 150 square feet of floor area or for every 5 members, whichever is greater
Flea market	1 space for each 500 square feet of site area
Fraternity, sorority, or dormitory	1 parking space for each 2 beds on campus; 1.5 spaces for each 2 beds in off campus projects
Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service	2 parking spaces, plus 1 additional parking space for each 300 square feet of floor area over 1,000
Gas station	See Refueling station
Golf course	5 parking spaces per hole
Health club or exercise gym	1 parking space per 250 square feet of exercise area
Hotel	1 parking space for each sleeping room or suite plus 1 space for each 200 square feet of commercial floor area contained therein
Lodge or fraternal organization	1 space per 200 square feet of floor area
Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse, printing or plumbing shop, or similar establishment	1 parking space for each employee on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith, but not less than 1 parking space for each 1,250 square feet of floor area
Miniwarehouse	4 spaces per complex plus 1 additional space per 300 square feet of rental office
Mobile home park	2 spaces for each mobile home plus additional spaces as required herein for accessory uses
Mortuary or funeral home	1 parking space for each 50 square feet of floor space in parlors or individual funeral service rooms
Motel	1 parking space for each sleeping room or suite plus 1 additional space for each 200 square feet of commercial floor area contained therein
Motor vehicle salesroom and used car lots	1 parking space for each 500 square feet of the structure. These required spaces may not be used to store or display automobiles for sale 3 parking spaces plus 1.5 parking spaces per service bay. Adequate storage space for overnight stay of vehicles also required where applicable. Adequate stacking lanes also required where applicable
Motor vehicle service and repair	

Motor vehicle wash station (car wash self-serve)	1 parking space per 500 square feet of gross floor area
Office	See Business or professional office (general)
Personal service establishment, except as otherwise specified herein	1 space per 250 square feet of gross floor area
Refueling station	1 space per 250 square feet of gross floor area. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling
Restaurant, cafe or similar dining establishment	1 parking space for each 75 square feet of gross floor area for stand alone buildings without a drive-through, and 1 parking space for each 100 square feet of gross floor area for restaurants located within a multi-tenant building and for stand alone buildings with a drive-through. Outdoor seating/dining areas will be included in gross floor area calculations
Retail store	1 space per 250 square feet of gross floor area
Rooming or boarding house	1 parking space for each sleeping room
Truck stops	1 truck parking space for each 10,000 square feet of site area, plus 1 vehicle parking space per 200 square feet of building area
Warehouse, wholesale, minimanufacturing and other industrial type uses	1 space per 1,000 square feet of gross floor area, or 1 space per maximum number of employees on a shift, whichever is less

(Ord. 3076, 8-11-2014)

10-10-7: BICYCLE PARKING EXCHANGE:

At the owner's discretion, a maximum of one required parking space may be exchanged for ten (10) bicycle spaces. Bicycle spaces shall be located on a bike rack furnished by the owner. (Ord. 3076, 8-11-2014)

10-10-8: RULES FOR COMPUTING NUMBER OF PARKING SPACES:

In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

- (A) "Floor area" shall mean the gross floor area of the specific use.
- (B) Where fractional spaces result, the parking spaces required shall be constructed to be the next whole number.
- (C) The parking space requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the zoning administrator.
- (D) When an existing residential structure is converted to a nonresidential use, the parking requirements may be modified by the administrator if it can be shown that strict compliance to these development standards is not possible. (Ord. 3076, 8-11-2014)

10-10-9: LOCATION OF PARKING SPACES:

All required parking spaces shall be located on the same lot as the building or use requiring said spaces when at all possible. Exceptions to this requirement are as follows:

(A) The required off street parking location shall not be located more than the following distances, measured along the sidewalk or a walkway available for public use, from the primary entrance of the premises to the nearest entrance of the parking lot:

1. Customer parking for retail or commercial businesses, as well as medical-dental clinics, churches, restaurants, bars, entertainment facilities and residential uses: Three hundred fifty feet (350').
2. Employee parking: Five hundred feet (500'). (Ord. 3076, 8-11-2014)

10-10-10: LOADING SPACE AND STACKING REQUIREMENTS:

(A) All nonresidential uses having ten thousand (10,000) square feet or more of gross floor area shall provide and maintain an area for the loading and unloading of merchandise and goods, in accordance with this code and the following requirements:

1. Retail, commercial and industrial uses with building sizes of ten thousand (10,000) to fifty thousand (50,000) square feet of floor area will provide one loading space minimum. Uses with building sizes fifty thousand (50,000) to one hundred thousand (100,000) square feet of floor area will provide two (2) loading spaces minimum. Buildings over one hundred thousand (100,000) square feet of floor area will provide two (2) loading spaces minimum, plus one additional space for each one hundred thousand (100,000) square feet of floor area.

2. All hotels, office buildings, restaurants and similar establishments shall have at least one space per one hundred fifty thousand (150,000) square feet of gross floor area up to three hundred thousand (300,000) square feet of gross floor area or fraction thereof.

3. A loading space shall consist of an unobstructed minimum area of twelve feet wide, forty feet long and fourteen feet tall (12' x 40' x 14').

4. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks. Each site shall provide a designated maneuvering area for trucks.

(B) Stacking spaces provide the ability for vehicles to queue on site prior to receiving a service. A stacking space shall be a minimum of nine feet wide and twenty feet long (9' x 20') and shall not be located within or interfere with any other circulation driveway, parking space, or maneuvering aisle. Unless otherwise specified, stacking spaces shall be provided behind the vehicle bay door, middle of the service window, or middle of the service island, whichever is applicable. In all zoning districts, at the time any building or structure is erected or altered, stacking spaces shall be provided in the number and manner set forth in the following list of property uses:

Automated teller machine (ATM)	3 stacking spaces
Automobile oil change and similar establishments	3 stacking spaces per bay
Car wash (full service)	5 stacking spaces per bay
Car wash (self-service - automated)	3 stacking spaces per bay
Car wash (self-service - open bay)	2 stacking spaces per bay
Dry cleaning, pharmacy, or other retail establishments with a drive- through	3 stacking spaces from first service window
Financial institution	3 stacking spaces per window or service lane
Restaurant with drive-through	5 stacking spaces from first window, order board, or other stopping point

A single stacking space shall be provided after the final window, order board, or stopping points, to allow vehicles to pull clear of the transaction area prior to entering an intersecting on site driveway or maneuvering aisle. Buildings and other structures shall be set back a minimum of ten feet (10') from the back of the curb of the intersecting driveway or maneuvering aisle to provide adequate visibility and to allow vehicles to safely exit drive-through lanes and escape lanes prior to merging into intersecting driveways or maneuvering aisles.

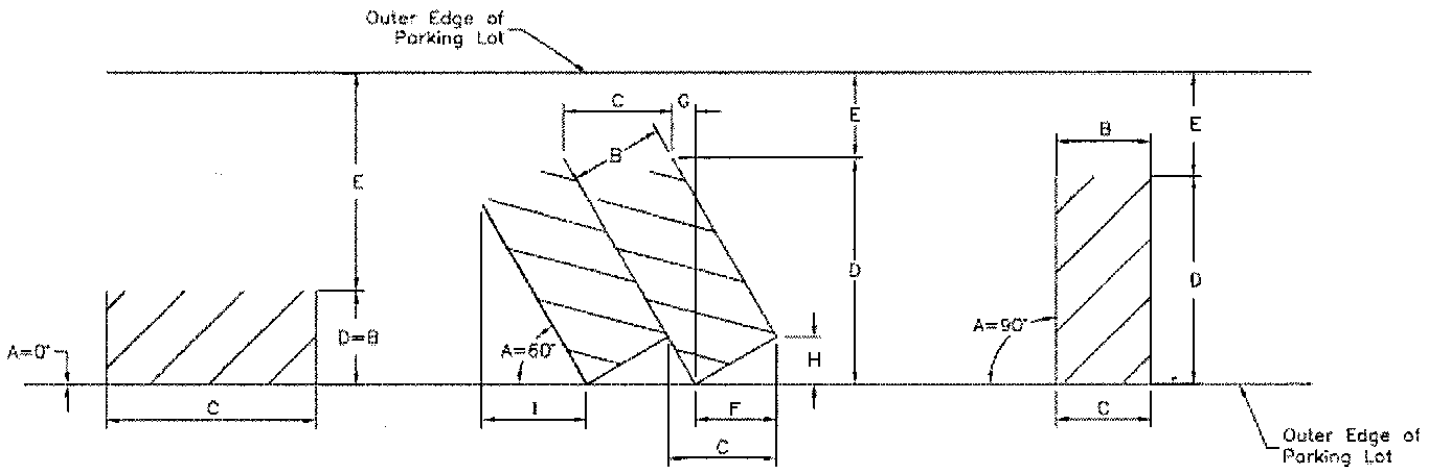
An escape lane shall be provided for any use containing a drive-through facility. An escape lane shall be nine feet (9') wide and shall provide access around the drive- through facility. An escape lane may be part of a circulation aisle. (Ord. 3076, 8-11-2014)

10-10-11: MINIMUM STANDARDS FOR PARKING LOT DESIGN:

(A) Design Standards Table And Exhibit:

A	B	C	D	E Driveway Width		F	G	H	I
Parking Angle	Stall Width	Curb Length	Stall Depth	One-Way	Two-Way	Curb Length	Curb Length	Curb Length	Curb Length
A	B	C	D	E Driveway Width		F	G	H	I
Parking Angle	Stall Width	Curb Length	Stall Depth	One-Way	Two-Way	Curb Length	Curb Length	Curb Length	Curb Length

0°	9'0"	23'0"	9'0"	12'0"	24'0"	0'0"	20'0"	9'0"	20'0"
20°	9'0"	26'4"	15'3"	11'0"	24'0"	3'1"	15'8"	8'5"	18'10"
30°	9'0"	18'0"	17'9"	11'0"	24'0"	4'6"	12'10"	7'10"	17'4"
40°	9'0"	14'0"	19'9"	12'0"	24'0"	5'9"	9'6"	6'11"	15'4"
45°	9'0"	12'9"	20'6"	13'0"	24'0"	6'4"	7'9"	6'4"	14'2"
50°	9'0"	11'9"	21'1"	14'0"	24'0"	6'11"	6'0"	5'9"	12'10"
60°	9'0"	10'5"	21'10"	16'0"	24'0"	7'10"	2'2"	4'6"	10'0"
70°	9'0"	9'8"	21'10"	18'0"	24'0"	8'5"	1'7"	3'1"	6'10"
80°	9'0"	9'2"	21'4"	20'0"	24'0"	8'10"	5'5"	1'7"	3'6"
90°	9'0"	9'0"	20'0"	24'0"	24'0"	9'0"	9'0"	0'0"	0'0"



(B) Interior Landscaping Requirements: Any nonresidential parking area that contains twenty (20) or more parking spaces shall provide interior parking lot landscaping, in addition to other required landscaping, as follows:

1. Where an existing parking lot area is altered or expanded to increase the number of spaces to twenty (20) or more, interior landscaping shall be provided on the new portion of the lot in accordance with this section.
2. Landscaped islands shall be located at the terminus of all parking rows. Also, no more than fifteen (15) parking spaces are permitted in a continuous row without being interrupted by a landscaped island.
3. Required landscaped islands shall be a minimum eight feet wide and fifteen feet long (8' x 15') and shall contain at least one tree. Trees shall have a height of at least four feet (4') when planted.
4. Required landscape islands may be grouped, subject to approval by the planning and zoning commission.
5. All landscaped areas shall be protected by a raised six inch (6") concrete curb. Pavement shall not be placed closer than four feet (4') from the trunk of a tree unless a root barrier is provided. (Ord. 3076, 8-11-2014)

10-10-12: REGULATIONS FOR PARKING OVERLAY DISTRICTS:

The purpose of the parking overlay districts is established to accommodate the need for off street parking ratio alternatives in accordance with traffic patterns, ultimate densities and coordinated use of lands within the city. It is intended that the respective districts with which the parking district is combined shall have requirements particular to the land and uses which warrant off street parking variables to be applied.

The following regulations of this section shall apply to all land classified as a "parking district" (P). All uses are permitted in the respective district with which the P district is combined, subject to the provisions of those districts. If any of the regulations specified in this section differ from corresponding regulations specified for a district with which the P district is combined, then the regulations of this district shall govern.

(A) Parking district 1:

1. The boundary of the P1 district is defined as illustrated on the current zoning district map.
2. No off street parking is required within the P1 district as designated for outright permitted uses, but may be required through the special use permit required by the commission or council. This provision does not exempt any use from the requirements for off street loading.

(B) Parking district 2:

1. The boundary of the P2 district is defined as illustrated on the current zoning district map.
2. The off street parking requirement in the P2 district is thirty percent (30%) less than that required outside of the P districts except that household dwellings of less than five (5) units shall provide two (2) spaces per unit. This provision does not exempt any use from the full requirements for off street loading.

(C) Parking district 3:

1. The boundary of the P3 district is defined as illustrated on the current zoning district map.
2. Due to the desire of the city to retain the character of the P3 district special consideration may be given on a case by case basis to the parking requirements, if the standard requirements cannot be applied. Examples of special consideration may be a variance, leased parking, and remote parking. (Ord. 3076, 8-11-2014)



Date: Tuesday, December 17, 2024
To: Planning and Zoning Commission
From: William Klaver, Senior City Planner

ACTION ITEM

Request:

Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 6 "Landscaping Regulations".

Time Estimate:

15-20 minutes for staff presentation.

Background:

In February 2018, the City Council tasked Planning and Zoning Staff to initiate a complete rewrite of Title 10: Zoning and Subdivision Regulations. The main goals of the rewrite are to accomplish the following:

- Update the current definitions;
- Simplify the code navigation process for users;
- Streamline the development approval process; and
- Make the code reflect the goals, language, and strategies of the 2016 Comprehensive Plan.

The chapter applicable to this Staff Report is the "Landscaping Regulations". This chapter was adopted and amended in various years, ranging from 1981 to 2024.

This chapter contains much the same language as before. The bulk of the regulation was combining landscape requirements into one (1) chapter. Besides consolidating to one (1) chapter, the following items are being proposed as changes.

1. Clarification landscape standards are not applicable to single-family and duplex lots;
2. Landscape Plan, stamped by an Idaho Licensed Design Profession, shall be submitted on all projects requiring 4,000 SF or more landscape;
3. Requiring a mix of species, rather than ever evergreen vs deciduous;
4. Outlining suitable types of ground cover;
5. Changing from "Gateway Arterial Landscaping" to "Arterial Landscaping";
6. Landscaping in proximity to overhead utilities to conform with Idaho Power's Tree Guide;
7. Require a Certificate of Completion by a certified landscape contractor once the work is completed; and
8. Adding recommended guidelines for areas that are vulnerable to wildfire.

Approval Process:

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

Budget Impact:

N/A

Regulatory Impact:

Should this be approved, this section will be the landscaping regulations for the zoning regulations.

History:

N/A

Analysis:

N/A

Conclusion:

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

1. *Move to recommend approval for the proposed zoning text amendment to the landscaping regulations chapter of Title 10 as presented;*
2. *Move to recommend approval with conditions for the proposed zoning text amendment to the landscaping regulations chapter of Title 10; or*
3. *Move to table the item to a date certain of _____.*

Attachments:

1. Proposed Landscaping Regulations
2. Current Landscaping Standards - 12.9.24

10-6: LANDSCAPING REGULATIONS

10-6-1 GENERAL.

- A. These standards shall apply to all areas held in common ownership and/or under common maintenance within any development or subdivision such as, but not limited to, retention/detention ponds, park strips, berms, and swales. These standards shall apply to all commercial uses and businesses. Further, these standards will apply to five or more residential units on a single lot.
- B. The measurements and sizes of plant materials required by this section shall adhere to the standards prescribed in the latest edition of "American Standards for Nursery Stock" (ANSI Z60.1).
- C. All landscaping elements shall be maintained in a manner consistent with the minimum standards outlined in this chapter. Any dead or dying trees, shrubs, or other perennial plants shall be removed and replaced within one calendar year.
- D. All trees in public right of way shall be maintained according to the practices established by the Twin Falls Tree Commission per City Code 8-4.
- E. All landscaping elements shall be installed and maintained consistent with vision and safety requirements outlined in City Code Titles 8 and 9.

10-6-2 EXCEPTIONS.

- A. These standards shall not apply to single household dwellings on a single lot, accessory dwelling units, a duplex on a single lot, or a single triplex or fourplex on a single lot.

10-6-3 LANDSCAPE PLAN SUBMITTAL REQUIREMENTS.

- A. All projects requiring landscape installation shall require the submission of a landscape plan. The landscaping plan shall be reviewed as part of the building permit or zoning application process.
- B. Projects requiring 4,000 square feet or more of total landscaped area shall provide a landscape plan prepared by a current Idaho Licensed Design Professional.

10-6-4 CALCULATING REQUIRED LANDSCAPING.

The square footage of required landscaping is defined in the property development standards for each zoning district as found in 10-2 of this Title.

District	Landscape Requirement	District	Landscape Requirement
OS	N/A	MXU	5% of lot area
CRO	20% total Area	CMT	5% of lot area
DTO	See underlying district	CC	5% of lot area
AG	N/A	COM	5% of lot area
RR	N/A	IND	2SF per linear feet of frontage
TN-1	N/A	AP	3% of total land area
TN-2	N/A	CSI	N/A
TN-3	5% of lot area or as exempted in 10-6-2		

CHAPTER 6

10-6-5 MINIMUM LANDSCAPE PLANTING & GROUND COVER STANDARDS.

The required minimum landscaped area shall have the following plantings:

- A. One tree per 500 square feet of landscaped area. The number of tree species and planting sizes shall be planted per the table below:

Required Number of Trees	Minimum Number of Species
1-4	1
5 to 10	2
11 to 30	3
31 to 50	4
More than 50	5
All trees shall be a minimum of <u>1-1/2 inch caliper (deciduous) or five feet tall (evergreen)</u> when planted.	

- B. One woody shrub, herbaceous perennial, or ornamental grass per 100 square feet of landscaped area. The number of shrub/grass species and planting sizes shall be planted per the table below:

Required Number of Shrubs/Grasses	Minimum Number of Species
1 to 4	1
5 to 10	2
11 to 30	3
31 to 50	4
More than 50	5
All Shrubs shall be a minimum of two gallons when planted. All others shall be a minimum of one gallon when planted.	

- C. Ground cover is required throughout the required minimum landscaped area.

1. The following ground covers are permitted:
 - a. Bark mulches
 - b. Soil aid

- c. Other non-vegetative materials (decorative rock/stone 3/4" or greater, artificial turf, pavers, etc.) that do not comprise of more than 50% of the required area.
 - d. Vegetative ground cover (grasses, etc.)
2. The following ground covers and materials are prohibited:
 - a. Asphalt
 - b. Concrete flat work
 - c. Pea gravel
 - d. Road base gravel
 - e. Rubber mulch
 - f. Pit run rock & ballast rock
 - g. Impermeable plastic weed barrier
3. All non-vegetative ground cover shall utilize a permeable weed barrier and shall be installed to a minimum depth of three inches.

10-6-6 ALTERNATIVE LANDSCAPING PLAN.

- A. The Planning and Zoning Commission may approve alternative plans for the minimum site landscape plantings and groundcover standards.
1. Alternative plans shall not be granted for Gateway Arterial and parking lot landscaping requirements.
 2. Alternative plans may substitute the required landscape area, and associated number of trees / shrubs, for non-vegetative beautification amenities, alternative placement of trees and shrubs, or a combination of amenities and vegetation placement.

3. Non-vegetative beautification amenities include:
 - a. Architecture embellishments such as window canopies, door awnings, etc.).
 - b. Artistic murals or similar artistic displays as approved by the City of Twin Falls Arts Commission.
 - c. Other innovative items approved per the Planning and Zoning Commission.
4. Alternative placement of vegetation include:
 - a. Planter boxes
 - b. Hanging baskets
 - c. Potted plants
 - d. Living walls
 - e. Street trees per the Parks Department approved list & installation guide
 - f. Other innovative locations approved per the Planning and Zoning Commission

B. Alternative Plan Review Process: Upon receipt of a completed application the Administrator shall schedule the item within 45 days on the Planning and Zoning Commission agenda for consideration.

10-6-7 THE PLANTING OF INVASIVE AND HARMFUL PLANT SPECIES.

Any plant deemed by the State of Idaho as invasive or harmful shall not be planted.

10-6-8 ARTERIAL LANDSCAPING.

Except as exempted in 10-6-2, landscaping shall be provided, retained and maintained on all properties fronting arterials. Arterial landscaping may count towards the subject property's overall landscaping requirement. A landscaped strip with an average depth of 30 feet, with no area having a depth of less than 15 feet, measured from back of sidewalk or future sidewalk, shall be provided along all arterial roads. Concrete flatwork, sidewalks, or paths shall not be counted towards required landscaped area.

10-6-9 CANYON RIM OVERLAY LANDSCAPING.

Overall, twenty percent of the total area included in any commercial or mixed-use development in the Canyon Rims Overlay district shall be devoted to landscaped open space. That space shall meet all applicable requirements of this Title and shall include the following elements:

- A. Street Buffers: A landscape buffer with an average depth of 30 feet, with no area having a depth less than 15 feet, shall be provided for commercial uses along arterial and collector streets, and residential uses along arterial streets.
- B. Use Buffers: There shall be a minimum 50 feet landscaped buffer within 50 feet of the Canyon Rim.
- C. Parking Areas: Parking areas including 15 or more spaces shall be broken into separate bays by landscaped areas and pedestrian walks that comprise at least ten percent of the area devoted to parking.
- D. Canyon Rim Setback Area: The canyon rim setback area may be included as part of the twenty percent landscaping requirement if the area is landscaped to meet the minimum requirements of subsection 10-6-2.2 of this chapter or if planted with native vegetation.

CHAPTER 6

10-6-10 PARKING LOT LANDSCAPING.

Any parking area that contains 20 or more parking spaces shall provide interior parking lot landscaping, in addition to other required landscaping, as follows:

- A. Expansions to existing parking lots which increase the number of spaces beyond 20, or expand parking to new areas where 20 spaces are currently available, shall provide parking lot landscaping on the new portion of the lot in accordance with this section.
- B. Landscaped islands shall be located at the terminus of all parking rows. No more than 15 parking spaces are permitted in a continuous row without being interrupted by a landscaped island.
- C. Required landscaped islands shall be a minimum six feet wide and 15 feet long and shall contain at least one tree that meets the following requirements:
 1. The tree placed in the landscaped island shall be an approved parking island species identified in the *City of Twin Falls Tree Selection Guide*.
 2. At planting the tree placed in the island shall meet the minimum size requirements as outlined in 10-6.2.2.
 3. Required landscape islands may be grouped, subject to approval by the Planning and Zoning Commission.
 - a. All landscaped areas shall be protected by an appropriate device so as to prevent the damage of the landscaped areas and vegetation from vehicles. Pavement shall not be placed closer than four feet from the trunk of a tree unless a root barrier is provided.

10-6-11 LANDSCAPING IN PROXIMITY TO OVERHEAD UTILITIES

- A. Tree Planting. Where a tree is required to be planted in accordance with this Title, it shall meet the following requirements:

Tree Classification*	Minimum Distance from Overhead Utilities
Class 1	15 feet
Class 2	25 feet
Class 3	35 feet
Distances are to be measured from center of the tree trunk at time of planting.	

*Refer to Idaho Power Tree Planning & Planting Guide



- B. Review. All landscaping to be placed within 50 feet of any overhead powerline shall follow the appropriate guidelines for landscape installation when near electric power utilities. Any reasonable accommodation requested by the utility company shall be met, including but not limited to alternative tree placement, alternative tree species, etc.
- C. Maintenance: All maintenance shall be conducted in conformance with the Idaho Overhead Safety Act (Idaho Statute 55-2401 thru 55-2405) or as amended.
- D. Nuisance: Any tree or shrub growing in the public right of way or a public place which is endangering, or which in any way may endanger, the security or usefulness of any public street, sewer, or sidewalk or the full

and safe operation of public utility wires, is hereby declared to be a public nuisance and the City may act as detailed in Twin Falls City Code Title 8 Chapter 4.

10-6-12 GUIDELINES FOR SELECTING PLANTS FOR POLLINATORS.

It is strongly recommended that pollinator plants be incorporated in landscape design whenever possible. Pollinator friendly landscaping recommendations established in the “Intermountain Semidesert Province Regional Guide for Selecting Plants for Provinces” published by the Pollinator Partnership and the North American Pollinator Protection Campaign, should be followed wherever possible.

10-6-13 LANDSCAPE PLAN FIELD MODIFICATIONS.

- A. Due to unforeseen events occurring during construction and installation of landscaping, field modifications to plans are occasionally needed.
- B. Field modifications may be approved by the Administrator under the following circumstances:
 - 1. Conflicts with utilities;
 - 2. No net loss of tree or shrub counts;
 - 3. Substitute species (plants not available);
 - 4. Future maintenance issues; and,
 - 5. Any other unforeseen reasons an Idaho Licensed Design Professional deems appropriate to relocate landscaping.
 - 6. An application for field modifications shall be submitted to the Administrator and follow the process found in Chapter 8 of this Title.

10-6-14 LANDSCAPE PLAN COMPLETION.

- A. No certificate of occupancy for any building, or development covered by the terms of this title, shall be issued unless the required landscaping has been completed.
- B. Required landscaping of 4,000 square feet or more shall require a written certificate of completion by a certified landscaping installer. The certificate of completion shall verify that all landscape improvements, including plant material and sprinkler installation, are in substantial compliance with the approved landscape plan.

10-6-15 LANDSCAPE / VEGETATION ENCROACHMENTS, OBSTRUCTIONS & PUBLIC NUISANCES.

- A. Every owner, tenant, or occupant of the premises abutting or adjoining any public right of way shall be required to trim or remove any trees, shrubbery, or plant growth which encroaches over any sidewalk, beyond any curb line, or over the edge of the pavement per 8-1-5 of Twin Falls City Code.
- B. No person shall plant, install, create, maintain, or possess on or over public or private property an obstruction of an official traffic-control sign to the vision of a driver per 9-9-19 of Twin Falls City Code.
- C. 8-4-8 of Twin Falls City Code shall govern all instances of identifying and remedying landscaping or vegetation as public nuisance.

10-6-16 GUIDELINES FOR LANDSCAPING IN AREAS VULNERABLE TO WILDFIRE.

It is recommended that fire wise plants and landscape design be utilized in areas of the City vulnerable to wildfire. Fire wise recommendations include:

- A. Control the density and placement of highly flammable vegetation within 30 feet of buildings and structures, to include:
 1. Removal of all flammable vegetation within three to five feet of buildings and structures.
 2. Removal of any tree branches hanging over structures that will drop needles or other debris onto roofs, gutters, or decks.
 3. Prohibition of plant vegetation underneath eaves or roof lines.
 4. Moving firewood piles further than 30 feet from buildings and structures during fire season.
- B. Establishing a 50-foot defensible space around the perimeter of any habitable structure in which trees are thinned so that crowns do not overlap or touch, woody brush is removed or substantially thinned, and dead fuel is removed.
- C. Incorporating non-flammable hardscapes, such as rock wall, to function as firebreaks by breaking up areas of fuel.
- D. Incorporating ground cover such as gravel, brick chips, pavers, and concrete offer superior fire-resistance and should be used where mulch directly abuts flammable structures.

- E. Planting ignition resistant plants (see Flammability Chart)

FLAMMABILITY CHART
Succulents = More Ignition Resistant
Ground Covers
Turf Grasses
Annuals
Perennials
Shrubs
Deciduous Trees
Ornamental Grasses
Evergreens = Less Ignition Resistant

- F. Maintenance. Trim lawns, irrigate frequently, prune out dead limbs, remove debris and other fuels, thin and increase spacing between plants.

10-4-1.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the AG District: (Ord. 2796, 6-14-2004)

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per household dwelling and per farm shall be twenty (20) acres.

2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this Code at the time it was created, except that residential uses shall be limited to a single household unit per building.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than forty percent (40%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height except those used for the storage of farm produce. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than thirty feet (30') to the front property line.

b. Where lots have double frontage on two (2) streets the required front yard of thirty feet (30') shall be provided on both streets.

c. On a corner lot the required front yard of thirty feet (30') shall be provided on both streets. (Ord. 2526, 5-20-1996)

d. No accessory buildings shall be constructed in the front yard nor closer than thirty feet (30') to other street frontages, except when the accessory building is more than one hundred feet (100') from any public access road or to the front property line, whichever is further. (Ord. 2850, 2-21-2006)

2. Side Yard:

a. The side building line shall not be closer than seven feet (7') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided by section 10-7-5 of this title.

c. Architectural projections of main buildings or attached accessory buildings shall not be closer than four feet (4') to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than thirty feet (30') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right-of-way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential/nonagricultural uses shall have five percent (5%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.

2. Each nonresidential use shall comply to the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted

in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights-of-way without first obtaining written approval from the City. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this Code. (Ord. 2550, 6-2-1997)

10-4-2.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the SUI District:

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per household dwelling shall be one acre, or as set forth in the "Technical Guidance Manual for Individual and Subsurface Sewage Disposal Systems" as adopted by the South Central District Board of Health, whichever is larger. (Ord. 2796, 6-14-2004)

2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this Code at the time it was created, except that residential uses shall be limited to a single household unit per building.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than forty percent (40%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than thirty feet (30') to the front property line.

b. Where lots have double frontage on two (2) streets the required front yard of thirty feet (30') shall be provided on both streets.

c. On a corner lot the required front yard of thirty feet (30') shall be provided on both streets. (Ord. 2526, 5-20-1996)

d. No accessory buildings shall be constructed in the front yard nor closer than thirty feet (30') to other street frontages, except when the accessory building is more than one hundred feet (100') from any public access road or to the front property line, whichever is further. (Ord. 2850, 2-21-2006)

2. Side Yard:

a. The side building line shall not be closer than seven feet (7') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided by section 10-7-5 of this title.

c. Architectural projections of main buildings or attached accessory buildings shall not be closer than four feet (4') to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than thirty feet (30') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right-of-way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have five percent (5%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.

2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights-of-way without first obtaining written approval from the City. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this Code. (Ord. 2550, 6-2-1997)

10-4-3.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the R1-VAR district except as provided by section 10-12-5-6 of this title for zero lot line subdivisions:

(A) Use Of Lots: Each dwelling, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof. (Ord. 2526, 5-20-1996)

(B) Lot Area:

1. The minimum lot area per household dwelling shall be eight thousand (8,000) square feet for lots fronting on arterial streets as defined in subsection 10-7-6(A) of this title. (Ord. 2798, 8-2-2004)

2. All other lots within a proposed subdivision shall have a minimum lot area of at least eighty five percent (85%) of the average lot size of platted or developed lots within one hundred fifty feet (150') of said lots. Notwithstanding the foregoing, no lot shall be required to be larger than eighteen thousand five hundred (18,500) square feet except where contiguous to an SUI or AG zoning district, in which case no lot shall be required to be larger than twenty thousand (20,000) square feet. In no case shall the lot area be less than eight thousand (8,000) square feet nor shall a lot be required to be larger than the largest contiguous lot. (Ord. 2526, 5-20-1996; amd. Ord. 2796, 6-14-2004)

3. A permitted use that conforms to all provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this code at the time it was created.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than fifty percent (50%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than twenty feet (20') to the front property line.

b. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.

c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.

d. No accessory buildings shall be constructed in the front yard nor closer than twenty feet (20') to other street frontages.

2. Side Yard:

a. The side building line shall not be closer than seven feet (7') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title.

c. Architectural projections of main buildings and attached accessory buildings shall not be closer than four feet (4') to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than twenty five feet (25') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

c. On a corner lot the rear yard setback may be reduced to the side yard setback. (Ord. 2620, 8-2-1999)

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have ten percent (10%) of the site landscaped and shall comply with the

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.
2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-4.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the R2 district except as provided by section 10-12-5-6 of this title for zero lot line subdivisions:

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area shall be six thousand (6,000) square feet for a single household dwelling and ten thousand (10,000) square feet for a duplex dwelling.
2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this code at the time it was created, except that residential uses shall be limited to a single household unit per building.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

- a. The front building line shall not be closer than twenty feet (20') to the front property line.
- b. Where lots have double frontage on two (2) streets the required front yard of twenty feet (20') shall be provided on both streets.
- c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.
- d. No accessory buildings shall be constructed in the front yard nor closer than twenty feet (20') to the other street frontages.

2. Side Yard:

- a. The side building line shall not be closer than seven feet (7') to the side property line.
- b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided by section 10-7-5 of this title.
- c. Architectural projections of main buildings or attached accessory buildings shall not be closer than four feet (4') to the side property line.

3. Rear Yard:

- a. The rear building line shall not be closer than twenty feet (20') to the rear property line.
- b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.
- c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have ten percent (10%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling unit shall have a minimum of two (2) off street parking spaces.
2. Each nonresidential use shall comply to the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-5.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the R4 district except as provided by section 10-12-5-6 of this title for zero lot line subdivisions:

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per single household dwelling shall be four thousand (4,000) square feet, seven thousand (7,000) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit above or below the ground level unit.
2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this code at the time it was created, except that residential uses shall be limited to a single household unit per building.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

- a. The front building line shall not be closer than twenty feet (20') to the front property line.
- b. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.
- c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.
- d. No accessory building shall be constructed in the front yard nor closer than twenty feet (20') to other street frontages.

2. Side Yard:

- a. The side building line shall not be closer than five feet (5') to the side property line.
- b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided in section 10-7-5 of this title.
- c. Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet ($2\frac{1}{2}$ ') to the side property line.

3. Rear Yard:

- a. The rear building line shall not be closer than twenty feet (20') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat. (Ord. 2526, 5-20-1996)

(G) Landscaping: All uses, excluding single household and duplex buildings, shall have ten percent (10%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title. (Ord. 2620, 8-2-1999)

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.
2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-6.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the R6 district except as provided by section 10-12-5-6 of this title for zero lot line subdivisions:

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per single household dwelling shall be four thousand (4,000) square feet, six thousand five hundred (6,500) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit above or below the ground level unit.

2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this code at the time it was created, except that residential uses shall be limited to a single household unit per building.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than twenty feet (20') to the front property line.

b. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.

c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.

d. No accessory buildings shall be constructed in the front yard nor closer than twenty feet (20') to the property line on other street frontages.

2. Side Yard:

a. The side building line shall not be closer than five feet (5') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided in section 10-7-5 of this title.

c. Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet ($2\frac{1}{2}'$) to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than fifteen feet (15') to the rear property line for residential uses and fifteen feet (15') for other uses.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided in section 10-7-5 of this title.

c. On a corner lot, the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All uses, excluding single household and duplex buildings, shall have ten percent (10%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling unit shall have a minimum of two (2) off street parking spaces.
2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-7.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the CB district:

(A) Lot Area:

1. Commercial Uses: The lot area shall be of sufficient size to provide for the building, off street parking and landscaping.
2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall provide the minimum lot area of the R6 district.

(B) Lot Occupancy:

1. Commercial Use: No requirement.
2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall conform to the lot occupancy requirements of the R6 district.

(C) Building Height: No building shall exceed fifty feet (50') in height except as provided by section 10-7-3 of this title. (Ord. 2526, 5-20-1996)

(D) Yards: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2773, 12-15-2003)

1. Commercial Uses: No property line setbacks are required.
2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall conform to the yard standards of the R6 district.

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat. (Ord. 2526, 5-20-1996)

(F) Landscaping:

1. Commercial uses shall provide landscaping equal to five percent (5%) of the total parking area.
2. Household buildings five (5) units or more shall provide landscaping equal to ten percent (10%) of the lot area. (Ord. 2620, 8-2-1999)

(G) Off Street Parking:

1. Each commercial use shall comply with the provisions of chapter 10 of this title.
2. Residential uses under five (5) units per building shall provide two (2) off street parking spaces for each residential unit.
3. Residential units in commercial buildings shall provide one off street parking space for each dwelling unit in the building.

(H) Signs: See chapter 9 of this title. (Ord. 2526, 5-20-1996)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-8.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the C1 district:

(A) Lot Area:

1. Commercial Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping.
2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall provide the minimum lot area of the R6 district.

(B) Lot Occupancy:

1. Commercial Uses: No requirement.
2. Residential Uses: Residential uses less than five (5) units not attached to a commercial use shall conform to the lot occupancy requirements of the R6 district. (Ord. 2526, 5-20-1996)

(C) Building Height: No building shall exceed fifty feet (50') in height except as provided by section 10-7-3 of this title.

(D) Yards: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater:

1. Commercial Uses And Residential Uses With Five Or More Units Per Building:

a. Front Yards: A setback of thirty five feet (35') shall be maintained on major arterials and fifteen feet (15') on all other streets. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the commission, subject to the following exceptions:

(1) A gasoline service station pump island, including cashier's booth, and canopy setback may be less than the required thirty five feet (35') property line setback on arterial streets, providing the property line setback is not less than thirty feet (30') for a pump island nor less than twenty feet (20') for the outer edge of a canopy. Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.

(2) Outdoor or patio seating, including associated canopies or coverings, at a food service establishment providing the outdoor seating area including any canopies or coverings does not exceed a property line setback of twenty feet (20') or the minimum required arterial landscaping is provided, whichever is greater. Any outdoor or patio seating area proposed within a required setback must be approved by the planning and zoning commission.

b. Side And Rear Yards: No property line setbacks are required on side yard or rear yards when adjacent to existing commercial uses, existing residential uses with five (5) or more units per building, vacant property that is zoned for nonresidential development, or vacant property that is designated on the future land use plan for nonresidential development. A property line setback of twenty five feet (25') shall be maintained on the side yard and rear yard for buildings adjacent to existing residential uses with four (4) or fewer units per building, vacant property that is zoned for residential development or vacant property that is designated on the future land use plan for residential development.

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall conform to the yard standards of the R6 district. (Ord. 3077, 8-11-2014)

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(F) Landscaping:

1. Commercial uses shall provide landscaping equal to ten percent (10%) of the total required parking area or three percent (3%) of the total land area, whichever is greater.

2. Household buildings over five (5) units shall provide landscaping equal to ten percent (10%) of the lot area.

(G) Off Street Parking:

1. Each commercial use shall comply with the provisions of chapter 10 of this title.
2. Residential uses under five (5) units per building shall provide two (2) off street parking spaces for each residential unit.
3. Residential units in commercial buildings shall provide one off street parking space for each dwelling unit in the building.

(H) Signs: See chapter 9 of this title. (Ord. 2526, 5-20-1996)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-9.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the M1 district:

(A) Lot Area:

1. Commercial Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping.
2. Residential Uses: Residential uses not attached to a commercial building shall provide the minimum lot area of the R6 district.

(B) Lot Occupancy:

1. Commercial uses: No requirement.
2. Residential uses: Same as that in the R6 district.

(C) Building Height: No building shall exceed fifty feet (50') in height except as provided by section 10-7-3 of this title. (Ord. 2526, 5-20-1996)

(D) Yards: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2773, 12-15-2003)

1. Commercial And Manufacturing Uses: No property line setbacks are required on side or rear yard. A setback of thirty five feet (35') on arterials and fifteen feet (15') on other streets is required. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the commission. A gasoline service station pump island, including cashier's booth, and canopy setback may be less than the required thirty five foot (35') property line setback on arterial streets, providing the property line setback is not less than thirty feet (30') for a pump island nor less than twenty feet (20') for the outer edge of a canopy. Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.
2. Residential Uses: Residential uses shall conform to the yard standards of the R6 district.

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(F) Landscaping:

1. Nonresidential uses shall provide landscaping equal to two (2) square feet per linear foot of street frontage and shall be placed between the building and the street. This requirement may be waived by the commission for existing facilities where buildings exist with zero setback on street frontage.

2. Household units not attached to nonresidential uses. No requirement.

(G) Off Street Parking:

1. Each commercial use shall comply with the provisions of chapter 10 of this title.
2. Residential uses shall provide two (2) off street parking spaces for each residential unit.
3. Residential units in nonresidential buildings shall provide one off street parking space for each dwelling unit in the building.

(H) Signs: See chapter 9 of this title. (Ord. 2526, 5-20-1996)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-10.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the M2 district:

(A) Lot Area:

1. Nonresidential Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping.
2. Residential Uses: Residential uses not attached to an allowed use shall provide the minimum lot area of the R6 district.

(B) Lot Occupancy:

1. Commercial Uses: No requirement.
2. Residential Uses: Same as that in the R6 district.

(C) Building Height: No building shall exceed fifty feet (50') in height except as provided by section 10-7-3 of this title. (Ord. 2526, 5-20-1996)

(D) Yards: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2773, 12-15-2003)

1. Commercial Uses: No property line setbacks are required on side and rear yards. Setbacks on arterial frontages shall be thirty five feet (35') from property line and fifteen feet (15') on other streets. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the commission. A gasoline service station pump island, including cashier's booths, and canopy setback may be less than the required thirty five foot (35') property line setback on arterial streets, providing the property line setback is not less than thirty feet (30') for a pump island nor less than twenty feet (20') for the outer part of a canopy. Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.

2. Residential Uses: Residential uses shall conform to the yard standards of the R6 district.

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(F) Landscaping:

1. Nonresidential uses shall provide landscaping equal to two (2) square feet per linear foot of frontage and shall be placed between the building and the street. This requirement may be waived by the commission for existing facilities where buildings exist with zero setback on street frontages.

2. Household units not attached to nonresidential uses: No requirement.

(G) Off-Street Parking:

1. Each nonresidential use shall comply with the provisions of Chapter 10 of this Title.
2. Residential uses shall provide two (2) parking spaces for each residential unit.
3. Residential units in commercial buildings shall provide one off-street parking space for each dwelling unit in the building.

(H) Signs: See Chapter 9 of this Title. (Ord. 2526, 5-20-1996)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: no wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the City. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of Section 9-9-16 of this Code. (Ord. 2550, 6-2-1997)

(J) H-1 Facilities: H-1 facilities shall be secured at all times from trespass by unauthorized persons. (Ord. 2526, 5-20-1996)

10-4-11.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the OS district:

(A) Use Of Lots: Each building except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a lot shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per household dwelling shall be eight thousand (8,000) square feet if serviced by centralized sewer and forty three thousand (43,000) square feet if on septic tanks.

2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof, and conformed to the minimum lot size requirements of this code at the time it was created, except that residential uses shall be limited to a single household unit per building.

3. Each nonresidential use shall have a minimum lot area established by the commission.

(C) Lot Occupancy:

1. No household dwelling, including its accessory buildings, shall occupy more than forty percent (40%) of a lot.

2. Each nonresidential use shall have a minimum lot occupancy established by the commission.

(D) Building Height: No building shall exceed twenty feet (20') in height.

(E) Yards:

1. Household dwellings shall conform to the yard setbacks of the R1-VAR district.

2. Each nonresidential use shall have a yard established by the commission.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have the landscaping requirement established by the commission.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.

2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-12.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the AP district, except on Joslin Field, Magic Valley Regional Airport property, which development standards shall be as established by the airport advisory commission and approved by the city council and county commissioners: (Ord. 2635, 11-15-1999)

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per household dwelling and per farm shall be twenty (20) acres.

2. A permitted use that conforms to all other provisions of this title may be allowed on a lot which does not meet the minimum lot size requirements contained herein, if the lot existed at the effective date hereof and conformed to the minimum lot size requirements of this code at the time it was created, except that residential uses shall be limited to a single household unit per building.

3. Each nonresidential and nonfarm use shall have a minimum lot area established by the commission.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than forty percent (40%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height, except the commission may authorize additional height for structures as provided in federal aviation agency regulations part 77. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than thirty feet (30') to the front property line.

b. Where lots have double frontage on two (2) streets, the required front yard of thirty feet (30') shall be provided on both streets.

c. On a corner lot, the required front yard of thirty feet (30') shall be provided on both streets.

d. No accessory buildings shall be constructed in the front yard nor closer than thirty feet (30') to other street frontages.

2. Side Yard:

a. The side building line shall not be closer than seven feet (7') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided by section 10-7-5 of this title.

c. Architectural projections of main buildings or attached accessory buildings shall not be closer than four feet (4') to the property line.

3. Rear Yard:

a. The rear building line shall not be closer than thirty feet (30') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat. (Ord. 2526, 5-20-1996)

(G) Landscaping:

1. Commercial uses shall provide landscaping equal to ten percent (10%) of the total required parking area or three percent (3%) of the total land area, whichever is greater.

2. Household buildings over five (5) units shall provide landscaping equal to ten percent (10%) of the lot area. (Ord. 2550, 6-2-1997)

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.

2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

(K) Additional Restrictions:

1. Lighting:

a. Any pulsating, flashing, rotating, oscillating or other type of lighting intended as an attention getting device is prohibited.

b. Floodlights, spotlights or other lighting devices shall be so arranged or shielded as not to cast illumination in an upward direction above an imaginary line extended from the light source parallel to the grounds.

2. Glare:

a. Glare producing building materials shall not be allowed on any structure or any other use of the land.

3. Electromagnetic:

a. No use may be made of land which results in electromagnetic radiation which interferes with radio communications between aircraft or between aircraft and airport, or interferes with established radio navigation aids.

4. Smoke:

a. No use may be made of land which emits smoke, dust or any visible fumes or vapors into the atmosphere.

5. Avigation Easement:

a. An avigation easement shall be required from any property owner applying for a building permit. (Ord. 2526, 5-

20-1996)

10-4-13.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the OT district:

(A) Lot Area: The lot shall be of sufficient size to provide for the building, off street parking, landscaping, and surface water retention.

(B) Lot Occupancy: No requirement. (Ord. 2526, 5-20-1996)

(C) Building Height: No building shall exceed fifty feet (50') in height except as provided in section 10-7-3 of this title. (Ord. 3077, 8-11-2014)

(D) Yards: No requirement.

(E) Access: All lots shall have vehicular access on a dedicated improved public street unless a secondary means of permanent access has been provided.

(F) Landscaping:

1. Public Rights Of Way:

a. Landscaping and lighting shall be provided which meet the requirements of the old town master landscaping plan.

2. Public And Private Parking Lots:

a. Ten percent (10%) of the total parking area shall be landscaped.

b. At least eighty percent (80%) of the trees and shrubs planted in the parking lots shall be from the master list of approved species as stated in the old town master landscaping plan.

c. A thirty inch (30") high masonry wall, hedge or shrub planting shall be provided between the parking lot and a public sidewalk. Such wall, hedge or shrub planting shall be continuous except for pedestrian or vehicle access.

d. Fifty percent (50%) of all shrubs and twenty five percent (25%) of all trees shall be evergreen.

e. Planted dividers at least six feet (6') wide shall be provided between parking rows. Such dividers shall be planted with shade trees at least eight feet (8') in height when planted.

f. One shade tree shall be provided within planted dividers, islands within parking lots, or along the parking lot periphery for every ten (10) parking spaces.

g. Dumpster areas, loading sites and other unsightly areas shall be screened with landscaped plantings, or wooden or masonry sight obscuring fencing.

h. Parking lots shall be illuminated with lighting fixtures installed at the rate of one per every eighteen (18) cars. Such lighting shall be in conformance with the old town master landscaping plan.

(G) Off Street Parking:

1. Household units shall have a minimum of one off street, on site, parking space per unit.

2. Each nonresidential use shall comply with the provisions of chapter 10 of this title and the P3 parking overlay. (Ord. 2526, 5-20-1996)

(H) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-14.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the C1 district:

(A) Lot Area:

1. Commercial Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping. (Ord. 2526, 5-20-1996)

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall provide the minimum lot area of the R6 district or as determined by the ZDA process. (Ord. 3082, 12-8-2014)

(B) Lot Occupancy:

1. Commercial Uses: No requirement.

2. Residential Uses: Residential uses less than five (5) units not attached to a commercial use shall conform to the lot occupancy requirements of the R6 district.

(C) Building Height: No building shall exceed thirty five feet (35') in height except as provided by section 10-7-3 of this title.

(D) Yards:

1. Commercial Uses And Residential Uses With Five Or More Units Per Building: No property line setbacks are required on side yard or rear yard. A setback of thirty five feet (35') shall be maintained on major arterials and fifteen feet (15') on all other streets. (Ord. 2526, 5-20-1996)

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall conform to the yard standards of the R6 district or as determined through the ZDA process. (Ord. 3082, 12-8-2014)

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat. (Ord. 2526, 5-20-1996)

(F) Landscaping:

1. Commercial uses shall provide landscaping equal to ten percent (10%) of the total required parking area or three percent (3%) of the total land area, whichever is greater or as determined by the ZDA process. (Ord. 3082, 12-8-2014)

2. Household buildings over five (5) units shall provide landscaping equal to ten percent (10%) of the lot area.

(G) Off Street Parking:

1. Each commercial use shall comply with the provisions of chapter 10 of this title.

2. Residential uses under five (5) units per building shall provide two (2) off street parking spaces for each residential unit.

3. Residential units in commercial buildings shall provide one off street parking space for each dwelling unit in the building.

(H) Signs: See chapter 9 of this title. (Ord. 2526, 5-20-1996)

(I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-15.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the RM district:

(A) Use Of Lots: Each building, except accessory structures, shall be located on a separate lot and each such lot and the buildings or structures thereon shall conform to the minimum dimensional standards contained herein. For the purpose of this chapter, a "lot" shall be one or more lots platted in accordance with this title or shall be a parcel that includes parts of platted or unplatted lands existing at the effective date hereof.

(B) Lot Area:

1. The minimum lot area per single household dwelling shall be four thousand (4,000) square feet, seven thousand (7,000) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit above or below the ground level unit.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

a. The front building line shall not be closer than twenty feet (20') to the front property line.

b. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.

c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.

d. No accessory building shall be constructed in the front yard nor closer than twenty feet (20') to other street frontages.

2. Side Yard:

- a. The side building line shall not be closer than five feet (5') to the side property line.
- b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided in section 10-7-5 of this title.
- c. Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet (2¹/₂') to the side property line.

3. Rear Yard:

- a. The rear building line shall not be closer than twenty feet (20') to the rear property line.
- b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.
- c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have ten percent (10%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.
2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-16.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the CSI district: (Ord. 2526, 5-20-1996)

(A) Use Of Lots: As provided for in the ZDA development plan. (Ord. 3082, 12-8-2014)

(B) Lot Area:

1. The minimum lot area per single household dwelling shall be four thousand (4,000) square feet, seven thousand (7,000) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit above or below the ground level unit.

(C) Lot Occupancy: No dwelling, including its accessory buildings, shall occupy more than sixty percent (60%) of a lot.

(D) Building Height: No building shall exceed thirty five feet (35') in height. (Ord. 2526, 5-20-1996)

(E) Yards:

1. Front Yard: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2741, 11-4-2002)

- a. The front building line shall not be closer than twenty feet (20') to the front property line.
- b. Where lots have double frontage on two (2) streets, the required front yard of twenty feet (20') shall be provided on both streets.
- c. On a corner lot the required front yard of twenty feet (20') shall be provided on both streets.
- d. No accessory building shall be constructed in the front yard nor closer than twenty feet (20') to other street frontages.

2. Side Yard:

- a. The side building line shall not be closer than five feet (5') to the side property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the side property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the side property line except as provided in section 10-7-5 of this title.

c. Architectural projections of main buildings and attached accessory buildings shall not be closer than two and one-half feet ($2\frac{1}{2}$ ') to the side property line.

3. Rear Yard:

a. The rear building line shall not be closer than twenty feet (20') to the rear property line.

b. Detached accessory buildings shall not be closer than three feet (3') to the rear property line nor closer than ten feet (10') to a main building except as provided by section 10-7-5 of this title. Architectural projections of detached accessory buildings shall not be closer than two feet (2') to the rear property line except as provided by section 10-7-5 of this title.

c. On a corner lot the rear yard setback may be reduced to the side yard setback.

(F) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(G) Landscaping: All nonresidential uses shall have ten percent (10%) of the site landscaped and shall comply with the provisions of section 10-11-2 of this title.

(H) Off Street Parking:

1. Each residential dwelling shall have a minimum of two (2) off street parking spaces.
2. Each nonresidential use shall comply with the provisions of chapter 10 of this title. (Ord. 2526, 5-20-1996)

(I) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(J) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section 9-9-16 of this code. (Ord. 2550, 6-2-1997)

10-4-17.4: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in mobile home overlay district one:

The property development standards shall be the same as those of the basic district upon which the overlay is placed. (Ord. 2526, 5-20-1996)

10-4-18.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the professional office overlay district:

(A) Lot Area:

1. The minimum lot size as required by the basic district upon which the overlay is placed.
2. For professional offices, the lot size shall be of sufficient size to provide for the building, off street parking and landscaping.

(B) Lot Occupancy:

1. Same as that of the basic district upon which the overlay is placed.
2. For professional offices, there is no occupancy requirement.

(C) Building Height: No building shall exceed thirty five feet (35') in height.

(D) Yards:

1. Front yards:
 - a. Same as that of the basic district upon which the overlay is placed.
2. Side yards:
 - a. Same as that of the basic district upon which the overlay is placed.
3. Rear yards:
 - a. Same as that of the basic district upon which the overlay is placed.
 - b. For professional offices, the rear yard may be reduced to the side yard setback of the basic district.

(E) Access: Same as that of the basic district upon which the overlay is placed.

(F) Landscaping:

1. Residential uses: Same as that of the basic district upon which the overlay is placed.
2. Professional uses: Professional offices shall provide landscaping equal to ten percent (10%) of the total lot area.

(G) Off Street Parking:

1. Same as that of the basic district upon which the overlay is placed.
2. Each professional office shall provide one parking space per three hundred (300) square feet of total building area measured from the exterior of the building, or as required by subsection 10-10-3(A) of this title. (Ord. 2657, 6-19-2000)

(H) Signs: See chapter 9 of this title. (Ord. 3005, 6-6-2011)

(I) Walls, Fences And Hedges:

1. Same as that of the basic district upon which the overlay is placed.
2. Professional offices shall provide a fence not less than six feet (6') in height that will act as a sight and sound barrier between the professional office use and any contiguous residential lot or use.

(J) Additional Standards: The following additional property development standards shall apply to Addison Avenue and Blue Lakes Boulevard:

1. Buildings: Existing residences will not be razed and new buildings constructed unless said new buildings are designed in such a way as to conform with the general residential nature of the neighborhood, consistent with the existing architectural style and design.

2. Parking: All off street parking shall be placed on the alley side of the lots so that the portion of the property that fronts the side streets and arterial streets shall continue to have lawn and landscaping consistent with surrounding properties as opposed to asphalt, rock or pavement. Also, any use that has a parking requirement, as determined by section 10-10-6 of this title, in excess of fifteen (15) spaces is prohibited.

3. Landscaping: Twenty five percent (25%) of each property shall be maintained in landscaping.

4. Driveway Access: No driveway will open onto the side street for access or ingress to the properties containing the professional offices or commercial uses, nor can any additional curb cuts be made on the side street curbs. However, if there presently exists a driveway that goes to the side street, then the presently existing driveway may be maintained, but the use may not be expanded to include other parking places. (Ord. 2657, 6-19-2000)

10-4-22.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the warehouse historic overlay district:

(A) Lot Area: The minimum lot size as required by the basic district upon which the overlay is placed.

(B) Lot Occupancy: Same as that of the basic district upon which the overlay is placed.

(C) Building Height: Same as that of the basic district upon which the overlay is placed.

(D) Yards:

1. Front yards: Same as that of the basic district upon which the overlay is placed.
2. Side yards: Same as that of the basic district upon which the overlay is placed.
3. Rear yards: Same as that of the basic district upon which the overlay is placed.

(E) Access: Same as that of the basic district upon which the overlay is placed.

(F) Landscaping: Same as that of the basic district upon which the overlay is placed or such additional or other landscaping as required by the historic preservation commission.

(G) Off Street Parking: Same as that of the basic district upon which the overlay is placed. (Ord. 2608, 5-3-1999)

(H) Design Guidelines: No exterior portion of any building or other structure (including walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor aboveground utility structures nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within this district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the historic preservation commission. The historic preservation commission shall review the "Warehouse Historic District Design Guidelines" as they exist or as amended for compliance before issuing a certificate of appropriateness. Such a certificate is to be issued by the historic preservation commission prior to the issuance of a building permit or other permit granted for purposes of construction or altering structures. A certificate of appropriateness shall be required whether or not a building permit is required. A decision of the historic preservation commission regarding an application for a certificate of appropriateness may be appealed by the applicant to the city council. (Ord. 3025, 2-6-2012)

10-4-23.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the residential business district:

(A) Lot Area:

1. The lot size shall be of sufficient size to provide for the building, off street parking, stormwater retention and landscaping.

(B) Lot Occupancy:

1. No building shall occupy more than sixty percent (60%) of a lot.

(C) Building Height: No building shall exceed two (2) stories and shall not exceed thirty five feet (35') in total height.

(D) Building Size:

1. No building shall have a total floor area square footage of greater than six thousand (6,000) square feet.

(E) Yards:

1. Front Yards: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater:

a. No structure shall be closer than fifteen feet (15') to the front property line for nonresidential uses.

2. Side Yards:

a. No structure shall be closer than five feet (5') to the side property line (minimum of 10 feet between any structure/building) for nonresidential uses.

3. Rear Yards:

a. For nonresidential uses, the rear yard may be reduced to the side yard setback of five feet (5').

(F) Access:

1. Only One Access Allowed Per Lot: Upon redevelopment of an existing property, if more than one access exists it will be coordinated with the city engineer which access(es) shall be eliminated. Adjoining properties should have joint accesses whenever possible.

2. Driveway Access: No driveway with access to more than two (2) parking spaces will open onto the side street for access or ingress to the properties containing the nonresidential uses, nor can any additional curb cuts be made on the side street curbs. However, if a driveway presently exists that goes to the side street, then the presently existing driveway may be maintained, but the use may not be expanded to include other parking places.

3. Modifications: When an existing residential structure is converted to a nonresidential use, the driveway requirements above may be modified by the administrator if it can be shown that strict compliance to these development standards is not possible.

(G) Landscaping: Landscaping shall conform to the following standards, or sections 10-7-10 and/or 10-7-12 of this title, whichever is greater:

1. Twenty percent (20%) of each property shall be maintained in landscaping.

2. New development shall encourage planter boxes, barrel planters, and other landscaping in parking areas to reduce the visual impact of parking lots from the road.

(H) Off Street Parking:

1. Any use that has a parking requirement, as determined by section 10-10-6 of this title, in excess of twenty four (24) spaces is prohibited.

2. Off street parking shall conform to the requirements contained in section 10-10-3 of this title. When an existing residential structure is converted to a nonresidential use, the parking requirements may be modified by the planning and zoning commission if it can be shown that strict compliance to these development standards is not possible. Before the parking requirements may be modified, the planning and zoning commission shall hold a public hearing, publish notice, post the property and give written notice to all parties, as required for variance permits.

(I) Signs:

1. Shall comply with chapter 9, "Sign Regulations", of this title. Multiple occupancy buildings shall have a sign plan approved by the administrator.

(J) Walls, Fences And Hedges:

1. Nonresidential Use: Any nonresidential use shall provide a fence not less than six feet (6') in height that will act as a sight and sound barrier between the nonresidential use and any contiguous residential lot or use.

2. Minimum Standards:

a. Screening shall be a minimum six foot (6') fence or wall or a landscaped area or any combination thereof. If it

be a fence or wall it shall be constructed of wood, solid vinyl, metal (not chainlink), concrete or concrete block. If it be a landscaped area, it shall be evergreen bushes or trees and may include an earthen berm.

b. Whenever bushes or trees are used as screening, the screening height may not be less than three feet (3') at the time of planting, providing a minimum height of six feet (6') is achieved within five (5) years after planting.

c. Screening shall completely obscure objects inside the screened area when viewed from any angle outside the screened area and shall be constructed so as to reduce noise, lights and blowing trash.

(K) Building Design Standards:

1. Buildings: Existing residences will not be razed and new buildings constructed unless said new buildings are designed in such a way as to conform to the general residential nature of the neighborhood, consistent with the existing architectural style and design. Where possible, existing residences located in the residential business zoning district should be preserved in their present form and use. Where this is not feasible, individual residences should be allowed to convert into residential business developments. In cases where existing structures and site conditions are prohibitive for conversion, two (2) or more existing lots may be assembled and developed as residential business uses, thereby consolidating site access and creating a more rational parking layout. Once a particular property has been converted to a residential business use, it shall not be allowed to revert to a residential use.

2. Roofs: Roofs are required to be pitched, with a minimum pitch of four to twelve (4:12), and residential in nature.

3. Architectural Standards: All building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations or other architectural treatments to break up large uniform surfaces.

4. Commercial Buildings: Commercial buildings on street frontages shall have functional entrances that face the street and have between ten percent (10%) and forty percent (40%) of the facade as windows. Windows shall be nonreflective glass. (Ord. 3073, 8-24-2015)

10-7-10: SPECIAL LANDSCAPING REQUIREMENTS FOR PROPERTIES FRONTING THE COLLEGE OF SOUTHERN IDAHO (CSI) PROPERTY:

In addition to the other landscaping requirements of this title, the following landscaping shall be provided on all properties fronting CSI property on Washington Street North, North College Road, and Falls Avenue except properties containing single and duplex household dwellings:

A berm of at least three feet (3') in height and twelve feet (12') in width shall be provided immediately behind the sidewalk or future sidewalk. The berm shall be planted in grass with a minimum of one conifer tree per three hundred (300) square feet of berm area and a minimum of one deciduous shrub per three hundred (300) square feet. Trees and shrubs may be grouped, but there shall be no open space greater than fifty feet (50') between tree and shrub groupings. (Ord. 2620, 8-2-1999)

10-7-12: SPECIAL LANDSCAPING REQUIREMENTS FOR GATEWAY ARTERIALS:

(A) Gateway Arterials: Gateway arterials include the following streets: Addison Avenue, Addison Avenue East, Addison Avenue West, Blue Lakes Boulevard, Blue Lakes Boulevard North, Blue Lakes Boulevard South, Kimberly Road, Washington Street from Addison Avenue to Second Avenue West, Washington Street North, Washington Street South, Pole Line Road from Rock Creek Canyon to Eastland Drive North, and Eastland Drive from Pole Line Road East to Kimberly Road. (Ord. 2620, 8-2-1999)

(B) Landscaping Requirements: In addition to, and as part of, the landscaping requirements specified elsewhere in this title, the following landscaping shall be provided, retained and maintained on all properties in commercial or industrial zoning districts and fronting gateway arterials: a landscaped strip at least ten feet (10') in width shall be provided immediately behind the sidewalk or future sidewalk when existing buildings are being remodeled, and thirty feet (30') when vacant land or cleared land is being developed, with the following exception: Washington Street North from Addison Avenue to Caswell Avenue will be required to provide a landscaped strip at least ten feet (10') in width immediately behind the sidewalk or future sidewalk when an existing building is being remodeled or vacant land or cleared land is being developed. Any continuous landscaped strip exceeding forty feet (40') in length shall contain a twelve inch (12") minimum height undulating berm. Each separate section of the landscaping strip shall contain trees or shrubs. The plant types in each portion of the landscaping strip shall be as set forth in subsection 10-11-2(A) of this title, except that evergreen trees shall not be required. Each landscaped strip shall be kept clean and free of noxious and other weeds. (Ord. 2978, 10-26-2009)

(C) Hardship: In the case of the expansion of existing commercial developments, these requirements may be modified by the commission if it can be shown by the developer that strict compliance with these requirements will result in the removal of existing and proposed parking spaces below eighty five percent (85%) of the number of spaces required to serve the existing and proposed development. (Ord. 2323, 10-15-1990)

10-11-2: LANDSCAPING:

(A) Minimum Standards: The required minimum size landscaped area shall, as a minimum, have the following plant life:

1. One tree per five hundred (500) square feet of landscaped area. At least fifty percent (50%) of the required trees shall be evergreens. All trees shall have a height of at least four feet (4') when planted.

2. One bush per one hundred (100) square feet of landscaped area. At least fifty percent (50%) of the required bushes shall be evergreens.

3. The commission may approve alternative plans or designs to allow innovative landscaping. (Ord. 2012, 7-6-1981)

(B) Approval And Completion:

1. A landscaping plan conforming to the minimum requirements of this section shall be submitted for approval as part of the development map whenever a ZDA or MHP zoning subdistrict is submitted for approval. A landscaping plan conforming to the minimum requirements of this section shall be submitted for approval as part of the application for a building permit to construct any building. (Ord. 3082, 12-8-2014)

2. Landscaping conforming to the approved landscaping plan shall be completed before a certificate of occupancy is issued for the appurtenant building or at such other time as may be agreed upon in writing by the administrator and landowner; however, said agreement shall not extend the completion date beyond the next normal planting season for the proposed vegetation. (Ord. 2620, 8-2-1999)

3. All landscaping shall be maintained in a manner consistent with the minimum requirements of this section. (Ord. 2850, 2-21-2006)

4. Within required landscaped areas, display of vehicles, trailers, pickup shells, tires or any other items for sale is prohibited except upon city approved display pads provided through zoning development agreements (ZDA) or approval through the special use permit process. No such display pads shall be approved within fifteen feet (15') of the sidewalk or future sidewalk. (Ord. 3082, 12-8-2014)



Date: Tuesday, December 17, 2024
To: Planning and Zoning Commission
From: William Klaver, Senior City Planner

ACTION ITEM

Request:

Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 7, "Required Improvements of Development".

Time Estimate:

15-20 minutes for staff presentation.

Background:

In February 2018, the City Council tasked Planning and Zoning Staff to initiate a complete rewrite of Title 10: Zoning and Subdivision Regulations. The main goals of the rewrite are to accomplish the following:

- Update the current definitions;
- Simplify the code navigation process for users;
- Streamline the development approval process; and
- Make the code reflect the goals, language, and strategies of the 2016 Comprehensive Plan.

The chapter applicable to this Staff Report is the "Required Improvements of Development". This chapter was adopted and amended in various years, ranging from 1981 to 2024.

This chapter contains much the same language as before. The following items are being proposed as changes.

1. Clarification these items are required when a Special Use or Conditional Use Permit is required;
2. Added "Building Addressing Standards"; and
3. Moving floodplain regulations to a new chapter.

Approval Process:

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt

or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

Budget Impact:

N/A

Regulatory Impact:

Should this be approved, this section will be the required improvements of development for the zoning regulations. This outlines an effective date, grants authority, outlines applicability of the code, outlines the Planning and Zoning Commission's bylaws, etc.

History:

N/A

Analysis:

N/A

Conclusion:

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

1. *Move to recommend approval for the proposed zoning text amendment to the required improvements of development chapter of Title 10 as presented;*
2. *Move to recommend approval with conditions for the proposed zoning text amendment to the required improvements of development chapter of Title 10; or*
3. *Move to table the item to a date certain of _____.*

Attachments:

1. Proposed Required Improvements of Development
2. Current Required Improvements (Ch. 11) - 12.9.24
3. Amendments to Required Improvements - O2024-012

10-7: REQUIRED IMPROVEMENTS OF DEVELOPMENT

10-7-1: INSTALLATION AND COMPLETION OF REQUIRED IMPROVEMENTS

- A. Installation: Improvements required herein shall be provided for the entire premises of the project in the following circumstances:
1. When there is a change of Land Use Category of a building, structure or parcel of land;
 2. When a Special Use or Conditional Use Permit is required;
 3. When a building, or structure, is constructed or placed;
 4. When a building, or structure, area square footage is expanded by 25% or greater of originally permitted buildings, structures, or areas;
or,
 5. When a single building of a premises containing multiple buildings is expanded over 25% of the single building's square footage, but less than a total of 25% of the combined square footage of all buildings, the improvements required by sections 10-7-2 through 10-7-5 of this chapter shall only be required for the building being expanded, or the property being used for the expansion.

- B. Completion: Unless otherwise provided, all required improvements shall be a condition of any permit governed by this Title, and shall be completed prior to applicant scheduling any final inspection and issuance of any certificate of occupancy.

10-7-2: LANDSCAPING

- A. Landscaping as required by 10-6 of this Title shall be installed as part of the Required Improvements.
- B. A temporary certificate of occupancy may be issued when the landscaping vegetation items are not completed.

10-7-3: SCREENING

- A. Screening Required: Screening shall be required between any non-residential use abuts any residential use / zoning district. The non-residential use, or conditional use where applicable, shall provide the required screening, and maintain it in good repair.
- B. Minimum Standards:
1. Height: Screening shall be a minimum six feet tall at time of installation.
 2. Screening material shall completely (100%) obscure objects inside the screened area when viewed from outside the screened area, between zero and six feet above grade.
 3. Prohibited Materials: Chain-link fence is a prohibited screening material.
- C. Exceptions:
1. Screening shall not be constructed so as to create a traffic hazard.
 2. Screening shall not be required if a public traffic way separates the two uses.

3. Screening requirement may be waived by the adjoining property owner through notarized, and recorded, written documentation furnished to the administrator.
- D. All requirements shall be completed prior to issuance of any certificate of occupancy.

10-7-4: BUILDING ADDRESSING

- A. Building Addressing shall conform to the standards and requirements set forth in 10-9-5(G) of this Title.
- B. All requirements shall be completed prior to issuance of any certificate of occupancy.

10-7-5: PARKING AREAS

Parking areas as required by 10-5 of this Title shall be installed as part of the Required Improvements.

- A. A temporary certificate of occupancy may be issued, whether or not the following items have been completed:
 1. Parking stall striping.
 2. Hard surfacing, only in areas that are not required by this code. Any area or items needed to meet the minimum code requirements for ADA Accessibility, parking lot layouts (delivery areas, parking spaces, maneuvering areas), and/or stormwater systems shall be installed prior to any Certificate of Occupancy being issued.

10-7-6: RIGHT-OF-WAY IMPROVEMENTS

- A. Access Provisions:
 1. Adequate Access: No building shall be constructed or placed on a lot unless adequate access to the property has been provided.

Adequate access consists of appropriate size, surface, and construction method of public right-of-way, or private driveway, as determined by ISPWC, Master Transportation Plan (MTP), or as otherwise determined by the City Engineer.

2. Construction of adjacent right-of-way may be required, as determined by the City Engineer.
 3. Dedication of additional right-of-way may be required for construction of right-of-way improvements listed in this section, as determined by the City Engineer.
 4. Private accesses are to be constructed according to applicable regulations found in ISPWC - City of Twin Falls Revisions, and currently adopted International Fire Code.
- B. Curb, Gutter, and Sidewalk Infrastructure:
 1. New curb, gutter and sidewalk shall be constructed in accordance with city standards, where applicable within the development.
 2. Sidewalks are not required in the Rural Residential and Industrial Zoning districts, except on arterial or collector streets as identified on the Master Transportation Plan, or areas of high pedestrian traffic as determined by the City Engineer.
 3. ADA ramps shall be constructed or reconstructed per the current ADA Transition Plan as adopted by Council, or as amended.
 - C. Deferral and Waiver of Construction:
 1. The City Engineer may defer the construction of required curb, gutter, and/or sidewalk under the following circumstances:

- a. If the cost exceeds 25%) of the cost of the proposed private improvements; deferral shall not exceed three years.
- b. Until such time when other curb, gutter, and/or sidewalk is constructed within the same standard city block, or equivalent distance.
- c. If another governmental agency having jurisdiction over the right-of-way requests that curb, gutter and/or sidewalk be deferred.

- 2. The City Engineer may waive the construction requirement if existing curb, gutter and/or sidewalk is in good repair, meets current ADA standards, and contains an acceptable line and grade which conforms to the line and grade of other curb, gutter and/or sidewalk in the standard block.

- D. In areas where two or more zoning districts adjoin, and said zoning districts have different public improvement requirements, the Council may impose the least restrictive requirements if the Council finds that imposition of the least restrictive requirements will further the policies and purposes described in Chapter 1 of this Title.
- E. All requirements shall be completed, or other financial surety accepted by the City of Twin Falls, prior to issuance of any certificate of occupancy.

10-7-7: SOLID WASTE MANAGEMENT

- A. Trash Bins: A trash bin of sufficient size to accommodate all trash or solid waste containers stored on the premises shall be provided, except for buildings containing two or less Dwelling Units.

- B. Trash Enclosure: All Trash Enclosures shall comply with screening requirements that will completely obscure all trash and waste stored in the pen from public right-of-way and adjacent properties.

10-7-8: WATER AND SEWER

- A. All buildings intended for human occupancy shall have adequate sanitary facilities. Such facilities shall be connected to an approved domestic water source conforming to the water regulations of the City and to an approved wastewater system conforming to the wastewater regulations of the City.
- B. The City Engineer may require a means of access and method of measuring outflow from any Industrial User, as defined by the City Sewer Use Ordinance.
- C. All requirements shall be completed prior to issuance of any certificate of occupancy.

10-7-9: DRAINAGE AND STORM WATER MANAGEMENT

- A. Best Management Practices: Building sites shall use best management practices (BMPs) to retain as much storm water as possible on the property.
 - 1. Prior to beginning of construction on any development site larger than five acres, the developer or their representative must have a pollution prevention plan in place and must file a Notice of Intent (NOI) with the Environmental Protection Agency (EPA), in accordance with National Pollutant Discharge Elimination System (NPDES) requirements. The pollution prevention plan will include provisions for reducing sediment discharges from the construction site and tracking of mud onto roadways. A copy of this plan and the NOI shall be

provided to the city prior to any site grading. Refer to 40 CFR chapter 1 section 122.26 stormwater discharges for NPDES requirements.

- B. Highway Drainage: Drainage to a state highway shall be subject to the regulations of the Idaho Transportation Department. Necessary permits shall be acquired by the developer prior to any development of the property.
- C. Road Drainage: Drainage to roadways shall be subject to the applicable regulations of the respective regulating authority of the roadway. Necessary permits shall be acquired by the developer prior to any development of the property.
- D. Drainage to U.S. Waters or Canals: No drainage shall be allowed from a building site directly to any Waters of the United States, or to any privately-owned canal system.
- E. Storm Water Management Plan:
 - 1. Any Development on property shall submit a Storm Water Management plan stamped by a professional engineer licensed in the State of Idaho. The plan shall contain designs, drawings, and any other information as requested by the City Engineer depicting storm water retention facilities to retain the 50-year 24-hour rainstorm event. Refer to the City of Twin Falls Uniform Development Design Manual for volume calculations, design standards, and plan requirements.
 - 2. Procedure For Review and Approval Of The Storm Water Management Plan: Review and approval by the city does not constitute an engineering review of project plans and calculations. The review is for the purpose of ensuring general conformance to city policies and requirements. The submitting engineer is solely responsible for the design. All submissions to the city shall be stamped by a professional engineer registered in the state of Idaho.
- F. All requirements shall be completed prior to issuance of any certificate of occupancy.

CHAPTER 11

REQUIRED IMPROVEMENTS

SECTION:

10-11-1: Improvements Required

10-11-2: Landscaping

10-11-3: Screening

10-11-4: Parking Areas

10-11-5: Streets

10-11-6: Sanitation Facilities

10-11-7: Water And Sewer

10-11-8: Drainage And Stormwater Management

10-11-9: Floodplain Regulations

10-11-10: Reference Codes

10-11-1: IMPROVEMENTS REQUIRED:

The improvements required herein shall be provided whenever a building or structure is constructed, placed, erected or enlarged or when there is a change of use of a building, structure or parcel of land. Unless otherwise provided, all required improvements shall be a condition of any building permit and they shall be completed prior to final inspection and occupancy of the building. If cost of improvements required by sections 10-11-2 through 10-11-5 of this chapter exceeds twenty five percent (25%) of the cost of the proposed private improvements, an agreement may be negotiated to allow the required improvements to be staged over a period of time not to exceed three (3) years. Whenever a building is constructed, placed, erected or enlarged and that building is in an isolated or undeveloped area, or in cases of exceptional hardship, improvements may be deferred by the council in cases where a deferral would otherwise be unavailable. Any improvements required by sections 10-11-2 through 10-11-5 of this chapter are not required for minor modifications or additions to existing buildings or structures when the modifications and improvements do not constitute more than a twenty five percent (25%) increase over the square footage of the existing buildings or a total increase in square footage over ten thousand (10,000) square feet, whichever is less, within any three (3) year period from date of completion of other expansion.

If a single building of a premises containing multiple buildings is expanded over twenty five percent (25%) of that building's square footage but less than a total of twenty five percent (25%) of the combined square footage of all buildings, the improvements required by sections 10-11-2 through 10-11-5 of this chapter shall be provided for the building being expanded only. If the expansion is greater than ten thousand (10,000) square feet or greater than twenty five percent (25%) of the combined footage of all buildings, the improvements required by sections 10-11-2 through 10-11-5 of this chapter shall be provided for the entire premises. (Ord. 2996, 12-6-2010)

10-11-2: LANDSCAPING:

(A) Minimum Standards: The required minimum size landscaped area shall, as a minimum, have the following plant life:

1. One tree per five hundred (500) square feet of landscaped area. At least fifty percent (50%) of the required trees shall be evergreens. All trees shall have a height of at least four feet (4') when planted.
2. One bush per one hundred (100) square feet of landscaped area. At least fifty percent (50%) of the required bushes shall be evergreens.
3. The commission may approve alternative plans or designs to allow innovative landscaping. (Ord. 2012, 7-6-1981)

(B) Approval And Completion:

1. A landscaping plan conforming to the minimum requirements of this section shall be submitted for approval as part of the development map whenever a ZDA or MHP zoning subdistrict is submitted for approval. A landscaping plan conforming to the minimum requirements of this section shall be submitted for approval as part of the application for a building permit to construct any building. (Ord. 3082, 12-8-2014)

2. Landscaping conforming to the approved landscaping plan shall be completed before a certificate of occupancy is issued for the appurtenant building or at such other time as may be agreed upon in writing by the administrator and landowner; however, said agreement shall not extend the completion date beyond the next normal planting season for the proposed vegetation. (Ord. 2620, 8-2-1999)

3. All landscaping shall be maintained in a manner consistent with the minimum requirements of this section. (Ord. 2850, 2-21-2006)

4. Within required landscaped areas, display of vehicles, trailers, pickup shells, tires or any other items for sale is prohibited except upon city approved display pads provided through zoning development agreements (ZDA) or approval

through the special use permit process. No such display pads shall be approved within fifteen feet (15') of the sidewalk or future sidewalk. (Ord. 3082, 12-8-2014)

10-11-3: SCREENING:

(A) Screening Required:

1. Screening shall be required between any residential use and any trade or manufacturing use in abutting zoning districts or any zoning district where both such uses are permitted outright and may be required around any special use. The trade, manufacturing or special use shall provide any required screening. Screening shall not be required if a public trafficway other than a service road separates the two (2) uses. This screening requirement may be waived upon written approval of the adjoining property owner. (Ord. 2550, 6-2-1997)

2. Screening shall be required between an MHP zoning subdistrict and any other zoning district or subdistrict except another MHP or MHS subdistrict and screening may be required between a ZDA or MHS zoning subdistrict and any other zoning district or subdistrict. The zoning subdistrict shall provide any required screening. (Ord. 3082, 12-8-2014)

3. No wrecking yard or wrecking house or junkyard or junk house shall be established unless the same shall be completely surrounded by a fence of wood, concrete or slatted chainlink not less than eight feet (8') in height from the level of the ground and completely obscuring the wreckage and parts therein from outside view. (Ord. 2550, 6-2-1997)

(B) Minimum Standards:

1. Screening shall be a minimum six foot (6') fence or wall or a landscaped area or any combination thereof. If it be a fence or wall it shall be constructed of wood, solid vinyl, metal, concrete or concrete block. If it be a landscaped area, it shall be evergreen bushes or trees and may include an earthen berm. (Ord. 2773, 12-15-2003)

2. Whenever bushes or trees are used as screening, the screening height may not be less than three feet (3') at the time of planting, providing a minimum height of six feet (6') is achieved within six (6) years after planting.

3. Screening shall completely obscure objects inside the screened area when viewed from any angle outside the screened area and shall be constructed so as to reduce noise, lights and blowing trash.

(C) Exceptions: Screening shall not be constructed so as to create a traffic hazard¹ and it shall conform to the height restrictions in the chapters establishing dimensional standards in zoning districts and subdistricts. (Ord. 2124, 10-15-1984)

Notes

- ¹ 1. See section 9-9-16 of this code.

10-11-4: PARKING AREAS:

(A) Pedestrian Access: Access to each building shall be provided by connecting the principal entrance into each building to the parking areas intended for the use of the occupants with a sidewalk which is not more than three hundred feet (300') in length. (Ord. 2468, 12-19-1994)

(B) Surfacing: All parking and maneuvering areas shall be hard surfaced with portland concrete or asphaltic concrete surface material. In the M1 and M2 zoning districts, the requirements in section 7-1-20 of this code will apply. (Ord. 2550, 6-2-1997)

(C) Striping: Parking areas that are intended to provide more than ten (10) spaces on a single site shall be marked off with a four inch by fifteen foot (4" x 15') long painted stripe along the sides of each parking space.

(D) Lighting: Parking areas that are intended to provide more than eighteen (18) spaces on a single site shall have lighting that will provide at least one foot-candle of light at the ground surface on the entire parking site. Lighting shall be screened so that it does not directly illuminate any adjacent residential uses with more than one-fourth ($\frac{1}{4}$) of a foot-candle and so that it does not create a traffic hazard.

(E) Vehicle Access:

1. Any motor vehicle entrance to a public trafficway from private property shall be considered a driveway approach and shall conform to the standards established herein.

2. The city engineer shall establish construction standards for all driveway approaches. The standard depressed curb type approach shall be constructed unless otherwise directed by the city engineer. An arterial street driveway approach, with rounded curbing, may be required by the city engineer when traffic conditions on arterial streets warrant a more rapid entrance and exit through the driveway approach. This decision of the city engineer requiring an arterial street driveway approach may be appealed to the city council. Nothing in this subsection should be construed to prevent the construction of an arterial street driveway approach, if desired by the property owner. (Ord. 2468, 12-19-1994)

3. The city engineer may allow driveway approaches conforming to the following standards, providing they do not pose any unusual traffic hazards:

- a. Residential Use Driveway Approaches: Shall not exceed thirty six feet (36'). Joint use drives between two (2)

separate properties to serve multi-family residences will be allowed; however, the total width of the curb cut shall not exceed forty feet (40'). There shall be at least thirty two feet (32') between driveways entering a single property ownership and at least eighteen feet (18') of straight curb between the end of a driveway and the end of a corner radius and at least two feet (2') between the end of a driveway and a side property line.

b. Commercial And Manufacturing Use Driveway Approaches: Shall not exceed forty feet (40') nor be less than thirty feet (30') except one-way approaches which shall not be less than twelve feet (12'). There shall be at least thirty two feet (32') of curb between driveways and at least eighteen feet (18') of straight curb between the end of a driveway and the end of a corner radius and at least two feet (2') between the end of a driveway and a side property line. (Ord. 2773, 12-15-2003)

c. Large Trucks And Trailer Accommodation: The city engineer may allow curb cuts up to sixty five feet (65') for commercial or industrial drives where it appears that it is necessary to accommodate large trucks and trailers and to reduce the distance between a commercial or industrial driveway and the side property line to two feet (2') when on street parking is not allowed or not practical due to some existing condition. The public welfare, safety and convenience shall be considered in granting such applications.

d. Additional Driveway Width Allowed: The city engineer may allow additional driveway width under the following conditions: the street is not an arterial or collector street; the traffic generated by the land use is minimal (no high traffic generating retail trade uses, services, residential uses or public assembly as defined in section 10-10-3 of this title); a parking plan is submitted and adhered to that conforms to subsection 10-10-5(B) of this title; and driveways conform to standard slope and height dimensions to control drainage. (Ord. 2468, 12-19-1994)

10-11-5: STREETS:

(A) Adequate Access: No building shall be constructed or erected on a lot in a zoning district unless adequate access to a fifty foot (50') wide minimum standard all weather public trafficway is provided. Said access may be a private drive providing such drive conforms with the following chart:

PRIVATE DRIVEWAY LENGTH

<u>Width</u>	100 Feet	150 Feet	200 Feet	250 Feet	300 Feet
20 feet	8 units	7 units	6 units	n/a	n/a
25 feet	10 units	10 units	8 units	8 units	n/a
30 feet	12 units	12 units	12 units	12 units	12 units

This requirement may be limited to a minimum length of fifty feet (50') for driveways serving not more than three (3) single-family residences within the AG and SUI zoning districts.

In commercial and manufacturing zoning districts, a private drive may not exceed three hundred feet (300') in length, must have a developed width of twenty feet (20') for one-way traffic and twenty five feet (25') for two- way traffic and may not serve a total building area of over fifty thousand (50,000) square feet.

The city council may approve additional driveway length in excess of three hundred feet (300') in cases where isolated parcels of land cannot be developed with a minimum fifty foot (50') dedicated right of way.

Such a private drive shall be surfaced with Portland concrete or asphaltic concrete. No zoning subdistrict will be allowed that does not have direct access to a fifty foot (50') wide minimum standard all weather paved public trafficway. (Ord. 2850, 2-21-2006)

(B) Curb, Gutter And Sidewalk:

1. New curb, gutter and sidewalk shall be constructed at the expense of the property owner with and at the same time as all new construction or modification of existing buildings in accordance with city standards on all streets, within and adjacent to the development, and in all zoning districts except the AG district, for all land uses except under any one or more of the following conditions:

a. Sidewalks are not required in the SUI, M1 or M2 zoning districts except on arterial streets or areas of high pedestrian traffic. (Ord. 2347, 9-3-1991; amd. Ord. 2796, 6-14-2004)

2. The city engineer may defer the construction of required curb, gutter and/or sidewalk until other curb, gutter and/or sidewalk is constructed adjacent to other lands in the neighborhood under any one or more of the following conditions:

a. If the total length of existing curb-gutter on both sides of the street in an existing development plus the length of the property in question is less than forty percent (40%) of the total property length adjacent to a standard block unless the curb-gutter will connect to an existing curb-gutter section. The standard block shall be the distance between two (2) intersecting streets or four hundred feet (400') whichever is less. The same criteria shall apply separately to sidewalks. All curb-gutters to be considered as existing shall be to acceptable line and grade.

b. If another governmental agency having jurisdiction over a particular street requests that curb-gutter be

deferred.

c. If existing curb, gutter and/or sidewalk is in good repair and to an acceptable line and grade which conforms to the line and grade of other curb, gutter and/or sidewalk in the standard block, it may be retained.

3. Curb, gutter and sidewalk shall not be required or allowed to be constructed or may be deferred if, in the opinion of the city engineer, the improvement would create a traffic hazard or an unusual drainage problem.

(C) Construction Standards For Vertical And Rolled Curb: Both vertical and rolled curb shall be allowed in the city, in accordance with the provisions of this code and in conformance with the standard construction design and specifications for the same, as are on file in the city engineer's office. The most recent construction design and specifications shall prevail.

Standard detail C-2 (4 inch rolled curb) shall be used only when the following applicable conditions have been met:

1. On local residential streets in new developments, when the top of curb to top of curb street drainage capacity is not exceeded by the peak flow generated during a 50-year 24-hour storm. It shall be the developer's engineering consultant's responsibility to compile and submit drainage calculations to the city for review and approval.

2. On residential cul-de-sac streets in new developments which meet the drainage requirements set forth in subsection (C)1 of this section.

3. On local residential streets in existing developments where no curb or gutter exists in the block under consideration and a study by the city engineering department indicates that the proposed installation will meet the drainage requirements set forth in subsection (C)1 of this section.

4. In all cases four inches (4") rolled curb shall be transitioned into six inch (6") vertical curb around all curb returns.

(D) Restrictive Requirements: In areas where two (2) or more zoning districts or subdistricts abut, and said zoning districts or subdistricts have different public improvement requirements, the council may impose the least restrictive requirements if the council finds that imposition of the least restrictive requirements will further the policies and purposes described in chapter 1 of this title. (Ord. 2124, 10-15-1984)

10-11-6: SANITATION FACILITIES:

(A) Waste Pens: A waste pen of sufficient size to accommodate all trash or solid waste stored on the premises shall be provided in any zoning district or subdistrict except buildings containing two (2) or less household units. All waste pens shall be completely surrounded with a well maintained fence or wall of a type that will completely obscure from view all trash and waste stored in the pen. All waste pens shall be visibly screened from adjacent streets and properties. (Ord. 2741, 11-4-2002)

(B) Incinerators: Incinerators or trash burners shall be permitted in the CB, C1, M1 and M2 zoning districts and subdistricts for the burning of wood or paper products only, providing that such incinerators are fired with supplemental fuel and meet all requirements of any other state or local codes.

(C) Wastewater: Overflow of water from air conditioners or other sources of wastewater shall not be permitted to discharge into alleys or street gutters. (Ord. 2012, 7-6-1981; amd. Ord. 2526, 5-20-1996)

10-11-7: WATER AND SEWER:

All buildings intended for human occupancy shall have adequate sanitary facilities. Such facilities shall be connected to an approved domestic water source conforming to the water regulations of the city ¹ and to an approved wastewater system conforming to the wastewater regulations of the city ². (Ord. 2012, 7-6-1981)

Notes

¹ 1. See title 7, chapter 8 of this code.

² 2. See title 7, chapter 7 of this code.

10-11-8: DRAINAGE AND STORM WATER MANAGEMENT:

(A) Best Management Practices: Building sites shall use best management practices (BMPs) to retain as much storm water as possible on the property.

(B) Highway Drainage: Drainage to a state highway shall be subject to the regulations of the Idaho transportation department. Necessary permits shall be acquired by the developer.

(C) Road Drainage: Drainage to a road under the care, custody and control of the Twin Falls highway district shall be subject to their regulations. Necessary permits shall be acquired by the developer.

(D) Drainage To U.S. Waters Or Canals: No drainage shall be allowed from a building site directly to any waters of the United States or to any privately owned canal system.

(E) Residential Subdivisions:

1. All residential subdivisions shall design and construct storm water retention facility or facilities to retain the 50-year

24-hour rainstorm event. Refer to subsection 10-11-9(C)5c(4) of this chapter to determine the volume requirements.

2. The storm water shall be detained and released over a forty eight (48) hour period or at a rate that is approved by the Twin Falls canal company or by any other entity that may govern the waterway downstream.

3. The storm water dischargers releasing water from their retention area shall use best management practices (BMPs) to reduce the amount of pollutants from the water. Discharge water quality shall comply with the most current regulations or standards that may apply.

4. The retention facilities shall also have an overflow device that can convey the 100-year 24-hour rainstorm event, without damage to the retention facility. This structure should be designed to minimize any downstream safety problems.

5. Storm sewers shall be placed in a public right of way or minimum fifteen foot (15') wide easement. Easements shall also be required for the retention areas. The city reserves the right to modify the retention facilities to stay in compliance with any state or federal regulation.

(F) Commercial And Industrial Developments: All commercial and industrial developments shall design and construct storm water retention facilities to retain the 50-year 24-hour rainstorm event. Refer to subsection 10-11-9(C)5c(4) of this chapter to determine the volume requirements. No discharge of storm water will be allowed from these areas.

(G) Procedure For Review And Approval Of The Storm Water Management Plan:

Note: Review and approval by the city does not constitute an engineering review of project plans and calculations. The review is for the purpose of ensuring general conformance to city policies and requirements. The submitting engineer is solely responsible for the design. All submissions to the city shall be stamped by a professional engineer registered in the state.

The following shall be submitted to the city:

1. Topographic survey of the development showing all drainage and irrigation water conveyance systems within the area encompassed by a line two hundred feet (200') outside the property line.

2. Peak flow calculations, with peak flows delineated on the drawings.

3. Runoff volume calculations.

4. Plans and profiles of new or modified drainage and irrigation water conveyance systems.

5. Plans, profiles and calculations for storm water retention or detention facilities.

6. Flood routing computations for the 100-year flood through any existing drainage conveyance systems.

7. Maintenance and operation manuals for storm water facilities.

8. Infiltration rates where applicable.

9. Seasonal high ground water table elevations where applicable. This applies when the absorption of stormwater is used as a best management practice.

Note: Facilities using absorption designs shall not intercept the postdevelopment ground water table. The bottom of the facility shall have a minimum four feet (4') vertical separation from the seasonal high ground water elevation and bedrock. The four foot (4') separation between the bottom of the facility and the seasonal high ground water table shall contain a sandy loam material to treat the water prior to entering the ground water. If the best management practices are utilized to pretreat the water prior to discharge into the absorption facility, the requirement for four foot (4') of sandy loam will be waived.

The seasonal high ground water table elevation shall be established and used for the facility design. The elevation of the seasonal high ground water table shall be determined by a monitoring well established at the facility site and monitored during the high ground water season. If available, Twin Falls health department ground water records may be used to establish the probable highest ground water elevation. The high ground water elevation shall be shown on the plans and be referenced to a nearby bench mark, the latitude and longitude of the well shall be shown on the plans. If ground water is encountered during construction of the facility at an elevation higher than that shown on the plans, the facility shall be redesigned to account for the higher elevation.

10. Soil classifications where applicable.

11. Flood routing of the 100-year storm to the ultimate drainage system.

12. Copies of associated permits and discharge agreements.

13. Copy of the pollution prevention plan that is on file with EPA for the development.

Note: Prior to beginning of construction on any development site larger than five (5) acres, the developer or their representative must have a pollution prevention plan in place and must file a notice of intent (NOI) with the EPA, in accordance with NPDES (national pollutant discharge elimination system) requirements. The pollution prevention plan will include provisions for reducing sediment discharges from the construction site and tracking of mud onto roadways. A copy of this plan and the NOI shall be provided to the city prior to any site grading. Refer to 40 CFR chapter 1 section 122.26

stormwater discharges for NPDES requirements. (Ord. 2481, 5-1-1995)

10-11-9: FLOODPLAIN REGULATIONS:

(A) Statutory Authority :

1. The Legislature of the State of Idaho, pursuant to Idaho Code §§ 46-1020, 46-1023, and 46-1024, authorizes local governments to adopt floodplain management ordinances that identify floodplains and minimum floodplain development standards to minimize flood hazards and protect human life, health, and property. Therefore, the Council of the City of Twin Falls, Idaho does hereby ordain as follows:

2. Findings Of Fact:

a. The flood hazard areas of City of Twin Falls are subject to periodic inundation that results in: loss of life and property; health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures for flood relief and protection; and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

b. These flood losses are caused by structures in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

c. Local government units have the primary responsibility for planning, adopting, and enforcing land use regulations to accomplish proper floodplain management.

3. Statement Of Purpose: The purpose of this section is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

a. Protect human life, health, and property;

b. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;

c. Help maintain a stable tax base by providing for the sound use and development of flood prone areas;

d. Minimize expenditure of public money for costly flood control projects;

e. Minimize the need for rescue and emergency services associated with flooding, generally undertaken at the expense of the general public;

f. Minimize prolonged business interruptions;

g. Ensure that potential buyers are notified the property is in an area of special flood hazard; and

h. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

4. Objectives And Methods Of Reducing Flood Losses: In order to accomplish its purpose, this section includes methods and provisions to:

a. Require that development which is vulnerable to floods, including structures and facilities necessary for the general health, safety, and welfare of citizens, be protected against flood damage at the time of initial construction;

b. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;

c. Control filling, grading, dredging, and other development which may increase flood damage or erosion;

d. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;

e. Preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store flood waters.

(B) Definitions: Unless specifically defined below, words or phrases used in this section shall be interpreted according to the meaning they have in common usage and which give this section its most reasonable application.

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE):

A structure on the same lot or parcel as a principal structure, the use of which is incidental and subordinate to the principal structure.

ADDITION (TO AN EXISTING BUILDING):

An extension or increase in the floor area or height of a building or structure.

APPEAL:

A request for review of the Floodplain Administrator's interpretation of provisions of this ordinance or request for a variance.

AREA OF SHALLOW FLOODING:	A designated AO, AH, AR/AO, or AR/AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
AREA OF SPECIAL FLOOD HAZARD:	See Special Flood Hazard Area (SFHA).
BASE FLOOD:	The flood having a one percent (1%) chance of being equaled or exceeded in any given year. A determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.
BASE FLOOD ELEVATION (BFE):	When the BFE has not been provided in A special flood hazard area, it may be obtained from engineering studies available from a federal, state, local, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the freeboard, establishes the flood protection elevation.
BASEMENT:	Any area of the building having its floor sub grade (below ground level) on all sides.
BUILDING:	See Structure.
CRITICAL FACILITIES:	Facilities that are vital to flood response activities or critical to the health and safety of the public before, during, and after a flood, such as a hospital, emergency operations center, electric substation, police station, fire station, nursing home, school, or shelter; and facilities that, if flooded, would make the flood problem and its impacts much worse, such as a hazardous materials facility, power generation facility, water utility, or wastewater treatment plant.
DATUM:	The vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points was the National Geodetic Vertical Datum of 1929 (NGVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).
DEVELOPMENT:	Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
DEVELOPMENT ACTIVITY:	Any activity defined as development which will necessitate a floodplain development permit, such as: the construction of buildings, structures, or accessory structures; additions or substantial improvements to existing structures; bulkheads, retaining walls, piers, and pools; the placement of mobile homes; or the deposition or extraction of materials; the construction or elevation of dikes, berms, and levees.
DIGITAL FLOOD INSURANCE RATE MAP (DFIRM):	The digital official map of a community, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.
ELEVATED BUILDING:	For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
ELEVATION CERTIFICATE:	The elevation certificate is an important administrative tool of the NFIP. It is used to determine the proper flood insurance premium rate; it is used to document elevation information necessary to ensure compliance with community floodplain management regulations; and it may be used to support a request for a letter of map amendment (LOMA) or letter of map revision based on fill (LOMR-F).
ENCLOSURE:	An area enclosed by solid walls below the BFE/FPE or an area formed when any space below the BFE/FPE is enclosed on all sides by walls or partitions. Insect screening or open wood lattice used to surround space below the BFE/RFPE is not considered an enclosure.

ENCROACHMENT:	The advance or infringement of uses, fill, excavation, buildings, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain. For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."
EXISTING CONSTRUCTION:	
EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION:	A manufactured home park or subdivision where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before the effective date of the original floodplain management regulations adopted by the community, on July 6, 1981.
EXISTING STRUCTURES:	See Existing Construction.
EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:	The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
FLOOD OR FLOODING:	a. A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters. (2) The unusual and rapid accumulation or runoff of surface waters from any source. (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph a. (2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a. (1) of this definition.
FLOOD ELEVATION DETERMINATION:	See Base Flood Elevation (BFE).
FLOOD ELEVATION STUDY:	See Flood Insurance Study (FIS).
FLOOD HAZARD BOUNDARY MAP (FHBM):	An official map of a community, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E. An official map of a community on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).
FLOOD INSURANCE RATE MAP (FIRM):	
FLOOD INSURANCE STUDY (FIS):	An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
FLOODPLAIN OR FLOOD-PRONE AREA:	Any land area susceptible to being inundated by water from any source (see definition of "Flood or Flooding").
FLOODPLAIN ADMINISTRATOR:	The individual appointed to administer and enforce the floodplain management regulations.
FLOODPLAIN DEVELOPMENT PERMIT:	Any type of permit that is required in conformance with the provisions of this section, prior to the commencement of any development activity.

FLOODPLAIN MANAGEMENT:	The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
FLOODPLAIN MANAGEMENT REGULATIONS:	Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
FLOODPROOFING:	Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
FLOOD PROTECTION ELEVATION (FPE):	The base flood elevation plus the freeboard. - In "special flood hazard areas" where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus one (1) foot of freeboard; and - In "special flood hazard areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.
FLOOD PROTECTION SYSTEM:	Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
FLOOD ZONE:	A geographical area shown on a flood hazard boundary map (FHBM) or flood insurance rate map (FIRM) that reflects the severity or type of flooding in the area.
FLOODWAY:	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.
FREEBOARD:	A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effects of urbanization in a watershed. The base flood elevation (BFE) plus the freeboard establishes the flood protection elevation (FPE). Freeboard shall be one (1) foot in areas that have a BFE and two (2) feet in areas where no BFE exists.
FUNCTIONALLY DEPENDENT USE:	A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.
HIGHEST ADJACENT GRADE (HAG):	The highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the FEMA elevation certificate for HAG related to building elevation information.
HISTORIC STRUCTURE:	A structure that is: - Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;

- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

- (1) By an approved state program as determined by the Secretary of the Interior, or

- (2) Directly by the Secretary of the Interior in states without approved programs.

**LETTER OF MAP
CHANGE (LOMC):**

A general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F).

**Conditional Letter of
Map Revision (CLOMR):**

A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map (FIRM) or flood insurance study (FIS). Upon submission and approval of certified as-built documentation, a letter of map revision (LOMR) may be issued by FEMA to revise the effective FIRM. Building permits and/or flood development permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

**Letter of Map
Amendment (LOMA):**

An official amendment, by letter, to an effective National Flood Insurance Program (NFIP) Map. A LOMA establishes a property's location in relation to

the special flood hazard area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.

**Letter of Map Revision
(LOMR):**

FEMA's modification to an effective flood insurance rate map (FIRM) or a flood boundary and floodway map (FBFM) or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA). The LOMR officially revises the flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM), and sometimes the flood insurance study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

**Letter of Map Revision
Based on Fill (LOMR-F):**

FEMA's modification of the special flood hazard area (SFHA) shown on the flood insurance rate map (FIRM) based on the placement of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM, FBFM, or FIS report.

LEEVEE:

A man-made structure, usually an earthen embankment, designed and constructed according to sound engineering practices, to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEEVEE SYSTEM:

A flood protection system that consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**LOWEST ADJACENT
GRADE (LAG):**

The lowest point of the ground level next to the structure. Refer to the FEMA elevation certificate for LAG related to building elevation information.

LOWEST FLOOR:	The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3 and this section.
MANUFACTURED HOME:	A structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle."
MANUFACTURED HOME PARK OR SUBDIVISION:	A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.
MARKET VALUE:	The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (actual cash value); or adjusted tax assessed values.
MEAN SEA LEVEL:	For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929, or other datum (such as North America Vertical Datum of 1988 - NAVD88) to which base flood elevations (BFEs) shown on a community's FIRM are referenced.
MUDSLIDE (I.E., MUDFLOW):	Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide (i.e., mudflow) may occur as a distinct phenomenon while a landslide is in progress and will be recognized as such by the Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.
MUDSLIDE (I.E., MUDFLOW) AREA MANAGEMENT:	The operation of an overall program of corrective and preventive measures for reducing mudslide (i.e., mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and floodplain management regulations.
MUDSLIDE (I.E., MUDFLOW) PRONE AREA:	An area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.
NATIONAL FLOOD INSURANCE PROGRAM (NFIP):	The NFIP is a federal program created by Congress to mitigate future flood losses nationwide through sound, community-enforced building and zoning ordinances, and to provide access to affordable, federally backed flood insurance protection for property owners.
NEW CONSTRUCTION:	For floodplain management purposes, a structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. Any construction started after July 6, 1981, and before the effective start date of this floodplain management section is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within one hundred and eighty (180) days of permit issuance.
NEW MANUFACTURED HOME PARK OR SUBDIVISION:	A place where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community May 1, 1984.
POST-FIRM:	Construction or other development for which the "start of construction" occurred on or after the effective date of the initial flood insurance rate map (FIRM).
PRE-FIRM:	Construction or other development for which the "start of construction" occurred before July 6, 1981, Ordinance #2012, the effective date of the initial flood insurance rate map (FIRM).

RECREATIONAL VEHICLE:	A vehicle that is: - Built on a single chassis, and - Four hundred (400) square feet or less when measured at the largest horizontal projection, and - Designed to be self-propelled or permanently towed by a light duty truck, and - Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
REGULATORY FLOODWAY:	See Floodway. To bring the structure or other development into compliance with state or local floodplain management regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.
REMEDY A VIOLATION:	
REPETITIVE LOSS STRUCTURE:	An NFIP-insured structure that has had at least two (2) paid flood losses of more than one thousand dollars (\$1,000.00) each in any ten (10) year period since 1978.
RIVERINE:	Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
SPECIAL FLOOD HAZARD AREA (SFHA):	The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."
START OF CONSTRUCTION:	Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site (such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation) or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
STRUCTURE:	A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
SUBSTANTIAL DAMAGE:	Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of its market value before the damage occurred. See definition of "Substantial Improvement." Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

SUBSTANTIAL
IMPROVEMENT:

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure" and the alteration is approved by variance issued pursuant to this section.

TECHNICAL BULLETINS
AND TECHNICAL FACT
SHEETS:

FEMA publications that provide guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U. S. Code of Federal Regulations § 60.3. The bulletins and fact sheets are intended for use primarily by state and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations. Rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations. It should be noted that technical bulletins and technical fact sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive state or local regulations apply to the building or site in question. All applicable standards of the state or local building code must also be met for any building in a flood hazard area.

TEMPERATURE
CONTROLLED:

Having the temperature regulated by a heating and/or cooling system, built-in, or appliance.

VARIANCE:

A grant of relief by the governing body from a requirement of this section.

VIOLATION:

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the finished construction elevation certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE
ELEVATION:

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 (or other specified datum), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WATERCOURSE:

A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(C) General Provisions:

1. Lands To Which This Section Applies: This section shall apply to all special flood hazard areas within the jurisdiction of City of Twin Falls. Nothing in this section is intended to allow uses or structures that are otherwise prohibited by the zoning ordinance.

2. Basis For Special Flood Hazard Areas: The special flood hazard areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its flood insurance study (FIS) for City of Twin Falls, dated May 1, 1984, with accompanying flood insurance rate maps (FIRM) or digital flood insurance rate maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this section. The FIS and the FIRM are on file at City of Twin Falls, 203 Main Avenue, East Room 218.

3. Establishment Of Floodplain Development Permit: A Floodplain Development Permit (FDP) shall be required in

conformance with the provisions of this section prior to the commencement of any development activities within special flood hazard areas (SFHA) determined in accordance with the provisions of Part (D), Section 2.

4. Compliance: No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this section and other applicable regulations.

5. Abrogation And Greater Restrictions: This section shall not in any way repeal, abrogate, impair, or remove the necessity of compliance with any other laws, ordinances, regulations, easements, covenants, or deed restrictions, etcetera. However, where this section and another ordinance conflict or overlap, whichever imposes more stringent or greater restrictions shall control.

6. Interpretation: In the interpretation and application of this section all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberally construed in favor of the governing body; and
- c. Deemed neither to limit nor repeal any other powers granted under state statutes.

7. Warning And Disclaimer Of Liability: The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the special flood hazard areas (SFHA) or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of City of Twin Falls, or by any officer or employee thereof, for flood damages that result from reliance on this section or an administrative decision lawfully made hereunder.

8. Penalties For Violation: No structure or land shall hereafter be located, extended, converted, or altered unless in full compliance with the terms of this section and other applicable regulations.

Violation of the provisions of this section or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this section or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than one hundred and eighty (180) days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Twin Falls from taking such other lawful actions as is necessary to prevent or remedy any violation.

(D) Administration :

1. Designation Of Floodplain Ordinance Administrator:

a. The Assistant City Engineer, hereinafter referred to as the "Floodplain Administrator," is hereby appointed to administer and implement the provisions of this section.

2. Duties And Responsibilities Of The Floodplain Administrator: The Floodplain Administrator shall perform, but not be limited to, the following duties:

a. Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas (SFHA) to assure that the requirements of this section have been satisfied.

b. Review all proposed development within special flood hazard areas (SFHA) to assure that all necessary local, state, and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

c. Notify adjacent communities and the Idaho Department of Water Resources State Coordinator for the National Flood Insurance Program (NFIP) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

d. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.

e. Prevent encroachments into floodways and flood fringe areas unless the certification and flood hazard reduction provisions of subsection (E)5. are met.

f. Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of subsection (D)3.c.

g. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of subsection (D)3.c.

h. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of subsection (D) 3.c.

i. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of subsection (D) 3.c and (E) 2.b.

j. Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas (SFHA), floodways, or flood fringe areas (for example, where there appears to be a conflict between a mapped boundary and actual

field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section.

k. When base flood elevation (BFE) data has not been provided in accordance with the provisions of subsection (C) 2., obtain, review, and reasonably utilize any BFE data, along with floodway data or flood fringe area data available from a federal, state, local, or other source, including data developed pursuant to subsection (E) 3.b.(2), in order to administer the provisions of this section.

l. When base flood elevation (BFE) data is provided but no floodway or flood fringe area data has been provided in accordance with the provisions of division (C) 2., obtain, review, and reasonably utilize any floodway data or flood fringe area data available from a federal, state, local, or other source in order to administer the provisions of this section.

m. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a special flood hazard area (SFHA) is above the base flood elevation (BFE), advise the property owner of the option to apply for a letter of map amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.

n. Permanently maintain all records that pertain to the administration of this section and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

o. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

p. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this section, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

q. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked.

r. Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

s. Follow through with corrective procedures of subsection (D) 4.

t. Review, provide input, and make recommendations for variance requests.

u. Maintain a current map repository to include, but not limited to, the FIS report, FIRM and other official flood maps, and studies adopted in accordance with the provisions of subsection (C) 2. of this section, including any revisions thereto including letters of map change, issued by FEMA. Notify the NFIP State Coordinator and FEMA of the community's mapping needs.

v. Coordinate revisions to FIS reports and FIRMs, including letters of map revision based on fill (LOMR-Fs) and letters of map revision (LOMRs).

3. Floodplain Development Application, Permit, And Certification Requirements:

a. Application Requirements: Application for a floodplain development permit (FDP) shall be made to the Floodplain Administrator prior to any development activities located within special flood hazard areas (SFHA). The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

(1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

A. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

B. The boundary of the special flood hazard area (SFHA) as delineated on the FIRM or other flood map as determined in subsection (C) 2., or a statement that the entire lot is within the special flood hazard area;

C. The flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in in subsection (C) 2.;

- D. The boundary of the floodway(s) or flood fringe area(s) as determined in Part (C) Section 2;
 - E. The base flood elevation (BFE) where provided as set forth in subsections (C) 2., (C) 3., or (E) 3.;
 - F. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
- (2) Proposed elevation, and method thereof, of all development within a special flood hazard area (SFHA), including but not limited to:
- A. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
 - B. Elevation in relation to mean sea level to which any non-residential structure in Zone A, AE, AH, AO, or A1-30 will be floodproofed; and
 - C. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
- (3) If floodproofing, a floodproofing certificate (FEMA Form 086-0-33) with supporting data; an operational plan; and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
- (4) A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this section are met. These details include but are not limited to:
- A. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation, or on columns/posts/piers/piles/shear walls); and
 - B. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with subsection (E) 2.d. (1) - (4) when solid foundation perimeter walls are used in Zones A, AE, AH, AO, and A1-30.
- (5) Usage details of any enclosed areas below the lowest floor.
- (6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
- (7) Certification that all other local, state, and federal permits required prior to floodplain development permit issuance have been received.
- (8) Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of subsection (E) 2.f. and g. of this section are met.
- (9) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and
- (10) A map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- b. Permit Requirements: The floodplain development permit (FDP) shall include, but not be limited to:
- (1) A complete description of all the development to be permitted under the floodplain development permit (i.e. house, garage, pool, septic, bulkhead, cabana, pole barn, chicken coop, pier, bridge, mining, dredging, filling, rip-rap, docks, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
 - (2) The special flood hazard area (SFHA) determination for the proposed development in accordance with available data specified in subsection (C) 2.
 - (3) The flood protection elevation (FPE) required for the lowest floor and all attendant utilities.
 - (4) The flood protection elevation (FPE) required for the protection of all public utilities.
 - (5) All certification submittal requirements with timelines.
 - (6) A statement that no fill material or other development shall encroach into the floodway or flood fringe area of any watercourse, as applicable.
 - (7) The flood openings requirements, if in Zones A, AE, AH, AO, or A1-30.
 - (8) All floodplain development permits shall be conditional upon the start of construction of work within one hundred eighty (180) days. A floodplain development permit (FDP) shall expire one hundred and eighty (180) days after issuance, unless the permitted activity has commenced as per the start of construction definition.
 - (9) A statement of the limitations of below BFE enclosure uses, if applicable. (i.e., parking, building access and limited storage only).
 - (10) A statement that all materials below BFE/FPE must be flood resistant materials.
- c. Certification Requirements:
- (1) Elevation Certificates:

A. A Construction drawings elevation certificate (FEMA Form 86-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

B. A building under construction elevation certificate (FEMA Form 86-0-33) is required after the lowest floor is established. Within seven (7) calendar days of establishment of the lowest floor elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

C. A final as-built finished construction elevation certificate (FEMA Form 86-0-33) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the lowest floor and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy.

(2) Floodproofing Certificate: If non-residential floodproofing is used to meet the flood protection elevation requirements, a floodproofing certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan, are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the lowest floor and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of compliance/occupancy.

(3) If a manufactured home is placed within Zone A, AE, AH, AO, or A1-30 and the elevation of the chassis is more than thirty-six (36) inches in height above grade, an engineered foundation certification is required, in accordance with the provisions of subsection (E) 2.c.(2).

(4) If a watercourse is to be altered or relocated, the following shall all be submitted to the Floodplain Administrator by the permit applicant prior to issuance of a floodplain development permit (FDP):

- A. A description of the extent of watercourse alteration or relocation; and
- B. A professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and
- C. A map showing the location of the proposed watercourse alteration or relocation; and
- D. An Idaho stream channel alteration permit.

(5) Certification Exemptions: The following structures, if located within Zone A, AE, AH, AO, or A1-30, are exempt from the elevation/floodproofing certification requirements specified in subsections (D)3. a. and b. of this section:

- A. Recreational vehicles meeting requirements of subsection (E) 2.e.(1);
- B. Temporary structures meeting requirements of subsection (E) 2.f.; and
- C. Accessory structures less than two hundred (200) square feet meeting requirements of subsection (E) 2.g.

d. Determinations For Existing Buildings And Structures: For applications for building permits to improve buildings and structures (including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures), the Floodplain Administrator, in coordination with the Building Official, shall:

(1) Estimate the market value or require the applicant to obtain an appraisal of the market value, prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

(2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, and the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

(4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the adopted Idaho Building Code and this ordinance is required.

4. Corrective Procedures:

a. Violations To Be Corrected: When the Floodplain Administrator finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

b. Actions In Event Of Failure To Take Corrective Action: If the owner of a building or property fails to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

(1) That the building or property is in violation of the floodplain management regulations (FMR);

(2) That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(3) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building, or to remove fill, as applicable.

c. Order To Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the flood damage prevention ordinance (FDPO), he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one hundred-eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

d. Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

e. Failure To Comply With Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

5. Variance Procedures:

a. The City Council of Twin Falls, hereinafter referred to as the "appeal board," shall hear and decide requests for variances from the requirements of this section.

b. Variances may be issued for:

(1) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

(2) Functionally dependent facilities, if determined to meet the definition as stated in subsection (B) of this section, provided provisions of subsection (D) 5. i.ii, iii, and v, have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

(note these refs are incomplete)

(3) Any other type of development, provided it meets the requirements of this section.

c. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other subsections of this section, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity to the facility of a waterfront location as defined under subsection (B) of this section as a functionally dependent facility, where applicable;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

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

d. The applicant shall include a written report addressing each of the above factors in subsection (D), 5. c. (1) - (9) with their application for a variance.

e. Upon consideration of the factors listed above and the purposes of this section, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this section.

f. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to twenty five dollars (\$25.00) per one hundred dollars (\$100.00) of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

g. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) and the State of Idaho, upon request.

h. Conditions For Variances:

(1) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.

(2) Variances shall not be issued within any designated floodway or flood fringe area if the variance would result in any increase in flood levels during the base flood discharge.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall only be issued prior to development permit approval.

(5) Variances shall only be issued upon:

A. A showing of good and sufficient cause;

B. A determination that failure to grant the variance would result in exceptional hardship; and

C. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

i. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in special flood hazard areas (SFHA), provided that all of the following conditions are met:

(1) The use serves a critical need in the community.

(2) No feasible location exists for the use outside the special flood hazard area (SFHA).

(3) The lowest floor of any structure is elevated or floodproofed to at least the flood protection elevation (FPE).

(4) The use complies with all other applicable federal, state and local laws.

j. The City of Twin Falls will notify the State NFIP Coordinator of the Idaho Department of Water Resources of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

k. Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Idaho Code 67-6535.

(E) Provisions For Flood Hazard Reduction:

1. General Standards: In all special flood hazard areas (SFHA), the following provisions are required:

a. All new construction, substantial improvements, and development shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

b. All new construction, substantial improvements, and development shall be constructed with materials and utility equipment resistant to flood damage in accordance with the Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the Federal Emergency Management Agency (FEMA).

c. All new construction, substantial improvements, and development shall be constructed by methods and practices that minimize flood damages.

d. All new and replacement electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the flood protection elevation (FPE). These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

f. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

g. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

h. A fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor shall:

(1) Be constructed entirely of flood resistant materials at least to the Flood Protection Elevation (FPE); and

(2) Include, in Zones A, AE, AH, AO, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

A. A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;

B. The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

C. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

D. The bottom of all required flood openings shall be no higher than one (1) foot above the interior or exterior adjacent grade;

E. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

F. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

i. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this section, shall meet the requirements of "new construction" as contained in this section.

j. Nothing in this section shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this section and located totally or partially within the floodway, flood fringe area, or stream setback, provided there is no additional encroachment below the flood protection elevation (FPE) in the floodway, flood fringe area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this section.

k. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in subsection (D) 5.i. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area (SFHA) only if the structure or tank is either elevated or floodproofed to at least the flood protection elevation and certified in accordance with the provisions of subsection (D) 3.c.

l. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage and determined to be reasonably safe from flooding.

m. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

n. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

o. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

p. When a structure is partially located in a special flood hazard area (SFHA), the entire structure shall meet the requirements for new construction and substantial improvements.

q. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation (BFE) shall apply.

2. Specific Standards: In all special flood hazard areas (SFHA) where base flood elevation (BFE) data has been provided, as set forth in subsections (C) 2., or (E) 4., the following provisions, in addition to the provisions of subsection (E) 1., are required:

a. Residential Construction: New construction, substantial improvements, and development of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than the flood protection elevation (FPE), as defined in subsection (B) of this section.

b. Nonresidential Construction: New construction, substantial improvements, and development of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated no lower than the flood protection elevation (FPE), as defined in subsection (B) of this section. Structures located in Zones A, AE, AH, AO, and A1-30 may be floodproofed to the flood protection elevation (FPE) in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the flood protection elevation (FPE) are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AH and AO Zones, the floodproofing elevation shall be in accordance with subsection (E) 6.b. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in subsection (D) 3.c, along with the operational plan and the inspection and maintenance plan.

c. Manufactured Homes:

(1) New and replacement manufactured homes shall be elevated so that the lowest floor of the manufactured home is no lower than the flood protection elevation (FPE), as defined in subsection (B) of this section.

(2) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the Idaho Division of Building Safety's "Idaho Manufactured Home Installation Standard" in accordance with Idaho Code § 44-2201(2). Additionally, when the elevation would be met by an elevation of the chassis thirty-six inches (36") or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six inches (36") in height, an engineering certification is required.

(3) All enclosures or skirting below the lowest floor shall meet the requirements of subsection (E) 2.d.

(4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

d. Additions/Improvements:

(1) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

A. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure; or

B. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(2) Additions to post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

(3) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

A. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction; or

B. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(4) Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a ten (10) year period, the cumulative cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, must comply with the standards for new construction. For each building or structure, the ten (10) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this section. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

A. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions; or

B. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

e. Recreational Vehicles: Recreational vehicles shall be either:

(1) Temporary Placement: Be on site for fewer than one hundred and eighty (180) consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

(2) Permanent Placement: Recreational vehicles that do not meet the limitations of temporary placement shall meet all the requirements for new construction, as set forth in subsection (E) 1.

f. Temporary Nonresidential Structures: Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

(1) A specified time period for which the temporary use will be permitted. Time specified may not exceed six (6) months, renewable up to one (1) year;

(2) The name, address, and phone number of the individual responsible for the removal of the temporary structure;

(3) The time frame prior to the event at which a structure will be removed (i.e., immediately upon flood warning notification);

(4) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

(5) Designation, accompanied by documentation, of a location outside the special flood hazard area, to which the temporary structure will be moved.

g. Accessory Structures: When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area (SFHA), elevation or floodproofing certifications are required for all accessory structures in accordance with subsection (D) 3.c, and the following criteria shall be met:

(1) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);

(2) Accessory structures shall not be temperature-controlled;

(3) Accessory structures shall be designed to have low flood damage potential;

(4) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(5) Accessory structures shall be firmly anchored in accordance with the provisions of subsection (E) 1.a.

(6) All service facilities, such as electrical, shall be installed in accordance with the provisions of subsection (E) 1.d; and

(7) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below flood protection elevation in conformance with the provisions of subsection (E) 2.d.(4).

An accessory structure with a footprint less than two hundred (200) square feet and is a minimal investment of seven thousand five hundred dollars (\$7,500.00) or less and satisfies the criteria outlined in 2. a. through g. above is not required to meet the elevation or floodproofing standards of subsection (E) 2.b.

h. Tanks: When gas and liquid storage tanks are to be placed within a special flood hazard area (SFHA), the following criteria shall be met:

(1) Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the base flood, including the effects of buoyancy (assuming the tank is empty);

(2) Elevated above-ground tanks in flood hazard areas shall be attached to an elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the base flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

(3) Not elevated above-ground tanks that do not meet the elevation requirements of subsection (E) 2.b of this section shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

(4) Tank inlets, fill openings, outlets, and vents shall be:

A. At or above the flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood; and

B. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

i. Construction Of Below-Grade Crawlspace:

(1) The interior grade of a crawlspace must not be below the BFE and must not be more than two (2) feet below the exterior lowest adjacent grade (LAG).

(2) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four (4) feet at any point.

(3) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.

(4) The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace.

See Technical Bulletin 11 for further information.

Caution:

Buildings that have below-grade crawlspaces may have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation of the crawlspace soil at or above the base flood elevation (BFE).

j. Other Development In Regulated Floodways And Flood Fringe:

(1) Fences that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, in regulated floodways and flood fringe shall meet the limitations of subsection (E) 2.b. of this section.

(2) Retaining walls, bulkheads, sidewalks, and driveways that involve the placement of fill in regulated floodways and flood fringe shall meet the limitations of subsection (E) 5. of this section.

(3) Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, which encroach into regulated floodways and flood fringe, shall meet the limitations of subsection (E) 5. of this section.

(4) Drilling water, oil, and/or gas wells including fuel storage tanks, apparatus, and any equipment at the site that encroach into regulated floodways and flood fringe shall meet the limitations of subsection (E) 5. of this section.

(5) Docks, piers, boat ramps, marinas, moorings, decks, docking facilities, port facilities, shipbuilding, and ship repair facilities that encroach into regulated floodways and flood fringe shall meet the limitations of subsection (E) 5. of this section.

k. Subdivision Plats in Flood Zones:

(1) A note must be provided on the final plat documenting the current flood zone in which the property or properties are located. The boundary line must be drawn on the plat in situations where two (2) or more flood zones intersect over the property or properties being surveyed.

(2) FEMA FIRM panel(s): #160xxxxxC, & 160xxxxxE, etc.

FIRM effective date(s): mm/dd/year

Flood Zone(s): Zone X, Zone A, Zone AE, A Zone AO, Zone, AH, Zone D, etc.

Base Flood Elevation(s): Example: (AE _____.0 ft., etc.)

Flood Zones are subject to change by FEMA and all land within a floodway or floodplain is regulated by _____ chapter/section of the City Code 10-11-9(C)1.

l. Critical Facilities: As a best practice, FEMA recommends protection that exceeds code minimums. For example, FEMA 543, Design Guide for Improving Critical Facility Safety from Flooding and High Winds (2007) recommends protecting critical facilities to withstand at least a 0.2-percent-annual-chance flood event (often called the "500-year flood event"). Flood elevations for the 0.2-percent-annual-chance flood may be greater than the elevation specified by ASCE 24. If federal funding or other Federal action is involved, the requirements of Executive Order 11988 – Floodplain Management may necessitate protection of critical actions to the 500-year flood elevation (critical actions may include the construction and repair of critical facilities).

3. Standards For Floodplains Without Established Base Flood Elevations: Within the special flood hazard areas designated as Zone A (also known as Unnumbered A Zones) and established in subsection (C) 2., where no base flood elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of subsection (E) 1., shall apply:

The BFE used in determining the flood protection elevation (FPE) shall be determined based on the following criteria:

a. When base flood elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this section and shall be elevated or floodproofed in accordance with standards in subsections (E) 1. and 2.

b. When floodway or flood fringe data is available from a federal, state, local or other source, all new construction and substantial improvements within floodway and flood fringe areas shall also comply with the requirements of subsections (E) 2. and 5.

c. All subdivision, manufactured home park, and other development proposals shall provide base flood elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such base flood elevation (BFE) data shall be adopted by reference in accordance with subsection (C) 2. and utilized in implementing this section.

d. When base flood elevation (BFE) data is not available from a federal, state, local, or other source as outlined above, the lowest floor shall be elevated or floodproofed (non-residential) to two (2) feet above the highest adjacent grade (HAG) at the building site or to the flood protection elevation (FPE), whichever is higher, as defined in subsection (B). All other applicable provisions of subsection (E) 2. shall also apply.

4. Standards For Riverine Floodplains With Base Flood Elevations But Without Established Floodways Or Flood Fringe Areas:

Along rivers and streams where base flood elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor flood fringe areas are identified for a special flood hazard area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

a. Standards of subsections (E) 1. and 2.; and

b. Until a regulatory floodway or flood fringe area is designated, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community.

5. Standards For Floodways And Flood Fringe Areas: Areas designated as floodways or flood fringe areas are located within the special flood hazard areas established in subsection (C) 2. The floodways and flood fringe areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in subsections (E) 1. and 2., shall apply to all development within such areas:

a. No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:

(1) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or

(2) A conditional letter of map revision (CLOMR) has been approved by FEMA. A letter of map revision (LOMR) must also be obtained within six (6) months of completion of the proposed encroachment.

b. If subsection (E) 5.a. is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this section.

c. Manufactured homes may be permitted provided the following provisions are met:

(1) The anchoring and the elevation standards of subsection (E) 2.c.; and

(2) The encroachment standards of subsection (E) 5.a.

6. Standards For Areas of Shallow Flooding (Zone AO, AH, AR/AO, or AR/AH): Located within the special flood hazard areas (SFHA) established in subsection (C) 2., are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to subsection (E) 1. and 2., all new construction and substantial improvements shall meet the following requirements:

a. The lowest floor shall be elevated at least as high as the depth number specified on the flood insurance rate map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least two (2) feet above the highest adjacent grade if no depth number is specified.

b. Nonresidential structures may, in lieu of elevation, be floodproofed to the same level as required in subsection (E) 6.a. so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with subsections (D) 3.c, and (E) 2.b.

c. Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

(F) Stormwater Management:

1. Any applicant for a building permit shall furnish satisfactory engineering data to allow the city engineer to ascertain

that any proposed construction will comply with the following drainage criteria:

- a. A conceptual drainage plan shall be presented and approved with the preliminary plat or site plan. A drainage study shall be submitted and approved before any improvement plans are reviewed.
- b. The drainage study shall be prepared by a civil engineer registered in the state. Refer to section 10-11-8 of this chapter for additional drainage requirements.

c. The drainage study and conceptual plan shall be submitted under the following concepts:

(1) Drainage Patterns: Drainage flows of all frequencies should enter and depart from the property to be developed in substantially the same manner as predevelopment conditions.

(2) Street Relationships/Emergency Access: All lots, structures, etc., within a development shall be accessible by at least one route during a 100-year storm with a maximum street water depth of one foot (1'). In all cases, the flow of water shall be contained within rights of way.

2. In order to reduce the storm runoff as much as feasible, retention facilities shall be sized for local (on site) stormwater using the following procedures:

a. The design frequency shall be the fifty (50)-year storm, using the twenty four (24)-hour rainfall depth "D" as determined from the National Weather Service's isopluvials for Idaho. For the Twin Falls area the twenty four (24)-hour rainfall on a fifty (50)-year storm frequency is 1.9 inches.

b. Volume requirements for the retention facility are calculated by the following method:

$$V_t = \frac{1.9 A}{12}$$

V_t = Volume required (acre-feet)

1.9 = 24 hour rainfall depth (inch) on a 50-year storm frequency

A = Tributary area

c. Where possible, the retention facility shall have four to one (4:1) side slopes.

(G) Legal Status Provisions:

1. Effect On Rights And Liabilities Under The Existing Flood Damage Prevention Ordinance: This section, in part, comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted July 6, 1981 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this section shall not affect any action, suit, or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of City of Twin Falls enacted on July 6, 1981, as amended, which are not reenacted herein are repealed.

2. Effect Upon Outstanding Floodplain Development Permits: Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit (FDP) has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this section. Provided, however, that when construction is not begun under such outstanding permit within a period of one hundred and eighty (180) days subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this section.

(Ord. 2019-002, 10-14-2019)

10-11-10: REFERENCE CODES:

(A) Resolutions: Resolutions of the council that pertain to required improvements are 1167, 1168 and 1182 and their current amendments. The provisions of said resolutions shall supersede any conflict with conditions set forth in this title.

(B) Ordinances: Ordinances of the city that pertain to required improvements are 1758 (title 8, chapter 5 of this code), 1783 (title 7, chapter 6 of this code) and 1784 (title 7, chapter 6 of this code) and their current amendments. The provisions of said ordinances shall supersede any conflict with conditions set forth in this title. (Ord. 2045, 7-6-1982)

ORDINANCES PENDING REVIEW FOR CODIFICATION

Listed ordinances have been passed, but they are pending review by the publisher, and they may not affect the code of ordinances. Additionally, ordinances listed in this section may not show the original ordinances in their entirety. Please contact the office of the clerk if there are any questions concerning any listed ordinances.

ORDINANCE NO. 2024-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE §10-11: REQUIRED IMPROVEMENTS, REMOVING EXCEPTIONAL HARDSHIP EXEMPTION AND CLARIFYING WHEN AND HOW TEMPORARY CERTIFICATE'S OF OCCUPANCY MAY BE RECEIVED; AND AMENDING TWIN FALLS MUNICIPAL CODE §10-13: ZONING PERMITS, CLARIFYING A CERTIFICATE OF OCCUPANCY IS REQUIRED AND THE PROCESS TO RECEIVE A FULL AND TEMPORARY CERTIFICATE OF OCCUPANCY; AUTHORIZING PUBLICATION OF THE ORDINANCE BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to change portions of Twin Falls City Code Sections 10-11 and 10-13 to alter and clarify the processes for obtaining certificates of occupancy;

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

Section 1: That Title 10, Chapter 11 of the Twin Falls City Code regulating Required Improvements be amended as follows:

CHAPTER 11 REQUIRED IMPROVEMENTS

SECTION:

10-11-1: Improvements Required

[10-11-2: Exceptions](#)

10-11-~~3~~: Landscaping

10-11-~~4~~: Screening [of Properties](#)

10-11-~~5~~: Parking Areas

10-11-~~6~~: [Right of Way Improvements](#)

10-11-~~7~~: ~~Sanitation~~ [Solid Waste Management](#)

10-11-~~8~~: Water And Sewer

10-11-~~9~~: Drainage And Stormwater Management

10-11-~~10~~: Floodplain Regulations

10-11-~~11~~: Reference Codes

10-11-1: IMPROVEMENTS REQUIRED:

The improvements required herein shall be provided whenever a building or structure is constructed, placed, erected or enlarged or when there is a change of use of a building, structure or parcel of land. Unless otherwise provided [in this chapter](#), all required improvements shall be a condition of any building permit and they shall be completed prior to ~~final inspection and~~ [issuance of a Certificate of Occupancy](#) of the building. ~~If cost of improvements required by sections 10-11-2 through 10-11-5 of this chapter exceeds twenty five percent (25%) of the cost of the proposed private improvements, an agreement may be negotiated to allow the required improvements to be staged over a period of time not to exceed three (3) years. Whenever a building is constructed, placed, erected or enlarged and that building is in an isolated or undeveloped area, or in cases of exceptional hardship, improvements may be deferred by the council in cases where a deferral would otherwise be unavailable. Any improvements required by sections 10-11-2 through 10-11-5 of this chapter are not required for minor modifications or additions to existing buildings or structures when the modifications and improvements do not constitute more than a twenty five percent (25%) increase over the square footage of the existing buildings or a total increase in square footage over ten thousand (10,000) square feet, whichever is less, within any three (3) year period from date of completion of other expansion.~~

~~If a single building of a premises containing multiple buildings is expanded over twenty five percent (25%) of that building's square footage but less than a total of twenty five percent (25%) of the combined square footage of all buildings, the improvements required by sections 10-11-2 through 10-11-5 of this chapter shall be provided for the building being expanded only. If the expansion is greater than ten thousand (10,000) square feet or greater than twenty five percent (25%) of the combined footage of all buildings, the improvements required by sections 10-11-2 through 10-11-5 of this chapter shall be provided for the entire premises. (Ord. 2996, 12-6-2010)~~

[10-11-2: EXCEPTIONS:](#)

[\(A\) Cost of Improvements:](#) ~~If cost of improvements required by sections 10-11-3 through 10-11-6 of this chapter exceeds twenty five percent (25%) of the cost of the proposed private improvements, an agreement may be negotiated to allow the required improvements to be staged over a period of time not to exceed three (3) years.~~

[\(B\) Size of Building Addition or Modification:](#) ~~Any improvements required by sections 10-11-3 through 10-11-6 of this chapter are not required for minor modifications or additions to existing buildings or structures when the modifications and improvements do not constitute more than a twenty five percent (25%) increase over the square footage of the existing buildings or a total increase in square footage over ten thousand (10,000) square feet, whichever is less, within any three (3) year period from date of completion of other expansion.~~

[\(C\) Sites with multiple Buildings:](#) ~~If a single building of a premises containing multiple buildings is expanded over twenty five percent (25%) of that building's square footage but less than a total of twenty five percent (25%) of the combined square footage of all buildings, the improvements required by sections 10-11-3 through 10-11-6 of this chapter shall be provided for the building being expanded only. If the expansion is greater than ten thousand (10,000) square feet or greater than twenty five percent (25%) of the combined footage of all buildings, the improvements required by sections 10-11-3 through 10-11-6 of this chapter shall be provided for the entire premises.~~

10-11-~~3~~: LANDSCAPING:

(A) Minimum Standards: The required minimum size landscaped area shall, as a minimum, have the following plant life:

1. One tree per five hundred (500) square feet of landscaped area. At least fifty percent (50%) of the required trees shall be evergreens. All trees shall have a height of at least four feet (4') when planted.

2. One bush per one hundred (100) square feet of landscaped area. At least fifty percent (50%) of the required bushes shall be evergreens.

3. Within required landscaped areas, display of vehicles, trailers, pickup shells, tires, or any other items for sale is prohibited.

a. Except upon city approved display pads provided through zoning development agreements (ZDA), or as approved through the special use permit process.

b. No such display pads shall be approved within fifteen feet (15') of the sidewalk or future sidewalk.

~~3-4.~~ The commission may approve alternative plans or designs to allow innovative landscaping. (Ord. 2012, 7-6-1981)

(B) Approval And Completion:

1. A landscaping plan conforming to the minimum requirements of this section shall be submitted for approval as part of the application for a building permit to construct any building. (Ord. 3082, 12-8-2014)

~~2. Landscaping conforming to the approved landscaping plan shall be completed before a certificate of occupancy is issued for the appurtenant building or at such other time as may be agreed upon in writing by the administrator and landowner; however, said agreement shall not extend the completion date beyond the next normal planting season for the proposed vegetation. (Ord. 2620, 8-2-1999) A~~
Temporary Certificate of Occupancy may be issued when the landscaping vegetation items are not completed.

3. All landscaping shall be maintained in a manner consistent with the minimum requirements of this section. (Ord. 2850, 2-21-2006)

~~4. Within required landscaped areas, display of vehicles, trailers, pickup shells, tires or any other items for sale is prohibited except upon city approved display pads provided through zoning development agreements (ZDA) or approval through the special use permit process. No such display pads shall be approved within fifteen feet (15') of the sidewalk or future sidewalk. (Ord. 3082, 12-8-2014)~~

10-11-~~34~~: SCREENING OF PROPERTIES:

(...)

(D) Approval And Completion:

1. A site plan conforming to the minimum requirements of this section shall be submitted for approval as part of the application for a building permit to construct any building.

2. All requirements found within the Screening section shall be completed prior to issuance of any Certificate of Occupancy.

Notes

1 1. See section 9-9-16 of this code.

10-11-~~45~~: PARKING AREAS:

(...)

(F) Approval And Completion:

1. A site plan conforming to the minimum requirements of this section shall be submitted for approval as part of the application for a building permit to construct any building.

2. A Temporary Certificate of Occupancy may be issued when the following Parking Area items have not been completed:

a. Parking stall striping.

b. Hard surfacing: only in areas that are not part of other requirements of this code.

i. Any area or items needed to meet the minimum code requirements for ADA Accessibility, parking lot layouts (delivery areas, parking spaces, maneuvering areas), and/or stormwater systems shall be installed prior to any Certificate of Occupancy being issued.

10-11-~~56~~: ~~STREETS~~ RIGHT-OF-WAY IMPROVEMENTS:

(...)

(E) Approval And Completion:

1. A site plan conforming to the minimum requirements of this section shall be submitted for approval as part of the application for a building permit to construct any building.

2. All requirements found within this section shall be completed, or other financial surety accepted by the City of Twin Falls, prior to issuance of any Certificate of Occupancy.

10-11-~~67~~: ~~SANITATION FACILITIES~~ SOLID WASTE MANAGEMENT:

(A) ~~Waste Pens~~ Trash bins: A ~~waste pen~~ trash bin of sufficient size to accommodate all trash or solid waste stored on the premises shall be provided in any zoning district ~~or subdistrict~~ except buildings containing two (2) or less household units.

~~waste pens~~ trash bins shall be completely surrounded with a well-maintained fence or wall ~~of a type~~ that will completely obscure ~~from view~~ all trash and waste stored in the ~~pen-enclosure~~. All ~~waste pens~~ trash bins shall be visibly screened from adjacent streets and properties. (B) Enclosure: All

~~(B) Incinerators: Incinerators or trash burners shall be permitted in the CB, C1, M1 and M2 zoning districts and subdistricts for the burning of wood or paper products only, providing that such incinerators are fired with supplemental fuel and meet all requirements of any other state or local codes.~~

(C) Wastewater: Overflow of water from air conditioners or other sources of wastewater shall not be permitted to discharge into alleys or street gutters. (Ord. 2012, 7-6-1981; amd. Ord. 2526, 5-20-1996)

(C) Approval And Completion:

1. A site plan conforming to the minimum requirements of this section shall be submitted for approval as part of the application for a building permit to construct any building.

2. A Temporary Certificate of Occupancy may be issued when the following Solid Waste Management items have not been completed:

a. Enclosure of the trash bins.

10-11-~~78~~: WATER AND SEWER:

(...)

(A) Approval And Completion:

1. A site plan conforming to the minimum requirements of this section shall be submitted for approval as part of the application for a building permit to construct any building.
2. All requirements found within the Water and Sewer section shall be completed prior to issuance of any Certificate of Occupancy.

10-11-~~89~~: DRAINAGE AND STORM WATER MANAGEMENT:

(...)

(H) Approval And Completion:

1. A site plan conforming to the minimum requirements of this section shall be submitted for approval as part of the application for a building permit to construct any building.
2. All requirements found within the Drainage and Storm Water Management section shall be completed prior to issuance of any Certificate of Occupancy.

10-11-~~910~~: FLOODPLAIN REGULATIONS:

(...)

(H) Approval And Completion:

1. A site plan conforming to the minimum requirements of this section shall be submitted for approval as part of the application for a building permit to construct any building.
2. All requirements found within the Flood Plain Regulations section shall be completed prior to issuance of any Certificate of Occupancy.

10-11-~~11~~: REFERENCE CODES:

(...)

Section 2: That Title 10, Chapter 13 of the Twin Falls City Code regulating Permits be amended as follows:

CHAPTER 13 PERMITS

SECTION:

10-13-1: Building Permit

10-13-2: ~~Available Permits~~ Certificate of Appropriateness

10-13-~~23-4~~: Variances

10-13-~~24-2~~: Special Use

10-13-~~25-3~~: Revocation Of ~~Zoning~~ Permits

10-13-1: BUILDING PERMIT:

(A) Permit Required: No person shall erect, construct, enlarge, alter, repair, move, convert or demolish any building or structure in the city or cause the same to be done without first obtaining a separate building permit for each such building or structure from the city building official.

(B) Certificate of Occupancy Required: It shall be unlawful to use, occupy, or permit the use or occupancy of any building, premises, or part thereof, thereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure, until a certificate of occupancy has been issued stating that the proposed use of the building and/or land conforms to the requirements of this title, and with all conditional provisions that may have been imposed.

1. A temporary certificate of occupancy may be initially issued for a period not to exceed six (6) months.

a. A nonrefundable fee, and refundable retainer, as determined by the adopted master fee schedule, shall be collected prior to issuance of a temporary certificate of occupancy.

b. One extension may be granted for an additional three (3) months upon new application and payment of additional nonrefundable fee.

c. Temporary Certificates expire at 5:00 PM on the date listed.

d. In the event a temporary certificate expires without completion of the Required Improvements, the entire retainer amount shall be forfeited to the City of Twin Falls. In addition to the retainer forfeiture, the City may also initiate revocation proceedings of any permit, license, or any other approval, according to their respective revocation procedures.

(B C) Application

For Permit: To apply for a permit the applicant shall first file an application therefore in writing on a form furnished for that purpose by the city building official, who shall determine the acceptability of the request in conformance with the building code, and who shall thereupon issue or deny the application.

~~(C) Certificate Of Appropriateness: For those properties located within the Twin Falls downtown historic district and the Twin Falls City Park historic district, before applying for a building permit, the property owner shall apply for and receive a certificate of appropriateness from the Twin Falls historic preservation commission.~~

~~1. No exterior portion of any building or other structure, including walls, fences, light fixtures, steps and pavement, or other appurtenant features, nor aboveground utility structures nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within these districts until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the historic preservation commission. The historic preservation commission shall review the "design guidelines" as they exist or as amended for compliance before issuing a certificate of appropriateness. The historic preservation commission shall make its determination within ten (10) business days after submission of the application. Such a certificate is to be issued by the historic preservation commission prior to the issuance of a building permit or other permit granted for purposes of construction or altering structures.~~

2. A certificate of appropriateness shall be required whether or not a building permit is required.

3. A decision of the historic preservation commission regarding an application for a certificate of appropriateness may be appealed by the applicant to the city council. (Ord. 2017-009, 2-27-2017)

10-13-2: CERTIFICATE OF APPROPRIATENESS:

(A) Permit Required: For those properties located within the Twin Falls downtown historic district and the Twin Falls City Park historic district, before applying for a building permit, the property owner shall apply for and receive a certificate of appropriateness from the Twin Falls historic preservation commission.

1. No exterior portion of any building or other structure, including walls, fences, light fixtures, steps and pavement, or other appurtenant features, nor aboveground utility structures nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within these districts until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the historic preservation commission. The historic preservation commission shall review the "design guidelines" as they exist or as amended for compliance before issuing a certificate of appropriateness. The historic preservation commission shall make its determination within ten (10) business days after submission of the application. Such a certificate is to be issued by the historic preservation commission prior to the issuance of a building permit or other permit granted for purposes of construction or altering structures.

2. A certificate of appropriateness shall be required whether or not a building permit is required.

3. Appeal: A decision of the historic preservation commission regarding an application for a certificate of appropriateness may be appealed by the applicant to the city council. (Ord. 2017-009, 2-27-2017)

10-13-3: VARIANCES:

10-13-4: SPECIAL USE:

10-13-5: REVOCATION OF ZONING-PERMITS

Section 3: That this ordinance may be published by summary as follows:

SUMMARY OF ORDINANCE NO. 2024- 12

Of the City of Twin Falls, Idaho

A N ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE §10-11: REQUIRED IMPROVEMENTS, REMOVING EXCEPTIONAL HARDSHIP EXEMPTION AND CLARIFYING WHEN AND HOW TEMPORARY CERTIFICATE'S OF OCCUPANCY MAY BE RECEIVED ; AND AMENDING TWIN FALLS MUNICIPAL CODE §10-13: ZONING PERMITS, CLARIFYING A CERTIFICATE OF OCCUPANCY IS REQUIRED AND THE PROCESS TO RECEIVE A FULL AND TEMPORARY CERTIFICATE OF OCCUPANCY ; AUTHORIZING PUBLICATION OF THE ORDINANCE BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

Section 1 of the

ordinance amends Twin Falls City Code §10-11. Below is an overview of each of the amended sections:

10-11-1: This section describes when improvements will be required. The amendment removes deferral by the City Council for exceptional hardship. Furthermore, exceptions have been removed from this section and moved to 10-11-2, Exceptions. Clarification has been provided on when a Temporary Certificate of Occupancy may be issued.

10-11-2: This section describes exceptions to the required improvement standards. This amendment has the exceptions remaining the same as described in the current version and places them in their own subsections for clarity.

10-11-3: This section describes landscaping requirements. This amendment clarifies all requirements that shall be completed prior to issuance of any certificate of occupancy.

10-11-4: This section describes screening of property requirements. This amendment clarifies that all requirements within the section shall be completed prior to issuance of any certificate of occupancy.

10-11-5: This section describes parking area requirements. This amendment clarifies when a temporary certificate of occupancy may be issued.

10-11-6: This section describes street requirements. This amendment clarifies that all requirements shall be completed prior to issuance of any certificate of occupancy.

10-11-7: This section describes solid waste facility requirements. This amendment changes the name from "Sanitation Facilities" to "Solid Waste Management." This amendment changes the name of "waste pens" to "trash bins." This amendment also removes incinerators and wastewater standards as they are addressed in other sections of the code. This amendment clarifies when a temporary certificate of occupancy may be issued.

10-11-8: This section describes water and sewer requirements. This amendment clarifies that all requirements shall be completed prior to issuance of any certificate of occupancy.

10-11-9: This section describes drainage and storm water management requirements. This amendment clarifies that all requirements shall be completed prior to issuance of any certificate of occupancy.

10-11-10: This section describes floodplain regulations. This amendment clarifies that all requirements shall be completed prior to issuance of any certificate of occupancy.

10-11-11: This section describes referenced codes. This amendment changes the reference numbers from 10-11-10 to 10-11-11.

Section 2 of the

ordinance amends Twin Falls City Code §10-13. Below is an overview of each of the amended sections:

10-13-1: This section describes when a building permit is required and requirements to apply for and finish the building permit. This amendment adds a section outlining the Certificate of Occupancy being required to occupy a building and outlines a process for obtaining a Full or Temporary Certificate of Occupancy.

10-13-2: This section describes when a Certificate of Appropriateness is required and the process to obtain one. This amendment moves Certificate of Appropriateness requirements from 10-13-1 to 10-13-2.

10-13-3 through 10-13-5: These sections describe variances, special use permits, and revocation of permits. This amendment changes the reference numbers to accommodate for the new Certificate of Appropriateness section.

Section 3 of the

ordinance authorizes the ordinance to be published in summary.

Section 4 of the ordinance makes the ordinance effective immediately following its passage, approval, and publication.

The full text of Ordinance No. 2024-12 is available at Twin Falls city hall.

Section 4: This ordinance shall be made effective October 1, 2024.

Passed By the City Council September 9, 2024

Signed by the Mayor Ruth Pierce

Mayor



Date: Tuesday, December 17, 2024
To: Planning and Zoning Commission
From: William Klaver, Senior City Planner

ACTION ITEM

Request:

Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 12, "Floodplain Regulations".

Time Estimate:

15-20 minutes for staff presentation.

Background:

In February 2018, the City Council tasked Planning and Zoning Staff to initiate a complete rewrite of Title 10: Zoning and Subdivision Regulations. The main goals of the rewrite are to accomplish the following:

- Update the current definitions;
- Simplify the code navigation process for users;
- Streamline the development approval process; and
- Make the code reflect the goals, language, and strategies of the 2016 Comprehensive Plan.

The chapter applicable to this Staff Report is the "Floodplain Regulations". This chapter was adopted in 2019 (Ord. 2019-02). This is currently

This chapter contains same language as before as found in Twin Fall Municipal Code section 10-11-9.

Approval Process:

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an

opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

Budget Impact:

N/A

Regulatory Impact:

Should this be approved, this section will be the general provisions for the zoning regulations. This outlines an effective date, grants authority, outlines applicability of the code, outlines the Planning and Zoning Commission's bylaws, etc.

History:

N/A

Analysis:

N/A

Conclusion:

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

- 1. Move to recommend approval for the proposed zoning text amendment to the floodplain regulations chapter of Title 10 as presented;*
- 2. Move to recommend approval with conditions for the proposed zoning text amendment to the floodplain regulations chapter of Title 10; or*
- 3. Move to table the item to a date certain of _____.*

Attachments:

1. Proposed Floodplain Regulation
2. Current Floodplain Regulations (Section 10-11-9) - 12.9.24

10-12: FLOODPLAIN REGULATION

A. Statutory Authority.

1. The Legislature of the State of Idaho, pursuant to Idaho Code §§ 46-1020, 46-1023, and 46-1024, authorizes local governments to adopt floodplain management ordinances that identify floodplains and minimum floodplain development standards to minimize flood hazards and protect human life, health, and property. Therefore, the Council of the City of Twin Falls, Idaho does hereby ordain as follows:
2. Findings of Fact.
 - a. The flood hazard areas of City of Twin Falls are subject to periodic inundation that results in: loss of life and property; health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures for flood relief and protection; and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
 - b. These flood losses are caused by structures in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.
 - c. Local government units have the primary responsibility for planning, adopting, and enforcing land use regulations to accomplish proper floodplain management.
3. Statement of Purpose: The purpose of this ordinance is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - a. Protect human life, health, and property;
 - b. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;
 - c. Help maintain a stable tax base by providing for the sound use and development of flood prone areas;
 - d. Minimize expenditure of public money for costly flood control projects;
 - e. Minimize the need for rescue and emergency services associated with flooding, generally undertaken at the expense of the general public;
 - f. Minimize prolonged business interruptions;
 - g. Ensure that potential buyers are notified the property is in an area of special flood hazard; and
 - h. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
4. Objectives and Methods of Reducing Flood Losses: In order to accomplish its purpose, this ordinance includes methods and provisions to:
 - a. Require that development which is vulnerable to floods, including structures and facilities necessary for the general health, safety, and welfare of citizens, be protected against flood damage at the time of initial construction;

- b. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
 - c. Control filling, grading, dredging, and other development which may increase flood damage or erosion;
 - d. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;
 - e. Preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store flood waters.
- B. Definitions: Unless specifically defined below, words or phrases used in this ordinance shall be interpreted according to the meaning they have in common usage and which give this ordinance its most reasonable application.
- 1. ACCESSORY STRUCTURE (APPURTENANT STRUCTURE): A structure on the same lot or parcel as a principal structure, the use of which is incidental and subordinate to the principal structure.
 - 2. ADDITION (TO AN EXISTING BUILDING): An extension or increase in the floor area or height of a building or structure.
 - 3. APPEAL: A request for review of the Floodplain Administrator's interpretation of provisions of this ordinance or request for a variance.
 - 4. AREA OF SHALLOW FLOODING: A designated AO, AH, AR/AO, or AR/AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
 - 5. AREA OF SPECIAL FLOOD HAZARD: See Special Flood Hazard Area (SFHA).
 - 6. BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
 - 7. BASE FLOOD ELEVATION (BFE): A determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a Federal, State, local, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the Freeboard, establishes the Flood Protection Elevation.
 - 8. BASEMENT: Any area of the building having its floor sub grade (below ground level) on all sides.
 - 9. BUILDING: See Structure.
 - 10. CRITICAL FACILITIES: Facilities that are vital to flood response activities or critical to the health and safety of the public before, during, and after a flood, such as a hospital, emergency operations center, electric substation, police station, fire station, nursing home, school, or shelter; and facilities that, if flooded, would make the flood problem and its impacts much worse, such as a hazardous materials facility, power generation facility, water utility, or wastewater treatment plant.

11. **DATUM:** The vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points was the National Geodetic Vertical Datum of 1929 (NGVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).
12. **DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
13. **DEVELOPMENT ACTIVITY:** Any activity defined as Development which will necessitate a Floodplain Development Permit, such as: the construction of buildings, structures, or accessory structures; additions or substantial improvements to existing structures; bulkheads, retaining walls, piers, and pools; the placement of mobile homes; or the deposition or extraction of materials; the construction or elevation of dikes, berms, and levees.
14. **DIGITAL FLOOD INSURANCE RATE MAP (DFIRM):** The digital official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.
15. **ELEVATED BUILDING:** For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
16. **ELEVATION CERTIFICATE:** The Elevation Certificate is an important administrative tool of the NFIP. It is used to determine the proper flood insurance premium rate; it is used to document elevation information necessary to ensure compliance with community floodplain management regulations; and it may be used to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).
17. **ENCLOSURE:** An area enclosed by solid walls below the BFE/FPE or an area formed when any space below the BFE/FPE is enclosed on all sides by walls or partitions. Insect screening or open wood lattice used to surround space below the BFE/RFPE is not considered an enclosure.
18. **ENCROACHMENT:** The advance or infringement of uses, fill, excavation, buildings, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
19. **EXISTING CONSTRUCTION:** For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."
20. **EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION:** A manufactured home park or subdivision where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before the effective date of the original floodplain management regulations adopted by the community, on July 6, 1981.

21. EXISTING STRUCTURES: See Existing Construction.
22. EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
23. FLOOD OR FLOODING:
 - a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - i. 1. The overflow of inland or tidal waters.
 - ii. 2. The unusual and rapid accumulation or runoff of surface waters from any source.
 - iii. 3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph a.2. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
 - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.
24. FLOOD ELEVATION DETERMINATION: See Base Flood Elevation (BFE).
25. FLOOD ELEVATION STUDY: See Flood Insurance Study (FIS).
26. FLOOD HAZARD BOUNDARY MAP (FHBM): An official map of a community, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.
27. FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
28. FLOOD INSURANCE STUDY (FIS): An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
29. FLOOD ZONE: a geographical area shown on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) that reflects the severity or type of flooding in the area.
30. FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source (see definition of "Flood or Flooding").

31. FLOODPLAIN ADMINISTRATOR: The individual appointed to administer and enforce the floodplain management regulations.
32. FLOODPLAIN DEVELOPMENT PERMIT: Any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.
33. FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and flood plain management regulations.
34. FLOODPLAIN MANAGEMENT REGULATIONS: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
35. FLOODPROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
36. FLOOD PROTECTION ELEVATION (FPE): The Base Flood Elevation plus the Freeboard.
 - a. In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus one (1) foot of freeboard; and
 - b. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.
37. FLOOD PROTECTION SYSTEM: Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
38. FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.
39. FREEBOARD: A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effects of urbanization in a watershed. The Base Flood Elevation (BFE) plus the Freeboard establishes the Flood Protection Elevation (FPE). Freeboard shall be one (1) foot in areas that have a BFE and two (2) feet in areas where no BFE exists.
40. FUNCTIONALLY DEPENDENT USE: A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding,

or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

41. **HIGHEST ADJACENT GRADE (HAG):** The highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the FEMA Elevation Certificate for HAG related to building elevation information.
42. **HISTORIC STRUCTURE:** A structure that is:
 - a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior, or
 - ii. Directly by the Secretary of the Interior in states without approved programs.
43. **LETTER OF MAP CHANGE (LOMC):** A general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F).
44. **LETTER OF MAP AMENDMENT (LOMA):** an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) Map. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.
45. **LETTER OF MAP REVISION (LOMR):** FEMA's modification to an effective Flood Insurance Rate Map (FIRM) or a Flood Boundary and Floodway Map (FBFM) or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

46. LETTER OF MAP REVISION BASED ON FILL (LOMR-F): FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM, FBFM, or FIS report.
47. CONDITIONAL LETTER OF MAP REVISION (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS). Upon submission and approval of certified as-built documentation, a Letter of Map Revision (LOMR) may be issued by FEMA to revise the effective FIRM. Building Permits and/or Flood Development Permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.
48. LEVEE: A man-made structure, usually an earthen embankment, designed and constructed according to sound engineering practices, to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
49. LEVEE SYSTEM: A flood protection system that consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
50. LOWEST ADJACENT GRADE (LAG): The lowest point of the ground level next to the structure. Refer to the FEMA Elevation Certificate for LAG related to building elevation information.
51. LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3 and this ordinance.
52. MANUFACTURED HOME: A structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle."
53. MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
54. MARKET VALUE: The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.
55. MEAN SEA LEVEL: For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929, or other datum (such as North America Vertical Datum of 1988 - NAVD88) to which Base Flood Elevations (BFEs) shown on a community's FIRM are referenced.
56. MUDSLIDE (I.E., MUDFLOW): Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground preceded by a

period of unusually heavy or sustained rain. A mudslide (i.e., mudflow) may occur as a distinct phenomenon while a landslide is in progress and will be recognized as such by the Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

57. **MUDSLIDE (I.E., MUDFLOW) AREA MANAGEMENT:** The operation of an overall program of corrective and preventive measures for reducing mudslide (i.e., mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and flood plain management regulations.
58. **MUDSLIDE (I.E., MUDFLOW) PRONE AREA:** An area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.
59. **NATIONAL FLOOD INSURANCE PROGRAM (NFIP):** The NFIP is a Federal program created by Congress to mitigate future flood losses nationwide through sound, community-enforced building and zoning ordinances, and to provide access to affordable, federally backed flood insurance protection for property owners.
60. **NEW CONSTRUCTION:** For floodplain management purposes, a structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. Any construction started after July 6, 1981, and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within one hundred and eighty (180) days of permit issuance.
61. **NEW MANUFACTURED HOME PARK OR SUBDIVISION:** A place where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed on or after the effective date of Floodplain Management Regulations adopted by a community May 1, 1984.
62. **POST-FIRM:** Construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map (FIRM).
63. **PRE-FIRM:** Construction or other development for which the “start of construction” occurred before July 6, 1981, Ordinance #2012, the effective date of the initial Flood Insurance Rate Map (FIRM).
64. **RECREATIONAL VEHICLE:** A vehicle that is:
 - a. Built on a single chassis, and
 - b. Four hundred (400) square feet or less when measured at the largest horizontal projection, and
 - c. Designed to be self-propelled or permanently towed by a light duty truck, and
 - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
65. **REGULATORY FLOODWAY:** See Floodway

66. **REMEDY A VIOLATION:** To bring the structure or other development into compliance with State or Local flood plain management regulations or, if this is not possible, to reduce the impacts of its non-compliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.
67. **REPETITIVE LOSS STRUCTURE:** An NFIP-insured structure that has had at least two paid flood losses of more than One Thousand Dollars (\$1,000) each in any ten (10) year period since 1978.
68. **RIVERINE:** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
69. **SPECIAL FLOOD HAZARD AREA (SFHA):** The land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."
70. **START OF CONSTRUCTION:** Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site (such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation) or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
71. **STRUCTURE:** A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
72. **SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of its market value before the damage occurred. See definition of "Substantial Improvement." Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.
73. **SUBSTANTIAL IMPROVEMENT:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure" and the alteration is approved by variance issued pursuant to this ordinance.

74. **TECHNICAL BULLETINS AND TECHNICAL FACT SHEETS:** FEMA publications that provide guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U. S. Code of Federal Regulations § 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations. Rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations. It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.
75. **TEMPERATURE CONTROLLED:** Having the temperature regulated by a heating and/or cooling system, built-in, or appliance.
76. **VARIANCE:** A grant of relief by the governing body from a requirement of this ordinance.
77. **VIOLATION:** The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the Finished Construction Elevation Certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.
78. **WATER SURFACE ELEVATION:** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 (or other specified datum), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.
79. **WATERCOURSE:** A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

C. General Provisions.

1. **Lands to Which This Ordinance Applies:** This Ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of City of Twin Falls. Nothing in this ordinance is intended to allow uses or structures that are otherwise prohibited by the zoning ordinance.

2. Basis for Special Flood Hazard Areas: The Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for City of Twin Falls, dated May 1, 1984, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this ordinance. The FIS and the FIRM are on file at City of Twin Falls, 203 Main Avenue, East Room 218.
3. Establishment of Floodplain Development Permit: A Floodplain Development Permit (FDP) shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas (SFHA) determined in accordance with the provisions of Part (D), Section 2.
4. Compliance: No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.
5. Abrogation and Greater Restrictions: This ordinance shall not in any way repeal, abrogate, impair, or remove the necessity of compliance with any other laws, ordinances, regulations, easements, covenants, or deed restrictions, etcetera. However, where this ordinance and another conflict or overlap, whichever imposes more stringent or greater restrictions shall control.
6. Interpretation: In the interpretation and application of this ordinance all provisions shall be:
 - a. Considered as minimum requirements;
 - b. Liberally construed in favor of the governing body; and
 - c. Deemed neither to limit nor repeal any other powers granted under state statutes.
7. Warning and Disclaimer of Liability: The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas (SFHA) or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of City of Twin Falls, or by any officer or employee thereof, for flood damages that result from reliance on this ordinance or an administrative decision lawfully made hereunder.
8. Penalties for Violation: No structure or land shall hereafter be located, extended, converted, or altered unless in full compliance with the terms of this ordinance and other applicable regulations.
9. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than One Hundred Dollars (\$100) or imprisoned for not more than one hundred and eighty (180) days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Twin Falls from taking such other lawful actions as is necessary to prevent or remedy any violation.

D. Administration.

1. Designation of Floodplain Ordinance Administrator: The Assistant City Engineer, hereinafter referred to as the "Floodplain Administrator," is hereby appointed to administer and implement the provisions of this ordinance.
2. Duties and Responsibilities of the Floodplain Administrator: The Floodplain Administrator shall perform, but not be limited to, the following duties:
 - a. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas (SFHA) to assure that the requirements of this ordinance have been satisfied.
 - b. Review all proposed development within Special Flood Hazard Areas (SFHA) to assure that all necessary local, State, and Federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.
 - c. Notify adjacent communities and the Idaho Department of Water Resources State Coordinator for the National Flood Insurance Program (NFIP) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
 - d. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
 - e. Prevent encroachments into floodways and flood fringe areas unless the certification and flood hazard reduction provisions of Part (E), Section 5 are met.
 - f. Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Part (D) Section 3.c.
 - g. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Part (D) Section 3.c.
 - h. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Part (D) Section 3.c.
 - i. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Part (D) Section 3.c and Part (E) Section 2.b.
 - j. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (SFHA), floodways, or flood fringe areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
 - k. When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of Part (C) Section 2, obtain, review, and reasonably utilize any BFE data, along with floodway data or flood fringe area data available from a Federal, State, local, or other source, including data developed pursuant to Part (E) Section 3.b.ii, in order to administer the provisions of this ordinance.

- l. When Base Flood Elevation (BFE) data is provided but no floodway or flood fringe area data has been provided in accordance with the provisions of Part (C) Section 2, obtain, review, and reasonably utilize any floodway data or flood fringe area data available from a Federal, State, local, or other source in order to administer the provisions of this ordinance.
- m. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area (SFHA) is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
- n. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- o. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- p. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- q. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- r. Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- s. Follow through with corrective procedures of Part (D), Section 4.
- t. Review, provide input, and make recommendations for variance requests.

- u. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps, and studies adopted in accordance with the provisions of Part (C) Section 2 of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify the NFIP State Coordinator and FEMA of your community's mapping needs.
 - v. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).
- 3. Floodplain Development Application, Permit, and Certification Requirements
 - a. Application Requirements: Application for a Floodplain Development Permit (FDP) shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas (SFHA). The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
 - i. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - A. The nature, location, dimensions, and elevations of the area of development/ disturbance; existing and proposed structures, utility systems, grading/ pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - B. The boundary of the Special Flood Hazard Area (SFHA) as delineated on the FIRM or other flood map as determined in Part (C) Section 2, or a statement that the entire lot is within the Special Flood Hazard Area;
 - C. The Flood Zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in in Part (C) Section 2;
 - D. The boundary of the floodway(s) or flood fringe area(s) as determined in Part (C) Section 2;
 - E. The Base Flood Elevation (BFE) where provided as set forth in Part (C) Section 2; Part (C) Section 3; or Part (E) Section 3;
 - F. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and,
 - ii. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area (SFHA), including but not limited to:
 - A. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
 - B. Elevation in relation to mean sea level to which any non-residential structure in Zone A, AE, AH, AO, or A1-30 will be floodproofed; and
 - C. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
 - iii. If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-33) with supporting data; an operational plan; and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of

floodproofing measures.

- iv. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - A. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation, or on columns/posts/piers/piles/shear walls); and
 - B. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Part (E) Section 2.d.i-vi when solid foundation perimeter walls are used in Zones A, AE, AH, AO, and A1-30.
 - v. Usage details of any enclosed areas below the lowest floor.
 - vi. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
 - vii. Certification that all other local, State, and Federal permits required prior to floodplain development permit issuance have been received.
 - viii. Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of Part (E) Section 2.f and g of this ordinance are met.
 - ix. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and
 - x. A map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- b. Permit Requirements. The Floodplain Development Permit (FDP) shall include, but not be limited to:
- i. A complete description of all the development to be permitted under the floodplain development permit (i.e. house, garage, pool, septic, bulkhead, cabana, pole barn, chicken coop, pier, bridge, mining, dredging, filling, rip-rap, docks, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
 - ii. The Special Flood Hazard Area (SFHA) determination for the proposed development in accordance with available data specified in Part (C) Section 2.
 - iii. The Flood Protection Elevation (FPE) required for the lowest floor and all attendant utilities.
 - iv. The Flood Protection Elevation (FPE) required for the protection of all public utilities.
 - v. All certification submittal requirements with timelines.
 - vi. A statement that no fill material or other development shall encroach into the floodway or flood fringe area of any watercourse, as applicable.

- vii. The flood openings requirements, if in Zones A, AE, AH, AO, or A1-30.
 - viii. All floodplain development permits shall be conditional upon the start of construction of work within 180 days. A Floodplain Development Permit (FDP) shall expire one hundred and eighty (180) days after issuance, unless the permitted activity has commenced as per the Start of Construction definition.
 - ix. A statement of the limitations of below BFE enclosure uses, if applicable. (i.e., parking, building access and limited storage only).
 - x. A statement that all materials below BFE/FPE must be flood resistant materials.
- c. Certification Requirements.
- i. Elevation Certificates:
 - A. A Construction Drawings Elevation Certificate (FEMA Form 86-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
 - B. A Building Under Construction Elevation Certificate (FEMA Form 86-0-33) is required after the lowest floor is established. Within seven (7) calendar days of establishment of the lowest floor elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
 - C. A final as-built Finished Construction Elevation Certificate (FEMA Form 86-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the lowest floor and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- ii. Floodproofing Certificate: If non-residential floodproofing is used to meet the Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan, are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the lowest floor and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- iii. If a manufactured home is placed within Zone A, AE, AH, AO, or A1-30 and the elevation of the chassis is more than thirty-six (36) inches in height above grade, an engineered foundation certification is required, in accordance with the provisions of Part (E) Section 2.c.ii.
- iv. If a watercourse is to be altered or relocated, the following shall all be submitted to the Floodplain Administrator by the permit applicant prior to issuance of a Floodplain Development Permit (FDP):
 - A. A description of the extent of watercourse alteration or relocation; and
 - B. A professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and
 - C. A map showing the location of the proposed watercourse alteration or relocation; and
 - D. An Idaho Stream Channel Alteration Permit.
- v. Certification Exemptions. The following structures, if located within Zone A, AE, AH, AO, or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items a and b of this subsection:
 - A. Recreational Vehicles meeting requirements of Part (E) Section 2.f.i;
 - B. Temporary Structures meeting requirements of Part (E) Section 2.g; and
 - C. Accessory Structures less than 200 square feet meeting requirements of Part (E) Section 2.h.
- d. Determinations for Existing Buildings and Structures. For applications for building permits to improve buildings and structures (including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures), the Floodplain Administrator, in coordination with the Building Official, shall:

- i. Estimate the market value or require the applicant to obtain an appraisal of the market value, prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 - ii. iCompare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, and the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 - iii. iii. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
 - iv. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the adopted Idaho Building Code and this ordinance is required.
4. Corrective Procedures.
 - a. Violations to be Corrected. When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
 - b. Actions in Event of Failure to Take Corrective Action. If the owner of a building or property fails to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - i. that the building or property is in violation of the Floodplain Management Regulations (FMR);
 - ii. that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - iii. that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building, or to remove fill, as applicable.
 - c. Order to Take Corrective Action. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance (FDPO), he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one hundred-eighty (180) calendar days Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
 - d. Appeal. Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following

issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

- e. Failure to Comply with Order. If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

5. Variance Procedures.

- a. The City Council of Twin Falls, hereinafter referred to as the "appeal board," shall hear and decide requests for variances from the requirements of this ordinance.
- b. Variances may be issued for:
 - i. the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 - ii. functionally dependent facilities, if determined to meet the definition as stated in Part (B) of this ordinance, provided provisions of Part (D), Section 5.i.ii, iii, and v, have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - iii. any other type of development, provided it meets the requirements of this Section.
- c. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - i. the danger that materials may be swept onto other lands to the injury of others;
 - ii. the danger to life and property due to flooding or erosion damage;
 - iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. the importance of the services provided by the proposed facility to the community;
 - v. the necessity to the facility of a waterfront location as defined under Part (B) of this ordinance as a functionally dependent facility, where applicable;
 - vi. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - vii. the compatibility of the proposed use with existing and anticipated development;
 - viii. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - xi. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- d. The applicant shall include a written report addressing each of the above factors in Part (D), Section 5.c.i-xi with their application for a variance.
- e. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- f. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- g. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) and the State of Idaho, upon request.
- h. Conditions for Variances:
- i. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - ii. Variances shall not be issued within any designated floodway or flood fringe area if the variance would result in any increase in flood levels during the base flood discharge.
 - iii. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - iv. Variances shall only be issued prior to development permit approval.
 - v. Variances shall only be issued upon:
 - A. A showing of good and sufficient cause;
 - B. A determination that failure to grant the variance would result in exceptional hardship; and
 - C. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- vi. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas (SFHA), provided that all of the following conditions are met:
- vii. The use serves a critical need in the community.
- viii. No feasible location exists for the use outside the Special Flood Hazard Area (SFHA).
- ix. The lowest floor of any structure is elevated or floodproofed to at least the Flood Protection Elevation (FPE).
- x. The use complies with all other applicable Federal, State and local laws.
- i. The City of Twin Falls will notify the State NFIP Coordinator of the Idaho Department of Water Resources of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.
- j. Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Idaho Code 67-6535.

E. Provisions for Flood Hazard Reduction.

1. General Standards: In all Special Flood Hazard Areas (SFHA), the following provisions are required:
 - a. All new construction, substantial improvements, and development shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
 - b. All new construction, substantial improvements, and development shall be constructed with materials and utility equipment resistant to flood damage in accordance with the Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the Federal Emergency Management Agency (FEMA).
 - c. All new construction, substantial improvements, and development shall be constructed by methods and practices that minimize flood damages.
 - d. All new and replacement electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Flood Protection Elevation (FPE). These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
 - e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - f. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
 - g. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

- h. A fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor shall:
 - i. be constructed entirely of flood resistant materials at least to the Flood Protection Elevation (FPE); and
 - ii. include, in Zones A, AE, AH, AO, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - A. A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;
 - B. The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - C. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - D. The bottom of all required flood openings shall be no higher than one (1) foot above the interior or exterior adjacent grade;
 - E. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - F. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.
- i. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- j. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, flood fringe area, or stream setback, provided there is no additional encroachment below the Flood Protection Elevation (FPE) in the floodway, flood fringe area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- k. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Part (D), Section 5.x. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area (SFHA) only if the structure or tank is either elevated or floodproofed to at least the Flood Protection Elevation and certified in accordance with the provisions of Part (D), Section 3.c.

- l. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage and determined to be reasonably safe from flooding.
 - m. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
 - n. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
 - o. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.
 - p. When a structure is partially located in a Special Flood Hazard Area (SFHA), the entire structure shall meet the requirements for new construction and substantial improvements.
 - q. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.
2. Specific Standards: In all Special Flood Hazard Areas (SFHA) where Base Flood Elevation (BFE) data has been provided, as set forth in Part (C), Section 2, or Part (E), Section 4, the following provisions, in addition to the provisions of Part (E), Section 1, are required:
- a. Residential Construction. New construction, substantial improvements, and development of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than the Flood Protection Elevation (FPE), as defined in Part (B) of this ordinance.
 - b. Non-Residential Construction. New construction, substantial improvements, and development of any commercial, industrial, or other non-residential structure shall have the lowest floor, including basement, elevated no lower than the Flood Protection Elevation (FPE), as defined in Part (B) of this ordinance. Structures located in Zones A, AE, AH, AO, and A1-30 may be floodproofed to the Flood Protection Elevation (FPE) in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Flood Protection Elevation (FPE) are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AH and AO Zones, the floodproofing elevation shall be in accordance with Part (E), Section 6.b. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in (D), Section 3.c, along with the operational plan and the inspection and maintenance plan.
 - c. Manufactured Homes.
 - i. New and replacement manufactured homes shall be elevated so that the lowest floor of the manufactured home is no lower than the Flood Protection Elevation

(FPE), as defined in Part (B) of this ordinance.

- ii. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the Idaho Division of Building Safety's "Idaho Manufactured Home Installation Standard" in accordance with Idaho Code § 44-2201(2). Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
 - iii. All enclosures or skirting below the lowest floor shall meet the requirements of Part (E), Section 2.d.
 - iv. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.
- d. Additions/Improvements.
- i. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - A. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure; or
 - B. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
 - ii. Additions to post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
 - iii. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are
 - A. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction; or
 - B. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
 - iv. Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a 10 year period, the cumulative cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, must comply with the standards for new construction. For each building or structure, the

ten (10) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

- A. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions; or
- B. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

e. Recreational Vehicles. Recreational vehicles shall be either:

- i. Temporary Placement. Be on site for fewer than one hundred and eighty (180) consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
- ii. Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction, as set forth in Part (E), Section 1.

f. Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

- i. a specified time period for which the temporary use will be permitted. Time specified may not exceed six (6) months, renewable up to one (1) year;
- ii. the name, address, and phone number of the individual responsible for the removal of the temporary structure;
- iii. the time frame prior to the event at which a structure will be removed (i.e., immediately upon flood warning notification);
- iv. a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- v. designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

g. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area (SFHA), elevation or floodproofing certifications are required for all accessory structures in accordance with Part (D), Section 3.c, and the following criteria shall be met:

- i. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);
- ii. Accessory structures shall not be temperature-controlled;

- iii. Accessory structures shall be designed to have low flood damage potential;
- iv. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- v. Accessory structures shall be firmly anchored in accordance with the provisions of Part (E), Section 1.a;
- vi. All service facilities, such as electrical, shall be installed in accordance with the provisions of Part (E), Section 1.d; and
- vii. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Flood Protection Elevation in conformance with the provisions of Part (E), Section 2.d.iv.
- viii. An accessory structure with a footprint less than two hundred (200) square feet and is a minimal investment of Seven Thousand Five Hundred Dollars (\$7,500) or less and satisfies the criteria outlined in a. through g. above is not required to meet the elevation or floodproofing standards of Article V, Section B.2.
- h. Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area (SFHA), the following criteria shall be met:
 - i. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the base flood, including the effects of buoyancy (assuming the tank is empty);
 - ii. Elevated above-ground tanks in flood hazard areas shall be attached to an elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the base flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
 - iii. Not elevated above-ground tanks that do not meet the elevation requirements of Part (E), Section 2.b of this ordinance shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- iv. Tank inlets, fill openings, outlets, and vents shall be:
 - A. At or above the flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood; and
 - B. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
- i. Construction of Below-Grade Crawlspace.
 - i. The interior grade of a crawlspace must not be below the BFE and must not be more than two (2) feet below the exterior lowest adjacent grade (LAG).

- ii. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four (4) feet at any point.
- iii. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
- iv. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace.

See Technical Bulletin 11 for further information.

Caution: Buildings that have below-grade crawlspaces may have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation of the crawlspace soil at or above the Base Flood Elevation (BFE).

- j. Other Development in Regulated Floodways and Flood Fringe.
 - i. Fences that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, in regulated floodways and flood fringe shall meet the limitations of Part (E), Section 2.b of this ordinance.
 - ii. Retaining walls, bulkheads, sidewalks, and driveways that involve the placement of fill in regulated floodways and flood fringe shall meet the limitations of Part (E), Section 5 of this ordinance.
 - iii. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, which encroach into regulated floodways and flood fringe, shall meet the limitations of Part (E), Section 5 of this ordinance.
 - iv. Drilling water, oil, and/or gas wells including fuel storage tanks, apparatus, and any equipment at the site that encroach into regulated floodways and flood fringe shall meet the limitations of Part (E), Section 5 of this ordinance.
 - v. Docks, piers, boat ramps, marinas, moorings, decks, docking facilities, port facilities, shipbuilding, and ship repair facilities that encroach into regulated floodways and flood fringe shall meet the limitations of Part (E), Section 5 of this ordinance.
- k. Subdivision Plats in Flood Zones.
 - i. A note must be provided on the final plat documenting the current flood zone in which the property or properties are located. The boundary line must be drawn on the plat in situations where two or more flood zones intersect over the property or properties being surveyed.
 - ii. FEMA FIRM panel(s): #160xxxxxxC, & 160xxxxxxE, etc.
 - iii. FIRM effective date(s): mm/dd/year
 - iv. Flood Zone(s): Zone X, Zone A, Zone AE, A Zone AO, Zone, AH, Zone D, etc.
 - v. Base Flood Elevation(s): Example: (AE _____.0 ft., etc.)

- vi. Flood Zones are subject to change by FEMA & all land within a floodway or floodplain is regulated by _____ chapter/section of the City Code 10-11-9(C)1
- I. Critical Facilities:
 - i. As a best practice, FEMA recommends protection that exceeds code minimums. For example, FEMA 543, Design Guide for Improving Critical Facility Safety from Flooding and High Winds (2007) recommends protecting critical facilities to withstand at least a 0.2-percent-annual-chance flood event (often called the "500-year flood event"). Flood elevations for the 0.2-percent-annual-chance flood may be greater than the elevation specified by ASCE 24. If federal funding or other Federal action is involved, the requirements of Executive Order 11988 – Floodplain Management may necessitate protection of critical actions to the 500-year flood elevation (critical actions may include the construction and repair of critical facilities).
- 3. Standards for Floodplains without Established Base Flood Elevations.
 - a. Within the Special Flood Hazard Areas designated as Zone A (also known as Unnumbered A Zones) and established in Part (C), Section 2, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Part (E), Section 1, shall apply:
 - b. The BFE used in determining the Flood Protection Elevation (FPE) shall be determined based on the following criteria:
 - c. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Part (E), Section 1 and 2.
 - d. When floodway or flood fringe data is available from a Federal, State, local or other source, all new construction and substantial improvements within floodway and flood fringe areas shall also comply with the requirements of Part (E), Section 2 and 5.
 - e. All subdivision, manufactured home park, and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Part (C), Section 2 and utilized in implementing this ordinance.
 - f. When Base Flood Elevation (BFE) data is not available from a Federal, State, local, or other source as outlined above, the lowest floor shall be elevated or floodproofed (non-residential) to two (2) feet above the Highest Adjacent Grade (HAG) at the building site or to the Flood Protection Elevation (FPE), whichever is higher, as defined in Part (B). All other applicable provisions of Part (E), Section 2 shall also apply.
- 4. Standards for Riverine Floodplains with Base Flood Elevations but Without Established Floodways or Flood Fringe Areas.

- a. Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor flood fringe areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:
 - b. Standards of Part (E), Sections 1 and 2; and
 - c. Until a regulatory floodway or flood fringe area is designated, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community.
5. Standards for Floodways and Flood Fringe Areas
- a. Areas designated as floodways or flood fringe areas are located within the Special Flood Hazard Areas established in Part (C), Section 2. The floodways and flood fringe areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Part (E), Sections 1 and 2, shall apply to all development within such areas:
 - i. No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:
 - A. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
 - B. Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six (6) months of completion of the proposed encroachment.
 - ii. If Part (E), Section 5.a is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
 - iii. Manufactured homes may be permitted provided the following provisions are met:
 - C. The anchoring and the elevation standards of Part (E), Section 2.c; and
 - D. The encroachment standards of Part (E), Section 5.a.
6. Standards for Areas of Shallow Flooding (Zone AO, AH, AR/AO, or AR/AH)
- a. Located within the Special Flood Hazard Areas (SFHA) established in Part (C), Section 2, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Part (E), Sections 1 and 2, all new construction and substantial improvements shall meet the following requirements:

- i. The lowest floor shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least two (2) feet above the highest adjacent grade if no depth number is specified.
- ii. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Part (E), Section 6.a so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Part (D), Section 3.c, and Part (E), Section 2.b.
- iii. Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

F. Legal Status Provisions.

1. Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance: This ordinance, in part, comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted July 6, 1981 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit, or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of City of Twin Falls enacted on July 6, 1981, as amended, which are not reenacted herein are repealed.
2. Effect upon Outstanding Floodplain Development Permits: Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a Floodplain Development Permit (FDP) has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance. Provided, however, that when construction is not begun under such outstanding permit within a period of one hundred and eighty (180) days subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.
3. Severability: The ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity."

10-11-9: FLOODPLAIN REGULATIONS:

(A) Statutory Authority :

1. The Legislature of the State of Idaho, pursuant to Idaho Code §§ 46-1020, 46-1023, and 46-1024, authorizes local governments to adopt floodplain management ordinances that identify floodplains and minimum floodplain development standards to minimize flood hazards and protect human life, health, and property. Therefore, the Council of the City of Twin Falls, Idaho does hereby ordain as follows:

2. Findings Of Fact:

a. The flood hazard areas of City of Twin Falls are subject to periodic inundation that results in: loss of life and property; health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures for flood relief and protection; and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

b. These flood losses are caused by structures in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

c. Local government units have the primary responsibility for planning, adopting, and enforcing land use regulations to accomplish proper floodplain management.

3. Statement Of Purpose: The purpose of this section is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

a. Protect human life, health, and property;

b. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;

c. Help maintain a stable tax base by providing for the sound use and development of flood prone areas;

d. Minimize expenditure of public money for costly flood control projects;

e. Minimize the need for rescue and emergency services associated with flooding, generally undertaken at the expense of the general public;

f. Minimize prolonged business interruptions;

g. Ensure that potential buyers are notified the property is in an area of special flood hazard; and

h. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

4. Objectives And Methods Of Reducing Flood Losses: In order to accomplish its purpose, this section includes methods and provisions to:

a. Require that development which is vulnerable to floods, including structures and facilities necessary for the general health, safety, and welfare of citizens, be protected against flood damage at the time of initial construction;

b. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;

c. Control filling, grading, dredging, and other development which may increase flood damage or erosion;

d. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;

e. Preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store flood waters.

(B) Definitions: Unless specifically defined below, words or phrases used in this section shall be interpreted according to the meaning they have in common usage and which give this section its most reasonable application.

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE):

A structure on the same lot or parcel as a principal structure, the use of which is incidental and subordinate to the principal structure.

ADDITION (TO AN EXISTING BUILDING):

An extension or increase in the floor area or height of a building or structure.

APPEAL:

A request for review of the Floodplain Administrator's interpretation of provisions of this ordinance or request for a variance.

AREA OF SHALLOW FLOODING:	A designated AO, AH, AR/AO, or AR/AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
AREA OF SPECIAL FLOOD HAZARD:	See Special Flood Hazard Area (SFHA).
BASE FLOOD:	The flood having a one percent (1%) chance of being equaled or exceeded in any given year. A determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.
BASE FLOOD ELEVATION (BFE):	When the BFE has not been provided in A special flood hazard area, it may be obtained from engineering studies available from a federal, state, local, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the freeboard, establishes the flood protection elevation.
BASEMENT:	Any area of the building having its floor sub grade (below ground level) on all sides.
BUILDING:	See Structure.
CRITICAL FACILITIES:	Facilities that are vital to flood response activities or critical to the health and safety of the public before, during, and after a flood, such as a hospital, emergency operations center, electric substation, police station, fire station, nursing home, school, or shelter; and facilities that, if flooded, would make the flood problem and its impacts much worse, such as a hazardous materials facility, power generation facility, water utility, or wastewater treatment plant.
DATUM:	The vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points was the National Geodetic Vertical Datum of 1929 (NGVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).
DEVELOPMENT:	Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
DEVELOPMENT ACTIVITY:	Any activity defined as development which will necessitate a floodplain development permit, such as: the construction of buildings, structures, or accessory structures; additions or substantial improvements to existing structures; bulkheads, retaining walls, piers, and pools; the placement of mobile homes; or the deposition or extraction of materials; the construction or elevation of dikes, berms, and levees.
DIGITAL FLOOD INSURANCE RATE MAP (DFIRM):	The digital official map of a community, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.
ELEVATED BUILDING:	For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
ELEVATION CERTIFICATE:	The elevation certificate is an important administrative tool of the NFIP. It is used to determine the proper flood insurance premium rate; it is used to document elevation information necessary to ensure compliance with community floodplain management regulations; and it may be used to support a request for a letter of map amendment (LOMA) or letter of map revision based on fill (LOMR-F).
ENCLOSURE:	An area enclosed by solid walls below the BFE/FPE or an area formed when any space below the BFE/FPE is enclosed on all sides by walls or partitions. Insect screening or open wood lattice used to surround space below the BFE/RFPE is not considered an enclosure.

ENCROACHMENT:	The advance or infringement of uses, fill, excavation, buildings, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain. For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."
EXISTING CONSTRUCTION:	
EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION:	A manufactured home park or subdivision where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before the effective date of the original floodplain management regulations adopted by the community, on July 6, 1981.
EXISTING STRUCTURES:	See Existing Construction.
EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:	The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
FLOOD OR FLOODING:	a. A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters. (2) The unusual and rapid accumulation or runoff of surface waters from any source. (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph a. (2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a. (1) of this definition.
FLOOD ELEVATION DETERMINATION:	See Base Flood Elevation (BFE).
FLOOD ELEVATION STUDY:	See Flood Insurance Study (FIS).
FLOOD HAZARD BOUNDARY MAP (FHBM):	An official map of a community, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E. An official map of a community on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).
FLOOD INSURANCE RATE MAP (FIRM):	
FLOOD INSURANCE STUDY (FIS):	An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
FLOODPLAIN OR FLOOD-PRONE AREA:	Any land area susceptible to being inundated by water from any source (see definition of "Flood or Flooding").
FLOODPLAIN ADMINISTRATOR:	The individual appointed to administer and enforce the floodplain management regulations.
FLOODPLAIN DEVELOPMENT PERMIT:	Any type of permit that is required in conformance with the provisions of this section, prior to the commencement of any development activity.

FLOODPLAIN MANAGEMENT:	The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
FLOODPLAIN MANAGEMENT REGULATIONS:	Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
FLOODPROOFING:	Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
FLOOD PROTECTION ELEVATION (FPE):	The base flood elevation plus the freeboard. - In "special flood hazard areas" where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus one (1) foot of freeboard; and - In "special flood hazard areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.
FLOOD PROTECTION SYSTEM:	Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
FLOOD ZONE:	A geographical area shown on a flood hazard boundary map (FHBM) or flood insurance rate map (FIRM) that reflects the severity or type of flooding in the area.
FLOODWAY:	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.
FREEBOARD:	A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effects of urbanization in a watershed. The base flood elevation (BFE) plus the freeboard establishes the flood protection elevation (FPE). Freeboard shall be one (1) foot in areas that have a BFE and two (2) feet in areas where no BFE exists.
FUNCTIONALLY DEPENDENT USE:	A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.
HIGHEST ADJACENT GRADE (HAG):	The highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the FEMA elevation certificate for HAG related to building elevation information.
HISTORIC STRUCTURE:	A structure that is: - Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;

- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior, or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

LETTER OF MAP
CHANGE (LOMC):

A general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F).

Conditional Letter of
Map Revision (CLOMR):

A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map (FIRM) or flood insurance study (FIS). Upon submission and approval of certified as-built documentation, a letter of map revision (LOMR) may be issued by FEMA to revise the effective FIRM. Building permits and/or flood development permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

Letter of Map
Amendment (LOMA):

An official amendment, by letter, to an effective National Flood Insurance Program (NFIP) Map. A LOMA establishes a property's location in relation to

the special flood hazard area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.

Letter of Map Revision
(LOMR):

FEMA's modification to an effective flood insurance rate map (FIRM) or a flood boundary and floodway map (FBFM) or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA). The LOMR officially revises the flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM), and sometimes the flood insurance study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

Letter of Map Revision
Based on Fill (LOMR-F):

FEMA's modification of the special flood hazard area (SFHA) shown on the flood insurance rate map (FIRM) based on the placement of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM, FBFM, or FIS report.

LEVEE:

A man-made structure, usually an earthen embankment, designed and constructed according to sound engineering practices, to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM:

A flood protection system that consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST ADJACENT
GRADE (LAG):

The lowest point of the ground level next to the structure. Refer to the FEMA elevation certificate for LAG related to building elevation information.

LOWEST FLOOR:	The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3 and this section.
MANUFACTURED HOME:	A structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle."
MANUFACTURED HOME PARK OR SUBDIVISION:	A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.
MARKET VALUE:	The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (actual cash value); or adjusted tax assessed values.
MEAN SEA LEVEL:	For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929, or other datum (such as North America Vertical Datum of 1988 - NAVD88) to which base flood elevations (BFEs) shown on a community's FIRM are referenced.
MUDSLIDE (I.E., MUDFLOW):	Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide (i.e., mudflow) may occur as a distinct phenomenon while a landslide is in progress and will be recognized as such by the Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.
MUDSLIDE (I.E., MUDFLOW) AREA MANAGEMENT:	The operation of an overall program of corrective and preventive measures for reducing mudslide (i.e., mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and floodplain management regulations.
MUDSLIDE (I.E., MUDFLOW) PRONE AREA:	An area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.
NATIONAL FLOOD INSURANCE PROGRAM (NFIP):	The NFIP is a federal program created by Congress to mitigate future flood losses nationwide through sound, community-enforced building and zoning ordinances, and to provide access to affordable, federally backed flood insurance protection for property owners.
NEW CONSTRUCTION:	For floodplain management purposes, a structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. Any construction started after July 6, 1981, and before the effective start date of this floodplain management section is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within one hundred and eighty (180) days of permit issuance.
NEW MANUFACTURED HOME PARK OR SUBDIVISION:	A place where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community May 1, 1984.
POST-FIRM:	Construction or other development for which the "start of construction" occurred on or after the effective date of the initial flood insurance rate map (FIRM).
PRE-FIRM:	Construction or other development for which the "start of construction" occurred before July 6, 1981, Ordinance #2012, the effective date of the initial flood insurance rate map (FIRM).

RECREATIONAL VEHICLE:	A vehicle that is: a. Built on a single chassis, and b. Four hundred (400) square feet or less when measured at the largest horizontal projection, and c. Designed to be self-propelled or permanently towed by a light duty truck, and d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
REGULATORY FLOODWAY:	See Floodway. To bring the structure or other development into compliance with state or local floodplain management regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.
REMEDY A VIOLATION:	
REPETITIVE LOSS STRUCTURE:	An NFIP-insured structure that has had at least two (2) paid flood losses of more than one thousand dollars (\$1,000.00) each in any ten (10) year period since 1978.
RIVERINE:	Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
SPECIAL FLOOD HAZARD AREA (SFHA):	The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."
START OF CONSTRUCTION:	Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site (such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation) or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
STRUCTURE:	A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
SUBSTANTIAL DAMAGE:	Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of its market value before the damage occurred. See definition of "Substantial Improvement." Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

SUBSTANTIAL
IMPROVEMENT:

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure" and the alteration is approved by variance issued pursuant to this section.

TECHNICAL BULLETINS
AND TECHNICAL FACT
SHEETS:

FEMA publications that provide guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U. S. Code of Federal Regulations § 60.3. The bulletins and fact sheets are intended for use primarily by state and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations. Rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations. It should be noted that technical bulletins and technical fact sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive state or local regulations apply to the building or site in question. All applicable standards of the state or local building code must also be met for any building in a flood hazard area.

TEMPERATURE
CONTROLLED:

Having the temperature regulated by a heating and/or cooling system, built-in, or appliance.

VARIANCE:

A grant of relief by the governing body from a requirement of this section.

VIOLATION:

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the finished construction elevation certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE
ELEVATION:

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 (or other specified datum), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WATERCOURSE:

A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(C) General Provisions:

1. Lands To Which This Section Applies: This section shall apply to all special flood hazard areas within the jurisdiction of City of Twin Falls. Nothing in this section is intended to allow uses or structures that are otherwise prohibited by the zoning ordinance.

2. Basis For Special Flood Hazard Areas: The special flood hazard areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its flood insurance study (FIS) for City of Twin Falls, dated May 1, 1984, with accompanying flood insurance rate maps (FIRM) or digital flood insurance rate maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this section. The FIS and the FIRM are on file at City of Twin Falls, 203 Main Avenue, East Room 218.

3. Establishment Of Floodplain Development Permit: A Floodplain Development Permit (FDP) shall be required in conformance with the provisions of this section prior to the commencement of any development activities within special flood

hazard areas (SFHA) determined in accordance with the provisions of Part (D), Section 2.

4. Compliance: No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this section and other applicable regulations.

5. Abrogation And Greater Restrictions: This section shall not in any way repeal, abrogate, impair, or remove the necessity of compliance with any other laws, ordinances, regulations, easements, covenants, or deed restrictions, etcetera. However, where this section and another ordinance conflict or overlap, whichever imposes more stringent or greater restrictions shall control.

6. Interpretation: In the interpretation and application of this section all provisions shall be:

- a. Considered as minimum requirements;
- b. Liberally construed in favor of the governing body; and
- c. Deemed neither to limit nor repeal any other powers granted under state statutes.

7. Warning And Disclaimer Of Liability: The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the special flood hazard areas (SFHA) or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of City of Twin Falls, or by any officer or employee thereof, for flood damages that result from reliance on this section or an administrative decision lawfully made hereunder.

8. Penalties For Violation: No structure or land shall hereafter be located, extended, converted, or altered unless in full compliance with the terms of this section and other applicable regulations.

Violation of the provisions of this section or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this section or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than one hundred and eighty (180) days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Twin Falls from taking such other lawful actions as is necessary to prevent or remedy any violation.

(D) Administration :

1. Designation Of Floodplain Ordinance Administrator:

a. The Assistant City Engineer, hereinafter referred to as the "Floodplain Administrator," is hereby appointed to administer and implement the provisions of this section.

2. Duties And Responsibilities Of The Floodplain Administrator: The Floodplain Administrator shall perform, but not be limited to, the following duties:

a. Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas (SFHA) to assure that the requirements of this section have been satisfied.

b. Review all proposed development within special flood hazard areas (SFHA) to assure that all necessary local, state, and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

c. Notify adjacent communities and the Idaho Department of Water Resources State Coordinator for the National Flood Insurance Program (NFIP) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

d. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.

e. Prevent encroachments into floodways and flood fringe areas unless the certification and flood hazard reduction provisions of subsection (E)5. are met.

f. Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of subsection (D)3.c.

g. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of subsection (D)3.c.

h. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of subsection (D) 3.c.

i. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of subsection (D) 3.c and (E) 2.b.

j. Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas (SFHA), floodways, or flood fringe areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a

reasonable opportunity to appeal the interpretation as provided in this section.

k. When base flood elevation (BFE) data has not been provided in accordance with the provisions of subsection (C) 2., obtain, review, and reasonably utilize any BFE data, along with floodway data or flood fringe area data available from a federal, state, local, or other source, including data developed pursuant to subsection (E) 3.b.(2), in order to administer the provisions of this section.

l. When base flood elevation (BFE) data is provided but no floodway or flood fringe area data has been provided in accordance with the provisions of division (C) 2., obtain, review, and reasonably utilize any floodway data or flood fringe area data available from a federal, state, local, or other source in order to administer the provisions of this section.

m. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a special flood hazard area (SFHA) is above the base flood elevation (BFE), advise the property owner of the option to apply for a letter of map amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.

n. Permanently maintain all records that pertain to the administration of this section and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

o. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

p. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this section, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

q. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked.

r. Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

s. Follow through with corrective procedures of subsection (D) 4.

t. Review, provide input, and make recommendations for variance requests.

u. Maintain a current map repository to include, but not limited to, the FIS report, FIRM and other official flood maps, and studies adopted in accordance with the provisions of subsection (C) 2. of this section, including any revisions thereto including letters of map change, issued by FEMA. Notify the NFIP State Coordinator and FEMA of the community's mapping needs.

v. Coordinate revisions to FIS reports and FIRMs, including letters of map revision based on fill (LOMR-Fs) and letters of map revision (LOMRs).

3. Floodplain Development Application, Permit, And Certification Requirements:

a. Application Requirements: Application for a floodplain development permit (FDP) shall be made to the Floodplain Administrator prior to any development activities located within special flood hazard areas (SFHA). The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

(1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

A. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

B. The boundary of the special flood hazard area (SFHA) as delineated on the FIRM or other flood map as determined in subsection (C) 2., or a statement that the entire lot is within the special flood hazard area;

C. The flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in in subsection (C) 2.;

D. The boundary of the floodway(s) or flood fringe area(s) as determined in Part (C) Section 2.;

E. The base flood elevation (BFE) where provided as set forth in subsections (C) 2., (C) 3., or (E) 3.;

F. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and

(2) Proposed elevation, and method thereof, of all development within a special flood hazard area (SFHA), including but not limited to:

A. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;

B. Elevation in relation to mean sea level to which any non-residential structure in Zone A, AE, AH, AO, or A1-30 will be floodproofed; and

C. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.

(3) If floodproofing, a floodproofing certificate (FEMA Form 086-0-33) with supporting data; an operational plan; and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

(4) A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this section are met. These details include but are not limited to:

A. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation, or on columns/posts/piers/piles/shear walls); and

B. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with subsection (E) 2.d. (1) - (4) when solid foundation perimeter walls are used in Zones A, AE, AH, AO, and A1-30.

(5) Usage details of any enclosed areas below the lowest floor.

(6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.

(7) Certification that all other local, state, and federal permits required prior to floodplain development permit issuance have been received.

(8) Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of subsection (E) 2.f. and g. of this section are met.

(9) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and

(10) A map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

b. Permit Requirements: The floodplain development permit (FDP) shall include, but not be limited to:

(1) A complete description of all the development to be permitted under the floodplain development permit (i.e. house, garage, pool, septic, bulkhead, cabana, pole barn, chicken coop, pier, bridge, mining, dredging, filling, rip-rap, docks, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).

(2) The special flood hazard area (SFHA) determination for the proposed development in accordance with available data specified in subsection (C) 2.

(3) The flood protection elevation (FPE) required for the lowest floor and all attendant utilities.

(4) The flood protection elevation (FPE) required for the protection of all public utilities.

(5) All certification submittal requirements with timelines.

(6) A statement that no fill material or other development shall encroach into the floodway or flood fringe area of any watercourse, as applicable.

(7) The flood openings requirements, if in Zones A, AE, AH, AO, or A1-30.

(8) All floodplain development permits shall be conditional upon the start of construction of work within one hundred eighty (180) days. A floodplain development permit (FDP) shall expire one hundred and eighty (180) days after issuance, unless the permitted activity has commenced as per the start of construction definition.

(9) A statement of the limitations of below BFE enclosure uses, if applicable. (i.e., parking, building access and limited storage only).

(10) A statement that all materials below BFE/FPE must be flood resistant materials.

c. Certification Requirements:

(1) Elevation Certificates:

A. A Construction drawings elevation certificate (FEMA Form 86-0-33) is required prior to the actual start of any

new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

B. A building under construction elevation certificate (FEMA Form 86-0-33) is required after the lowest floor is established. Within seven (7) calendar days of establishment of the lowest floor elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

C. A final as-built finished construction elevation certificate (FEMA Form 86-0-33) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the lowest floor and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy.

(2) Floodproofing Certificate: If non-residential floodproofing is used to meet the flood protection elevation requirements, a floodproofing certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan, are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the lowest floor and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of compliance/occupancy.

(3) If a manufactured home is placed within Zone A, AE, AH, AO, or A1-30 and the elevation of the chassis is more than thirty-six (36) inches in height above grade, an engineered foundation certification is required, in accordance with the provisions of subsection (E) 2.c.(2).

(4) If a watercourse is to be altered or relocated, the following shall all be submitted to the Floodplain Administrator by the permit applicant prior to issuance of a floodplain development permit (FDP):

- A. A description of the extent of watercourse alteration or relocation; and
- B. A professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and
- C. A map showing the location of the proposed watercourse alteration or relocation; and
- D. An Idaho stream channel alteration permit.

(5) Certification Exemptions: The following structures, if located within Zone A, AE, AH, AO, or A1-30, are exempt from the elevation/floodproofing certification requirements specified in subsections (D)3. a. and b. of this section:

- A. Recreational vehicles meeting requirements of subsection (E) 2.e.(1);
- B. Temporary structures meeting requirements of subsection (E) 2.f.; and
- C. Accessory structures less than two hundred (200) square feet meeting requirements of subsection (E) 2.g.

d. Determinations For Existing Buildings And Structures: For applications for building permits to improve buildings and structures (including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures), the Floodplain Administrator, in coordination with the Building Official, shall:

(1) Estimate the market value or require the applicant to obtain an appraisal of the market value, prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

(2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, and the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

(4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the adopted Idaho Building Code and this ordinance is required.

4. Corrective Procedures:

a. Violations To Be Corrected: When the Floodplain Administrator finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

b. Actions In Event Of Failure To Take Corrective Action: If the owner of a building or property fails to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

(1) That the building or property is in violation of the floodplain management regulations (FMR);

(2) That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(3) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building, or to remove fill, as applicable.

c. Order To Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the flood damage prevention ordinance (FDPO), he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one hundred-eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

d. Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

e. Failure To Comply With Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

5. Variance Procedures:

a. The City Council of Twin Falls, hereinafter referred to as the "appeal board," shall hear and decide requests for variances from the requirements of this section.

b. Variances may be issued for:

(1) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

(2) Functionally dependent facilities, if determined to meet the definition as stated in subsection (B) of this section, provided provisions of subsection (D) 5. i.ii, iii, and v, have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

(note these refs are incomplete)

(3) Any other type of development, provided it meets the requirements of this section.

c. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other subsections of this section, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity to the facility of a waterfront location as defined under subsection (B) of this section as a functionally dependent facility, where applicable;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

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

d. The applicant shall include a written report addressing each of the above factors in subsection (D), 5. c. (1) - (9) with their application for a variance.

e. Upon consideration of the factors listed above and the purposes of this section, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this section.

f. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to twenty five dollars (\$25.00) per one hundred dollars (\$100.00) of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

g. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) and the State of Idaho, upon request.

h. Conditions For Variances:

(1) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.

(2) Variances shall not be issued within any designated floodway or flood fringe area if the variance would result in any increase in flood levels during the base flood discharge.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall only be issued prior to development permit approval.

(5) Variances shall only be issued upon:

A. A showing of good and sufficient cause;

B. A determination that failure to grant the variance would result in exceptional hardship; and

C. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

i. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in special flood hazard areas (SFHA), provided that all of the following conditions are met:

(1) The use serves a critical need in the community.

(2) No feasible location exists for the use outside the special flood hazard area (SFHA).

(3) The lowest floor of any structure is elevated or floodproofed to at least the flood protection elevation (FPE).

(4) The use complies with all other applicable federal, state and local laws.

j. The City of Twin Falls will notify the State NFIP Coordinator of the Idaho Department of Water Resources of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

k. Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Idaho Code 67-6535.

(E) Provisions For Flood Hazard Reduction:

1. General Standards: In all special flood hazard areas (SFHA), the following provisions are required:

a. All new construction, substantial improvements, and development shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

b. All new construction, substantial improvements, and development shall be constructed with materials and utility equipment resistant to flood damage in accordance with the Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the Federal Emergency Management Agency (FEMA).

c. All new construction, substantial improvements, and development shall be constructed by methods and practices that minimize flood damages.

d. All new and replacement electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the flood protection elevation (FPE). These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

f. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

g. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

h. A fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor shall:

(1) Be constructed entirely of flood resistant materials at least to the Flood Protection Elevation (FPE); and

(2) Include, in Zones A, AE, AH, AO, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

A. A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;

B. The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

C. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

D. The bottom of all required flood openings shall be no higher than one (1) foot above the interior or exterior adjacent grade;

E. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

F. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

i. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this section, shall meet the requirements of "new construction" as contained in this section.

j. Nothing in this section shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this section and located totally or partially within the floodway, flood fringe area, or stream setback, provided there is no additional encroachment below the flood protection elevation (FPE) in the floodway, flood fringe area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this section.

k. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in subsection (D) 5.i. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area (SFHA) only if the structure or tank is either elevated or floodproofed to at least the flood protection elevation and certified in accordance with the provisions of subsection (D) 3.c.

l. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage and determined to be reasonably safe from flooding.

m. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

n. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

o. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

p. When a structure is partially located in a special flood hazard area (SFHA), the entire structure shall meet the requirements for new construction and substantial improvements.

q. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation (BFE) shall apply.

2. Specific Standards: In all special flood hazard areas (SFHA) where base flood elevation (BFE) data has been provided, as set forth in subsections (C) 2., or (E) 4., the following provisions, in addition to the provisions of subsection (E) 1., are required:

a. Residential Construction: New construction, substantial improvements, and development of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than the flood protection elevation (FPE), as defined in subsection (B) of this section.

b. Nonresidential Construction: New construction, substantial improvements, and development of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated no lower than the flood protection elevation (FPE), as defined in subsection (B) of this section. Structures located in Zones A, AE, AH, AO, and A1-30 may be floodproofed to the flood protection elevation (FPE) in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the flood protection elevation (FPE) are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AH and AO Zones, the floodproofing elevation shall be in accordance with subsection (E) 6.b. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in subsection (D) 3.c, along with the operational plan and the inspection and maintenance plan.

c. Manufactured Homes:

(1) New and replacement manufactured homes shall be elevated so that the lowest floor of the manufactured home is no lower than the flood protection elevation (FPE), as defined in subsection (B) of this section.

(2) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the Idaho Division of Building Safety's "Idaho Manufactured Home Installation Standard" in accordance with Idaho Code § 44-2201(2). Additionally, when the elevation would be met by an elevation of the chassis thirty-six inches (36") or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six inches (36") in height, an engineering certification is required.

(3) All enclosures or skirting below the lowest floor shall meet the requirements of subsection (E) 2.d.

(4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

d. Additions/Improvements:

(1) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

A. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure; or

B. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(2) Additions to post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

(3) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

A. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction; or

B. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(4) Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a ten (10) year period, the cumulative cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, must comply with the standards for new construction. For each building or structure, the ten (10) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this section. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

A. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions; or

B. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

e. Recreational Vehicles: Recreational vehicles shall be either:

(1) Temporary Placement: Be on site for fewer than one hundred and eighty (180) consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

(2) Permanent Placement: Recreational vehicles that do not meet the limitations of temporary placement shall meet all the requirements for new construction, as set forth in subsection (E) 1.

f. Temporary Nonresidential Structures: Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

(1) A specified time period for which the temporary use will be permitted. Time specified may not exceed six (6) months, renewable up to one (1) year;

(2) The name, address, and phone number of the individual responsible for the removal of the temporary structure;

(3) The time frame prior to the event at which a structure will be removed (i.e., immediately upon flood warning notification);

(4) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

(5) Designation, accompanied by documentation, of a location outside the special flood hazard area, to which the temporary structure will be moved.

g. Accessory Structures: When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area (SFHA), elevation or floodproofing certifications are required for all accessory structures in accordance with subsection (D) 3.c, and the following criteria shall be met:

(1) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);

(2) Accessory structures shall not be temperature-controlled;

(3) Accessory structures shall be designed to have low flood damage potential;

(4) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(5) Accessory structures shall be firmly anchored in accordance with the provisions of subsection (E) 1.a.

(6) All service facilities, such as electrical, shall be installed in accordance with the provisions of subsection (E) 1.d; and

(7) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below flood protection elevation in conformance with the provisions of subsection (E) 2.d.(4).

An accessory structure with a footprint less than two hundred (200) square feet and is a minimal investment of seven thousand five hundred dollars (\$7,500.00) or less and satisfies the criteria outlined in 2. a. through g. above is not required to meet the elevation or floodproofing standards of subsection (E) 2.b.

h. Tanks: When gas and liquid storage tanks are to be placed within a special flood hazard area (SFHA), the following criteria shall be met:

(1) Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the base flood, including the effects of buoyancy (assuming the tank is empty);

(2) Elevated above-ground tanks in flood hazard areas shall be attached to an elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the base flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

(3) Not elevated above-ground tanks that do not meet the elevation requirements of subsection (E) 2.b of this section shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

(4) Tank inlets, fill openings, outlets, and vents shall be:

A. At or above the flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood; and

B. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

i. Construction Of Below-Grade Crawlspace:

(1) The interior grade of a crawlspace must not be below the BFE and must not be more than two (2) feet below the exterior lowest adjacent grade (LAG).

(2) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four (4) feet at any point.

(3) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.

(4) The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace.

See Technical Bulletin 11 for further information.

Caution:

Buildings that have below-grade crawlspaces may have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation of the crawlspace soil at or above the base flood elevation (BFE).

j. Other Development In Regulated Floodways And Flood Fringe:

(1) Fences that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, in regulated floodways and flood fringe shall meet the limitations of subsection (E) 2.b. of this section.

(2) Retaining walls, bulkheads, sidewalks, and driveways that involve the placement of fill in regulated floodways and flood fringe shall meet the limitations of subsection (E) 5. of this section.

(3) Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, which encroach into regulated floodways and flood fringe, shall meet the limitations of subsection (E) 5. of this section.

(4) Drilling water, oil, and/or gas wells including fuel storage tanks, apparatus, and any equipment at the site that encroach into regulated floodways and flood fringe shall meet the limitations of subsection (E) 5. of this section.

(5) Docks, piers, boat ramps, marinas, moorings, decks, docking facilities, port facilities, shipbuilding, and ship repair facilities that encroach into regulated floodways and flood fringe shall meet the limitations of subsection (E) 5. of this section.

k. Subdivision Plats in Flood Zones:

(1) A note must be provided on the final plat documenting the current flood zone in which the property or properties are located. The boundary line must be drawn on the plat in situations where two (2) or more flood zones intersect over the property or properties being surveyed.

(2) FEMA FIRM panel(s): #160xxxxxxC, & 160xxxxxxE, etc.

FIRM effective date(s): mm/dd/year

Flood Zone(s): Zone X, Zone A, Zone AE, A Zone AO, Zone, AH, Zone D, etc.

Base Flood Elevation(s): Example: (AE _____.0 ft., etc.)

Flood Zones are subject to change by FEMA and all land within a floodway or floodplain is regulated by _____ chapter/section of the City Code 10-11-9(C)1.

l. Critical Facilities: As a best practice, FEMA recommends protection that exceeds code minimums. For example, FEMA 543, Design Guide for Improving Critical Facility Safety from Flooding and High Winds (2007) recommends protecting critical facilities to withstand at least a 0.2-percent-annual-chance flood event (often called the "500-year flood event"). Flood elevations for the 0.2-percent-annual-chance flood may be greater than the elevation specified by ASCE 24. If federal funding or other Federal action is involved, the requirements of Executive Order 11988 – Floodplain Management may necessitate protection of critical actions to the 500-year flood elevation (critical actions may include the construction and repair of critical facilities).

3. Standards For Floodplains Without Established Base Flood Elevations: Within the special flood hazard areas designated as Zone A (also known as Unnumbered A Zones) and established in subsection (C) 2., where no base flood elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of subsection (E) 1., shall apply:

The BFE used in determining the flood protection elevation (FPE) shall be determined based on the following criteria:

a. When base flood elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this section and shall be elevated or floodproofed in accordance with standards in subsections (E) 1. and 2.

b. When floodway or flood fringe data is available from a federal, state, local or other source, all new construction and substantial improvements within floodway and flood fringe areas shall also comply with the requirements of subsections (E) 2. and 5.

c. All subdivision, manufactured home park, and other development proposals shall provide base flood elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such base flood elevation (BFE) data shall be adopted by reference in accordance with subsection (C) 2. and utilized in implementing this section.

d. When base flood elevation (BFE) data is not available from a federal, state, local, or other source as outlined above, the lowest floor shall be elevated or floodproofed (non-residential) to two (2) feet above the highest adjacent grade (HAG) at the building site or to the flood protection elevation (FPE), whichever is higher, as defined in subsection (B). All other applicable provisions of subsection (E) 2. shall also apply.

4. Standards For Riverine Floodplains With Base Flood Elevations But Without Established Floodways Or Flood Fringe Areas:

Along rivers and streams where base flood elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor flood fringe areas are identified for a special flood hazard area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

a. Standards of subsections (E) 1. and 2.; and

b. Until a regulatory floodway or flood fringe area is designated, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community.

5. Standards For Floodways And Flood Fringe Areas: Areas designated as floodways or flood fringe areas are located within the special flood hazard areas established in subsection (C) 2. The floodways and flood fringe areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in subsections (E) 1. and 2., shall apply to all development within such areas:

a. No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:

(1) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or

(2) A conditional letter of map revision (CLOMR) has been approved by FEMA. A letter of map revision (LOMR) must also be obtained within six (6) months of completion of the proposed encroachment.

b. If subsection (E) 5.a. is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this section.

c. Manufactured homes may be permitted provided the following provisions are met:

(1) The anchoring and the elevation standards of subsection (E) 2.c.; and

(2) The encroachment standards of subsection (E) 5.a.

6. Standards For Areas of Shallow Flooding (Zone AO, AH, AR/AO, or AR/AH): Located within the special flood hazard areas (SFHA) established in subsection (C) 2., are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to subsection (E) 1. and 2., all new construction and substantial improvements shall meet the following requirements:

a. The lowest floor shall be elevated at least as high as the depth number specified on the flood insurance rate map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least two (2) feet above the highest adjacent grade if no depth number is specified.

b. Nonresidential structures may, in lieu of elevation, be floodproofed to the same level as required in subsection (E) 6.a. so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with subsections (D) 3.c, and (E) 2.b.

c. Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

(F) Stormwater Management:

1. Any applicant for a building permit shall furnish satisfactory engineering data to allow the city engineer to ascertain

that any proposed construction will comply with the following drainage criteria:

- a. A conceptual drainage plan shall be presented and approved with the preliminary plat or site plan. A drainage study shall be submitted and approved before any improvement plans are reviewed.
- b. The drainage study shall be prepared by a civil engineer registered in the state. Refer to section 10-11-8 of this chapter for additional drainage requirements.
- c. The drainage study and conceptual plan shall be submitted under the following concepts:

(1) Drainage Patterns: Drainage flows of all frequencies should enter and depart from the property to be developed in substantially the same manner as predevelopment conditions.

(2) Street Relationships/Emergency Access: All lots, structures, etc., within a development shall be accessible by at least one route during a 100-year storm with a maximum street water depth of one foot (1'). In all cases, the flow of water shall be contained within rights of way.

2. In order to reduce the storm runoff as much as feasible, retention facilities shall be sized for local (on site) stormwater using the following procedures:

a. The design frequency shall be the fifty (50)-year storm, using the twenty four (24)-hour rainfall depth "D" as determined from the National Weather Service's isopluvials for Idaho. For the Twin Falls area the twenty four (24)-hour rainfall on a fifty (50)-year storm frequency is 1.9 inches.

b. Volume requirements for the retention facility are calculated by the following method:

$$V_t = \frac{1.9 A}{12}$$

V_t = Volume required (acre-feet)

1.9 = 24 hour rainfall depth (inch) on a 50-year storm frequency

A = Tributary area

c. Where possible, the retention facility shall have four to one (4:1) side slopes.

(G) Legal Status Provisions:

1. Effect On Rights And Liabilities Under The Existing Flood Damage Prevention Ordinance: This section, in part, comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted July 6, 1981 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this section shall not affect any action, suit, or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of City of Twin Falls enacted on July 6, 1981, as amended, which are not reenacted herein are repealed.

2. Effect Upon Outstanding Floodplain Development Permits: Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit (FDP) has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this section. Provided, however, that when construction is not begun under such outstanding permit within a period of one hundred and eighty (180) days subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this section.

(Ord. 2019-002, 10-14-2019)