



Twin Falls City Council Agenda

Monday, January 27, 2025, 5:00 PM

Council Chambers
203 Main Avenue East, Twin Falls, Idaho

Members: Mayor Ruth Pierce, Vice Mayor Jason Brown, Council Members Craig Hawkins, Spencer Cutler, Christopher Reid, Grayson Stone, Cherie Vollmer

- 1) Call Meeting to Order/Confirmation of Quorum
- 2) Pledge of Allegiance
- 3) Consent Calendar
 - a) **ACTION ITEM:** Request to Approve minutes from City Council 13 January 2025 Meeting
By: Amy Luna, Deputy City Clerk
 - b) **ACTION ITEM:** Request to approve Accounts Payable for January 9-22, 2025.
By: Amy Luna, Deputy City Clerk
 - c) **ACTION ITEM:** Request to accept the Improvement Agreement for the purpose of developing **Ellis Subdivision.**
By: Troy Vitek, City Engineer
 - d) **ACTION ITEM:** Request for approval of Final Plat for "Gartner Properties Condominium" consisting of 1 lots with 3 condo units on 0.497 (+/-) acres located at 1122 Eastland Dr N. c/o EHM Engineers, Inc. (PZ25-0006).
By: William Klaver, Senior Planner
 - e) **ACTION ITEM:** Request to approve Findings of Facts and Conclusions of Law for the following: PZ24-0151 Final Plat for Jack's 612 Subdivision
By: Jonathan Spendlove, Planning and Zoning Director
- 4) Items of Consideration
 - a) **ACTION ITEM:** Request to adopt Ordinance #O-2025-0001 for an amendment to the current Twin Falls City Code Title 3, Chapter 4.
By: Brent Wright
 - b) **ACTION ITEM:** A request to approve the ranking of Construction Manager/General Contractor candidates for the City Pool remodel project and authorize staff to negotiate a contract with the top ranked firm, Core Construction.
By: Mitch Humble, Deputy City Manager
 - c) **ACTION ITEM:** Request to adopt ordinance #O-2025-0002 for a Zoning Development Agreement Amendment on property located at 2035 Washington St N.
By: William Klaver, Senior City Planner
 - d) **ACTION ITEM:** A request to adopt an ordinance amending City Code Title 7, Chapter 8, Sections 3 and 4 regarding the use of potable water for irrigation purposes.
By: Troy Vitek, City Engineer
 - e) **ACTION ITEM:** A request to negotiate on the open market for the Rock Creek Sewer Crossing project and to use wastewater reserves to complete the project in the amount of \$550,890.
By: Troy Vitek, City Engineer
 - f) **ACTION ITEM:** A request to confirm the Mayor's appointment of City Manager Travis Rothweiler to serve as a member of the policy board for the Magic Valley Metropolitan Planning Organization.
By: Ruth Pierce, Mayor
- 5) General Public Input
- 6) Advisory Board Report/Announcements
- 7) Public Hearings
 - a) **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

- b) **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
- c) **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

8) Executive Session

- a) **ACTION ITEM:** (C) To acquire an interest in real property not owned by a publicagency
(F) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

9) Adjournment

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Josh Palmer (208) 735-7312 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

Public Input Procedures

1. Individuals wishing to provide public input regarding matters relevant to the City of Twin falls shall:
 - a. Wait to be recognized by the Mayor or Chairman.
 - b. Approach the microphone/podium.
 - c. State their name, and whether they are a resident or property owner of the City of Twin Falls and proceed with their input.
2. All public input will be limited to two (2) minutes. Individuals are not permitted to give their time to otherspeakers.
3. All presenters shall remain respectful.

Public input will not be about any of the items that were on this agenda, personnel, or a personnel-related issue. All issues involving City personnel should be directly communicated with the mayor and/or the City Manager.

Anyone failing to follow these rules will be provided with one (1) warning. Should the speaker continue to disregard these rules after the warning, will have the microphone muted and they will be asked to return to their seats.

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chairman 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 Chairman, 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 Chairman may limit public testimony to no less than two (2) minutes per person.
 - Individuals are not permitted to give their time to otherspeakers.
 - 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 Chairman. 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 to PublicTestimony.
9. Following the Public Testimony and Applicant's response, Council or Commission members, as recognized by the Mayor or Chairman, 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 Chairman may limit the time permitted for the answer.
10. The Mayor or Chairman 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 City Council Minutes

Monday, January 13, 2025, 5:00 PM

Council Chambers
203 Main Avenue East, Twin Falls, Idaho

1) Call Meeting to Order/Confirmation of Quorum

Present: Mayor Ruth Pierce, Vice Mayor Jason Brown, Council Members Craig Hawkins, Christopher Reid, Spencer Cutler, Cherie Vollmer & Grayson Stone.

Absent:

Staff Present: City Manager Travis Rothweiler, Deputy City Managers Mitch Humble & Gretchen Scott, City Attorney Bruce Castleton, Deputy City Clerk Amy Luna, Administrative Assistant Rachael Long, Parks and Recreation Director Wendy Davis, Police Chief Craig Kingsbury, Deputy Fire Chief Mitchell Brooks, Code Enforcement Coordinator Sean Standley, Public Works Director Josh Baird, Streets Superintendent Mark Thomson, Planning and Zoning Director Jonathan Spendlove, City Planner William Klaver, Desktop Support Analyst Brett Barker

Mayor Pierce called the meeting to order at 5:00 PM. A quorum was present.

2) Pledge of Allegiance

Mayor Pierce invited all present, who wished, to recite the Pledge of Allegiance to the Flag.

3) Consent Calendar

MOTION: Council Member Reid moved to approve the Consent Calendar as presented. **Council Member Stone** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

- a) Request to approve City Council 2025 January 06, Minutes.
- b) Request to approve Accounts Payable for December 19, 2024, thru January 01, 2025.
- c) Request to approve January 02, 2025, Travel Requests.
- d) Request to approve Findings of Facts and Conclusions of Law for the following: PZ24-0112 ZDC Sundance Partners, LLC
PZ24-0113 ZDC -Chasewood, LLC
PZ24-0102 ZDC - City of Twin Falls
PZ24-0114 ZDA Amendment - Falls Crossing
PZ24-0123 - Additional Height - Glanbia

4) Items of Consideration

- a) Consider a request to approve a Property Agreement with Mary Sligh and David Henry for a parcel located adjacent to Canyon Trail Junction property.

Parks and Recreation Director Wendy Davis to consider a request to approve a Property Agreement with Mary Sligh and David Henry for a parcel located adjacent to Canyon Trail Junction property.

Discussion ensued on the following:

Mayor Pierce asked for clarification on the amount from Wendy.

MOTION: Council Member Vollmer moved to approve the request to approve a Property Agreement with Mary Sligh and David Henry for a parcel located adjacent to Canyon Trail Junction property. **Vice Mayor Brown** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

5) General Public Input

None

6) Advisory Board Report/Announcements

Vice Mayor Brown MPO meeting was last week, keeping that process moving forward and continuing to work at full capacity.

Council Member Stone mentioned the Chamber of Commerce was awarded the State commerce grant.

Council Member Hawkins mentioned the Fires in LA and how he felt about our emergency committee plan.

City Manager Travis Rothweiler mentioned City Hall will be closed on Monday and no Council next week.

7) Public Hearings

- a) Review of the City Manager's declaration that the property located at 660 Shoshone Street East in Twin Falls, commonly referred to as the Old Twin Falls Clinic Building, is a public nuisance, presents significant health and safety concerns as described in Idaho Code Section 50-334 and Twin Falls Municipal Code Section 7-1-19, and should be demolished at the owner's expense in accordance with Idaho Code 50-1008.

City Manager Travis Rothweiler reviewed the City Manager's declaration that the property located at 660 Shoshone Street East in Twin Falls, commonly referred to as the Old Twin Falls Clinic Building, is a public nuisance, presents significant health and safety concerns as described in Idaho Code Section 50-335 and Twin Falls Municipal Code Section 7-1-19, and should be demolished at the owner's expense in accordance with Idaho Code 50-1008.

Discussion ensued on the following:

Council Member Stone supports this decision to have this building to be removed, wants to know who is going to pay for this?

City Attorney Castleton explained how the city would take ownership of the lot if they do not pay the bills for the demolition.

Council Member Cutler asked if there have been any written responses from Galena.

Council Member Reid would like to hear from Fire about this building.

Deputy Fire Chief Brooks spoke about this building and that he will not allow his fire fighters in this building for their own safety.

Vice Mayor Brown would like to know about the Asbestos if it's been removed and spoke in favor of removing this building.

Council Member Reid pointed out that this is something that Council has never done and would like people to know this is a serious matter.

Public Hearing Opened: 5:26 pm

Public Hearing Closed: 5:28 pm

MOTION: **Vice Mayor Brown** moved to approve the request to demolish at the owner's expense in accordance with Idaho Code 50-1008 the Old Twin Falls Clinic building at 660 Shoshone St E. **Council Member Reid** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

8) Adjournment

The meeting adjourned at 05:36 PM

Rachael Long, Administrative Assistant

****If you wish to have a full accounting of this meeting, please listen to the recording that is located on our website. **** Tfid.org

IMPROVEMENT AGREEMENT

for

DEVELOPMENTS

This Agreement made and entered into this ____ day of _____, 2024, by and between the CITY OF TWIN FALLS, State of Idaho, a municipal corporation, hereinafter called "City" and Mark Ellis hereinafter called "Developer" for the purpose of constructing certain improvements on property sought to be developed for the following Development Ellis Subdivision.

WHEREAS, Developer desires to develop said real property for the following purposes:

4 Residential Lots.

WHEREAS, the Developer is obligated to construct certain improvements pursuant to City Code Section 10-12-4.2, and;

WHEREAS, the Developer has committed to construct special features as part of the development, and;

WHEREAS, the City has certain policies, ordinances, rules and regulations governing the construction of public improvements, and;

WHEREAS, it is in the best interest of the City and Developer to clearly establish in one concise document the policies, ordinances, rules and regulations which apply to developments of the type contemplated herein.

W I T N E S S E T H

That for and in consideration of the mutual promises, conditions, and covenants contained herein the parties agree as follows:

I.

City agrees: (1) to operate and maintain all approved streets, alleys, service roads, excluding state highways, constructed under the terms of this Agreement in any public rights-of-way and which are presently within or subsequently annexed into the City limits. (2) To operate and

maintain all approved public water lines, public pressure irrigation lines, public storm drainage lines, and public sewer lines constructed under the terms of this Agreement in any public rights-of-way or public easements and to provide water, sewer, and pressure irrigation service to the Developer's real property, subject to all ordinances, rules and regulations governing sewer, water service, and pressure irrigation. (3) To maintain non-pressure irrigation lines only where they cross City streets. (4) Public Storm Water facilities will be located in an exclusive stormwater easement. All other maintenance of non-pressurized irrigation lines is the responsibility of the Twin Falls Canal Company or the property on which the utility resides.

II.

In lieu of the actual installation of required public improvements before recording of the final plat, the Council may permit the subdivider to provide a financial guarantee of performance in one (1) or a combination of the following arrangements for those requirements which are over and beyond the requirements of any other agency responsible for the administration, operation and maintenance of the applicable public improvement.

a. Surety Bond

1. Accrual - The Bond shall accrue to the City covering construction, operation and maintenance of the specific public improvement.
2. Amount - the bond shall be in an amount equal to one hundred twenty percent (120%) of the total estimated cost for completing construction, including engineering design, inspection, and oversight, of the specific public improvements, as estimated by the Developer's Engineer and approved by the City Engineer.
3. Term Length – The minimum term length shall be two (2) years or until the bond is released by the City, whichever is later.
4. Bonding for Surety Company - The bond shall be with a surety company authorized to do business in the State of Idaho, acceptable to the City Council.

b. Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit.

1. Treasurer or Trust Company - A cash deposit or certified check shall be deposited by the City. After the improvements have been accepted, the funds will be reimbursed. A negotiable bond or an irrevocable bank letter of credit, shall be held by the City until the improvements are accepted.
 2. Dollar Value - The dollar value of the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be equal to one hundred twenty percent (120%) of the total estimated cost for completing construction, including engineering design, inspection, and oversight, of the specific public improvements, as estimated by the Developer's Engineer and approved by the City Engineer.
 3. Time - The time for the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be until all required improvements are completed and accepted by the City Engineer.
 4. Progressive Payment - In the case of cash deposits or certified checks, an agreement between the City and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.
- c. Trust Agreements.
1. Per the terms of the trust agreement.
 2. Trust agreement must be approved by City Council.

III.

Developer agrees to retain a Professional Engineer, hereinafter called the Developer's Engineer, licensed by the State of Idaho to perform the following minimum Engineering Services in accordance with Title 10 Chapter 12 Section 4-1 of the City Code:

- a. Prepare a master utility plan showing the location of all existing and proposed utility lines to include but not be limited to sewer, water, gas, electricity, telephone, irrigation, pressure irrigation, and storm sewer.

- b. Prepare detailed plans and specifications for construction of all improvements required by this Agreement and shall include but not be limited to a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data, for all required public streets, utilities and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies. All construction plans shall be prepared in accordance with the public agencies' standards and specifications. If improvements are not completed within two (2) years, the Developer shall provide an updated, current version of the updated plans and specifications to current city standards. The Developer may request one extension of the approvals previously given for another two (2) years.
- c. Engineer of record shall hold a pre-construction meeting, including the City Engineering Department, design engineer and contractor. Engineer of record will notify the City in writing of schedule before construction begins.
- d. Perform construction surveying, staking, testing, inspection and administer the construction of all facilities required by this contract.
- e. Submit all test reports, inspection reports, request for change orders and construction diaries to the City Engineering department every week during the construction of the development or subdivision.
- g. Submit to the City Engineer As-builts for the City records showing any approved changes to the original plans and specifications. A 24" x 36" complete plan set (stamped & signed), a pdf, and an AutoCAD file of the plans shall be provided within thirty (30) days after completion of the project.
- h. The developer's engineer shall submit an Engineer's Check-off and certification form stating that the work has been constructed in conformance to the plans and specifications, and thereby certifying that improvements were constructed to the lines and grades shown.

The above work shall be subject to the approval of the City Engineer.

It shall be the responsibility of the Developer's Engineer or other certified individuals to provide all necessary quality control and required testing during construction. All tests shall be

taken at a frequency based upon Idaho Standard for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to the ISPWC.

The Developer agrees to: (1) allow the City full and complete access to the work (2) provide all materials necessary to conduct independent testing (3) supply all water necessary to test pipe joints and (4) provide the equipment and perform or have performed any testing of manufactured materials required by the City Engineer.

The Developer shall submit a letter identifying lots and blocks associated with construction phase to the City Engineer upon completion of the project, requesting that the City assume the responsibility for maintenance and operation of all public improvements as stated herein.

IV.

The Developer agrees to obtain a permit or letter of approval from the Twin Falls Highway District or the Idaho Transportation Department (ITD) prior to constructing improvements on their respective right-of-ways. The original or a certified copy of said permit or letter shall be submitted to the City Engineer prior to beginning of construction thereon.

V.

The Developer agrees to dedicate rights-of-way to the public for the development of all streets and alleys in accordance with the City Transportation Master Plan and to dedicate easements for the maintenance and operation of all public utilities. The size and location of said rights-of-way and easements shall be determined by the City Engineer.

VI.

The Developer and the City agree that the improvements listed herein are required unless specifically waived by action of the City Council and that said improvements will be constructed on any public rights-of-way or easements approved and accepted by the City Council all as designed by the Developer's Engineer and approved by the City Engineer and in accordance with standards established by the City Engineer and that all required improvements will be completed in a timely manner. If improvements are not completed within two (2) years, the Developer shall provide an updated, current version of the developer's agreement and financial guarantee for City Council consideration along with updated plans and specifications to current city standards. The Developer may request an extension of the approvals previously given for another two (2) years.

VII.

The Developer agrees to pay the total actual costs of all materials, labor and equipment necessary to completely construct all of the improvements required herein, except those costs specifically shown to be paid by the City and to construct or contract for the construction of such improvements.

VIII.

Developer agrees to pay the total extra cost of all additional materials, labor and equipment necessary to construct any streets the City requires to be wider or deeper than a standard street or any water, sewer lines, or pressure irrigation the City requires to be larger than the size required to properly serve the development. The requirement for wider and deeper streets shall be based on the Transportation Master Plan. Requirements for larger water, sewer and pressure irrigation lines shall be based on the citywide sewer, water, and pressure irrigation system sizing guidelines and based on modeling, if applicable.

IX.

The City shall provide no compensation for the cost of an oversize water, sewer line, and pressure irrigation. In the case of water, sewer, or pressure irrigation lines extended adjacent to or outside the limits of development, the Developer shall be eligible for payback from adjacent property owners pursuant to Ordinance No. 2979. The Developer shall also be eligible for compensation when a private developer extends or connects to any water, sewer, pressurized irrigation or street system previously installed by private developer, pursuant to Resolutions 2017-13.

X

Developer agrees to request in writing that the Developer's Engineers make the inspections required herein and the Developer or his Contractors shall not proceed with the next construction phase until the required inspections are complete and the work has been accepted by the Developer's Engineer and the City Engineer. All such inspections shall be scheduled in accordance with Idaho Standard for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to ISPWC, as adopted at time of construction plan approval. The developer agrees to pay all costs resulting from: 1) his failure to properly schedule and request a required test or inspection or 2) proceeding with work before receiving approval to proceed. Developer agrees to remove or correct any rejected, unapproved or defective work or materials as required by the Developer's Engineer or the City Engineer. Any such defective work whether the result of poor workmanship, use of defective

materials, damage through carelessness or any other cause, shall be removed within ten (10) days after written notice is given by the Developer's Engineer or the City Engineer, and the work shall be re-executed by the Contractor at his expense. The fact that either Engineer may have previously overlooked such defective work or materials shall not be a basis for acceptance of any part of it.

The issuance or approval of plans, specifications and computations shall not be construed as an approval of any violation of any provisions of City code, specifications, standards, policy, or any other ordinance of the City. Approvals of plans that may violate City code, specifications or departmental policies will not be valid.

The approval of construction plans, specifications, and other data shall not prevent the City from thereafter requiring the correction of errors or omissions in said plans or specifications prior to or during actual construction or final acceptance by the City.

The Developer shall remove from all public property all temporary structures, rubbish, and waste materials resulting from their operation or caused by his employees.

The Developer shall guarantee all materials, workmanship and equipment furnished for a period of one (1) year from the date of written acceptance of the work by the City Engineer or authorized representative.

The Developer shall be responsible for any damage to any existing public improvements and shall repair or replace any such damage as required by the City Engineer, during or after completion of this project. The Developer's contractor shall apply for a Right-of-Way permit with a Traffic Control Plan to be approved by the City of Twin Falls prior to any road, lane, or sidewalk closures.

XI.

The City and the Developer agree to the following minimum for Required Improvements, City Costs, Required Inspections and any other improvements; which are approved or required by the City Council and shown on the approved construction plans.

PUBLIC WAYS

(a) Required Improvements

- (1) Curb, gutter and sidewalk on all public street rights-of-way.
- (2) A standard local street constructed on all public street rights-of-way serving residential use property.

- (3) Local and private streets shall be constructed as per the current standards, adopted at time of construction plan approval. These include City of Twin Falls Master Transportation plan, ISPWC and City of Twin Falls Revisions to ISPWC.
- (4) Minor and Major collector streets shall be constructed as per the current standards, adopted at time of construction plan approval. These include City of Twin Falls Master Transportation plan, ISPWC and City of Twin Falls Revisions to ISPWC.
- (5) Arterial typical sections will be designed by the developer's Engineer and approved by the City Engineer, with width determined on the Master Transportation Plan.
- (6) A sidewalk, per Idaho Standard for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to the ISPWC, is required on all public pedestrian rights-of-way. Four foot (4') sidewalks, by special permission of the City Engineer, shall be constructed per ISPWC and the City of Twin Falls Revisions to the ISPWC for local streets under certain conditions.
- (7) Landscaping and sidewalk placement required adjacent to arterial and collector streets: A portion of land eleven feet (11') in depth behind the back of curb will be dedicated as part of any residential development adjacent to arterial and collector streets as Right-of-Way. Within that Right-of-Way the developer shall install a landscape strip with a sprinkler system to the City of Twin Falls Parks and Recreation standards and shall also install a sidewalk to current adopted standards. The landscaping will be maintained by the city and funded through a fee added to the utility bill of each account within the development. Irrevocable restrictive covenants for this development and maintenance shall provide for this funding. TFCC §10-12-4.2(O).
- (8) Streetlights as determined by City policy for street light installation.
- (9) The cost of any street signs or traffic control devices installed by the City on new or existing streets.

(b) City Costs

- (1) None

(c) Required Inspections and Testing

- (1) All inspections and testing shall be as required per ISPWC and the City of Twin Falls revisions to the ISPWC.

WATER SYSTEM

(a) Required Improvements

- (1) Pursuant to City Code Section 7-8-3, 7-8-10 and 10-12-4.2 water line and fittings eight inch (8") minimum diameter that will transport a flow of water, which will satisfy fire, domestic, other water demands of the development, based upon the City water pipe sizing plan and computer water model. Water line extension shall include connection from the existing City Water System to each building site and fire hydrants and then loop back to the City System in a manner that will provide a properly functioning system approved by the City Engineer, Water Superintendent and Fire Marshall. If the development is to be constructed in phases, the water system shall be looped back to the City system during the first phase. Any water main connections closer than 150' to each other will not be considered looped without prior City approval. No dead-end lines longer than 150 feet will be allowed during any phase of the project.
- (2) Water lines and fittings adjacent to and internal to the development shall be sized to continue the orderly expansion of the City water distribution network in accordance with existing sizing guidelines.
- (3) Water valves that will allow temporary suspension of water flow for maintenance and repair of portions of water system without causing undue inconvenience to a large number of users or creating a critical situation in the suppression of fires.
- (4) Fire hydrant connections and fire hydrants spacing shall comply with the minimum standards set by the Fire Rating Bureau, American Water Works Association, and the International Fire Code. The maximum length of dead end water lines shall be one hundred and fifty feet (150'). Fire hydrants with STORZ connectors are required in all developments.

- (5) One water service line shall be constructed to each building site at the time the water mains are installed. The design shall minimize the length of the service line and shall terminate at the Right-of-Way. Service taps are not allowed in intersections.

Meters shall be grouped at adjacent side lot lines when possible or at another location if requested by the Developer and approved by the City Engineer and Water Superintendent. Water meter boxes will not be allowed in driveway approaches or sidewalks. Any cost associated with relocating meters from driveway approaches will be the responsibility of the Developer or Lot Owner.

All new water service lines made from new water mains to serve any new development will be the responsibility of the Developer. The developer shall complete all work except when connecting to a live waterline. The City will make the necessary main line taps after payment of the required water connection permit fees.

- (6) One water service line tap, meter box, and service line shall be constructed for each building connected to the City water system. Multi-units less than three may be approved for additional service lines. It is understood and agreed that the City will make all service line taps on live lines, and that the fee paid by the developer for a Water Connection Permit will reimburse the City for such work. All other work to be completed by the Developer.
- (7) It is further understood and agreed that the City will make all connections to the existing water system. The developer will disinfect the water system and submit testing results to the City prior to making the system live.
- (8) All water valves shall be provided with a gravel access 12" thick where no public roadway currently exists.

(b) City Costs

- (1) None.

(c) Required Inspections

- (1) All inspections and testing shall be as required per ISPWC and the City of Twin Falls Revisions thereto.

WASTE WATER COLLECTION SYSTEM

(a) Required Improvements

- (1) Pursuant to City Code Section 10-12-4.2 a wastewater collection system (eight-inch (8") minimum diameter) that will transport a flow of wastewater, under conditions of maximum and minimum discharge from the development to the existing City waste water system.
- (2) Wastewater lines adjacent to or internal to the development will be sized to continue the orderly expansion of the City Wastewater Collection System in accordance with existing sizing guidelines and computer sewer model.
- (3) Manholes to provide access for maintenance and cleaning of the sewer lines located at any change of grade or alignment of the sewer, at the end of each sewer and spaced not more than four hundred feet (400') apart.
- (5) All manholes shall be provided with a gravel access 12" thick where no public roadway currently exists.

(b) City Costs

- (1) The City will perform the CCTV inspection on waste water lines which are part of the construction phase.

(c) Required Inspections and Testing

- (1) All inspections and testing shall be as required per ISPWC and the City of Twin Falls revisions to the ISPWC.

STORM DRAINAGE SYSTEM

(a) Required Improvements

- (1) Any valley-gutters, ditching, grading or other surface drainage facilities necessary to convey any storm run-off originating from or traversing across the proposed development over the land surface to a point of retention, detention or discharge approved by the City Engineer.
- (2) Any catch basin, storm sewer and other sub-surface drainage facilities necessary to convey any storm run-off, originating from or traversing across the proposed development, to a point of retention, detention or discharge approved by the City Engineer.

- (3) If storm run-off cannot be conveyed without causing damage to public or private property or without being an unreasonable inconvenience or hazard to a private individual, a group of individuals, or the general public, the storm drain shall be piped to the retention facility.
- (4) All retention areas are to be on a designated lot to be maintained by the owner or when applicable, in a dedicated/exclusive storm water easement, granted to the City of Twin Falls.

(b) City Costs

- (1) The City will perform the CCTV inspection on storm water lines which are part of the construction phase.

(c) Required Inspections and Testing

- (1) The City will inspect all dry wells for geometry and materials. Rock will be submitted to the Developer's Engineer for confirmation of void space prior to placement in dry wells. Documentation of confirmation shall be provided to the city engineering department. A request for inspection shall be called in, forty eight (48) hours in advance or two (2) working days whichever is greater.

GRAVITY IRRIGATION SYSTEM

(a) Required Improvements

- (1) Any pipe, boxes or other appurtenances necessary to convey all irrigation water in underground pipe across the development and any adjacent public property. Privately owned Irrigation facilities shall be constructed on private property except where it is necessary for irrigation water to cross the public right-of-way and all such crossings shall be perpendicular to the center line of said right-of-way unless otherwise approved by the City Engineer due to some unusual condition. Fences, sidewalks or other permanent features will not be located on top of irrigation facilities. Irrigation facilities shall not be located in City Right-of-Way, except in crossings perpendicular to the right-of-way.

(b) City Costs

- (1) None.
- (c) Required Inspections and Testing
 - (1) All inspections and testing shall be as required per ISPWC and the City of Twin Falls revisions to the ISPWC.

PRESSURE IRRIGATION SYSTEM

- (a) Required Improvements
 - (1) Pursuant to Section 10-12-4-2 of the City Code, the use of the City's potable water supply as the primary source of irrigation water in all new developments shall be prohibited. For purposes of this subsection, the term "new development" means any new subdivision or ZDA, or any development of any parcel of land of three-fourths (3/4) of an acre or larger that is not part of a subdivision or ZDA. One (1) share of Twin Falls Canal Company Water for each acre of property within the subdivision shall be transferred to the City of Twin Falls, before the filing of the final plat or receiving an improvement acceptance letter, for use in the City's pressurized irrigation system.
 - (2) Pressure irrigation water mains and fittings shall satisfy the currently adopted Pressurized Irrigation master plan.
 - (3) Pressure irrigation lines and fittings adjacent to and internal to the development shall be sized to continue the orderly expansion of the City Pressure Irrigation water distribution network in accordance with currently adopted Pressurized Irrigation Master Plan sizing guidelines.
 - (4) Pressurized irrigation valves that will allow temporary suspension of water flow for maintenance and repair of portions of water system without causing undue inconvenience to more than 30 users. One pressure irrigation water service line shall be constructed to each lot at the time the pressure irrigation water lines are installed. The design shall minimize the length of the service line and shall terminate at the Right-of-Way. Service taps will not be allowed in the intersection.

One Pressure irrigation water service line tap, irrigation box, and service line shall be constructed for each lot connected to the City pressure irrigation water system.

- (5) The Developer shall be responsible for all costs incurred in designing and installing the public pressure irrigation station to City Standards and Specifications or as an agreement negotiated with the City Engineer. This includes the land, pumps, motors, filters, enclosures, delivery system to the station from the TFCC head gate and away from the station on the historical path, storage, Supervisory Control and Data Acquisition (SCADA) system, and power to the station.
 - (6) All pressure irrigation system plans must be prepared by the Developer's engineer and shall be according to the Idaho Standard for Public Works Construction (ISPWC) and the City of Twin Falls Revisions to the ISPWC
 - (7) The Pressure Irrigation System shall be located within easements, right-of-ways and/or property deeded to the City of Twin Falls.
 - (8) Private Pressure Irrigation Systems shall be located outside City Right-of-Way and within easements. No Public infrastructure will be associated with a private Pressure Irrigation System.
- (b) City Cost.
 - (1) None
 - (c) Required Inspections and Testing
 - (1) All inspections and testing shall be as required per ISPWC and the City of Twin Falls revisions to the ISPWC.

SPECIAL FEATURES

Pursuant to commitments made by the Developer as conditions of approval of the development, the following special features shall be constructed:

- a) Required Improvements

b) City Costs

(1) None.

XIII.

The developer shall submit an Improvement Agreement with each individual construction phase.

The two (2) year time limit, (indicated in Section VI of the Agreement) for completing the required improvements shall begin from the date of the recordation of this agreement. The Developer may request an extension of the approvals previously given for another two (2) years.

XIV.

This agreement shall bind the parties hereto, their heirs, successors in interest, and lawful assigns.

XV.

In the event of a breach of Agreement, or should legal action of any kind be taken to enforce the provisions, hereof, the prevailing party shall be entitled to reasonable attorney fees and costs awarded by the Court.

Attest:

CITY OF TWIN FALLS, IDAHO

City Clerk_____
Mayor_____
Developer

STATE OF IDAHO)

)ss.

County of Twin Falls)



On this 19th day of December, 2024, before me, the undersigned, a Notary Public for Idaho, personally appeared Mark Ellis, known to me to be the persons whose names are subscribed to the within instrument on behalf of said Owner and acknowledged to me that said Owner executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Tracy Reed
Notary Public for Idaho,
Residing Twin Falls County

CORPORATION

STATE OF IDAHO)

)ss.

County of Twin Falls)

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public for Idaho, personally appeared _____, known or identified to me (or proved to me on the oath of _____) to be the president, or vice-president, or secretary or assistant secretary, of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Notary Public for Idaho

Residing _____

PARTNERSHIP

STATE OF IDAHO)
)ss.

County of Twin Falls)

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public for Idaho, personally appeared _____, known or identified to me (or proved to me on the oath of _____) to be one of the partners in the partnership of _____, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Notary Public for Idaho

Residing _____

NOTICE OF DEVELOPER'S AGREEMENT

NOTICE IS HEREBY GIVEN, that a document entitled "Improvement Agreement for Developers" (hereafter "Agreement") has been executed and filed with the City of Twin Falls, Idaho, for the following named subdivision or development:

The Agreement imposes certain obligations upon the developer for the development of the subject property, and upon the developer's heirs, successors in interest and lawful assigns. Details of the conditions and obligations may be found by examining or photocopying the Agreement at the Office of the City Engineer, 203 Main Ave E, Twin Falls, Idaho 83301.

CITY OF TWIN FALLS, IDAHO

City Clerk

Mayor

Developer

STATE OF IDAHO)



County of Twin Falls)

On this 19th day of December, 2024, before me, the undersigned, a Notary Public for Idaho, personally appeared Mark Ellis, known to me to be the persons whose names are subscribed to the within instrument on behalf of said Owner and acknowledged to me that said Owner executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Tracy Reed
Notary Public for Idaho
Residing Twin Falls County



Date: Monday, January 27, 2025
To: Honorable Mayor and City Council
From: William Klaver, Senior Planner

ACTION ITEM

Request:

Request for approval of Final Plat for "Gartner Properties Condominium" consisting of 1 lots with 3 condo units on 0.497 (+/-) acres located at 1122 Eastland Dr N. c/o EHM Engineers, Inc. (PZ25-0006).

Time Estimate:

Consent Agenda Item

Background:

Heath Gartner, represented by Christopher Harmison of EHM Engineers, Inc., has submitted an application for a Final Plat for "Gartner Properties Condominium". This final plat consist of 1 lot, 3 unit condominiums on 0.497 acres (+/-).

Approval Process:

Per City Code 10-12-2-4

After the approval or conditional approval of the preliminary plat, the subdivide may cause the total parcel or any part thereof, to be surveyed and a final plat prepared in accordance with the approved preliminary plat. Upon the determination that the final plat is in compliance with the preliminary plat and all conditional requirements have been met, the administrator shall place the final plat on the council agenda at the next regular meeting.

The council shall approve, approve conditionally, disapprove or table the final plat for additional information. A copy of the approved plat shall be filed with the administrator. Upon granting or denying the final plat the council shall specify: Approval Period: Final plat shall be filed with the county recorded within two years after written approval by the council, otherwise such approval shall become null and void unless prior to said expiration date an extension of time is applied for by the subdivider and granted by by the council. Only one extension may be granted by the council for a term of two years.

Budget Impact:

N/A

Regulatory Impact:

After a final plat is approved by the Council and construction plans approved, the final plat may be recorded, and lots sold for development. All general criteria for approval must be met per State Statute 50-Chapter 13 and shall be compatible with the Comprehensive Plan.

History:

N/A

Analysis:

N/A

Conclusion:

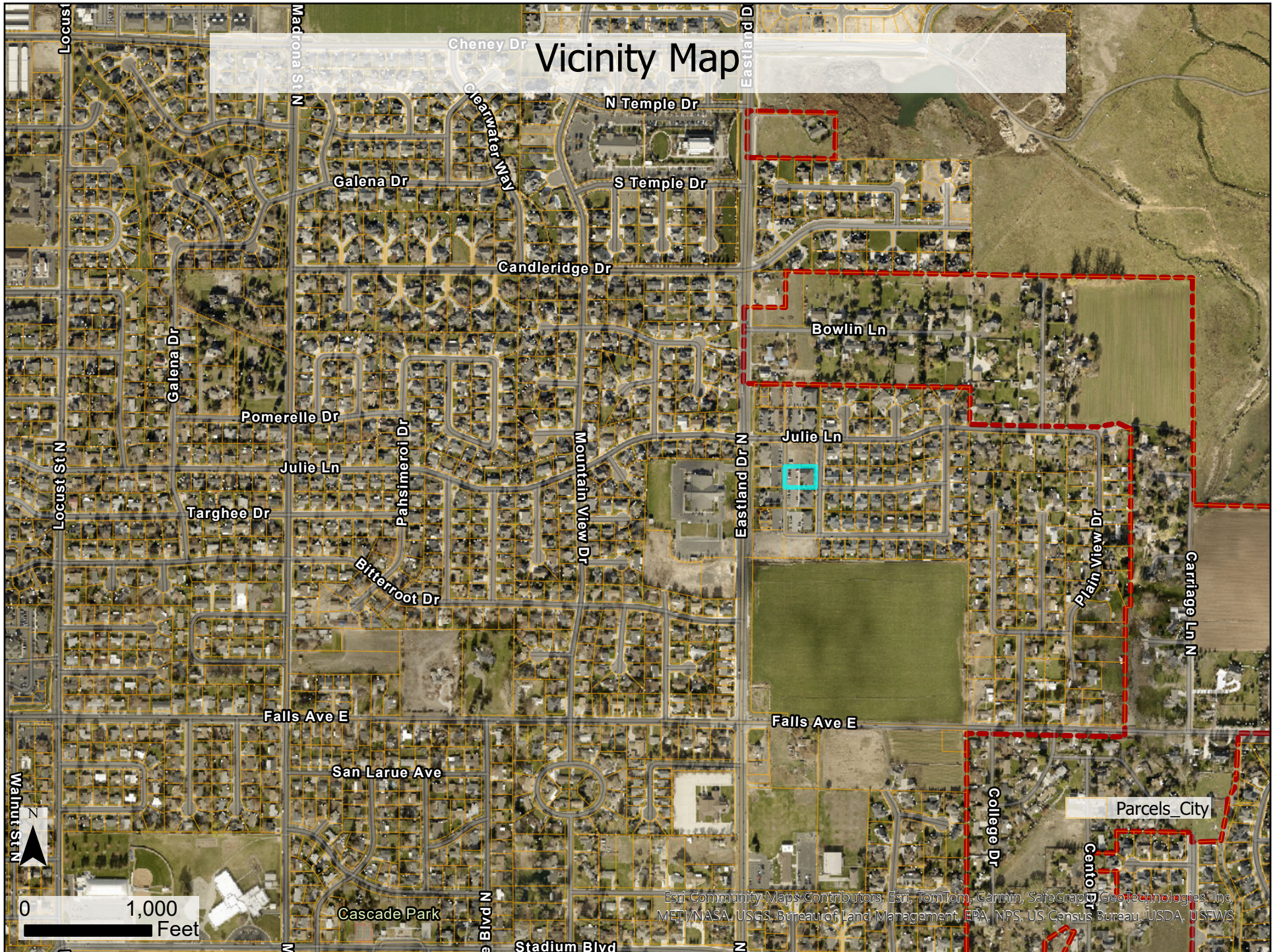
Staff recommends approval of this plat with the following condition:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards;
2. Subject to submittal of a final plat, submitted prior to the signing of the final plat, showing compliance with all conditions and comments in Engineering Memorandum dated January 9, 2025; and
3. Subject to compliance with Idaho State Code 55-1505 through 55-1507 prior to the signing of the final plat.

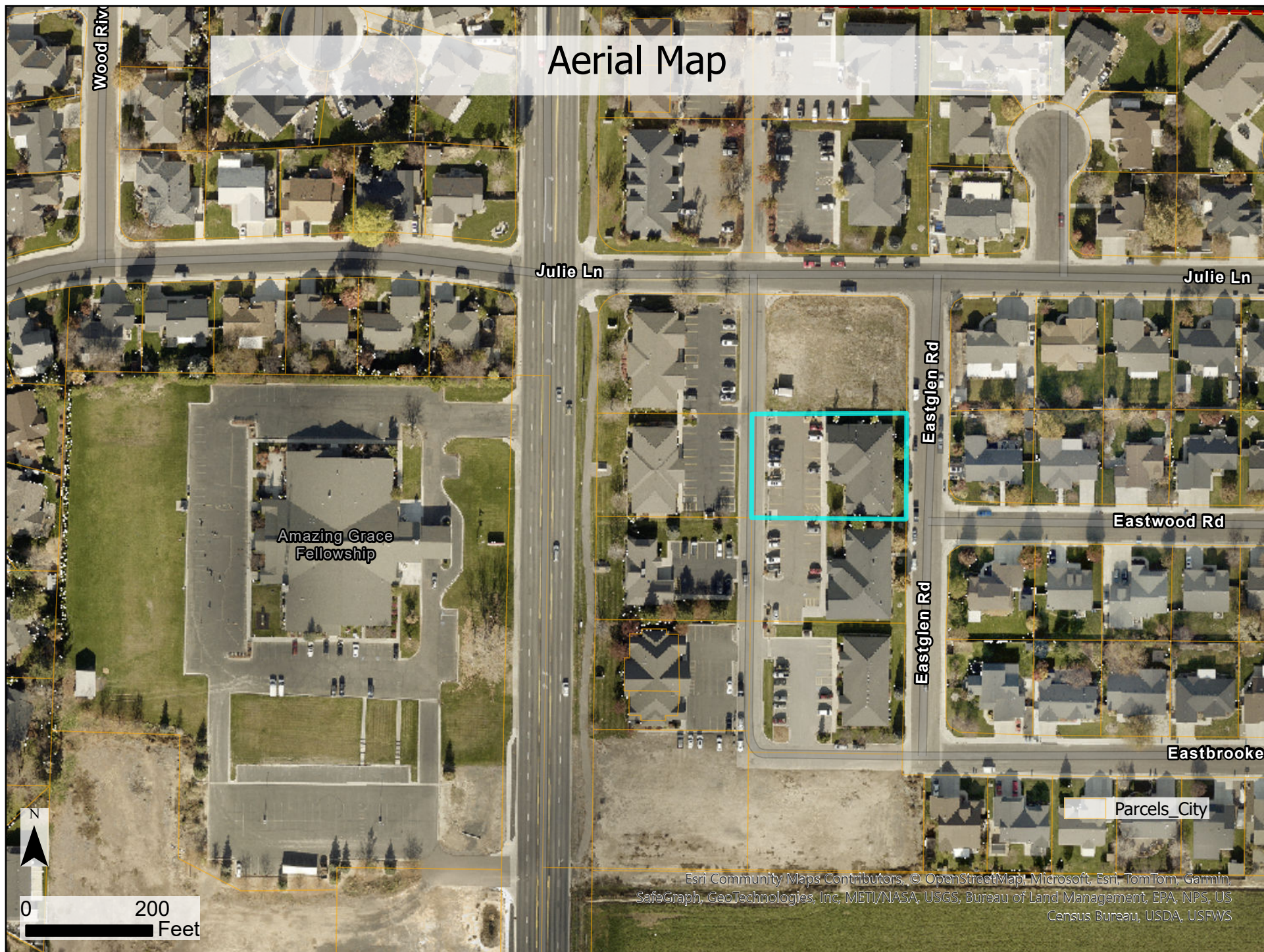
Attachments:

1. PZ25-0006 Vicinity Map
2. PZ25-0006 Aerial Map
3. PZ25-0006 Presentation Map
4. PZ25-0006 Engineering Memorandum - January 9, 2025
5. PZ25-0006 Engineering Memorandum - January 9, 2025 - Review Exhibit

Vicinity Map

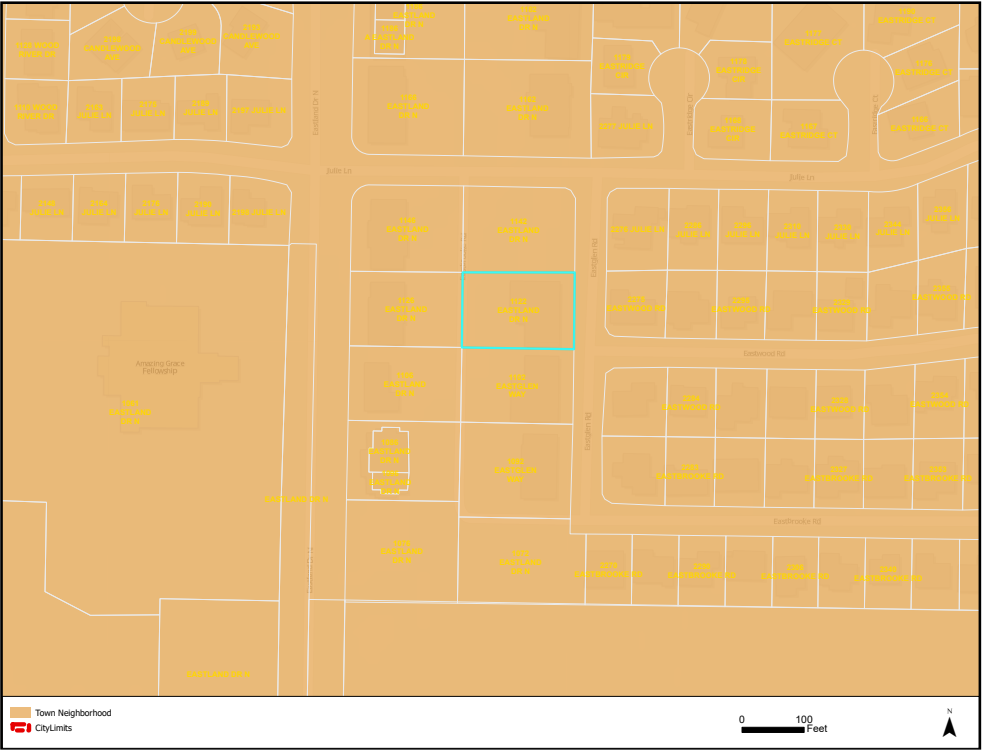
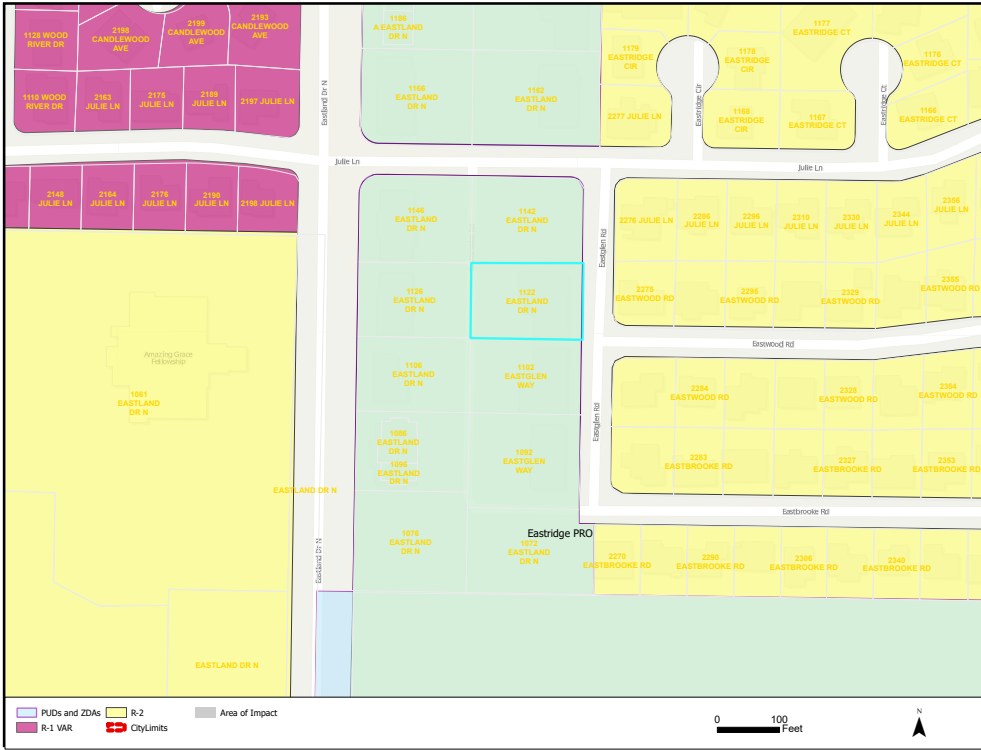


Aerial Map



ZONING MAP

FUTURE LAND USE MAP



Zoning	
Current Zoning:	Eastridge PRO PUD
Current Land Use:	Professional Offices
Proposed Zoning:	Eastridge PRO PUD
Proposed Land Use:	Professional Offices

Surrounding Area	
North:	Professional Offices
South:	Professional Offices
East:	Residential (R-2)
West:	Professional Offices

Regulations	
Twin Falls Municipal Code Section(s) 10-12-2- 4; 10-6	

Future Land Use Category	
Town Neighborhood: Primarily residential in character with a desired land use mixture of single family, duplex, triplex, parks and recreation facilities, schools, and civic facilities.	



P.O. Box 1907

203 Main Avenue East

Twin Falls, Idaho 83303-1907

Fax: (208) 736-2293

ENGINEERING

208-735-7248

ENGINEERING MEMORANDUM

To: William Klaver, Senior Planner

From: Kristi Fehringer, Engineering Development Coordinator

Date: 1/9/2025

Re: Final Plat – **Gartner Properties Condominium** – Application # 25-0006

The Engineering Department has reviewed the Final Plat for the Gartner Properties Condominium. The following changes shall be addressed prior to the signature on the Final Plat by the City of Twin Falls. This Conditional Approval is contingent on compliance with all applicable City Standards.

1. This symbol is not used on this sheet. Please remove from the legend.
2. This symbol does not appear to be used on this sheet. Either remove from the legend or hatch the area labeled common area on this sheet.
3. Easement "A" should be labeled as a 30' access, utility & drainage easement per #2000-017910. Also, the linework should be shown as an easement line type. Please revise.
4. There is an additional easement (2007-026873) on the west boundary of Lot 1, Block 1. Please show this easement and list it in the Survey References.
5. Please provide a description of this document.
6. Note 5 states that "Exterior and interior wall thickness varies in width and are as shown". None of the exterior walls have thicknesses labeled. Either label the wall thicknesses or revise the note by explaining that those distance labels are not required.
7. Bearing and distance labels are missing in the common area. Please revise.
8. There are no bearing and distance labels on the exterior of the building. Please revise.
9. Notes 7 and 8 have incorrect information. Please revise.
10. There should be ties and bearing and distance labels for the stairwells. Please revise.
11. This legend note should indicate "entrance area" instead of crawl space. Please revise.
12. It appears that the basement stairwell linework does not line up with the main floor linework. Please review and revise if needed.
13. There are no ties indicated for the basement areas. Please revise.
14. Please add the word "Deputy".

15. Please add the words “Gartner Tax Properties”.
16. This should SW4. Please revise.
17. Sheet title should indicate 2025.
18. Please adjust this note so it’s not under the linework.
19. Please indicate lot numbers.
20. There should be a call-out for the calculated point. Please revise.
21. General note – Sheets 2 & 3 are drawn at a scale of 1” = 8’. Staff recommends using a standard scale.

If you have any questions, please contact Kristi Fehringer at 735-7332 or email at kfehringer@tfid.org

GARTNER PROPERTIES CONDOMINIUM

Located In
 Lot 7, Block 1
 Eastridge Professional Subdivision
 In
 W² SW ⁴, Section 2
 Township 10 South, Range 17 East
 Boise Meridian
 Twin Falls County, Idaho



2024
 17
 RECEIVED
 AUG - 7 2024
 CITY OF TWIN FALLS
 ENGINEERING DEPT.

0 15 30 60
 SCALE IN FEET

Sheet List Table	
SHEET NUMBER	SHEET TITLE
1 OF 5	PLAT FACE CONDO
2 OF 5	MAIN FLOOR PLAN
3 OF 5	BASEMENT FLOOR PLAN
4 OF 5	CERTIFICATE OF OWNERS
5 OF 5	ACKNOWLEDGEMENTS

Easement Key

- (A) ACCESS, UTILITY & DRAINAGE EASEMENT
 #2000-017910
 (B) UTILITY, DRAINAGE & IRRIGATION
 EASEMENT #2000-017910

Line Table

LINE #	BEARING	DISTANCE
L1	N62°31'01"E	22.87'
L2	S63°07'45"E	23.46'

Legend

- SUBDIVISION BOUNDARY LINE
 SECTION LINE
 EASEMENT LINE
 ADJACENT PROPERTY LINE
 CENTERLINE OF STREET
 TIE LINE
 CALCULATED POINT (NOT SET)
 FOUND 1/2" REBAR (AS NOTED)
 FOUND ALUMINUM CAP
 1 SET COPPER DISC - LS 10110
 SET 5/8" x 24" REBAR
 & CAP - LS 10110
 2 COMMON AREA

Deed References

#2024-002423

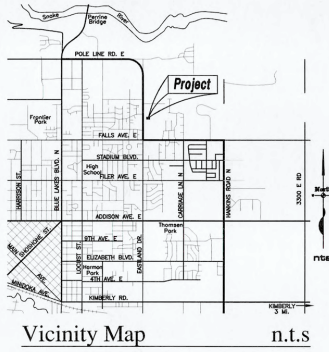
Survey References

- #2011-014841 - EASTRIDGE CONDOMINIUM ASSOCIATION
 SUBDIVISION
 #2009-016228 - EDMUNDS/DENNY OFFICE
 CONDOMINIUM SUBDIVISION
 #2004-012650
 #2000-017910 - EASTRIDGE PROFESSIONAL SUBDIVISION
 #2000-009528 - EASTRIDGE SUBDIVISION

Surveyor's Narrative

THE PURPOSE OF THIS SURVEY IS TO LOCATE AND MONUMENT THE BOUNDARY OF LOT 7, BLOCK 1 AS SHOWN ON THAT MAP ENTITLED "EASTRIDGE PROFESSIONAL SUBDIVISION", RECORDED AS INSTRUMENT NO. 2000-017910 FOR A CONDOMINIUM SUBDIVISION PLAT.

MONUMENTS WERE FOUND AT BOUNDARY CORNERS, SECTION AND QUARTER CORNERS. THESE MONUMENTS ARE OF RECORD PER PREVIOUS RECORD OF SURVEYS AND/OR CORNER PERPETUATION AND FILING RECORDS.



FOUND ALUMINUM CAP
 C.P. #2021-019336

FOUND ALUMINUM CAP
 C.P. #2019-014755

FOUND ALUMINUM CAP
 C.P. #2019-014755

Notes:

THE PHYSICAL BOUNDARIES OF THE UNIT ARE THE INTERIOR SURFACES OF PERIMETER WALLS, FLOOR, CEILINGS, WINDOWS AND DOORS THEREOF SHOWN ON SHEET 2 AND 3 OF THIS CONDOMINIUM PLAT MAP TO BE FILED FOR RECORDING, TOGETHER WITH ALL FIXTURES AND IMPROVEMENTS THEREIN CONTAINED. NOTWITHSTANDING SUCH MARKINGS, THE FOLLOWING ARE NOT PART OF A UNIT: BEARING WALLS, COLUMNS, FLOORS AND ROOFS (EXCEPT FOR THE INTERIOR SURFACE THEREOF, OF A PERIMETER WALL, FLOOR OR CEILING), FOUNDATION, SKYLIGHTS, SHAFTS, CENTRAL HEATING SYSTEMS, RESERVOIRS, TANKS, PUMPS, AND OTHER SERVICES USED BY MORE THAN ONE UNIT, PIPES, VENTS, DUCTS, FLUTES, CHUTES, CONDUITS, WIRES, EXCEPT THE OUTLETS THEREOF WHEN LOCATED WITHIN THE UNIT. THE INTERIOR SURFACES OF A PERIMETER WINDOW OR FLOOR MEANS THE POINTS AT WHICH SUCH SURFACES ARE LOCATED WHEN SUCH WINDOWS OR DOORS ARE CLOSED; THE PHYSICAL WINDOWS AND DOORS THEMSELVES ARE PART OF THE COMMON AREA AS HEREIN DEFINED. IN INTERPRETING THE CONDOMINIUM DECLARATION, THE PLAT AND THE DEED(S), THE EXISTING PHYSICAL BOUNDARIES OF THE UNIT AS ORIGINALLY CONSTRUCTED OR AS RECONSTRUCTED IN LIEU THEREOF SHOULD BE CONCLUSIVELY PRESUMED TO BE ITS BOUNDARIES RATHER THAN THE METES AND BOUNDS EXPRESSED OR DEPICTED IN THE CONDOMINIUM DECLARATION, THE PLAT, OR THE DEED(S) REGARDLESS OF SETTLING OR LATERAL MOVEMENT OF THE BUILDING AND REGARDLESS OF MINOR VARIANCE BETWEEN BOUNDARIES SHOWN IN THE CONDOMINIUM DECLARATION, THE PLAT OR THE DEED(S), AND THE ACTUAL BOUNDARIES OF UNITS IN THE BUILDING.

GARTNER PROPERTIES CONDOMINIUMS DECLARATION RECORDED AS INSTRUMENT NUMBER

Lot 1, Block 1
 Common Area
 15,544.25 S.F.±
 @ Ground

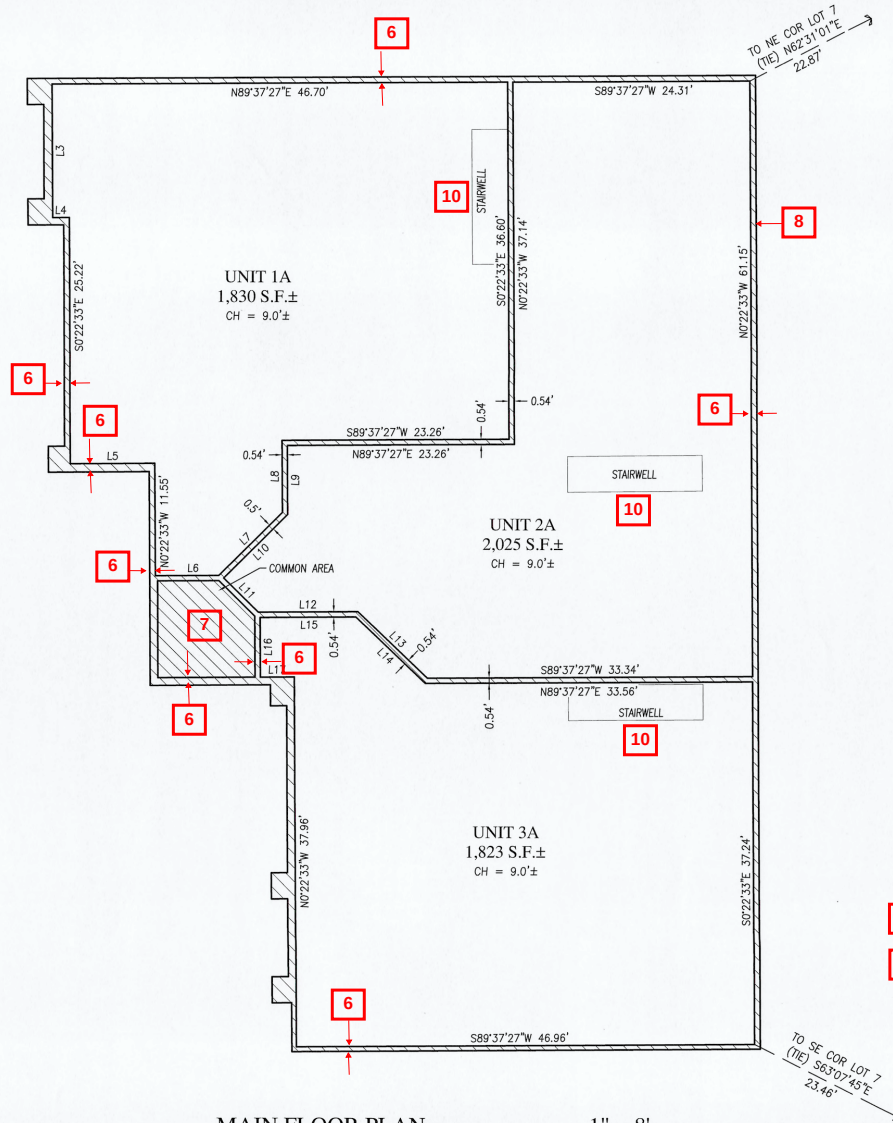
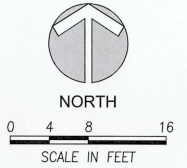
Health Certificate

"SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE TITLE 50, CHAPTER 13, HAVE BEEN SATISFIED BASED ON THE STATE OF IDAHO, DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) APPROVAL OF THE DESIGN PLANS AND SPECIFICATIONS AND THE CONDITIONS IMPOSED ON THE DEVELOPER FOR CONTINUED SATISFACTION OF SANITARY RESTRICTIONS. BUYER IS CAUTIONED AT THE TIME OF THIS APPROVAL, NO DRINKING WATER OR SEWER/SEPTIC FACILITIES WERE CONSTRUCTED. BUILDING CONSTRUCTION CAN BE ALLOWED WITH APPROPRIATE BUILDING PERMITS IF DRINKING WATER OR SEWER FACILITIES HAVE SINCE BEEN CONSTRUCTED OR IF THE DEVELOPER IS SIMULTANEOUSLY CONSTRUCTING THOSE FACILITIES. IF THE DEVELOPER FAILS TO CONSTRUCT FACILITIES OR MEET OTHER CONDITIONS OF DEQ, THEN SANITARY RESTRICTIONS MAY BE RE-IMPOSED, IN ACCORDANCE WITH SECTION 50-1326, IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL, AND NO CONSTRUCTION OF ANY BUILDING OR SHELTER REQUIRING DRINKING WATER OR SEWER/SEPTIC FACILITIES SHALL BE ALLOWED."

DISTRICT HEALTH DEPARTMENT, EHS

DATE:





Line Table

LINE #	BEARING	DISTANCE
L3	S0°22'33"E	13.68'
L4	N89°37'27"E	1.71'
L5	S89°37'27"W	8.67'
L6	S89°37'27"W	6.50'
L7	S45°07'56"W	9.21'
L8	N0°22'33"W	7.40'
L9	N0°22'33"W	7.09'
L10	S45°07'56"W	9.27'
L11	N45°22'33"W	5.00'
L12	N89°37'27"E	10.21'
L13	N46°13'40"W	9.89'
L14	N46°13'40"W	9.89'
L15	N89°37'27"E	9.80'
L16	N0°22'33"W	6.16'
L17	N89°37'27"E	3.50'

Legend

EXTERIOR BUILDING LINE	---
INTERIOR BUILDING LINE	---
TIE LINE	---
STAIRWELL	---
C.H.	---
COMMON AREA - BETWEEN WALLS & CRAWL-SPACE-Entrance Area	---
CEILING HEIGHT	---

NOTES:

- THIS PLAT IS SUBJECT TO THE CONDOMINIUM PROPERTY ACT, TITLE 55, CHAPTER 15, IDAHO CODE.
- THE COMMON AREAS ARE OWNED BY THE OWNERS OF THE CONDOMINIUMS UNITS AS THEIR INTERESTS APPEAR AND ARE SET FORTH IN THE DECLARATIONS PURSUANT TO IDAHO STATE CODE 55-1505(1)(C).
- UNIT DIMENSIONS ARE THE INTERIOR WALL LINES (SUB-FLOORS, FINISHED FACE OF WALLS AND BOTTOM OF FINISHED CEILINGS).
- ALL UNIT LINES ARE PARALLEL AND PERPENDICULAR UNLESS OTHERWISE NOTED.
- EXTERIOR AND INTERIOR WALL THICKNESS VARIES IN WIDTH AND ARE AS SHOWN.
- THE SURVEY TIES TO THE BUILDING SHOWN ON PLAT IS TO THE INSIDE FACE OF THE WALL.
- THE CONDOMINIUM IS SUBJECT TO EASEMENTS, RIGHTS OF WAY, DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR RIVERHAWK PLAZA, A PUD, RECORDED AS INSTRUMENT NUMBER 2010-000396, RECORDS OF TWIN FALLS COUNTY.
- THE UNITS ARE DEFINED AND THIS PLAT IS SUBJECT TO THE DECLARATION OF CONDOMINIUM FOR APEX COMMERCIAL CONDOMINIUMS, RECORDED AS INSTRUMENT NUMBER _____, RECORDS OF TWIN FALLS COUNTY.

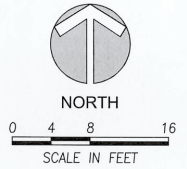
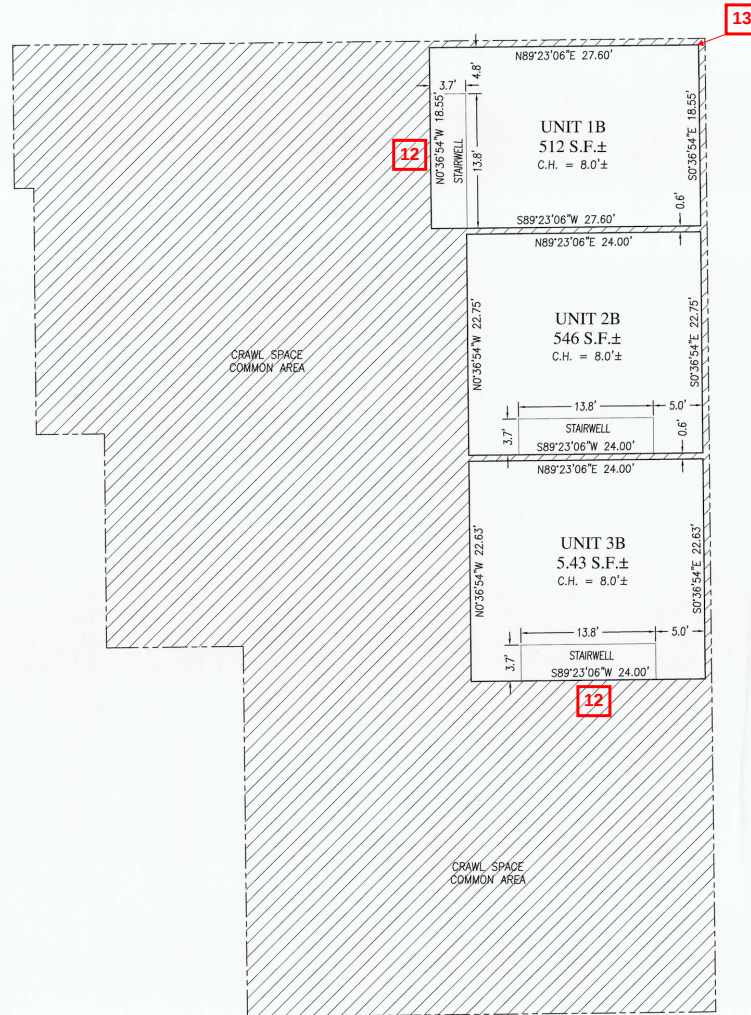
MAIN FLOOR PLAN

1" = 8'



EHM Engineers, Inc.





Legend

EXTERIOR BUILDING LINE	---
INTERIOR BUILDING LINE	---
STAIRWELL	---
C.H.	CEILING HEIGHT
COMMON AREA - BETWEEN WALLS & CRAWL SPACE	///

NOTES:

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- THE COMMON AREAS ARE OWNED BY THE OWNERS OF THE CONDOMINIUMS UNITS AS THEIR INTERESTS APPEAR AND ARE SET FORTH IN THE DECLARATIONS PURSUANT TO IDAHO STATE CODE 55-1505(1)(c).
- UNIT DIMENSIONS ARE THE INTERIOR WALL LINES (SUB-FLOORS, FINISHED FACE OF WALLS AND BOTTOM OF FINISHED CEILINGS).
- ALL UNIT LINES ARE PARALLEL AND PERPENDICULAR UNLESS OTHERWISE NOTED.
- EXTERIOR AND INTERIOR WALL THICKNESS VARIES IN WIDTH AND ARE AS SHOWN.
- THE SURVEY TIES TO THE BUILDING SHOWN ON PLAT IS TO THE INSIDE FACE OF THE WALL.
- THE CONDOMINIUM IS SUBJECT TO EASEMENTS, RIGHTS OF WAY, DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR ~~RIVERHAWK PLAZA, A PUB,~~ RECORDED AS INSTRUMENT NUMBER ~~2010-000396~~, RECORDS OF TWIN FALLS COUNTY.
- THE UNITS ARE DEFINED AND THIS PLAT IS SUBJECT TO THE DECLARATION OF CONDOMINIUM FOR ~~APEX COMMERCIAL CONDOMINIUMS,~~ RECORDED AS INSTRUMENT NUMBER _____, RECORDS OF TWIN FALLS COUNTY.

6

9

BASEMENT FLOOR PLAN

1" = 8'



CERTIFICATE OF OWNERS

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE OWNER OR REPRESENTATIVE OF THE OWNERS IN FEE SIMPLE OF THE FOLLOWING DESCRIBED PROPERTY, BEING ALL OF LOT 7, BLOCK 1 AS SHOWN ON THAT CERTAIN MAP ENTITLED "EASTRIDGE PROFESSIONAL SUBDIVISION", RECORDED NOVEMBER 16, 2000 AS INSTRUMENT NO. 2000-017910 IN THE OFFICE OF THE COUNTY RECORDER OF TWIN FALLS COUNTY, SAID MAP BEING A PORTION OF THE W2 SW4 OF SECTION 2, TOWNSHIP 10 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SW4 OF SAID SECTION 2;
THENCE, ALONG THE WEST BOUNDARY OF SAID SECTION 2, SOUTH 00°29'55" EAST 1137.05 FEET;
THENCE, LEAVING SAID WEST BOUNDARY, NORTH 89°23'06" EAST 238.71 FEET TO THE NORTHWEST CORNER OF SAID LOT 7 AND BEING THE REAL POINT OF BEGINNING;
THENCE, ALONG THE NORTH BOUNDARY OF SAID LOT 7, NORTH 89°23'06" EAST 180.46 FEET TO THE NORTHEAST CORNER THEREOF;
THENCE, ALONG THE EAST BOUNDARY OF SAID LOT 7, SOUTH 00°36'54" EAST 120.00 FEET TO THE SOUTHEAST CORNER THEREOF;
THENCE, ALONG THE SOUTH BOUNDARY OF SAID LOT 7, SOUTH 89°23'06" WEST 180.46 FEET TO THE SOUTHWEST CORNER THEREOF;
THENCE, ALONG THE WEST BOUNDARY OF SAID LOT 7, NORTH 00°36'54" WEST 120.00 FEET TO SAID REAL POINT OF BEGINNING.

THE GROSS AREA CONTAINED IN THIS PLATTED LAND AS DESCRIBED IS 21,656 SQUARE FEET.

IT IS THE INTENTION OF THE UNDERSIGNED TO HEREBY INCLUDE SAID LAND IN THIS PLAT. THAT THE UNDERSIGNED BY THESE PRESENTS DEDICATE TO THE PUBLIC FOR PUBLIC USE FOREVER THE ROAD RIGHT OF WAY AS SHOWN ON THIS PLAT. THE EASEMENTS INDICATED ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHTS TO USE SAID EASEMENTS ARE HEREBY PERPETUALLY RESERVED FOR PUBLIC UTILITIES AND SUCH OTHER USES DESIGNATED ON THIS PLAT.

PURSUANT TO IDAHO CODE 50-1334, WE, THE UNDERSIGNED, AS OWNERS, DO HEREBY STATE THAT THE LOTS ON THIS PLAT ARE ELIGIBLE TO RECEIVE WATER SERVICE FROM THE CITY OF TWIN FALLS MUNICIPAL WATER SYSTEM.

PURSUANT TO IDAHO CODE 31-3805, WE, THE UNDERSIGNED, AS OWNERS, DO HEREBY STATE THAT THE IRRIGATION WATER RIGHTS APPURTENANT AND THE ASSESSMENT OBLIGATION OF THE LANDS IN THIS PLAT HAVE NOT BEEN TRANSFERRED FROM SAID LANDS AND THAT A SATISFACTORY IRRIGATION WATER DELIVERY SYSTEM IS PROVIDED FOR AND HAS BEEN APPROVED BY THE TWIN FALLS CITY COUNCIL. LOTS WITHIN THE SUBDIVISION WILL BE ENTITLED TO WATER RIGHTS AND WILL BE OBLIGATED FOR ASSESSMENTS FROM THE TWIN FALLS CANAL COMPANY.

GARTNER TAX PREPARATION, INC., AN IDAHO CORPORATION

BY: STEPHANIE GARTNER, PRESIDENT

ACKNOWLEDGMENT

STATE OF IDAHO }
COUNTY OF TWIN FALLS } ss

15

ON THIS _____ DAY OF _____, 2024, AT _____ M., BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED STEPHANIE GARTNER, KNOWN OR IDENTIFIED TO ME TO BE THE PRESIDENT OF THE CORPORATION THAT EXECUTED THIS CERTIFICATE OR THE PERSON WHO EXECUTED THE CERTIFICATE ON BEHALF OF SAID CORPORATION, AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC

RESIDING AT

COMMISSION EXPIRES



CERTIFICATE OF SURVEYOR

THIS IS TO CERTIFY THAT I, CHRISTOPHER S. HARMISON, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, MADE THE SURVEY OF THE LAND DESCRIBED IN THE CERTIFICATE OF OWNER AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF SAID SURVEY AS MADE AND STAKED UNDER MY SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.



APPROVAL OF CITY COUNCIL

THIS PLAT WAS ACCEPTED AND APPROVED BY THE CITY COUNCIL OF TWIN FALLS, IDAHO AT THEIR MEETING ON THIS _____ DAY OF _____, 2024.

MAYOR _____ 14 CITY CLERK _____

APPROVAL OF CITY ENGINEER

I HAVE REVIEWED THE ACCOMPANYING PLAT AND HEREBY CERTIFY THAT IT CONFORMS WITH THE APPLICABLE ORDINANCES OF THE CITY OF TWIN FALLS, IDAHO.

CITY ENGINEER _____ ATTEST _____

COUNTY SURVEYOR'S CERTIFICATE

I, THE UNDERSIGNED, PROFESSIONAL LAND SURVEYOR FOR TWIN FALLS COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATED TO PLATS AND SURVEYS.

GEORGE A. YERION _____ PLS# _____ DATE _____
PROFESSIONAL LAND SURVEYOR

ACKNOWLEDGMENT

STATE OF _____ } ss
COUNTY OF _____ }

ON THIS _____ DAY OF _____, 2024, AT _____ M., BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED GEORGE A. YERION, PERSONALLY KNOWN OR IDENTIFIED TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC _____

RESIDING AT _____

COMMISSION EXPIRES _____

COUNTY TREASURER'S CERTIFICATE

I, _____, COUNTY TREASURER IN AND FOR THE COUNTY OF TWIN FALLS, IDAHO PER THE REQUIREMENTS OF IDAHO CODE 50-1308, DO HEREBY CERTIFY THAT ALL COUNTY PROPERTY TAXES DUE FOR THE PROPERTY INCLUDED IN THIS PLAT HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY DAYS ONLY.

COUNTY TREASURER _____ DATE _____

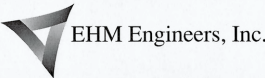
COUNTY RECORDER'S CERTIFICATE

INSTRUMENT NO. _____

STATE OF IDAHO _____ } ss
COUNTY OF TWIN FALLS }

ON THIS _____ DAY OF _____, 2024, AT _____ M., THE FOREGOING PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF TWIN FALLS COUNTY, IDAHO AND DULY RECORDED IN PLAT BOOK _____, ON PAGE _____.

DEPUTY _____ EX-OFFICIO RECORDER _____





BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:	)	
	)	
<u>Final Plat</u> Application,	)	FINDINGS OF FACT,
	)	
<u>Jack's 612 Subdivision</u>	)	CONCLUSIONS OF LAW,
Applicant(s).	)	
	)	AND DECISION

This matter having come before the City Council of the City of Twin Falls, Idaho on December 23, 2025, for consideration of the final plat of the Jack's 612 Subdivision, approximately 0.471 (+/-) acres located at 612 Jackson St, and the City Council having heard testimony from interested parties, having received written Findings from the Planning and Zoning Commission and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has requested approval of the final plat of the Jack's 612 Subdivision, approximately 0.471 (+/-) acres located at 612 Jackson St.
2. The property in question is zoned R-4 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Town Neighborhood in the duly adopted Comprehensive Plan of the City of Twin Falls.
3. The existing neighboring land uses in the immediate area of this property are: to the north, R-2; to the south, R-2; to the east, R-2; to the west, R-2.
4. The City Engineering Office has reviewed the final plat and has approved the proposed street accesses and public utility extensions, subject to availability of such services at the time of development. The developer will pay all costs of public improvements, including but not limited to streets, curb gutter and sidewalks, sewer, water and pressurized irrigation systems. The proposed development includes dedication of additional right-of-way in compliance with the Master Street Plan.

Based on the foregoing Findings of Fact and the regulations and standards set forth below, the City Council hereby makes the following

CONCLUSIONS OF LAW

1. The final plat of the Jack's 612 Subdivision, approximately 0.471 (+/-) acres located at 612 Jackson St is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.

2. The final plat is in conformance with the Comprehensive Plan as required by Twin Falls City Code §10-12-2.3(H)(2)(a).

3. Public services are currently available to accommodate the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (b). Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity.

4. The development of streets, sewer, water, irrigation, dedication of park land and other public improvements at the cost of the developer will not adversely affect any capital improvement plan and will integrate with existing public facilities, as required by Twin Falls City Code §10-12-2.3(H)(2)(c).

5. There is sufficient public financial capability of supporting services for the proposed development, as required by Twin Falls City Code §10-12-2.3(H)(2)(d).

6. There are no other health, safety or environmental problems associated with the proposed development that were brought to the City Council's attention, per Twin Falls City Code §10-12- 2.3(H)(2)(e).

7. The final plat is in conformance with the Preliminary Plat. Based on the foregoing Conclusions of Law, the Twin Falls City Council hereby enters the following

DECISION

The request for approval of the final plat of the Jack's 612 Subdivision, approximately 0.471 (+/-) acres located at 612 Jackson St is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

"EXHIBIT NO. A"

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards; and
2. Subject to submittal of a final plat, showing compliance with all conditions and comments in Engineering Memorandum dated December 6, 2024; prior to City signing the Myar drawings.



Date: Monday, January 27, 2025
To: Honorable Mayor and City Council
From: Brent Wright

ACTION ITEM

Request:

Request to adopt Ordinance #O-2025-0001 for an amendment to the current Twin Falls City Code Title 3, Chapter 4.

Time Estimate:

Approximately five (5) minutes for presentation and questions.

Background:

In February 2024, the City Council directed the Twin Falls Police Department to review the current city code governing Pawnshops, Brokers, and Secondhand Dealers and make recommendations about possible revisions. The current code was last reviewed and updated in 2012.

On April 16, 2024, May 22, 2024, and January 10, 2025, public meetings were held to address various aspects of the current ordinance, assess its effectiveness, and explore potential areas for improvement. The ultimate goal was to ensure that the ordinance aligns with our community's evolving needs and dynamics while also supporting the interests of local businesses. Further emphasis was placed on ensuring the ordinance was compliant with changes in the Idaho Code regarding the regulation of firearms. On January 10, 2025, a final public meeting was held to finalize the proposed updates.

We believe these provisions are more consistent with the Idaho Code. Further, the Idaho Attorney General's Office has commented that the general changes made to the ordinance would be compliant with Idaho Code regarding the regulation of firearms.

Approval Process:

In order to enact this ordinance today, the Council would need to suspend the rules and place it on third and final reading by motion, with majority consent.

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

The ordinance has been reviewed by legal staff and we recommend its adoption.

Attachments:

1. Pawn Broker Code Changes Ordinance 0-2025-001
2. Pawn Broker Code Highlighted Changes

ORDINANCE NO. 0-2025-0001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, ID PROVIDING FOR THE AMENDMENT OF TWIN FALLS CITY CODE TITLE 3, CHAPTER 4 TO MAKE THESE PROVISIONS MORE CONSISTENT WITH IDAHO CODE

WHEREAS, the current sections of Title 3, Chapter 4 of the Twin Falls City Code were enacted between 1998 and 2012, and

WHEREAS, through the enactment of various laws by the Idaho Legislature, some of these City Code provisions have become inconsistent with state law; and

WHEREAS, the City Council desires that the City Code be consistent with state law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

That Chapter 4 of Title 3 of the Twin Falls City Code regulating Pawnshops, Brokers and Secondhand Dealers be amended as follows:

3-4-1: DEFINITIONS:

PAWNBROKER: Every person, firm, association or corporation engaged in conducting, managing or carrying on the business of loaning or advancing money, check or draft for money, for himself or for another, upon deposit or purchase of personal property, personal security, pawns, pledges, bailment or other valuable thing, excluding firearms, or who deals in purchasing articles of personal property or other valuable thing, excluding firearms, on condition of reselling or agreeing to resell such articles to the vendors or their assigns at a stipulated price, or who loans money secured by chattel mortgage or personal property, having possession of the property, or any portion or part thereof mortgaged or who advertises by use of pawnbroker's sign, or by advertising "unredeemed pledges", or by any other expression designating pawnbroker's business, shall, for all intents and purposes under this chapter, be declared to be a pawnbroker within the meaning of this chapter. This section shall only apply to Type 02 Federal Firearms License holders.

FIREARMS: The term "firearms" includes any weapon designed to expel a projectile by explosive action, the frame or receiver of such a weapon, firearm silencers, and destructive devices, excluding antiques 18 U.S.C. § 921(a)(3). This definition shall also include any legal firearm accessory attached to the weapon, regardless of whether it is serialized.

PAWNSHOP: Any room, store or place in which any such business of "pawnbroker" as defined herein is engaged in, carried on or conducted.

SECONDHAND DEALER: Any person, firm, association or corporation who buys, accepts as trade, or otherwise deals in secondhand tools, goods, wares, merchandise

or other articles and things usually found in a secondhand store, other than recording media. The following are specifically excluded from the definition of secondhand dealer:

(A) Dealers in new merchandise who do not pay in cash for used property, but allow their patrons an exchange value when making a sale of new goods of the same type.

(B) Dealers in antique goods who do not purchase electronic equipment, tools, coins or precious jewelry.

(C) Rummage sales, garage sales and yard sales conducted on a temporary basis (not more than 10 days).

(D) Any person, firm, association or corporation that accepts or receives, as donation only, and does not pay in cash for any property, clothing, furniture, or any other valuable thing.

SECONDHAND STORE: Any room, store or place in which any such business of "secondhand dealer" as defined herein is engaged in, carried on or conducted. (Ord. 2591, 9-8-1998, eff. 10-1-1998)

3-4-2: LICENSE, APPLICATION AND PROCEDURE:

(A) License Required: It shall be unlawful for any person to engage, conduct, keep, manage or operate any pawnshop or secondhand store without having first obtained a license therefor as provided for in this chapter and which is in full force and effect.

(B) Application: An application for such license shall be made in writing to the city clerk in such form and manner as may be prescribed.

(C) Partnership, Corporation Or Association: When application for a license is made by or on behalf of a partnership, corporation or association, such application shall be made by the manager, officer, agent or other person who will have the direct charge and management of such pawnshop or secondhand store.

(D) Investigation: Upon receipt of an application for a license, the police department shall cause an investigation to be made of the applicant.

(E) Issuance Of License: Upon completion of such investigation, if the police department finds that the license applicant complies with the required qualifications set forth in this chapter, the city clerk shall issue a license. Licenses shall not be transferable either as to person or place.

(F) License Fees:

1. Regular License: The city clerk shall collect before the issuance of any license or renewal thereof an annual fee of five hundred dollars (\$500.00). If a license is

granted pursuant to an application filed after June 30 of any year, the license fee for the balance of such year shall be two hundred fifty dollars (\$250.00).

Each license shall remain in full force and effect until relinquished, suspended, revoked or expired. Every licensee, on or before each January 31, shall pay the city clerk five hundred dollars (\$500.00) for each license held by him/her as the annual fee for the succeeding calendar year.

2. Limited License: For those secondhand dealers who purchase not more than ten (10) transactions of secondhand goods per month, the annual license fee shall be fifty dollars (\$50.00).

(G) Age Requirement: No license shall be issued to any person who is not eighteen (18) years of age or older.

(H) License Denial; Refund: If any license applicant is denied a license for any reason, the required license fee shall be refunded to the applicant. No license fee shall be refunded as result of any suspension, revocation or for any license that is voluntarily surrendered by the holder of such license.

(I) Location Requirements: No license shall be issued to any person for any proposed location that does not comply with the planning and zoning regulations and fire codes established by the city, county and the state. (Ord. 2591, 9-8-1998, eff. 10-1-1998)

(J) Criminal History: To determine the suitability of prospective applicants for pawnshop, pawnbroker and secondhand dealer licenses, the police department shall require an applicant to provide information necessary to perform a local Twin Falls city background check, warrant check and a check of the Idaho Courts online records system. (Ord. 2720, 4-22-2002)

3-4-3: QUALIFICATIONS:

Every applicant and every employee of an applicant shall meet the following minimum qualifications:

(A) Must be over the age of eighteen (18) years.

(B) Must not have had a city pawnbroker's business license or similar permit or license revoked or suspended by the city or any other state or local agency within three (3) years prior to the date of the application.

(C) Must not have been convicted within the preceding five (5) years of:

1. Any felony or crime that would be deemed a felony according to the laws of the state.

2. Theft in any degree.

3. Obscene or lewd conduct.

(D) Must provide all information needed by the police department to perform a background investigation.

(E) The police department shall investigate the aforementioned qualifications pursuant to this chapter and shall report to the city clerk its recommendations. The city clerk shall, if the applicant complies with the licensing requirements, issue a license to the applicant upon the payment of the proper fee. (Ord. 3036, 8-27-2012)

3-4-5: RECORDS:

(A) Every pawnbroker or secondhand dealer, except dealers of secondhand clothing, shall keep a record of every article pledged, consigned, or traded with him/her, sold to him/her, or received by him/her. The requirements of this provision do not include firearms, though pawnbrokers or secondhand dealers may keep such records of firearms.

(B) This record shall be open to the inspection of any city police officer at any time during the hours of business. Such record shall be completed on a form specified by the city. (Ord. 2591, 9-8-1998, eff. 10-1-1998)

(C) Upon the purchase, pledge or receipt of any property or article said record shall be completed. One copy of said record shall be retained by said pawnbroker or secondhand dealer for a period of twelve (12) months from the date said form is completed. One copy of said record shall be provided to the seller, pledger, trader or consignor. No entry on such record shall be altered, erased, obliterated, or defaced, and all property described in the record shall be open to the inspection of any city police officer during business hours. Original records shall be free of any staples, tape or other items that may deface, obliterate, or damage said record. A complete and accurate description of the property shall be reported to "LeadsOnline.com" within twenty-four (24) hours of receipt. While not mandatory, submitting details of firearms transactions into LeadsOnline is highly encouraged. This voluntary submission helps enhance public safety by aiding in the recovery of lost or stolen firearms. (Ord. 3036, 8-27-2012)

(D) Each record of purchase, pledge, trade, consign or receipt of property or articles shall contain an accurate description of the property or article and the person from whom it was received. Said record shall also contain the following information:

1. Name, address and telephone number of the pawnshop or secondhand store.
2. Last name, first name and middle initial, complete residence address, phone number, date of birth, height, weight, sex, hair color and eye color of the seller, pledger, or any person from whom any property or article was received. (Ord. 2591, 9-8-1998, eff. 10-1-1998)
3. The driver's license number and the state of issue, or official state of Idaho identification, or official United States military identification, or passport, with photograph and signature block of the seller, pledger, trader, consignor. (Ord. 2016-12, 10-10-2016)
4. The date of the transaction; the amount of loan, purchase, pledge, trade or consign; the interest amount and terms of any loan or pledge.

5. A complete description of the property or article purchased, pledged, traded or consigned, to include, brand name or make, model, serial number, model number, owner applied number or other engravings, vehicle identification number, type and color. (No record shall contain more than 6 article or property entries.)

6. Signature lines or space for the execution by pawnbroker, secondhand dealer and the seller, pledger, trader or consignor, or any person from whom property was received.

7. A space shall be provided and shall bear a legible ink, chemical, or other acceptable impression of the right or left thumbprint of the seller, pledger, trader, consignor, or any person from whom property was received.

(E) Every record shall be completed and signed by the pawnbroker, secondhand dealer or employee and the seller, pledger, trader, or consignor at the time of execution. The pawnbroker or secondhand dealer shall compare the signature upon the required identification with that upon the record. The signature by the seller, pledger, trader, or consignor shall be a certification that the described property or article has not been obtained by illegal means and is free and clear of any encumbrances.

(F) This Section shall apply to all secondhand merchandise, pledges, articles or property for trade or resale, but shall not apply to articles of new merchandise purchased directly from the manufacturers, wholesale dealers or distributors having established places of business or of any purchase in the open market or secured from any persons doing business and having an established place of business in the City. Such goods, however, shall be accompanied by a bill of sale or other evidence of legitimate purchase and must be shown to any City police officer upon request.

(G) Each record issued shall be numbered consecutively, and if stubs are used in connection with such records, such stubs shall be numbered consecutively to conform to the tickets.

(H) Any pawnbroker or secondhand dealer receiving in pledges or otherwise any article, shall affix to said article a tag, and upon such tag shall be written a number in legible characters. Such number shall correspond to the number in the record required to be kept by him/her. (Ord. 2591, 9-8-1998, eff. 10-1-1998)

3-4-7: SALES:

No personal article, property or other valuable thing, pledged to, purchased by, received in trade by or deposited with any pawnbroker or secondhand dealer at this place of business shall be sold from such place of business for a period of at least thirty (30) days after being so acquired; provided, this Section shall not apply to firearms or new merchandise purchased from manufacturers or wholesale dealers having established places of business or any purchase in the open market or secured from any person doing business and having an established place of business in the City. Such goods, however, shall be accompanied by a bill of sale or other evidence of legitimate purchase

and must be shown to any City police officer upon request. (Ord. 2591, 9-8-1998, eff. 10-1-1998)

3-4-8: RESTRAINTMENT OF SALES; NOTICE FROM POLICE DEPARTMENT:

(A) Whenever the Chief of Police or any City police officer shall notify any pawnbroker or secondhand dealer in writing that certain property is alleged to be stolen, such property (excluding firearms) shall not be sold or permitted to be redeemed or otherwise released for a period of thirty (30) days from the date of such notice, but such notice may be renewed for an additional thirty (30) day period or periods.

(B) Written notice of hold shall bear the date, accurate description of held property, requesting agency case number, name of business where questioned item is held, amount owed to pawnbroker or secondhand dealer, name of person property was received from and the requesting officer's name and agency. A duplicate copy of this information shall be left with the pawnbroker or secondhand dealer at the time an item is placed on hold. (Ord. 2591, 9-8-1998, eff. 10-1-1998)

Passed By the City Council

_____, 2025

Signed by the Mayor

_____, 2025

Mayor

CHAPTER 4 PAWNSHOPS, BROKERS AND SECONDHAND DEALERS

SECTION:

3-4-1: Definitions

3-4-2: License, Application And Procedure

3-4-3: Qualifications

3-4-4: Display And Inspection Of License

3-4-5: Records

3-4-6: Prohibited Dealings

3-4-7: Sales

3-4-8: Restraintment Of Sales; Notice From Police Department

3-4-9: Forfeitures

3-4-10: Reports To Police Department

3-4-11: Closing Hours

3-4-12: Stolen Property; Return To True Owner

3-4-13: Managerial Responsibility

3-4-14: Appeal Of City Clerk's Decision

3-4-15: Violations And Penalty

3-4-16: Revocation Of License

3-4-1: DEFINITIONS:

PAWNBROKER: Every person, firm, association or corporation engaged in conducting, managing or carrying on the business of loaning or advancing money, check or draft for money, for himself or for another, upon deposit or purchase of personal property, personal security, pawns, pledges, bailment or other valuable thing, excluding firearms, or who deals in purchasing articles of personal property or other valuable thing, excluding firearms, on condition of reselling or agreeing to resell such articles to the vendors or their assigns at a stipulated price, or who loans money secured by chattel mortgage or personal property, having possession of the property, or any portion or part thereof mortgaged or who advertises by use of pawnbroker's sign, or by advertising "unredeemed pledges", or by any other expression designating pawnbroker's business, shall, for all intents and purposes under this chapter, be declared to be a pawnbroker

within the meaning of this chapter. This section shall only apply to Type 02 Federal Firearms License holders.

FIREARMS: The term "firearms" includes any weapon designed to expel a projectile by explosive action, the frame or receiver of such a weapon, firearm silencers, and destructive devices, excluding antiques 18 U.S.C. § 921(a)(3). This definition shall also include any legal firearm accessory attached to the weapon, regardless of whether it is serialized.

PAWNSHOP: Any room, store or place in which any such business of "pawnbroker" as defined herein is engaged in, carried on or conducted.

SECONDHAND DEALER: Any person, firm, association or corporation who buys, accepts as trade, or otherwise deals in secondhand tools, goods, wares, merchandise or other articles and things usually found in a secondhand store, other than recording media. The following are specifically excluded from the definition of secondhand dealer:

(A) Dealers in new merchandise who do not pay in cash for used property, but allow their patrons an exchange value when making a sale of new goods of the same type.

(B) Dealers in antique goods who do not purchase electronic equipment, tools, ~~guns,~~ coins or precious jewelry.

(C) Rummage sales, garage sales and yard sales conducted on a temporary basis (not more than 10 days).

(D) Any person, firm, association or corporation that accepts or receives, as donation only, and does not pay in cash for any property, clothing, furniture, or any other valuable thing.

SECONDHAND STORE: Any room, store or place in which any such business of "secondhand dealer" as defined herein is engaged in, carried on or conducted. (Ord. 2591, 9-8-1998, eff. 10-1-1998)

3-4-2: LICENSE, APPLICATION AND PROCEDURE:

(A) License Required: It shall be unlawful for any person to engage, conduct, keep, manage or operate any pawnshop or secondhand store without having first obtained a license therefor as provided for in this chapter and which is in full force and effect.

(B) Application: An application for such license shall be made in writing to the city clerk in such form and manner as may be prescribed. ~~An applicant who was not licensed by this chapter for the year immediately preceding the current application shall be required to be fingerprinted by the city's police department. Cost of taking and processing such fingerprints shall be borne by the applicant.~~

(C) Partnership, Corporation Or Association: When application for a license is made by or on behalf of a partnership, corporation or association, such application shall be made by the manager, officer, agent or other person who will have the direct charge and management of such pawnshop or secondhand store.

(D) Investigation: Upon receipt of an application for a license, the police department shall cause an investigation to be made of the applicant.

(E) Issuance Of License, ~~Provisional License~~: Upon completion of such investigation, if the police department finds that the license applicant complies with the required qualifications set forth in this chapter, the city clerk shall issue a license. Licenses shall not be transferable either as to person or place. ~~A provisional license may be issued pending completion of the required investigation.~~

(F) License Fees:

1. Regular License: The city clerk shall collect before the issuance of any license or renewal thereof an annual fee of five hundred dollars (\$500.00). If a license is granted pursuant to an application filed after June 30 of any year, the license fee for the balance of such year shall be two hundred fifty dollars (\$250.00).

Each license shall remain in full force and effect until relinquished, suspended, revoked or expired. Every licensee, on or before each January 31, shall pay the city clerk five hundred dollars (\$500.00) for each license held by him/her as the annual fee for the succeeding calendar year.

2. Limited License: For those secondhand dealers who purchase not more than ten (10) transactions of secondhand goods per month, the annual license fee shall be fifty dollars (\$50.00).

(G) Age Requirement: No license shall be issued to any person who is not eighteen (18) years of age or older.

(H) License Denial; Refund: If any license applicant is denied a license for any reason, the required license fee shall be refunded to the applicant. No license fee shall be refunded as result of any suspension, revocation or for any license that is voluntarily surrendered by the holder of such license.

(I) Location Requirements: No license shall be issued to any person for any proposed location that does not comply with the planning and zoning regulations and fire codes established by the city, county and the state. (Ord. 2591, 9-8-1998, eff. 10-1-1998)

(J) Criminal History; ~~State And Federal~~: To determine the suitability of prospective applicants for pawnshop, pawnbroker and secondhand dealer licenses, the police department shall require an applicant to provide information ~~and fingerprints necessary to obtain criminal history information from the Idaho state police and the federal bureau of investigation. Pursuant to section 67-3008, Idaho Code, and congressional enactment public law 92-544, the police department shall submit a set of fingerprints obtained from the applicant and the required fees to the Idaho state police,~~

~~bureau of criminal identification, for a criminal records check of state and national databases. The submission of fingerprints and information required by this subsection shall be on forms prescribed by the Idaho state police. The police department is authorized to receive criminal history information from the Idaho state police and from the federal bureau of investigation for the purpose of evaluating the fitness of applicants for pawnshop, pawnbroker and secondhand dealer licenses. As required by state and federal law, further dissemination or other use of the criminal history information is prohibited.~~necessary to perform a local Twin Falls city background check, warrant check and a check of the Idaho Courts online records system. (Ord. 2720, 4-22-2002)

3-4-3: QUALIFICATIONS:

Every applicant and every employee of an applicant shall meet the following minimum qualifications:

- (A) Must be over the age of eighteen (18) years.
- (B) Must not have had a city pawnbroker's business license or similar permit or license revoked or suspended by the city or any other state or local agency within three (3) years prior to the date of the application.
- (C) Must not have been convicted within the preceding five (5) years of:
 - 1. Any felony or crime that would be deemed a felony according to the laws of the state.
 - 2. Theft in any degree.
 - 3. Obscene or lewd conduct.
- (D) Must provide ~~fingerprints and all other~~ information needed by the police department to perform a background investigation, ~~as provided for in subsection 3-4-2(J) of this chapter.~~
- (E) The police department shall investigate the aforementioned qualifications pursuant to this chapter and shall report to the city clerk its recommendations. The city clerk shall, if the applicant complies with the licensing requirements, issue a license to the applicant upon the payment of the proper fee. (Ord. 3036, 8-27-2012)

3-4-5: RECORDS:

- (A) Every pawnbroker or secondhand dealer, except dealers of secondhand clothing, shall keep a record of every article pledged, consigned, or traded with him/her, sold to him/her, or received by him/her. The requirements of this provision do not include firearms, though pawnbrokers or secondhand dealers may keep such records of firearms.

(B) This record shall be open to the inspection of any city police officer at any time during the hours of business. Such record shall be completed on a form specified by the city. (Ord. 2591, 9-8-1998, eff. 10-1-1998)

(C) Upon the purchase, pledge or receipt of any property or article said record shall be completed. One copy of said record shall be retained by said pawnbroker or secondhand dealer for a period of twelve (12) months from the date said form is completed. One copy of said record shall be provided to the seller, pledger, trader or consignor. No entry on such record shall be altered, erased, obliterated, or defaced, and all property described in the record shall be open to the inspection of any city police officer during business hours. Original records shall be free of any staples, tape or other items that may deface, obliterate, or damage said record. A complete and accurate description of the property shall be reported to "LeadsOnline.com" within twenty ~~four~~ (24) hours of receipt. four (24) hours of receipt. While not mandatory, submitting details of firearms transactions into LeadsOnline is highly encouraged. This voluntary submission helps enhance public safety by aiding in the recovery of lost or stolen firearms. (Ord. 3036, 8-27-2012)

(D) Each record of purchase, pledge, trade, consign or receipt of property or articles shall contain an accurate description of the property or article and the person from whom it was received. Said record shall also contain the following information:

1. Name, address and telephone number of the pawnshop or secondhand store.
2. Last name, first name and middle initial, complete residence address, phone number, date of birth, height, weight, sex, hair color and eye color of the seller, pledger, or any person from whom any property or article was received. (Ord. 2591, 9-8-1998, eff. 10-1-1998)
3. The driver's license number and the state of issue, or official state of Idaho identification, or official United States military identification, or passport, with photograph and signature block of the seller, pledger, trader, consignor. (Ord. 2016-12, 10-10-2016)
4. The date of the transaction; the amount of loan, purchase, pledge, trade or consign; the interest amount and terms of any loan or pledge.
5. A complete description of the property or article purchased, pledged, traded or consigned, to include, brand name or make, model, serial number, model number, owner applied number or other engravings, vehicle identification number, type and color. (No record shall contain more than 6 article or property entries.)
6. Signature lines or space for the execution by pawnbroker, secondhand dealer and the seller, pledger, trader or consignor, or any person from whom property was received.
7. A space shall be provided and shall bear a legible ink, chemical, or other acceptable impression of the right or left thumbprint of the seller, pledger, trader, consignor, or any person from whom property was received.

(E) Every record shall be completed and signed by the pawnbroker, secondhand dealer or employee and the seller, pledger, trader, or consignor at the time of execution. The pawnbroker or secondhand dealer shall compare the signature upon the required identification with that upon the record. The signature by the seller, pledger, trader, or consignor shall be a certification that the described property or article has not been obtained by illegal means and is free and clear of any encumbrances.

(F) This Section shall apply to all secondhand merchandise, pledges, articles or property for trade or resale, but shall not apply to articles of new merchandise purchased directly from the manufacturers, wholesale dealers or distributors having established places of business or of any purchase in the open market or secured from any persons doing business and having an established place of business in the City. Such goods, however, shall be accompanied by a bill of sale or other evidence of legitimate purchase and must be shown to any City police officer upon request.

(G) Each record issued shall be numbered consecutively, and if stubs are used in connection with such records, such stubs shall be numbered consecutively to conform to the tickets.

(H) Any pawnbroker or secondhand dealer receiving in pledges or otherwise any article, shall affix to said article a tag, and upon such tag shall be written a number in legible characters. Such number shall correspond to the number in the record required to be kept by him/her. (Ord. 2591, 9-8-1998, eff. 10-1-1998)

3-4-7: SALES:

No personal article, property or other valuable thing, pledged to, purchased by, received in trade by or deposited with any pawnbroker or secondhand dealer at this place of business shall be sold from such place of business for a period of at least thirty (30) days after being so acquired; provided, this Section shall not apply to ~~guns regulated by ATF, or to firearms or~~ new merchandise purchased from manufacturers or wholesale dealers having established places of business or any purchase in the open market or secured from any person doing business and having an established place of business in the City. Such goods, however, shall be accompanied by a bill of sale or other evidence of legitimate purchase and must be shown to any City police officer upon request. (Ord. 2591, 9-8-1998, eff. 10-1-1998)

3-4-8: RESTRAINTMENT OF SALES; NOTICE FROM POLICE DEPARTMENT:

(A) Whenever the Chief of Police or any City police officer shall notify any pawnbroker or secondhand dealer in writing that certain property is alleged to be stolen, such property (excluding firearms) shall not be sold or permitted to be redeemed or otherwise released for a period of thirty (30) days from the date of such notice, but such notice may be renewed for an additional thirty (30) day period or periods.

(B) Written notice of hold shall bear the date, accurate description of held property, requesting agency case number, name of business where questioned item is held, amount owed to pawnbroker or secondhand dealer, name of person property was received from and the requesting officer's name and agency. A duplicate copy of this information shall be left with the pawnbroker or secondhand dealer at the time an item is placed on hold. (Ord. 2591, 9-8-1998, eff. 10-1-1998)



Date: Monday, January 27, 2025
To: Honorable Mayor and City Council
From: Mitch Humble, Deputy City Manager

ACTION ITEM

Request:

A request to approve the ranking of Construction Manager/General Contractor candidates for the City Pool remodel project and authorize staff to negotiate a contract with the top ranked firm, Core Construction.

Time Estimate:

The presentation should take about 5 minutes. Some additional time may be needed for discussion.

Background:

The FY 2025 budget includes \$1.2 million to complete a remodel of the support building at the City Pool. The remodel is needed to modernize the locker rooms and to create additional unisex and family style changing rooms to better accommodate the needs of our growing community. The City's architect for the project, Cole Architects, has recommended that the City pursue a Construction Manager/General Contractor (CM/GC) delivery method for this project. The City has successfully utilized the CM/GC method several times over the past several years on projects like the City Hall construction, Police Department buildings, Fire Stations, and City Shop remodel. Due to our past successful uses of this delivery method, we elected to use a CM/GC again for this project.

City staff published a request for CM/GC applicants to submit their qualifications for consideration for the pool remodel project. We were pleased to see that seven construction companies submitted. After reviewing the initial submittals, four of those construction companies were asked to interview with an employee panel made up of Mitch Humble, Wendy Davis, Chance Munns, John Pauley, Matthew Long, and Trent Essex. Following the interviews, the panel collectively ranked the four construction companies in the following order: 1) Core Construction, 2) Starr Corporation, 3) Faber Construction, and 4) Wright Brothers Construction. The voting was very close, and we felt fortunate to have had a great selection of construction companies submit for consideration. All four companies would do a good job, if given the opportunity. However, Core Construction was very well prepared for the interview and stood out as being an excellent choice to move forward with.

Approval Process:

A simple majority vote of the Council is needed to approve this request.

Budget Impact:

There is no budget impact associated with this request. However, upon a successful negotiation with Core Construction, Staff will bring a contract back to the Council for approval. That contract will obligate the City to pay Core Construction the agreed upon price to be the City's CM/GC for the City Pool remodel project. Core Construction's fee will be paid out of the project funding that is included in the FY2025 Budget.

Regulatory Impact:

Idaho Code 67-2320 identifies the CM/GC construction method as an acceptable construction delivery method for cities. Per the statute, the City must rank the firms in order of qualification and then negotiate a scope of services and a price for the service with the top ranked applicant. Should the City and applicant fail to agree to terms, then the City can stop negotiating and move on to the second ranked company, and so on until a contract can be agreed upon. In our experience, we have never needed to move to the second ranked applicant. We are confident that we can agree on terms with Core Construction.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the Council approve the ranking of the CM/GC candidates as described above and authorize staff to begin negotiating with Core Construction for the City Pool remodel project.

Attachments:

None



Date: Monday, January 27, 2025
To: Honorable Mayor and City Council
From: William Klaver, Senior City Planner

ACTION ITEM

Request:

Request to adopt ordinance #O-2025-0002 for a Zoning Development Agreement Amendment on property located at 2035 Washington St N.

Time Estimate:

Approximately five (5) minutes for presentation and questions.

Background:

On September 10, 2024, the Planning and Zoning Commission sent a positive recommendation to the City Council for the Zoning Development Agreement Amendment to specify lot sizes for each building.

On October 14, 2024, City Council heard, deliberated and approved the Zoning Development Agreement Amendment to specify lot sizes for each building on property located at 2035 Washington St N, as requested by the applicant.

Approval Process:

Idaho Code requires that an ordinance be read on three separate days prior to its passage. Two of the readings can be satisfied by reading the title only. Further, Idaho Code allows the reading rules to be dispensed if "one half (1/2) plus one (1) of the members of the full council" authorize the action. Should the council wish to approve the ordinance this evening a motion to dispense with the rules would have to be approved by five or more council members, prior to a vote on the passage of the ordinance.

Suggested motion language if dispensing the rules. SAMPLE motion: "*I move that we dispense with the reading rules and place Ordinance 2025-002 on third and final reading by title only.*"

If five or more council members approve dispensing with the rules, then the title must be read, followed by a motion on approval: SAMPLE motion: "*I move that we approve Ordinance 2025-002 as presented.*"

Budget Impact:

N/A

Regulatory Impact:

The passing of this ordinance will change the Zoning Development Agreement Amendment of the property and new rules will apply to this property in regards to land use and other development criteria.

History:

N/A

Analysis:

N/A

Conclusion:

As directed by Council, staff has prepared an ordinance to finalize the Zoning District Agreement Amendment process.

Attachments:

1. O-2025-0002 ZDA Amend
2. PZ24-0081 Fed Point ZDA amendment 11-19-24

ORDINANCE NO. O-2025-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, **REZONING** CERTAIN REAL PROPERTY BELOW DESCRIBED, PROVIDING THE ZONING CLASSIFICATION THEREFORE, AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT

WHEREAS, Federation Point Property LLC/Buckley Real Estate Inc. has made application to amend the Federation Point Zoning Development Agreement and Conceptual Plan to specify lot sizes for each building on property located at 2035 Washington St N; City of Twin Falls, and an amendment of the revised Area of Impact and Comprehensive Plan Land Use Map; and,

WHEREAS, the City Planning & Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 10th day of September 2024, to consider the Zoning Designation and necessary Zoning & Planning Map amendment upon a rezone of the real property below described, and an amendment to the revised area of Impact and Comprehensive Plan Land Use Map; and,

WHEREAS, the City Planning & Zoning Commission has made recommendations known to the City Council for Twin Falls, Idaho; and,

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 14th day of October, 2024.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TWIN FALLS, IDAHO:

SECTION 1. The Federation Point Zoning Development Agreement and Conceptual Plan is amended to specify lot sizes for each building on property located at 2035 Washington St N.

"Exhibit A"-Legal Description - Rezone Boundary

"Exhibit B"-Zoning Development Agreement

SECTION 2. That the Area of Impact and Zoning Districts Map for the City of Twin Falls, Idaho, be and the same area hereby amended to reflect the rezoning designation of the real property above described.

SECTION 3. Public services may not be available at the time of development of this property, depending upon the speed of development of this and other developments, and the ability of the City to obtain additional water and/or sewer capacity. The annexation of this property shall not constitute a commitment by the City to provide water and/or wastewater services.

PASSED BY THE CITY COUNCIL _____, 20____

SIGNED BY THE MAYOR _____, 20____

Mayor

ATTEST:

Deputy City Clerk

PUBLISH: Thursday, _____, 20____

Exhibit A

**LEGAL DESCRIPTION
Rezone Boundary
TWIN FALLS COUNTY, IDAHO**

BEING ALL OF LOT 7, BLOCK 1 AS SHOWN ON THAT CERTAIN MAP ENTITLED "FEDERATION POINT SUBDIVISION", RECORDED APRIL 27, 2022 AS INSTRUMENT NO. 2022-008141 IN THE OFFICE OF THE COUNTY RECORDER OF TWIN FALLS COUNTY, SAID LOT 7 BEING A PORTION OF THE NE4 SE4 OF SECTION 32, TOWNSHIP 9 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 32;
THENCE, ALONG THE EAST BOUNDARY OF THE SE4 OF SAID SECTION 32, SOUTH 00°00'00" EAST 662.96 FEET TO THE SOUTHEAST CORNER OF SAID MAP;
THENCE, ALONG THE SOUTH BOUNDARY OF SAID MAP, NORTH 89°48'21" WEST 39.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7 AND BEING THE **REAL POINT OF BEGINNING**;
THENCE, ALONG THE SOUTH BOUNDARY OF SAID LOT 7, NORTH 89°48'21" WEST 646.43 FEET TO THE SOUTHWEST CORNER THEREOF;
THENCE, ALONG THE WEST BOUNDARY OF SAID LOT 7, NORTH 00°34'11" EAST 302.37 FEET;
THENCE, CONTINUING ALONG SAID WEST BOUNDARY, NORTH 00°03'41" EAST 133.11 FEET TO THE NORTHWEST CORNER THEREOF;
THENCE, ALONG THE NORTH BOUNDARY OF SAID LOT 7, SOUTH 89°48'21" EAST 488.20 FEET;
THENCE, CONTINUING ALONG SAID NORTH BOUNDARY, SOUTH 00°09'26" WEST 79.98 FEET;
THENCE, CONTINUING ALONG SAID NORTH BOUNDARY, SOUTH 89°48'21" EAST 155.30 FEET TO THE NORTHEAST CORNER THEREOF;
THENCE, ALONG THE EAST BOUNDARY OF SAID LOT 7, SOUTH 00°00'00" EAST 355.50 FEET TO SAID **REAL POINT OF BEGINNING**.

CONTAINING APPROXIMATELY 6.16 ACRES.

END OF DESCRIPTION



November 19, 2024

Will Klaver, Senior Planner
City of Twin Falls Planning and Zoning Dept.
203 Main Avenue East
Twin Falls, Idaho 83301

Re.: Federation Point
ZDA Amendment

Will,

Please find accompanying the ZDA Amendment document with signatures in place. I know you've been waiting for this to move us forward. I apologize for the extended wait.

Please place on the Council's agenda for approval. After recordation please forward a copy for our records. Thank you.

Sincerely,

Tim Vawser
EHM Engineers, Inc.

RECEIVED

NOV 19 2024

CITY OF TWIN FALLS
ENGINEERING DEPT.

621 North College Rd., Suite 100 • Twin Falls, Idaho 83301 • [208] 734-4888 • Fax [208] 734-6049
3501 W. Elder St., Suite 100 • Boise, Idaho 83705 • [208] 386-9170 • Fax [208] 386-9076

IN THE FIELDS OF:
PLANNING • SURVEYING • HIGHWAYS • WATER • SEWAGE • STRUCTURAL • SUBDIVISIONS • BRIDGES • ENVIRONMENTAL • QUALITY CONTROL • CONSTRUCTION MGMT.

Exhibit B
Amendment to
Federation Point, ZDA
A Residential Mixed Use and Limited Commercial
Zoning Development Agreement

THIS AGREEMENT, made and entered into this 5th day of November, 2024, by and between the **CITY OF TWIN FALLS**, a municipal corporation, State of Idaho (hereinafter called "City"), and **FEDERATION POINT, LLC**, an Idaho limited liability company and **BUCKLEY REAL ESTATE, INC**, an Idaho Corporation (hereinafter called "Developers"), whose address is 1460 W. Swede Bay Rd., Coeur D Alene, Idaho 83814.

RECITALS

WHEREAS, the Developers are the owners and the equitable title holders to certain tracts of land in the City of Twin Falls, County of Twin Falls, State of Idaho, more particularly described in Exhibit A attached hereto. The subject land is located in Lot 7, Block 1, Federation Point Subdivision, a ZDA as depicted in and included as Exhibit A (hereinafter referred to as "Property") and;

WHEREAS, the Developers wish to amend and modify the permitted uses within the existing Zoning Development Agreement and;

WHEREAS, the City, by and through its City Council, has agreed to the development of said land and agreed to amendment of the permitted land uses within the City of Twin Falls, Idaho, subject to certain terms, conditions and understandings, which conditions and understandings are the subject of this Agreement.

COVENANTS

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the Developers and the City agree as follows:

1. Section 3. Subsection B.2. shall be amended and modified to read as follows:
 2. Multi-family Residential: The lot/parcel area shall be a minimum of six and one-tenth (6.1) acres and shall contain 19 fourplex buildings and 7 duplex buildings with a total of 90 residential units per 6.1 acre parcel as depicted upon the master development plan included as Exhibit B. Fourplex and duplex buildings may be

placed on any individual lot or parcel provided the lot/parcel area of any individual lot or parcel shall not be less than 8,000 square feet in area nor shall the combined total of buildings or units exceed the amount previously stated within this section nor shall the total land area be less than 6.1 acres.

IN WITNESS WHEREOF, the City has affixed its seal and caused these presents to be executed by its Mayor on the date above written.

“CITY”
CITY OF TWIN FALLS

By: _____
Mayor

ATTEST:

City Clerk

“DEVELOPERS”

Federation Point, LLC

By: _____ 11/15/24
David H. Scaggs, Member
Authorized Signer

Buckley Real Estate Inc.

By: _____
Stan Buckley, President

STATE OF IDAHO)
 ss.
County of Twin Falls)

On this _____ day of _____, 20____ before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____ and _____, Known or identified to me, to be the Mayor and City Clerk, respectively, of the CITY OF TWIN FALLS, IDAHO, that executed the said instrument, and acknowledged to me that such City executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

By: _____

NOTARY PUBLIC FOR IDAHO

Residing at _____

My commission expires _____

STATE OF IDAHO)
 ss.
County of Twin Falls)

On this _____ day of _____, 20____ before me, the undersigned, a Notary Public in and for said County and State, personally appeared David H. Scaggs, known or identified to me, to be the person who subscribed the foregoing instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

NOTARY PUBLIC FOR IDAHO

Residing at _____

My commission expires _____

See Attached
Notarial Certificate

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of

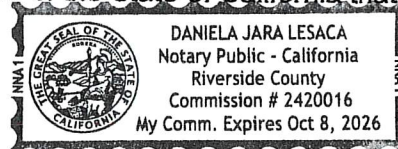
Riverside

On November 15 2024 before me, Daniela Jara Lesaca, Notary Public
(insert name and title of the officer)

personally appeared David H. Scaggs
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

Daniela Jara Lesaca

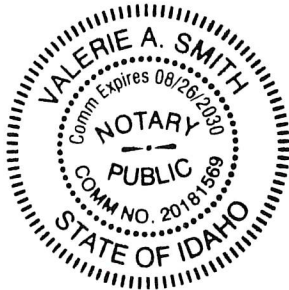
(Seal)

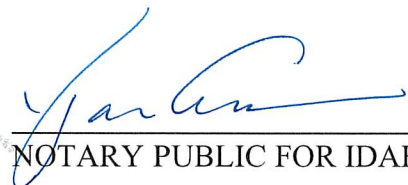
Document: Amendment to Federation Point, ZDA

STATE OF IDAHO)
 ss.
County of Twin Falls)

On this 28th day of OCTOBER, 2024 before me, the undersigned, a Notary Public in and for said County and State, personally appeared Stan V. Buckley, known or identified to me, to be the person who subscribed the foregoing instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



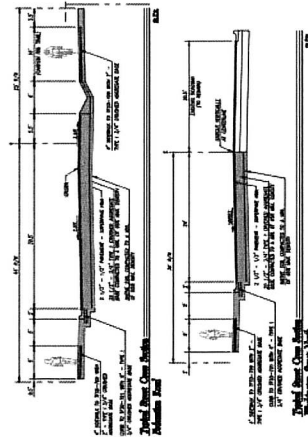


NOTARY PUBLIC FOR IDAHO
Residing at TWIN FALLS, ID
My commission expires 8.26.2030

**EXHIBIT A
LEGAL DESCRIPTION
TWIN FALLS COUNTY, IDAHO**

Being all of Lot 7, Block 1 as shown on that certain map entitled "Federation Point Subdivision, a ZDA", recorded April 27, 2022 as Instrument No. 2022-008141 in the office of the County Recorder of Twin Falls County, more particularly described as follows:

End of Description

[illegible]

NEW YORK, N.Y.

FOR LOT 7 AS SHOWN ON THIS PLAN.

[illegible]

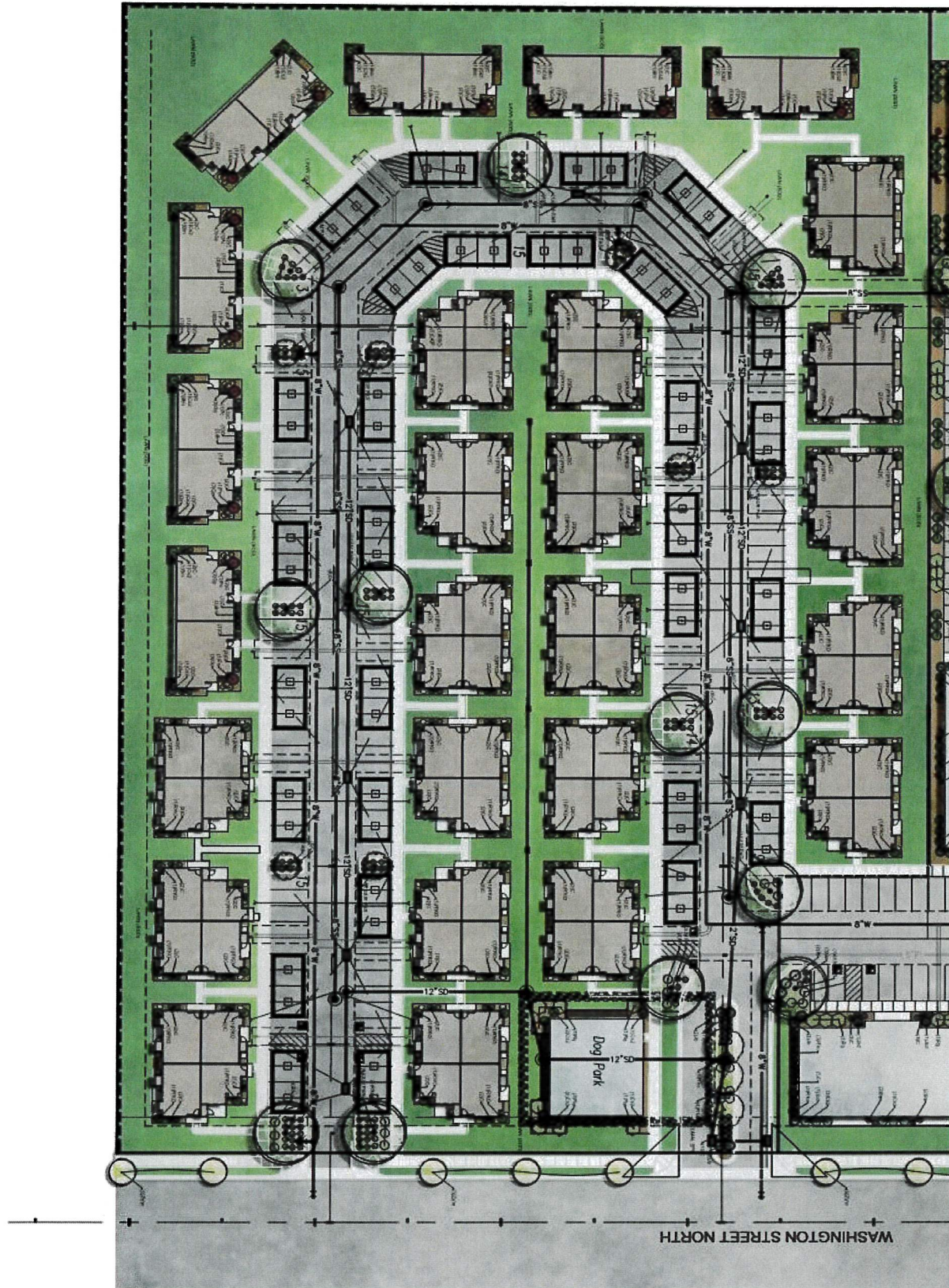
Class From Attribute Data

**Site Utilities Limited to Accommodate
Gun Prop. Design in Lots 1 thru 6, &
Preserve Indigenous Substrata**

[illegible][illegible]

Master Development Fee For
Federation Point Subdivision
An Amendment To A Zoning Development Agreement

60 HOT SCALE SHOWN	CONFIRMED SMALL PORT ALL TRANSACTIONS AND INFLUENCE IN THE AIR BUS AND INTER THE COUNTRIES OF AIR TRANSPORT THROUGH COMPANIES OR IN- FLUENCED BY AIR TRANSPORT ON TRANSPORTING AIR TRIP.	RECEIVED 2/21/73 FOR PMS CBT 02/23/73 AIRBUS DEPT. RECD AIRBUS DEPT.
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FEDERATION POINT AMENDED ZDA
EXHIBIT B-2



Date: Monday, January 27, 2025
To: Honorable Mayor and City Council
From: Troy Vitek, City Engineer , City Engineer

ACTION ITEM

Request:

A request to adopt an ordinance amending City Code Title 7, Chapter 8, Sections 3 and 4 regarding the use of potable water for irrigation purposes.

Time Estimate:

Staff Estimates 10 minutes to explain the request

Background:

In the history of Twin Falls, landscaping has often been watered out of the homeowner's residence through the potable water system. In order to extend the water system into the foreseeable future, a previous council changed City Code so that any new development would have to install a pressure irrigation system, including piping and a pumping system to utilize canal water in lieu of potable water. This has been extremely successful in extending the availability of potable water. However, it has resulted in many smaller pressure irrigation stations that fall to the City for maintenance and upkeep, and it is taxing our personnel resources differently. At one time the development community chose instead of doing larger regional stations to the City standards, to do small private stations. Some of these private stations are being well maintained and continue to perform however others have not had the same care and engineering is concerned that when these are no longer performing, residents will connect to the potable water system to avoid losing the landscaping.

City Code 10-12-4-2 (P) "encourages" regional stations, but this is a large financial burden for one developer to undertake on their own while still maintaining the original irrigation system installed at the beginning of Twin Falls. Due to this concern, Engineering has worked with JUB to develop a proposal that the City and development community have reviewed and found to be a fair compromise for the City to build future Pressure Irrigation stations as the funds in lieu of construction come in, while the development community can continue to make progression on the rest of the development. In order to accommodate this change, a temporary connection to the potable water system will be necessary to supply water to the PI mains until there are sufficient funds for the City to construct a pressure irrigation station. City Code sections 7-8-3 and 7-8-4 have language that prevents this connection, even temporary. I am requesting that the Council modify the Code so that the City Engineer can negotiate and allow a potable connection.

It is important to note that City has allowed temporary potable water connections to pressure irrigation delivery lines for several years. Past City attorneys have interpreted City Code sections 7-8-3 and 7-8-4 differently than our current City Attorney. The direction from the current City Attorney is that the code is clear that potable water cannot be used for irrigation, and the Council cannot approve such a connection because that violates the Code. past connections were approved by the Council in development agreements. The current City Attorney indicated that if the City would like to continue to allow these temporary potable water connections, then we should amend the Code to allow them. The attached ordinance provides that Code amendment. Staff recommends that the Council adopt the attached ordinance.

Approval Process:

Should the Council elect to approve this request and adopt the proposed ordinance tonight, a motion is necessary to:

"Suspend the reading rules and place ordinance number ____ on third and final reading by title only."

That motion will require a super-majority vote to approve. If that motion is approved, the Mayor can then read the title of the ordinance into the record, and then a simple majority vote of the Council is needed to actually adopt the ordinance.

Budget Impact:

There is no significant budget impact associated with this request.

Regulatory Impact:

If this request is approved tonight, City Code 7-8-3 and 4 will be amended to allow the use of potable water for irrigation if that use is first approved by the City Engineer.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the City Council adopt the attached ordinance as presented, amending City Code 7-8-3 and 7-8-4 to allow the use of potable water for irrigation if approved by the City Engineer.

Attachments:

1. Ordinance - 7-8-3 and 4 potable water for irrigation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING CITY CODE BY AMENDING TITLE 7, CHAPTER 8, SECTIONS 3 AND 4 REGARDING THE USE OF POTABLE WATER FOR IRRIGATION.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

Section 1: That Twin Falls City Code Title 7, Chapter 8, Section 3, Subsection (F) is amended as follows (underlined text is new and ~~struck through~~ text is deleted):

(F) Notwithstanding the foregoing, the use of the city's potable water supply as the primary source of irrigation water in all new developments shall be prohibited, unless negotiated and approved by the City Engineer. For purposes of this subsection, the term "new development" means any new subdivision or ZDA, or any development of any parcel of land of two (2) acres or larger that is not part of a subdivision or ZDA.

Section 2: That Twin Falls City Code Title 7, Chapter 8, Section 4, Subsection (E) is amended as follows (underlined text is new and ~~struck through~~ text is deleted):

(E) Notwithstanding the foregoing, the use of the city's potable water supply as the primary source of irrigation water in all new developments shall be prohibited, unless negotiated and approved by the City Engineer. For purposes of this subsection, the term "new development" means any new subdivision or ZDA, or any development of any parcel of land of two (2) acres or larger that is not part of a subdivision or ZDA.

PASSED BY THE CITY COUNCIL _____, 2025.

SIGNED BY THE MAYOR _____, 2025.

MAYOR

ATTEST:

DEPUTY CITY CLERK



Date: Monday, January 27, 2025
To: Honorable Mayor and City Council
From: Troy Vitek, City Engineer , City Engineer

ACTION ITEM

Request:

A request to negotiate on the open market for the Rock Creek Sewer Crossing project and to use wastewater reserves to complete the project in the amount of \$550,890.

Time Estimate:

Staff estimates 10 minutes for the presentation and questions.

Background:

There is a sewer main that crosses rock creek south of Addison Avenue. This main was installed decades ago and was presumed to be private since installation and therefore was never maintained by the City of Twin Falls. There is no private partnership maintaining the crossing which has resulted in a deteriorated pipe that on occasion has had leakage onto the property it crosses which causes concern to the environment. Upon further determination with a long research project on how this came to be, it is now believed this is a City of Twin Falls sewer line that needs immediate attention. This was found out beyond last year's budget season, which would have allowed Public Works to put money towards a fix and is currently not included in the 2025 budget. One of my requests tonight is to request the use of Waste Water reserves to be utilized for design, inspection, purchase of an easement, and construction of a replacement pipeline.

Engineering followed state code and bid the project as required. Receiving no bids, Engineering recommends council authorize staff to negotiate on the open market to complete the work as planned.

Approval Process:

A simple majority vote of the Council in favor of using wastewater reserves to fund the project and allowing the City Engineer to negotiate on the open market for a contractor to perform the work is needed to approve this request.

Budget Impact:

As described herein, this project is not funded in the FY2025 budget. Approval of this request will authorize the use of \$550,890 from wastewater reserves. The wastewater reserve fund has more than enough funds to accommodate this request.

Regulatory Impact:

City staff has completed the statutorily required public bidding process with no bidders. Since there were no bidders, the Council can authorize the staff to negotiate on the open market for a contractor. Approval of this request will provide that authorization.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the Council approve the request as presented, allowing the City Engineer to negotiate on the open market with contractors to perform the work, and authorizing the use of wastewater reserves in the amount of \$550,890.

Attachments:

1. Screenshot 2024-03-28 at 10-49-49 Map

650 ADDISON AVE W

630 ADDISON AVE W

ADDISON AVE W

659 ADDISON AVE W

MORRISON ST

MORRISON ST

MORRISON ST

131 GRANDVIEW DR

136 MORRISON ST

MORRISON ST

B4-69

MORRISON ST

763 ADDISON AVE W

787 ADDISON AVE W

X: -12745781.233, Y: 5245787.688



Date: Monday, January 27, 2025
To: Honorable Mayor and City Council
From: Ruth Pierce, Mayor, Mayor

ACTION ITEM

Request:

A request to confirm the Mayor's appointment of City Manager Travis Rothweiler to serve as a member of the policy board for the Magic Valley Metropolitan Planning Organization.

Time Estimate:

The presentation for this request will take about five minutes. Some additional time may be needed for discussion.

Background:

The Magic Valley Metropolitan Planning Organization (MVMPO) is an independent entity whose operations and business affairs are guided by a governing body consisting of representatives from the eight entities, including the City of Kimberly (3), the City of Twin Falls (4), Twin Falls County (1), Twin Falls Highway District (1), Idaho Transportation Department – District 4 (1), Hillsdale Highway District (1), Jerome County (1), and the Jerome Highway District (1). The City of Twin Falls will have four seats on the policy board. Those positions will be appointed by the Mayor and confirmed by the members of the City Council.

The Mayor is requesting confirmation of Travis Rothweiler to serve an additional three (3) year appointment. Mayor Ruth Pierce has 2 years left in her term on the MVMPO Board. Vice Mayor Jason Brown and Clark Kauffman both have one year remaining.

Approval Process:

A simple majority vote of the Council is needed to approve this request.

Budget Impact:

There is no financial impact associated with this appointment. The City of Twin Falls has four seats on the MVMPO policy board. The total cost to the City is \$20,601, or \$5,150.25 per seat.

Regulatory Impact:

The Metropolitan Planning Organization for the Twin Falls Urbanized Area is created in accordance with the federal and regulatory requirements specified in 23 USC 134, CFR 23 Part 450 Subpart A - C, and CFR 49 Part 613 Subpart A. MVMPO by-laws govern the number of seats.

History:

N/A

Analysis:

N/A

Conclusion:

The Mayor recommends that the City Council confirm her appointment of Travis Rothweiler as a member of the MVMPO policy board. Staff supports the mayor's recommendation.

Attachments:

None



Date: Monday, January 27, 2025
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.

On December 17, 2024, the Planning and Zoning Commission recommended approval with a vote of 4-0.

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 Council is tasked with making a decision on the proposed text amendment. The Council may approve, approve with conditions, deny, or table the item to a date certain.

Sample main motions:

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

Attachments:

1. PZ24-0133 Proposed Parking Regulations
2. PZ24-0133 Proposed Parking Overlay Boundaries
3. PZ24-0133 Current Parking Regulations (Chapter 10) - 12.9.24
4. PZ24-0133 Planning and Zoning Commission Minutes

5. PZ24-0133 Public Comment #1 - 1.21.25

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.

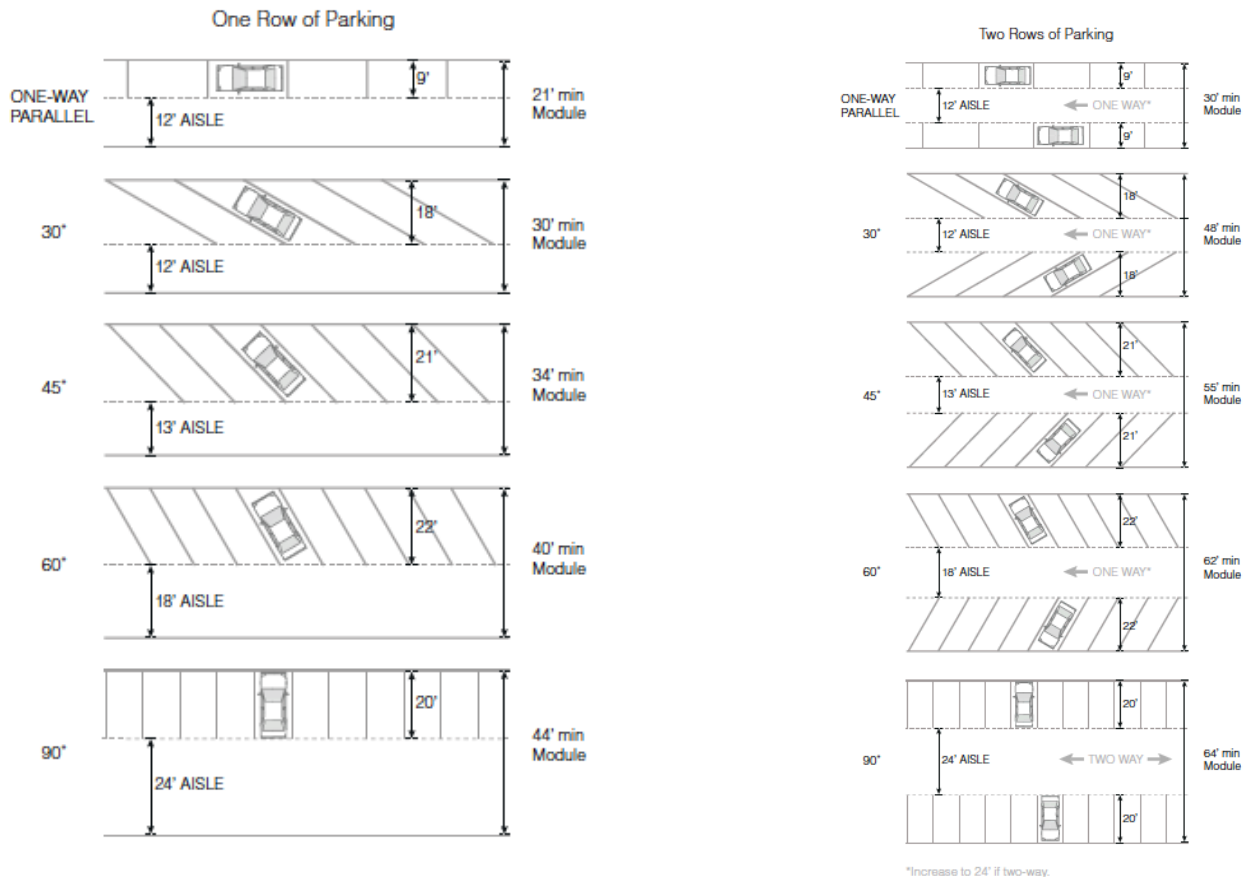
Due to the desire of the city to retain the character of the P3 district special consideration may be given on a case by case basis to the parking requirements, if the standard requirements cannot be applied. Examples of special consideration may be a variance, leased parking, and remote parking.

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

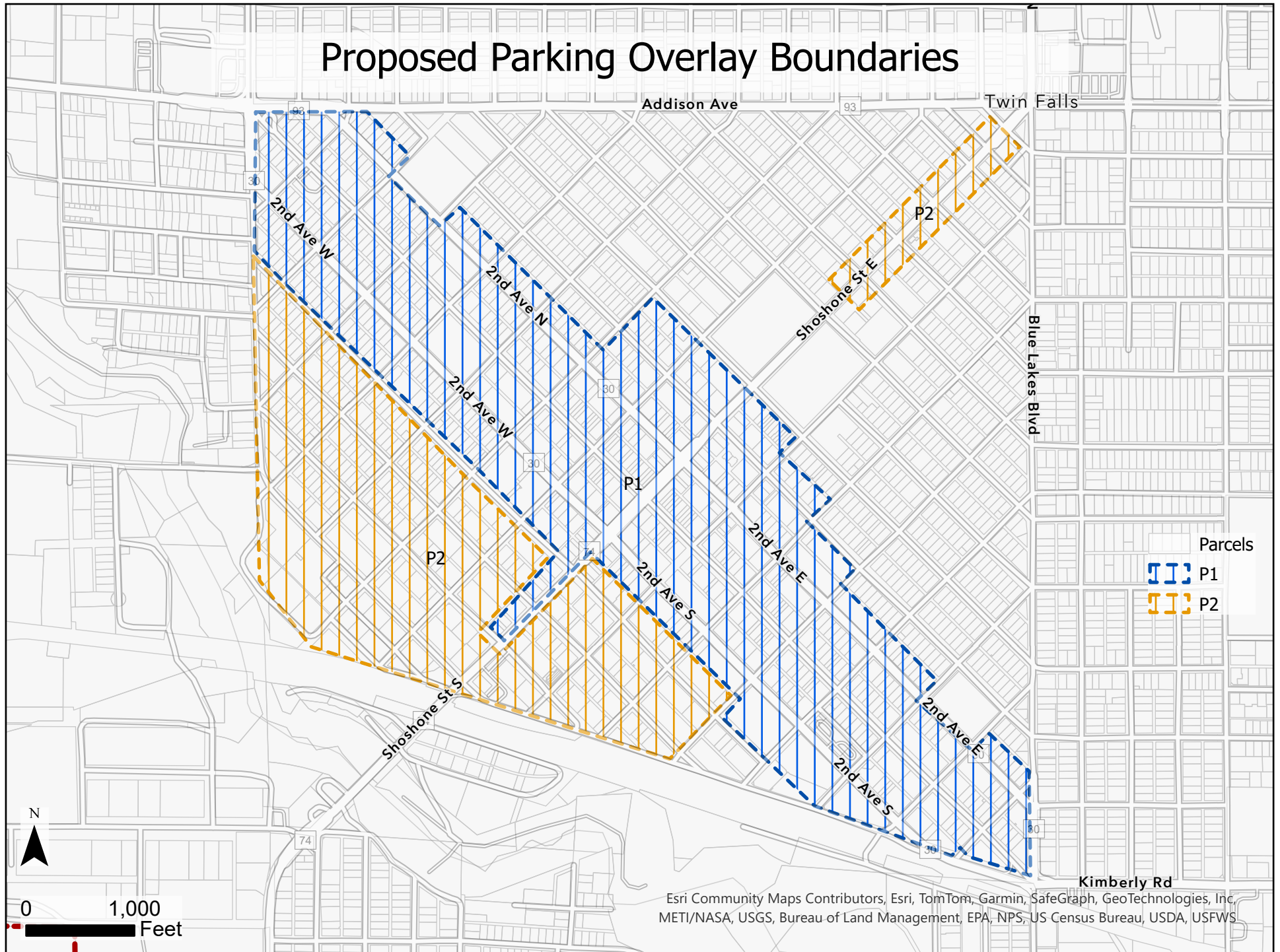
- C. A single stacking space shall be provided after the final window, order board, or stopping points, to allow vehicles to pull clear of the transaction area prior to entering an intersecting on-site driveway or maneuvering aisle. Buildings and other structures shall be set back a minimum of ten feet 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.

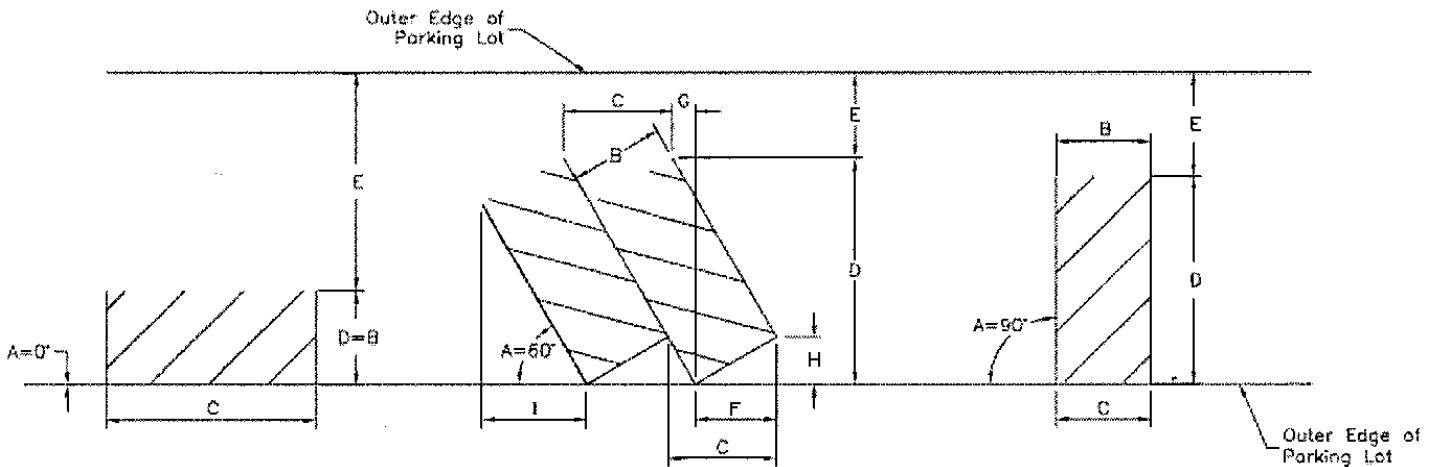
An escape lane shall be provided for any use containing a drive-through facility. An escape lane shall be nine feet (9') wide and shall provide access around the drive- through facility. An escape lane may be part of a circulation aisle. (Ord. 3076, 8-11-2014)

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)



Twin Falls Planning & Zoning Commission Minutes

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

NAME called the meeting to order at 06:00 PM

Members Attending: Titus, Campbell, Rambur, Zimmerman

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

2) Conflict of Interest Declaration

3) Consent Calendar

- a) Approval of the minutes from the following meeting: December 3, 2024.

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

Commissioner Zimmerman seconded the motion.

4) Items of Consideration

5) Public Hearings

- a) 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.

Staff Presentation:

Planner Ebersole presented the 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.

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.

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.

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.

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.

PZ/Questions & Comments:

- Chairperson Titus asked if they would come back if they build anything else.
- Planner Ebersole replied they would not if it's outright permitted.
- Commissioner Rambur asked if they had anything in mind for the north part.
- Planner Ebersole stated they would have to ask the applicant.
- Vice-Chair Campbell asked about the crosswalk.
- City Engineer Vitek explained the City will work with applicant for the crosswalk if it is safe and needed.
- Chairperson Titus asked if there is a time limit on when the crosswalk can be built.
- City Engineer Vitek answered if there is an issue on Harrison then it will be needed and looked at again.
- Director Spendlove replied there is no time limit with the way the permit is written.

Applicant Presentation:

Katrina Kulm presented on behalf of the applicant. They feel the size of the school will not cause issues with traffic. The landscape will be moved to the outer perimeter. They only have 480 kids chartered for the school. The school busses 60% of the kids. Monica White co-founder of Elevate Academy. The safety of kids is a concern they take serious. They will help stage with parents the first few weeks to teach the flow to parents.

PZ/Questions & Comments:

- Chairperson Titus asked about the staff and size.
- Monica White replied they have 42 staff members.
- Chairperson Titus asked how many car spaces will they have.
- Monica White stated they have 144 junior and seniors with about half driving.
- Katrina Kulm answered they have 112 spaces on site.

- Chairperson Titus asked if it's the same owner for the entire lot. She asked where the sidewalk to the north would connect.
- Director Spendlove answered that it's not close.
- Vice-Chair Campbell asked about the landscape plan
- Planner Ebersole replied it's not a specific condition and they proposed an alternate location.
- Director Spendlove clarified that landscaping will probably not be on the frontage of Harrison with a ditch running along that area.
- Chairperson Titus asked if the landscape needs to be on the frontage.
- Director Spendlove explained that landscaping has a percentage that will require a certain amount of trees.

Public Hearing: Opened

- Richard Dean is the neighbor. He feels the traffic is already a problem. He stated the land slopes and how will they get the sewage to the road. He asked about the irrigation ditch and if it will be piped or open. He uses the runoff water currently and thinks this will cause a problem for him. He would like it denied until they answer his questions.
- Pete Johnston has some concerns. He thinks this will be troubled youth. Are they from out of town, if they are he doesn't want them here. He feels there are enough schools. Parking will be an issue if the students are driving and parking at the school. Harrison has enough traffic.
- Tami Walker feels the school is needed and the students are local. She feels the traffic will work.
- Katrina Kulm stated they have been working with all the departments in the City to solve any issues that might arise with the school. They will continue to work with city staff.
- Vice-Chair Campbell asked about the other locations and were they comparable to this area.
- Monica White stated the one in Idaho falls shares a fence and they've had no issues. Post Falls is a block off a main road with no issues. Caldwell is across from water department and have no issues. Nampa is on a main road and they have no issues there either.
- Vice-Chair Campbell asked if the parking spaces and canal drainage will be sufficient.
- Katrina Kulm stated they have similar layouts and the parking works. No other locations have needed overflow.
- Justin Scott (phone) has been working with the irrigation district. It is outside their district and is considered a user canal/ditch but will continue to work with them. Middle schools and High schools have to have enough to meet code. They will make sure concerns are addressed.
- Chairperson Titus asked about the sloping of land.
- Director Spendlove replied that the grade runoff/stormwater generated from their property will have to be maintained by them. Harrison is a collector and there will be no parking at some point.
- Commissioner Zimmerman asked if there is a turn lane on Harrison.

- Director Spendlove stated it is not painted but there is room. Middle School has a right turn into the school.
- Commissioner Zimmerman asked if the commission can make a request for one.
- City Engineer Vitek answered that if the traffic is enough the city would do it.

Public Hearing: Closed

Discussions Followed:

- Commissioner Rambur feels that this falls in R-4 zone and complies with comprehensive plan and is confident the city will address any issues.
- Vice-Chair Campbell likes that they are using similar site plans that have worked in other areas.
- Chairperson Titus likes that it will come back if it's an issue but thinks it looks good. Her only concerns are infrastructure.

MOTION: Vice-Chair Campbell moved to approve the request for a Special Use Permit for a public charter school on property located at Harison Street South c/o Katrina Kulm, Erstad Architects. Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

Landscape

- Commissioner Rambur feels like the city will make sure it works.
- Chairperson Titus stated if the frontage won't work does anyone have any specifications.
- Commissioner Rambur feels the applicant wants this to look good so they will do what it takes to meet requirements and look good.

MOTION: Vice-Chair Campbell moved to approve the alternative landscape plan on property located at Harrison Street South c/o Katrina Kulm, Erstad Architects. Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

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

Staff Presentation:

Senior Planner Klaver presented the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 5 "Parking Regulations".

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.

N/A

N/A

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 _____.*

Public Hearing: Opened and closed with no public input.

Discussions Followed:

Commission agrees with the stacking requirements and feels it will be easier. Tandem parking for residential will be better.

MOTION: Commissioner Rambur moved to approve the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 5 "Parking Regulations". Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

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

Staff Presentation:

Senior Planner Klaver presented the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 6 "Landscaping Regulations".

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.

N/A

N/A

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 _____.*

Public Hearing: Opened and closed with no public input

Discussions Followed:

Commission would like city staff to review and report back on the male to female ratio to reduce allergens.

MOTION: Vice-Chair Campbell moved to table the item to January 14, 2025. Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

- d) Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 7, "Required Improvements of Development".

Staff Presentation:

Senior Planner Klaver presented the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 7, "Required Improvements of Development".

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.

N/A

N/A

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 _____.*

Public Hearing: Opened and closed with no public input

Discussions Followed:

MOTION: Commissioner Rambur moved to approve the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 7, "Required Improvements of Development. Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

- e) Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 12, "Floodplain Regulations".

Staff Presentation:

Senior Planner Klaver presented the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 12, "Floodplain Regulations".

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.

N/A

N/A

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 _____.*

Public Hearing: Opened and closed with no public input

Discussions Followed:

MOTION: Commissioner Rambur moved to approve the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 12, "Floodplain Regulations". Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

6) Upcoming Meeting(s)

- a) January 8, 2025 - Work Session
January 14, 2025

7) Adjournment

The meeting adjourned at 08:10 PM

Jody Green

Jody Green, Planning Technician

Will Klaver

From: Fran Florence <fran@keytoidaho.com>
Sent: Tuesday, January 21, 2025 2:02 PM
To: Jonathan Spendlove
Cc: Travis Rothweiler
Subject: FW: City Code Rewrite

[EXTERNAL SENDER]

JONATHON...Per Travis's email and subsequent phone conversation, I can't get this document, with the exhibits, to load on the public comment application form for the City Council. He suggested that I send it to you so that you can get it to the council for their review prior to the meeting on Monday.

From: Fran Florence
Phone #: 208 280 5800
Email: fran@keytoidaho.com
Address: 198 4th Ave. East Twin Falls

Honorable Mayor and Members of the City Council:

Please consider the ideas regarding the City Code Rewrite:

First, it should be noted that I believe through the process of the code rewrite, Jonathon and his team have made great efforts to balance the desires of the Citizenry, the directives from the Council and the City Manager, the requirements of engineering and the concerns of developers,. What I am seeing is very well thought out. This has been a project since pre-covid and over the years there has been multiple opportunities for those who are interested in the process to offer their insight. Much of the input came from traditional sources such as Citizen responses through the multiple studies and planning documents, those actively involved in subdivision development, new construction and the staff members of the agencies having authority over those processes. I'm sure that language from other city codes has been reviewed and likely legal counsel has been consulted. It's been a massive undertaking.

Having said that; it has occurred to me that we may not have considered some of the elements of how the code could be revised to enhance the efforts in redevelopment and infill. Especially in the downtown or original city neighborhoods. Having attended some of the "developers" meetings which were encouraged by Travis to provide input, I know that very little if any discussion centered around redevelopment of the downtown. Now as one of the few (maybe only) developers working on projects downtown, it is becoming clear to me that we have an opportunity to make some changes to the code that will benefit downtown redevelopment.

As you know, I think Downtown is special. I believe it needs to have unique considerations in the code. It is challenging when applying today's typical standards for development to the properties located downtown. In fact, I think it is potentially damaging to the community's desired outcome to apply the typical standards to Downtown. To date, there have been several sections of the new code language that are being vetted through the process. To my knowledge, three sections have passed through the Planning and Zoning Commission, delivered and approved by the City Council. They are General Provisions and

Area of Impact, which have no significant effect on Downtown. The Historic Districts section has been passed with clarifications that make sense. There are currently three sections heading to City Council that I believe need to be tweaked. They are, Parking, Landscaping and Zoning Designation Chart.

Before I get into the specifics of the changes to the proposed language that are important, I want to give a general overview of how the three sections interrelate.

Landscaping and Parking, by definition, are two separate elements. Both are necessary as a part of a functioning Downtown. I am very supportive of impactful landscaping and have demonstrated that on past projects and plan on continuing such in the future. I believe that one of the most significant defining characteristics of our Downtown is the abundance of trees and green space that we have preserved and reinvested in. Parking is a necessary element of accommodating current and future growth. Balancing landscaping and parking Downtown should be viewed under a different lens than development in greenfield locations. That difference should be defined in a section or subsection such as an overly in both the Parking and Landscaping for Downtown. The difference should be defined in the Zoning Designation Chart.

I will address the **Parking Section** first because it comes before the Council on Monday January 27.

- The parking lot requirements shown in Diagram 5.1: Parking Area Circulation Dimensional Requirements for one way 60-degree angle show a 62 ft. minimum area width. A double lane minimum would be 124 ft. wide. Lot depths in the original townsite are a consistent 125 ft. deep. Applying this standard would eliminate the possibility of landscaping buffers running parallel to the streets and alleyways for new development. There are multiple existing 60-degree parking lots Downtown which are designed at 116 ft. (+or-) leaving room for alleyway pull-outs for deliveries and loading and or flexibility to use the 9 ft. (difference between the 125 depth and the 116 ft parking) for either continuous or intermittent landscaping. 116 ft. is not ideal and when developing in a greenfield without the 125 ft. lot depth restriction it makes sense. But with the constrictions Downtown, the 116 ft. has worked for decades. To comply with the new regulation (in combination with the landscape requirements) requires either providing intermittent islands thus eliminating the impact of linear green scaping or decreasing the parking angle of parking stalls and significantly reducing the parking capacities. Additionally, in some current scenarios, for example the city lot on Third Avenue East and Hansen, the parking lot is designed as a 90-degree angle lot. It has been functioning for the past several decades within the 125 ft. boundaries. The proposed language would require 128 ft. of depth. This brings up another more creative idea. I would suggest language that in limited scenarios when use of the right of way (in this case 3 ft.) does not impede traffic or utility placement, that the right of way can be used. This should only be used when a landscape buffer in the right of way could also be placed given it does not affect utilities or traffic. It is important to understand that the Avenues downtown have 80 ft right of ways. And most of the streets, with parking and sidewalks don't consume the full right of way.
- The stacking requirements as defined in new language reflect the more recent concerns regarding national chain restaurant drive through windows. The stacking requirement language has increased three-fold. It has gone from 5 cars, assumed to be 20 ft. each = 100 ft. to 300 ft. This new requirement may make sense for locations along the major retail corridors where national chains locate on properties with lot depths and or widths of 300 ft or more, but it completely eliminates the more locally operated smaller vender who

desires a drive through from existing in downtown. I would suggest that the current stacking requirement to remain in the downtown area.

Below the current parking lot layout along both Second Avenues in Downtown. And a demonstration of how the new standard would disallow any new lots to be built with the same parking spaces and landscaping opportunities



The **Landscaping Section** was presented at the January 6 Planning and Zoning Meeting.

- This section is very concerning. It continues to exempt single family homes on a single lot from any kind of a landscape minimum. While this exemption has been consistent over the years and the only incentive for providing landscaping has been the homeowner's or homeowners association self-imposed requirements it has often resulted in sterile developments with a lack character. The Downtown residential neighborhoods for the most part have maintained the iconic small-town character of treelined streets with front yards. As is often the case as cities grow, the neighborhoods that have maintained the character of the original townsites become more not less desirable. It is very important that we encourage the preservation of that character. The code currently has a tree commission and code section 8-4-7: Damaging, Destroying, Mutilating or Removing Public Trees, disallows removal of trees without authorization and a plan for replacement. I propose that an overlay is established in the tree lined street neighborhoods that requires a minimum landscape standard designed not only to preserve what is currently in place but to require landscaping enhancements as a part of the building permit requirements. There are multiple examples where the trees at one time or another were removed and not replaced. Further I propose that the new code is more restrictive on allowed ground cover, eliminating the gravel and decorative rock as a majority landscape element of front yards. I believe that the landscape overlay that addresses replenishing the city trees and organic ground cover in the right of ways should apply only to the Avenue Streets, the President Streets and the "Tree" Streets which were developed with curb, gutter, and sidewalks. The majority of the President Streets (Adams through Harrison) and the streets north of Filer Ave. don't have curb, gutter or sidewalks. Some of the Avenues on the west side of Washington and the east side of Blue Lakes don't have those improvements either. The proposed area for this overlay shown below represents approximately 4 % of the total incorporated city. To assure that the trees provide the visual "tree lined" effect, I believe that the tree language should be defined in linear ft. of frontage rather square ft. of total landscaping. For example: one tree per 25 linear ft of frontage. Not nearer 12.5 ft from the property line.

I was able to attend the P&Z meeting wherein they discussed the landscaping language. The Commission accepted a suggestion that we give some thought to creating an overlay for downtown that has some specifics regarding tree repopulation. I assume some language will be generated prior to the City Council Meeting for this item.

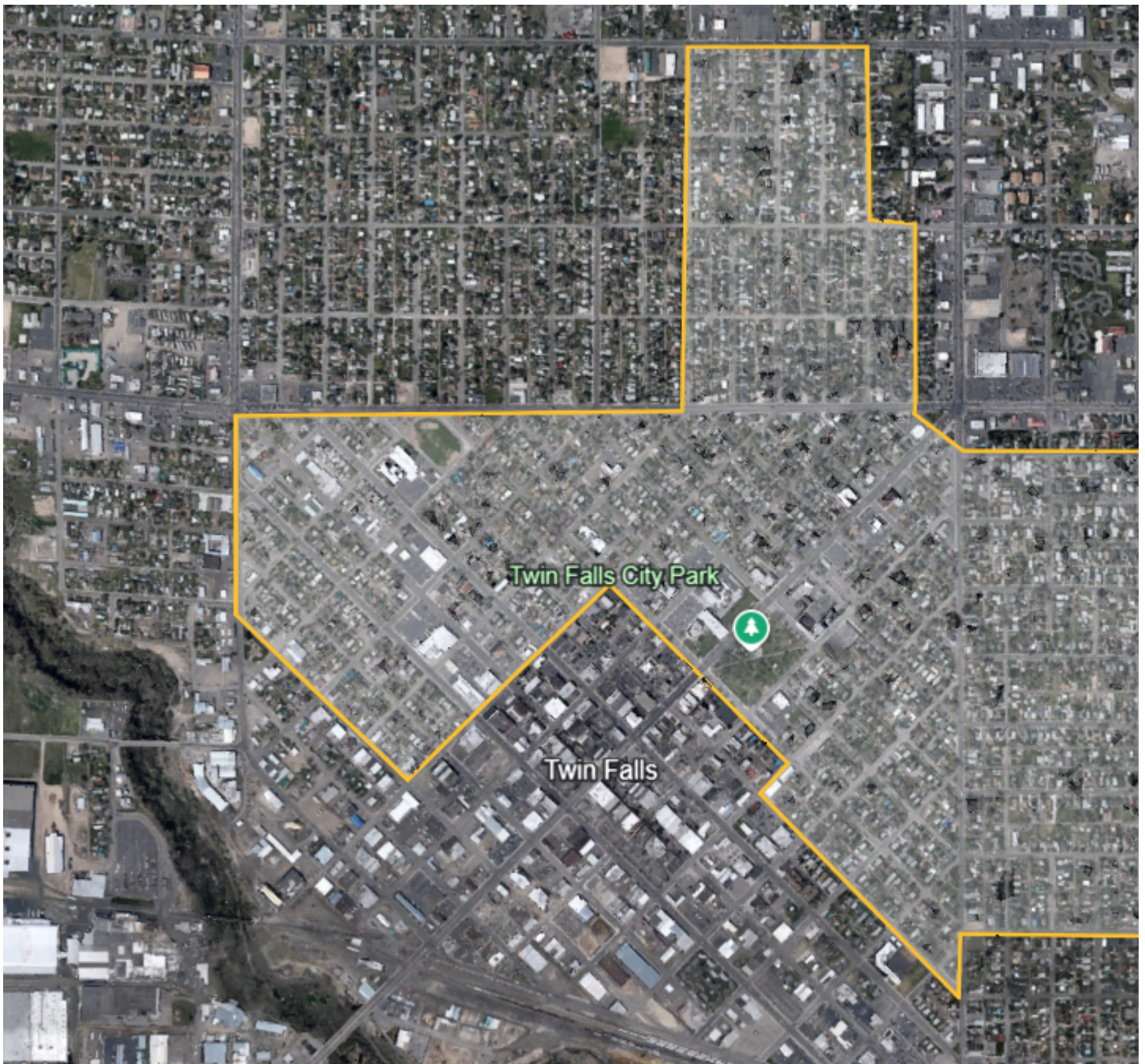
Also, during the deliberation by the Commission regarding the suggested landscape overlay, they mused on the cost impacts for requiring tree planting and the potential negative effect it would have on those property owners wishing to make changes to their homes. The Commission members recognized that sidewalk replacement is typically a requirement of remodeling a home in the downtown. Information on costs were not immediate available to Commission during their meeting, but the recent budget (dated January 14, 2025) prepared by HMH for work on the Hansen Street project, which is under consideration by TFURA, estimates tree costs to be \$500 per tree. The same HMH estimate shows \$15 per square yard for sidewalk removal and \$128 per square yard for replacement. So, for a 50 ft. wide residential lot that would equate to \$3972 for sidewalk removal and replacement and \$1000 for 2 planted trees.

Regarding what triggers the requirement to replenish the landscaping and how it is paid for: We currently have trigger tied to the issuance of building permits that requires certain improvements such as replacement of inadequate curb, gutter, and sidewalk if there is a determined change of use or an additional 25% of building square footage. There is also a requirement for the property owner to spend up to 10% of the cost of remodeling on ADA compliance. I suggest that we view the landscape requirement in much the same way and trigger those as a part of the building permit process. Rather than tie the

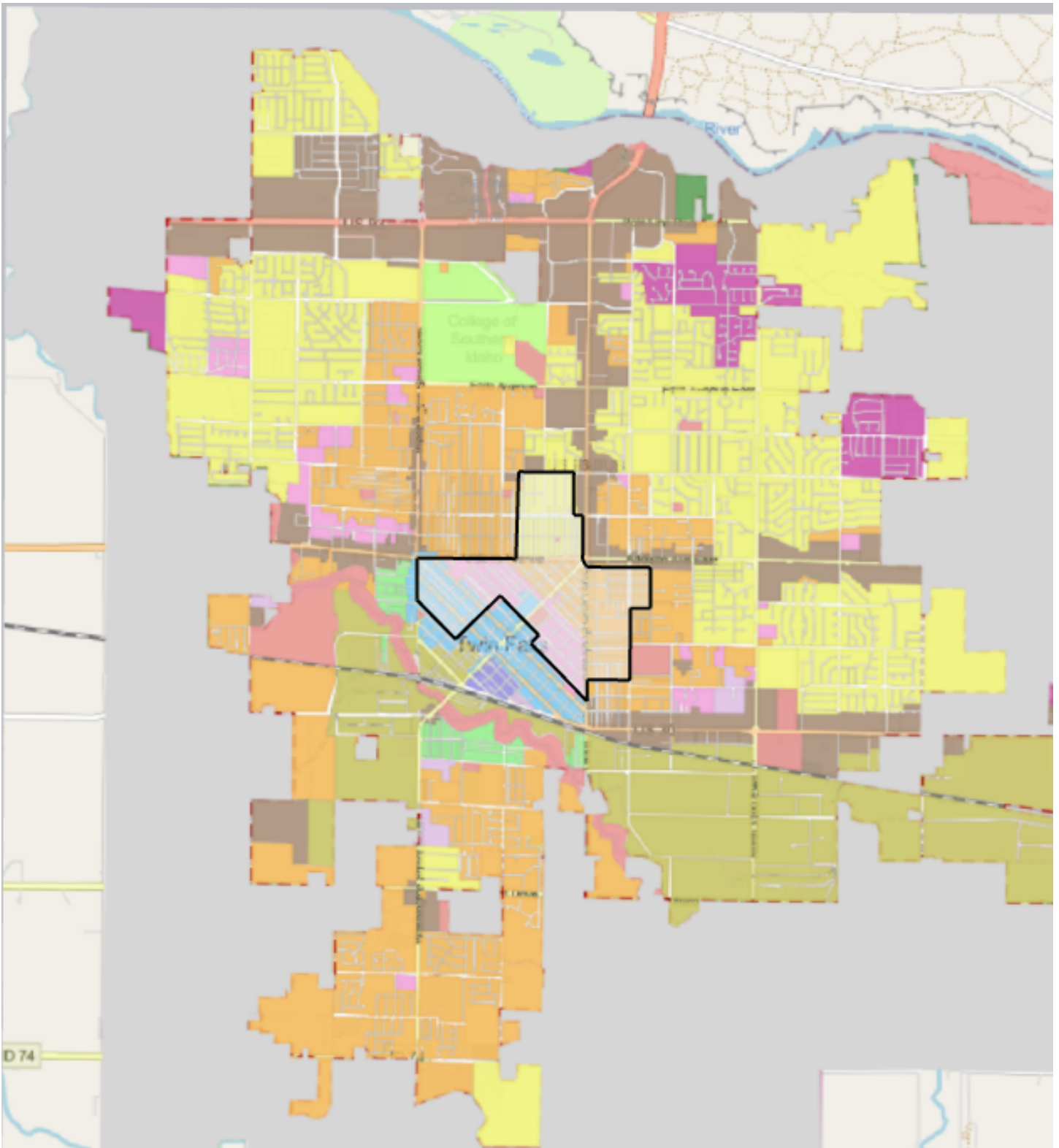
trigger to only those remodels that add square footage, it could be a condition of any permit with an estimated cost of more than \$10,000.

As an additional consideration from the council, I suggest that you give some thought to offering a “co-share” incentive in much the same way as the Sidewalk Repair Grant program offered to our property owners. This co-share in the overlay area would incentivize property owners to take the initiative separate from the permit process requirements.

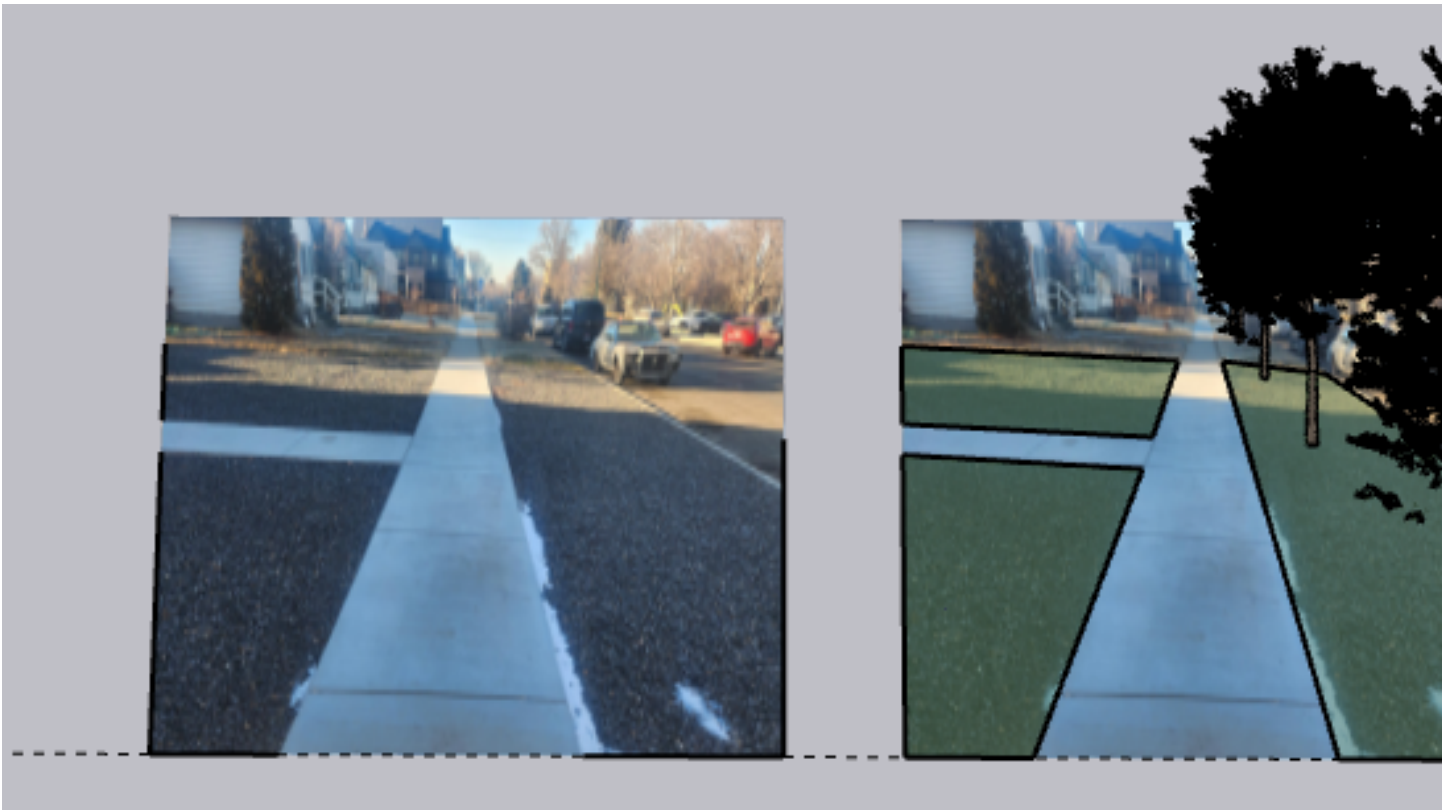
Below: The revised area proposed for landscaping overlay in Downtown.



Below: Proposed overlay on the zoning map.



Below: On the left is a property on 4th Ave. East which recently replaced the sidewalk (possible a co-share with the city through the Sidewalk Repair Grant program). Note that there are no trees in a 200 ft section of the street. On the right side is the same property if the requirement of tree planting and organic vegetation was added to the landscape section of the code.



Below: View of Fillmore St



Below: View of 9th Ave. North note the efforts in replacing the trees and maintaining the green scape.



Thank you in advance for your consideration of these ideas.

Fran Florence
Mobile: 208-280-5800
Email: fran@keytoidaho.com





Date: Monday, January 27, 2025
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.

On December 17, 2024 the Planning and Zoning Commission recommended approval with a vote of 4-0.

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 Council is tasked with making a decision on the proposed text amendment. The Council may approve, approve with conditions, deny, or table the item to a date certain.

Sample main motions:

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

Attachments:

1. PZ24-0135 Proposed Required Improvements of Development
2. PZ24-0135 Current Required Improvements (Ch. 11) - 12.9.24
3. PZ24-0135 Amendments to Required Improvements - O2024-012
4. PZ24-0135 Planning and Zoning Commission Minutes

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: 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): #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



Twin Falls Planning & Zoning Commission Minutes

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

NAME called the meeting to order at 06:00 PM

Members Attending: Titus, Campbell, Rambur, Zimmerman

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

2) Conflict of Interest Declaration

3) Consent Calendar

- a) Approval of the minutes from the following meeting: December 3, 2024.

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

Commissioner Zimmerman seconded the motion.

4) Items of Consideration

5) Public Hearings

- a) 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.

Staff Presentation:

Planner Ebersole presented the 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.

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.

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.

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.

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.

PZ/Questions & Comments:

- Chairperson Titus asked if they would come back if they build anything else.
- Planner Ebersole replied they would not if it's outright permitted.
- Commissioner Rambur asked if they had anything in mind for the north part.
- Planner Ebersole stated they would have to ask the applicant.
- Vice-Chair Campbell asked about the crosswalk.
- City Engineer Vitek explained the City will work with applicant for the crosswalk if it is safe and needed.
- Chairperson Titus asked if there is a time limit on when the crosswalk can be built.
- City Engineer Vitek answered if there is an issue on Harrison then it will be needed and looked at again.
- Director Spendlove replied there is no time limit with the way the permit is written.

Applicant Presentation:

Katrina Kulm presented on behalf of the applicant. They feel the size of the school will not cause issues with traffic. The landscape will be moved to the outer perimeter. They only have 480 kids chartered for the school. The school busses 60% of the kids. Monica White co-founder of Elevate Academy. The safety of kids is a concern they take serious. They will help stage with parents the first few weeks to teach the flow to parents.

PZ/Questions & Comments:

- Chairperson Titus asked about the staff and size.
- Monica White replied they have 42 staff members.
- Chairperson Titus asked how many car spaces will they have.
- Monica White stated they have 144 junior and seniors with about half driving.
- Katrina Kulm answered they have 112 spaces on site.

- Chairperson Titus asked if it's the same owner for the entire lot. She asked where the sidewalk to the north would connect.
- Director Spendlove answered that it's not close.
- Vice-Chair Campbell asked about the landscape plan
- Planner Ebersole replied it's not a specific condition and they proposed an alternate location.
- Director Spendlove clarified that landscaping will probably not be on the frontage of Harrison with a ditch running along that area.
- Chairperson Titus asked if the landscape needs to be on the frontage.
- Director Spendlove explained that landscaping has a percentage that will require a certain amount of trees.

Public Hearing: Opened

- Richard Dean is the neighbor. He feels the traffic is already a problem. He stated the land slopes and how will they get the sewage to the road. He asked about the irrigation ditch and if it will be piped or open. He uses the runoff water currently and thinks this will cause a problem for him. He would like it denied until they answer his questions.
- Pete Johnston has some concerns. He thinks this will be troubled youth. Are they from out of town, if they are he doesn't want them here. He feels there are enough schools. Parking will be an issue if the students are driving and parking at the school. Harrison has enough traffic.
- Tami Walker feels the school is needed and the students are local. She feels the traffic will work.
- Katrina Kulm stated they have been working with all the departments in the City to solve any issues that might arise with the school. They will continue to work with city staff.
- Vice-Chair Campbell asked about the other locations and were they comparable to this area.
- Monica White stated the one in Idaho falls shares a fence and they've had no issues. Post Falls is a block off a main road with no issues. Caldwell is across from water department and have no issues. Nampa is on a main road and they have no issues there either.
- Vice-Chair Campbell asked if the parking spaces and canal drainage will be sufficient.
- Katrina Kulm stated they have similar layouts and the parking works. No other locations have needed overflow.
- Justin Scott (phone) has been working with the irrigation district. It is outside their district and is considered a user canal/ditch but will continue to work with them. Middle schools and High schools have to have enough to meet code. They will make sure concerns are addressed.
- Chairperson Titus asked about the sloping of land.
- Director Spendlove replied that the grade runoff/stormwater generated from their property will have to be maintained by them. Harrison is a collector and there will be no parking at some point.
- Commissioner Zimmerman asked if there is a turn lane on Harrison.

- Director Spendlove stated it is not painted but there is room. Middle School has a right turn into the school.
- Commissioner Zimmerman asked if the commission can make a request for one.
- City Engineer Vitek answered that if the traffic is enough the city would do it.

Public Hearing: Closed

Discussions Followed:

- Commissioner Rambur feels that this falls in R-4 zone and complies with comprehensive plan and is confident the city will address any issues.
- Vice-Chair Campbell likes that they are using similar site plans that have worked in other areas.
- Chairperson Titus likes that it will come back if it's an issue but thinks it looks good. Her only concerns are infrastructure.

MOTION: Vice-Chair Campbell moved to approve the request for a Special Use Permit for a public charter school on property located at Harison Street South c/o Katrina Kulm, Erstad Architects. Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

Landscape

- Commissioner Rambur feels like the city will make sure it works.
- Chairperson Titus stated if the frontage won't work does anyone have any specifications.
- Commissioner Rambur feels the applicant wants this to look good so they will do what it takes to meet requirements and look good.

MOTION: Vice-Chair Campbell moved to approve the alternative landscape plan on property located at Harrison Street South c/o Katrina Kulm, Erstad Architects. Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

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

Staff Presentation:

Senior Planner Klaver presented the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 5 "Parking Regulations".

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.

N/A

N/A

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 _____.*

Public Hearing: Opened and closed with no public input.

Discussions Followed:

Commission agrees with the stacking requirements and feels it will be easier. Tandem parking for residential will be better.

MOTION: Commissioner Rambur moved to approve the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 5 "Parking Regulations". Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

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

Staff Presentation:

Senior Planner Klaver presented the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 6 "Landscaping Regulations".

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.

N/A

N/A

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 _____.*

Public Hearing: Opened and closed with no public input

Discussions Followed:

Commission would like city staff to review and report back on the male to female ratio to reduce allergens.

MOTION: Vice-Chair Campbell moved to table the item to January 14, 2025. Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

- d) Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 7, "Required Improvements of Development".

Staff Presentation:

Senior Planner Klaver presented the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 7, "Required Improvements of Development".

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.

N/A

N/A

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 _____.*

Public Hearing: Opened and closed with no public input

Discussions Followed:

MOTION: Commissioner Rambur moved to approve the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 7, "Required Improvements of Development. Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

- e) Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 12, "Floodplain Regulations".

Staff Presentation:

Senior Planner Klaver presented the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 12, "Floodplain Regulations".

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.

N/A

N/A

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 _____.*

Public Hearing: Opened and closed with no public input

Discussions Followed:

MOTION: Commissioner Rambur moved to approve the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 12, "Floodplain Regulations". Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

6) Upcoming Meeting(s)

- a) January 8, 2025 - Work Session
January 14, 2025

7) Adjournment

The meeting adjourned at 08:10 PM

Jody Green

Jody Green, Planning Technician



Date: Monday, January 27, 2025
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.

On December 17, 2024, the Planning and Zoning Commission recommended approval with a vote of 4-0.

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 Council is tasked with making a decision on the proposed text amendment. The Council may approve, approve with conditions, deny, or table the item to a date certain.

Sample main motions:

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

Attachments:

1. PZ24-0140 Proposed Floodplain Regulation
2. PZ24-0140 Current Floodplain Regulations (Section 10-11-9) - 12.9.24
3. PZ24-0140 Planning and Zoning Commission Minutes

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. 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 DAMAGE:	

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)



Twin Falls Planning & Zoning Commission Minutes

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

NAME called the meeting to order at 06:00 PM

Members Attending: Titus, Campbell, Rambur, Zimmerman

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

2) Conflict of Interest Declaration

3) Consent Calendar

- a) Approval of the minutes from the following meeting: December 3, 2024.

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

Commissioner Zimmerman seconded the motion.

4) Items of Consideration

5) Public Hearings

- a) 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.

Staff Presentation:

Planner Ebersole presented the 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.

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.

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.

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.

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.

PZ/Questions & Comments:

- Chairperson Titus asked if they would come back if they build anything else.
- Planner Ebersole replied they would not if it's outright permitted.
- Commissioner Rambur asked if they had anything in mind for the north part.
- Planner Ebersole stated they would have to ask the applicant.
- Vice-Chair Campbell asked about the crosswalk.
- City Engineer Vitek explained the City will work with applicant for the crosswalk if it is safe and needed.
- Chairperson Titus asked if there is a time limit on when the crosswalk can be built.
- City Engineer Vitek answered if there is an issue on Harrison then it will be needed and looked at again.
- Director Spendlove replied there is no time limit with the way the permit is written.

Applicant Presentation:

Katrina Kulm presented on behalf of the applicant. They feel the size of the school will not cause issues with traffic. The landscape will be moved to the outer perimeter. They only have 480 kids chartered for the school. The school busses 60% of the kids. Monica White co-founder of Elevate Academy. The safety of kids is a concern they take serious. They will help stage with parents the first few weeks to teach the flow to parents.

PZ/Questions & Comments:

- Chairperson Titus asked about the staff and size.
- Monica White replied they have 42 staff members.
- Chairperson Titus asked how many car spaces will they have.
- Monica White stated they have 144 junior and seniors with about half driving.
- Katrina Kulm answered they have 112 spaces on site.

- Chairperson Titus asked if it's the same owner for the entire lot. She asked where the sidewalk to the north would connect.
- Director Spendlove answered that it's not close.
- Vice-Chair Campbell asked about the landscape plan
- Planner Ebersole replied it's not a specific condition and they proposed an alternate location.
- Director Spendlove clarified that landscaping will probably not be on the frontage of Harrison with a ditch running along that area.
- Chairperson Titus asked if the landscape needs to be on the frontage.
- Director Spendlove explained that landscaping has a percentage that will require a certain amount of trees.

Public Hearing: Opened

- Richard Dean is the neighbor. He feels the traffic is already a problem. He stated the land slopes and how will they get the sewage to the road. He asked about the irrigation ditch and if it will be piped or open. He uses the runoff water currently and thinks this will cause a problem for him. He would like it denied until they answer his questions.
- Pete Johnston has some concerns. He thinks this will be troubled youth. Are they from out of town, if they are he doesn't want them here. He feels there are enough schools. Parking will be an issue if the students are driving and parking at the school. Harrison has enough traffic.
- Tami Walker feels the school is needed and the students are local. She feels the traffic will work.
- Katrina Kulm stated they have been working with all the departments in the City to solve any issues that might arise with the school. They will continue to work with city staff.
- Vice-Chair Campbell asked about the other locations and were they comparable to this area.
- Monica White stated the one in Idaho falls shares a fence and they've had no issues. Post Falls is a block off a main road with no issues. Caldwell is across from water department and have no issues. Nampa is on a main road and they have no issues there either.
- Vice-Chair Campbell asked if the parking spaces and canal drainage will be sufficient.
- Katrina Kulm stated they have similar layouts and the parking works. No other locations have needed overflow.
- Justin Scott (phone) has been working with the irrigation district. It is outside their district and is considered a user canal/ditch but will continue to work with them. Middle schools and High schools have to have enough to meet code. They will make sure concerns are addressed.
- Chairperson Titus asked about the sloping of land.
- Director Spendlove replied that the grade runoff/stormwater generated from their property will have to be maintained by them. Harrison is a collector and there will be no parking at some point.
- Commissioner Zimmerman asked if there is a turn lane on Harrison.

- Director Spendlove stated it is not painted but there is room. Middle School has a right turn into the school.
- Commissioner Zimmerman asked if the commission can make a request for one.
- City Engineer Vitek answered that if the traffic is enough the city would do it.

Public Hearing: Closed

Discussions Followed:

- Commissioner Rambur feels that this falls in R-4 zone and complies with comprehensive plan and is confident the city will address any issues.
- Vice-Chair Campbell likes that they are using similar site plans that have worked in other areas.
- Chairperson Titus likes that it will come back if it's an issue but thinks it looks good. Her only concerns are infrastructure.

MOTION: Vice-Chair Campbell moved to approve the request for a Special Use Permit for a public charter school on property located at Harison Street South c/o Katrina Kulm, Erstad Architects. Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

Landscape

- Commissioner Rambur feels like the city will make sure it works.
- Chairperson Titus stated if the frontage won't work does anyone have any specifications.
- Commissioner Rambur feels the applicant wants this to look good so they will do what it takes to meet requirements and look good.

MOTION: Vice-Chair Campbell moved to approve the alternative landscape plan on property located at Harrison Street South c/o Katrina Kulm, Erstad Architects. Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

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

Staff Presentation:

Senior Planner Klaver presented the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 5 "Parking Regulations".

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.

N/A

N/A

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 _____.*

Public Hearing: Opened and closed with no public input.

Discussions Followed:

Commission agrees with the stacking requirements and feels it will be easier. Tandem parking for residential will be better.

MOTION: Commissioner Rambur moved to approve the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 5 "Parking Regulations". Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

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

Staff Presentation:

Senior Planner Klaver presented the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 6 "Landscaping Regulations".

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.

N/A

N/A

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 _____.*

Public Hearing: Opened and closed with no public input

Discussions Followed:

Commission would like city staff to review and report back on the male to female ratio to reduce allergens.

MOTION: Vice-Chair Campbell moved to table the item to January 14, 2025. Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

- d) Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 7, "Required Improvements of Development".

Staff Presentation:

Senior Planner Klaver presented the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 7, "Required Improvements of Development".

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.

N/A

N/A

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 _____.*

Public Hearing: Opened and closed with no public input

Discussions Followed:

MOTION: Commissioner Rambur moved to approve the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 7, "Required Improvements of Development. Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

- e) Request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 12, "Floodplain Regulations".

Staff Presentation:

Senior Planner Klaver presented the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 12, "Floodplain Regulations".

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.

N/A

N/A

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 _____.*

Public Hearing: Opened and closed with no public input

Discussions Followed:

MOTION: Commissioner Rambur moved to approve the request for a Zoning Title Amendment to repeal and replace Title 10, focusing on Chapter 12, "Floodplain Regulations". Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0.

6) Upcoming Meeting(s)

- a) January 8, 2025 - Work Session
January 14, 2025

7) Adjournment

The meeting adjourned at 08:10 PM

Jody Green

Jody Green, Planning Technician