



Twin Falls Planning & Zoning Commission Agenda

Tuesday, April 22, 2025, 6:00 PM

Council Chambers
203 Main Avenue East, Twin Falls, Idaho

Members -

City Limits: Cortney Campbell, Chairperson; Tiffany Zimmerman, Vice-Chairperson; Todd Rambur; Robyn Weatherford; Kelly Herrgesell; Rui Gomes

Area of Impact: Jeff Bulkley

- 1) Confirmation of Quorum/Call Meeting to Order
- 2) Conflict of Interest Declaration
- 3) Consent Calendar
 - a) Request to approve the minutes from the following meeting: April 8, 2025.
- 4) Items of Consideration
 - a) **PRESENTATION:** Preliminary Presentation for a request for a Zoning District Change/Zoning Map Amendment from R-2 to R-4 ZDA on property located at 807 Wendell St. c/o Sid Lezamiz (PZ25-0002).
By: William Klaver, Senior Planner
- 5) Public Hearings
 - a) **ACTION ITEM:** Request for a recommendation for a Zoning Title Amendment to repeal and replace Title 10. Items to include are regulations pertaining to "subdivisions". c/o City of Twin Falls (PZ24-0121).
By: Jonathan Spendlove & William Klaver
- 6) Upcoming Meeting(s)
 - a) Work Session - May 7, 2025
May 13, 2025
- 7) Adjournment

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

CITY OF TWIN FALLS

PLANNING & ZONING COMMISSION

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chair shall review the public hearing procedures.
2. Individuals wishing to testify or speak before the City Council or Planning & Zoning Commission shall wait to be recognized by the Mayor or Chair, approach the microphone/podium, state their name, and then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.

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



Twin Falls Planning & Zoning Commission Minutes

Tuesday, April 8, 2025, 6:00 PM

Members -

City Limits: Cortney Campbell, Chairperson; Tiffany Zimmerman, Vice-Chairperson; Todd Rambur; Robyn Weatherford; Kelly Herrgesell; Rui Gomes

Area of Impact: Jeff Bulkley

1) Confirmation of Quorum/Call Meeting to Order

Vice-Chairperson called the meeting to order at 06:00 PM

Members Attending: Campbell, Weatherford, Herrgesell, Zimmerman, Gomes, Bulkley

Staff Attending: Spendlove, Klaver, Strickland, Ebersole, Green, Schuerman

2) Election of Chairperson and Vice-Chairperson

MOTION: Commissioner Bulkley moved to nominate Vice-Chairperson Campbell as Chairperson. Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 6 to 0.

MOTION: Chairperson Campbell moved to nominate Commissioner Zimmerman as Vice-Chairperson. Commissioner Herrgesell seconded the motion. Roll call vote showed all members present voted.

Approved 6 to 0.

3) Conflict of Interest Declaration

4) Consent Calendar

- a) Request for approval of minutes from the following meeting: March 11, 2025. Vice-Chairperson Zimmerman made a motion to approve the consent calendar, as presented. Commissioner Gomes seconded the motion.

5) Items of Consideration

- a) Request for the consideration of the Preliminary Plat for Ashlee Manors Subdivision, consisting of 4.35 acres on property located at 1607 Washington South. c/o Rex Harding on behalf of Jeremy Orton (PZ25-0023)

Staff Presentation:

Senior Planner Klaver presented the request for the consideration of the Preliminary Plat for Ashlee Manors Subdivision, consisting of 4.35 acres on property located at 1607 Washington South. c/o Rex Harding on behalf of Jeremy Orton (PZ25-0023)

Per City Code 10-12-2-3: The Commission shall review the preliminary plat. The Commission's decision is final unless appealed to the City Council. The final plat is reviewed

by the City Council.

Commission's Findings: In determining the acceptance of a proposed subdivision the Commission shall consider the objectives of this Title and at least the following:

1. The conformance of the subdivision with a Comprehensive Plan.
2. The availability of public services to accommodate the proposed development.
3. The continuity of the proposed development with the capital improvement program.
4. The public financial capability of supporting services for the proposed development; and
5. The other health, safety or environmental problems that may be brought to the Commission's attention.

Action On Preliminary Plat: The Commission may approve, conditionally approve, disapprove, or table for additional information when acting on the preliminary plat.

This property was brought to the Planning and Zoning Commission and City Council for approval of the "1607 Washington St. South ZDA" in 2024. The ZDA was approved in August 2024, with the ordinance being recorded in November 2024. The ZDA was created to include "Dwellings - Attached Single Household (Townhouses)" as an outright permitted land use on the property as part of the R-4 ZDA zone.

Of the 46 lots, lots 1 and 2 have existing single-family dwellings, built around 1940. Those lots are not being considered for the Townhouse lots and will remain as is.

The Preliminary Plat drawings shows the subdivided townhome lots being grouped in 4-unit sections, similar to Valencia Park townhomes nearby.

As part of the ZDA, the applicant shows access to the subdivision off Ponderosa Street with a small roundabout built at the intersection of Vista Drive and Ponderosa St. The applicant has agreed to finish Vista Drive to South Hills Rd., for an additional access point, as agreed upon with the City Engineer. This preliminary plat reflects this requirement.

Staff has reviewed the preliminary plat based on the proposed development plan, zoning regulations and the Comprehensive Plan. Staff finds the preliminary plat is within compliance should the applicant conform to Staff recommended conditions.

Upon conclusion, this preliminary plat complies with the standards as outlined in the City's General Subdivision Provision of Title 10, Chapter 12, Section 3, all regulations regarding R-4 zoning development standards, and the 2016 comprehensive plan. All general criteria for approval have been met, per State Statute 50 - Chapter 13.

Should the Commission approve this request as presented, Staff recommends approval be subject to the following conditions:

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 preliminary plat submitted, prior to final plat submittal, showing compliance with all conditions and comments in the Engineering Memorandum dated February 13, 2025.

PZ/Questions & Comments:

- Chairperson Campbell asked if this follows the Comprehensive plan.
- Senior Planner Klaver yes and the zoning designation also.
- Chairperson Campbell asked if staff had more information about the availability of services.
- Senior Planner Klaver explained that water and sewer are already throughout the property.
- Commissioner Bulkley asked if Vista Dr will tie in or is it a dead-end.
- Senior Planner Klaver explained that the road will be finished to South Hills rd.

Applicant Presentation:

Rex Harding with TD&H Engineering detailed the agreement made last year and how they have followed that with this plat. Infrastructure is in line with this project.

PZ/Questions & Comments:

- Commissioner Bulkley asked about the easement on the ditch and if there is one in place.
- Rex Harding replied there will be an easement.

Public Hearing: Opened

- Brian Lancaster lives on the south end of the development and stated a fence was supposed to be put in with the development on the east side. He wants to know where the water rights for that property are and what they are doing with them.
- Rex Harding responded that he doesn't know about a fence for the east side. There will be a fence around the new development. Water rights will be turned over to the city.
- Commissioner Gomes asked about the east side fence and if it needs to be placed when the road goes in.
- Senior Planner Klaver will hold them to build the fence on the south side of the property during the building phase.

Public Hearing: Closed

Discussions Followed:

Commission likes the plan and feels it fits with the surrounding area.

MOTION: Commissioner Herrgesell moved to approve the request for the consideration of the Preliminary Plat for Ashee Manors Subdivision, consisting of 4.35 acres on property located at 1607 Washington South. c/o Rex Harding on behalf of Jeremy Orton. (PZ25-0023). Vice-Chairperson Zimmerman seconded the motion. Roll call vote showed all members present

voted.

Approved 6 to 0.

- b) Request for the consideration of the Preliminary Plat for Knife River Industrial Park, consisting of 45.4 acres on property located northwest of Hankins Road and Eldridge Ave Intersection c/o Caleb LaClair on behalf of Bryce Seats (PZ25-0028).

Staff Presentation:

Senior Planner Klaver presented the request for the consideration of the Preliminary Plat for Knife River Industrial Park, consisting of 45.4 acres on property located northwest of Hankins Road and Eldridge Ave Intersection c/o Caleb LaClair on behalf of Bryce Seats (PZ25-0028).

Per City Code 10-12-2-3: The Commission shall review the preliminary plat. The Commission's decision is final unless appealed to the City Council. The final plat is reviewed by the City Council.

Commission's Findings: In determining the acceptance of a proposed subdivision the Commission shall consider the objectives of this Title and at least the following:

1. The conformance of the subdivision with a Comprehensive Plan.
2. The availability of public services to accommodate the proposed development.
3. The continuity of the proposed development with the capital improvement program.
4. The public financial capability of supporting services for the proposed development; and
5. The other health, safety or environmental problems that may be brought to the Commission's attention.

Action On Preliminary Plat: The Commission may approve, conditionally approve, disapprove, or table

for additional information when acting on the preliminary plat.

This property was originally part of the "Not Zyque Subdivision", which was recorded in 2007. The subject portion for this preliminary plat is the entirety of the 1 Lot, Not Zyque Subdivision.

The subject property was annexed in summer 1999 (Ord. 2616) and has been zoned M-2 ever since.

Staff has reviewed the preliminary plat based on the proposed development plan, the zoning regulations and comprehensive plan and finds that the preliminary plat is within compliance should the applicant conform to Staff's recommended conditions.

Upon conclusion, this preliminary plat complies with the standards as outlined in the City's General Subdivision Provision of Title 10, Chapter 12, Section 3, all regulations regarding R-4 zoning development standards, and the 2016 comprehensive plan. All general criteria for approval have been met, per State Statute 50 - Chapter 13.

Should the Commission approve this request as presented, Staff recommends approval be subject to the following conditions:

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 preliminary plat, submitted prior to final plat submittal, showing compliance with all conditions and comments in the Engineering Memorandum dated February 25, 2025, amended on March 24, 2025

PZ/Questions & Comments:

- Commissioner Bulkley asked about the road between Hankins Rd and Eldridge Ave.
- Senior Planner Klaver used the map to show the road and explain the requirements.

Applicant Presentation:

Caleb LaClair from JUB explained the phases they will use for development. He explained the agreement with the City about Eldridge Ave being completed through the property. They are working with the city on a good time to work on this together.

Public Hearing: Opened

- Diana Bordi asked what they would be producing.
- Bryce Seats responded about the materials being used. They use natural resources, raw material used to make concrete - rock, sand, cement powder and flash. Will put in a precast plant that uses the same material. They make sure all DEQ permits are followed.

Public Hearing: Closed

Discussions Followed:

Commission feels this is a good area for this.

MOTION: Commissioner Bulkley moved to approve the request for the consideration of the Preliminary Plat for Knife River Industrial Park, consisting of 45.4 acres on property located northwest of Hankins Road and Eldridge Ave Intersection c/o Caleb LaClair on behalf of Bryce Seats (PZ25-0028). Tiffany Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 6 to 0.

- c) Request for the consideration of the Preliminary Plat for Western Horizon Subdivision, consisting of 40.03 acres on property located at the southeast corner of Sunway Drive and Pole Line Rd. c/o Tim Vawser on behalf of Gary Nelson (PZ25-0029).

Staff Presentation:

Senior Planner Klaver presented the request for the consideration of the Preliminary Plat for Western Horizon Subdivision, consisting of 40.03 acres on property located at the southeast corner of Sunway Drive and Pole Line Rd. c/o Tim Vawser on behalf of Gary Nelson (PZ25-0029).

Per City Code 10-12-2-3: The Commission shall review the preliminary plat. The Commission's decision is final unless appealed to the City Council. The final plat is reviewed by the City Council.

Commission's Findings: In determining the acceptance of a proposed subdivision the Commission shall consider the objectives of this Title and at least the following:

1. The conformance of the subdivision with a Comprehensive Plan.
2. The availability of public services to accommodate the proposed development.
3. The continuity of the proposed development with the capital improvement program.
4. The public financial capability of supporting services for the proposed development; and
5. The other health, safety or environmental problems that may be brought to the Commission's attention.

Action On Preliminary Plat: The Commission may approve, conditionally approve, disapprove, or table for additional information when acting on the preliminary plat.

This property was annexed into the City of Twin Falls in December 2024, where the R-2 and C-1 Zoning designations were established.

Staff has reviewed the preliminary plat based on the proposed development plan, the zoning regulations and comprehensive plan and finds that the preliminary plat is within compliance should the applicant conform to Staff's recommended conditions.

Upon conclusion, this preliminary plat complies with the standards as outlined in the City's General Subdivision Provision of Title 10, Chapter 12, Section 3, all regulations regarding R-4 zoning development standards, and the 2016 comprehensive plan. All general criteria for approval have been met, per State Statute 50 - Chapter 13.

Should the Commission approve this request as presented, Staff recommends approval be subject to the following conditions:

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 preliminary plat submitted, prior to final plat submittal, showing compliance with all conditions and comments in the Engineering Memorandum dated March 4, 2025, amended March 24, 2025.

PZ/Questions & Comments:

- Commissioner Bulkley asked what the requirement is along Pole Line Rd.
- Senior Planner Klaver this would follow the gateway arterial landscaping requirements. Pole Line is an ITD right of way and they control what happens there.

Applicant Presentation:

David Thibault from EHM Engineering, Inc presented more details of the plat. He explained that the landscaping is done by the users of the land not developers. They will have 1 acre lots on the west side that could be duplexes. They will have easements outside the right of way for irrigation and storm water. They will have commercial along Pole Line Rd.

PZ/Questions & Comments:

- Commissioner Gomes asked if there will be a sidewalk along Pole Line before a buyer or later.

- David Thibault replied they are not planning any sidewalk at this time. They usually provide access and will have pedestrian routes identified.

Public Hearing: Opened and closed with no public input

Discussions Followed:

The Commission feels this usage will work in the area and follows the future of the city.

MOTION: Commissioner Hergesell moved to approve the request for the consideration of the Preliminary Plat for Western Horizon Subdivision, consisting of 40.03 acres on property located at the southeast corner of Sunway Drive and Pole Line Rd. c/o Tim Vawser on behalf of Gary Nelson (PZ25-0029). Commissioner Gomes seconded the motion. Roll call vote showed all members present voted.

Approved 6 to 0.

6) Public Hearings

- a) Request for a Comprehensive Plan Amendment to modify the Future Land Use Map to expand the Utility Service Boundary and change Future Land Use Categories for properties generally located on the east side of the intersection of Kimberly Rd (Hwy 30) and Champlin Way (3400 East). c/o Champ LLC (PZ25-0014)

Staff Presentation:

Director Spendlove presented the request for a Comprehensive Plan Amendment to modify the Future Land Use Map to expand the Utility Service Boundary and change Future Land Use Categories for properties generally located on the east side of the intersection of Kimberly Rd (Hwy 30) and Champlin Way (3400 East). c/o Champ LLC (PZ25-0014)

The Comprehensive plan is a document used to plan and identify desired land uses, utility service boundaries and encourage future growth that will help the community thrive. The original plan was created through community input and outlines the infrastructure framework needed to develop in a reasonable and sustainable approach.

An amendment to the Comprehensive Plan is required to follow State Statute 67-6509. The process requires the Planning & Zoning Commission to hold a public hearing in which interested persons have the opportunity to be heard with regards to the application. The commission will then forward their recommendation to the City Council. After holding a public hearing, the City Council will then adopt, revise or reject the amendment. No plan shall be effective unless adopted by resolution by the governing board.

This area was never in the planning boundary for the City of Twin Falls. The last major update to the planning boundary was the 2016 Comprehensive Plan.

As future development is proposed throughout the community, the Comprehensive Plan Document is used as a tool to balance the request of individual property owners against the overall direction the community wishes to see occur. The proposal to move the utility service boundary further east would allow for future developments to engage in planning for utility services based on the availability and capacity of the utility systems.

The proposal includes an amendment to the City Utility Service Boundary by pushing it roughly 2/3 of a mile east to engulf the entirety of the proposed area. The City Engineering

department had no concerns with the proposed utility service boundary amendment. The Water and Sewer Master Plans have recognized this area and made preliminary assumptions on growth taking place.

The area being proposed to be included within this expansion incorporates property both to the north and south of Kimberly Road. Currently, the land has no comprehensive plan designation. The applicants are proposing Commercial Highway uses along Kimberly Road and Industrial type uses on the southern portion of the proposed area. This falls in line with the surrounding future land use designations currently shown on the plan with Mixed Use north of Kimberly Road and Industrial to the south of Kimberly Road.

Industrial/Flex/Employment designation is characterized by having non-retail employment with supporting uses such as hotels, restaurants, and other retail integrated into the land use. Suitable sites have excellent access to Regional roads and are adjacent to the railway. Where the property is adjacent to Kimberly Road, an arterial designed for heavy traffic, and adjacent to the railway, the proposed designation of Industrial/Flex/Employment would be a suitable designation as far as location. The desired land use mix is office parks, corporate campus, warehouse, food processing, general manufacturing, etc. The applicants' desire to utilize commercial highway type uses, the Industrial designation would be a suitable and flexible land use designation to accommodate those desires.

Mixed Use Designation is characterized as local and regional commercial with it being sited at intersections of major arterials. This is typically anchored by a grocery store, civic, or entertainment uses and would allow for high-intensity mixed use development. The proposed amendment would be on the NW corner of Champlain Road and Kimberly Road, both being major arterials. This would make the proposed designation of Mixed Use suitable for this intersection. The desired land use mix is broad to include uses similar to retail, office, restaurants, civic, townhomes, vertical mixed use, apartments, hotels, plazas and parks. This designation would also be suitable for the applicants ultimate desire for commercial highway oriented.

In summary, the applicants are seeking a change to the document, which will open up the opportunity to ask for possible changes to their land development rights in the future. This process does not grant changes to the land development rights by itself.

The Planning & Zoning Commission is charged with making a recommendation on the proposed changes. The Commission may recommend approval as presented, approval of different designations, or leaving this area out of the planning boundary. This recommendation will move forward to City Council to make a final decision.

PZ/Questions & Comments:

- Commissioner Bulkley asked where the line is between Kimberly and Twin Falls.
- Director Spendlove stated it could be very close with overlapping in some areas.

Applicant Presentation:

Gerald Martens presented his request. He gave a little history of the property. This has been in the city of Kimberly, but they cannot provide services for this property, so they made a resolution to allow this area to be included in Twin Falls. They would like to keep the same zone as presented by staff. They would like to make this change now for future use.

PZ/Questions & Comments:

Public Hearing: Opened

- Robert Champlin is one of the owners and explained that the property stays in the Kimberly School District.
- Rod Kack is the owner to the north and pointed out that the word “recommended” is not on the agenda. He has concerns with the access off the highway. He feels the property on the north will have issues. He thinks the water will become a problem with Chobani using it. He asked if this is industrial, where will they get water. The speed limit is fast at the corner, and he thinks there will be problems.
- Gerald Martens followed up on the questions. Water is from the city, and they didn't have any concerns. Access will be on the north and has been platted and approved by ITD. Permitting will fall under the city jurisdiction.
- Chairperson Campbell asked about the school money going to Kimberly.
- Gerald Martens responded that the school district boundaries are different than city or even county boundaries. Development on the property funds are allocated by the county assessor.
- Chairperson Campbell asked about the speed limit concern.
- Gerald Martens replied that it's a state highway. A light needs to be placed near this property and is being worked on now. Speed is set by ITD.
- Commissioner Bulkley asked about the houses in the area, and would they be annexed, and if they were, would they pay taxes and get services.
- Director Spendlove clarified that ownership of residential property has the right to annex or not. If annexed, then they would pay city taxes and receive services.
- Gerald Martens commented that the homes are owned by applicants.

Public Hearing: Closed

Discussions Followed:

Commission likes the idea of the expansion and thinks this will work well in the future. Chairperson Campbell has concerns about not knowing the impact and adding services on services that have already been overloaded as well as the school district tax dollars.

Commissioner Bulkley made a motion to recommend approval of the request for a Comprehensive Plan Amendment to modify the Future Land Use Map to expand the Utility Service Boundary and change Future Land Use Categories for properties generally located on the east side of the intersection of Kimberly Rd (Hwy 30) and Champlin Way (3400 East). c/o Champ LLC (PZ25-0014), as presented, with staff recommendations. Commissioner Herrgesell seconded the motion. Roll call vote showed all members present voted.
Approved 5 to 1.

- b) Request for a recommendation for a Zoning Title Amendment to allow “Assisted Living/Nursing Homes” as a Special Use Permit in the PRO Overlay Zone. c/o David Thibault on behalf of Clint Schnoor (PZ25-0019).

Staff Presentation:

Planner Ebersole presented the request for a recommendation for a Zoning Title Amendment to allow “Assisted Living/Nursing Homes” as a Special Use Permit in the PRO Overlay Zone. c/o David Thibault on behalf of Clint Schnoor (PZ25-0019).

Per City Code 10-14-1: Whenever the public necessity, convenience, general welfare or good zoning practices require, the council may, by ordinance, after receipt of a recommendation thereon from the commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property. (Ord. 2012, 7-6-1981)

Per City Code 10-14-4: Zoning districts, zoning subdistricts and overlay districts shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested.
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and (Ord. 2012, 7-6-1981)
- 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. (Ord. 3091, 3-2-2015)

Per City Code 10-14-6: The commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. The commission shall ensure that any favorable recommendations for amendments are in accordance with a comprehensive plan and established goals and objectives.

Per City Code 10-14-7: The council, prior to adopting, revising or rejecting the amendment to this title as recommended by the commission shall conduct at least one public hearing using the same notice and hearing procedures as the commission. Following the council hearing, if said council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the council adopts the amendment.

Upon granting or denying an application to amend this title, the council shall specify:

- A. The regulations and standards used in evaluating the application.
- B. The reasons for approval or denial.
- C. The actions, if any, that the applicant could take to obtain a permit.

Title 10-4-18 (PRO, Professional Office Overlay) was adopted by ordinance in 2000. This overlay district is intended to provide for professional office uses along or near specifically designated major arterials where increased traffic has impacted residential uses and in areas that are near large public or private medical facilities.

The applicant has proposed adding Assisted Living and Nursing Home facilities to the PRO

overlay as a Special Use.

Allowing this Title Amendment will add the commercial use of Assisted Living/Nursing Home to the PRO overlay as a Special Use as part of the Residential category.

Assisted Living/Nursing Home is defined as a facility whose design and function shall provide area, space and equipment to meet the health needs of two (2) or more individuals who, at a minimum, require inpatient care and service for twenty-four or more consecutive hours for unstable chronic health problems requiring daily professional nursing supervision.....on a twenty-four hour basis.... {Idaho State Statute 39-1301(b)}

The State of Idaho preempts local governments from disallowing group homes with 8 or fewer individuals as they are defined as residential by State code. This request does not include group homes of 8 or fewer individuals.

The PRO overlay is generally located in our downtown area and along Addison Avenue. There are a few other locations where the PRO overlay exists, those being on collectors and arterials where there is not a strong desire for residences.

City Staff finds the result of this change creates a nice option for this overlay, as it is a natural transition from the commercial and residential uses in the areas.

Staff does not find potential detrimental impacts to the areas in the PRO overlay due to this request.

The Zoning Title Amendment request requires a recommendation to City Council. The Commission may make the following recommendations:

1. Choose to modify the proposed Zoning Title Amendment (which may require another public hearing before the Commission).
2. Recommend the proposed Zoning Title Amendment to the City Council.
3. Recommend the proposed Zoning Title Amendment be denied.

PZ/Questions & Comments:

- Chairperson Campbell asked if this was requested by an applicant or the department.
- Planner Ebersole replied that an applicant asked for this and staff felt this was the most appropriate zone to add to it.
- Chairperson Campbell asked if this would make it a Special Use Permit.
- Planner Ebersole replied that this will add it to the Special Use Permit list and applying for it would come back to commission. PRO overlay is only to increase Special Use Permits.
- Commissioner Bulkley asked which zones this could go in now.
- Planner Ebersole replied it's more commercial zones.
- Commissioner Bulkley asked if this is like a group home setting.
- Planner Ebersole clarified that 8 or less in residential is allowed per state. This is for in-patient care 24 or more consecutive hours with 8 or more.
- Chairperson Campbell asked when PRO came about.

- Planner Ebersole explained that it was in 2000. As the city grew and residential was not being used as much so the overlay was adding to increase the options.
- Commissioner Gomes asked about parking with the permits.
- Planner Ebersole clarified that it is part of the permit process.

Applicant Presentation:

David Thibault from EHM Engineers, Inc., they feel there needs to be a better transition from R-2 and R-4 to commercial. They try to find users to go in some of these vacant areas and make it usable for them. They feel this would be compatible for a transitional area.

PZ/Questions & Comments:

Public Hearing: Opened and closed with no public input

Discussions Followed:

- Commissioner Bulkley asked why this wasn't already in the overlay and where it was allowed.
- Director Spendlove clarified that the R-6 zone allows it. It is not a special use in other areas.

Commission thinks this is a good use for the PRO overlay zone.

MOTION: Commissioner Herrgesell moved to approve the request for a recommendation for a Zoning Title Amendment to allow "Assisted Living/Nursing Homes" as a Special Use Permit in the PRO Overlay Zone. c/o David Thibault on behalf of Clint Schnoor (PZ25-0019).

Commissioner Weatherford seconded the motion. Roll call vote showed all members present voted.

Approved 6 to 0.

- c) Request for a recommendation for a Zoning District Change/Zoning Map Amendment from R-4 to R-6 on property located at 134 Adams St. c/o Shannon Troop (PZ25-0024).

Staff Presentation:

Planner Strickland presented the request for a recommendation for a Zoning District Change/Zoning Map Amendment from R-4 to R-6 on property located at 134 Adams St. c/o Shannon Troop (PZ25-0024).

Per City Code 10-14-4 Zoning districts, zoning subdistricts and overlay districts shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested.
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as provided herein; and (Ord. 2012, 7-6-1981)
- 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 under the notice and hearing procedures provided in section 10-7-20 of this title. (Ord. 3091, 3-2-2015)

Per City Code 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments. Zoning amendments may consist of text or map revisions.

Zoning Map Amendment: The commission, prior to recommending a zoning map amendment that is in accordance with a comprehensive plan to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. (Ord. 3091, 3-2-2015)

The Twin Falls New School Addition was platted in 1904 and this lot has been vacant for more than 10 years, with no significant history.

The applicant is requesting a zoning district change to allow for the development of a duplex. A duplex is an outright permitted use within the R-4 and R-6 zoning districts. Currently, the subject property requires approximately 450 sq. ft. to meet the R-4 minimum lot size standard for a duplex, this change would reduce the minimum lot size standard by 500 sq. ft. allowing for a duplex to be constructed.

Upon reviewing the comprehensive plan, identifies this area as neighborhood commercial, which suggests a mixture of small commercial that serves the neighborhood as well as mixed residential uses. Changing from R-4 to R-6 would be more compatible with the neighborhood if approved. The change from one residential zone to another would not be as drastic as changing to commercial, which would also be allowed based on the comprehensive plan neighborhood commercial designation. Furthermore, the transition from R-4 (medium density) to CB (Central City Commercial) could be looked at as abrupt, and having the R-6 zoning designation may provide for a smoother transition between development patterns.

This lot is limited in size, and by allowing the proposed change, it does allow the option of building a duplex vs only a single family unit, supporting the goal of providing more housing.

Per City Code 10-14-6, the Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. The commission shall ensure that any favorable recommendations for amendments are in accordance with a comprehensive plan and established goals and objectives. The City Council will take into consideration the commission's recommendation after hearing public testimony and make a final decision on the request. Should the request be approved, the amendment to the zoning district map shall be made upon the preparation and passage of an ordinance.

Upon conclusion, Staff finds the proposed zoning district change to be compliant with the comprehensive plan by supporting desired land use patterns. The Commission is responsible for making a recommendation to the City Council.

PZ/Questions & Comments:

- Chairperson Campbell asked if there were any conditions.
- Planner Strickland replied this is just a recommendation.
- Vice-Chairperson Zimmerman asked what the lot size is.
- Planner Strickland answered it is 6900 sq ft.

- Commissioner Bulkley asked how we make it more appealing to have people want to clean up these lots with Twin Falls having a lot of these vacant lots.
- Planner Strickland replied that the design criteria were created to restrict these kind of developments and with times changing these are now needed.
- Commissioner Gomes asked about parking.
- Planner Strickland answered that it is 2 spaces per unit and parking can be in setback but not the building.
- Commissioner Gomes asked what the frontage depth and width is.
- Planner Strickland replied that the lot it is just shy of the 7000 sq ft requirement.

Applicant Presentation:

David Thibault from EHM Engineering, Inc. explained that the owners were requesting this change to help lend and buffer the different zones.

Public Hearing: Opened

- Diana Bordi asked if this was going to be an AirBNB or rental. She asked about the parking and size of the lot. She wonders if they are going to cut down trees.
- David Thibault replied they have no idea what will go there. The applicants just wanting options.
- Commissioner Gomes asked about the alley access.
- David Thibault replied there are 2 alleys so there should be no access issues.
- Chairperson Campbell commented on the public concern about what will go there as this is just a recommendation to city council. If people have concerns they can wait until it comes back and voice them then.
- David Thibault replied that this will only come back if a Special Use Permit is needed.

Public Hearing: Closed

Discussions Followed:

The commission feels good about the change and feel the use isn't a big change.

MOTION: Commissioner Bulkley moved to approve the request for a recommendation for a Zoning District Change/Zoning Map Amendment from R-4 to R-6 on property located at 134 Adams St. c/o Shannon Troop (PZ25-0024). Commissioner Herrgesell seconded the motion. Roll call vote showed all members present voted.

Approved 6 to 0.

- d) Request for a Special Use Permit for equipment rental on property located east of 2647 Kimberly Rd (portion of Sunset Business Park). c/o Laughlin Ricks Architecture on behalf of Tate's Rents (PZ25-0027).

Staff Presentation:

Planner Strickland presented the request for a Special Use Permit for equipment rental on property located east of 2647 Kimberly Rd (portion of Sunset Business Park). c/o Laughlin Ricks Architecture on behalf of Tate's Rents (PZ25-0027).

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.

Conditions May Be Attached To:

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

This request is for 2.8 (+/-) acres located within Sunset Business Park. This property is east of what was originally the National Forrest Service Office, which has since been purchased, repurposed and expanded to include new office spaces along with several new buildings that are generally related to the construction trade business. The applicant is proposing to construct a new building on this vacant property to operate an equipment rental store. Equipment rental is within the retail trade category of the commercial zoning district and

requires approval of a special use permit. This property is located within the C-1: Commercial Highway District and is adjacent to a larger commercial corridor.

Development of a vacant lot will trigger required improvements to the site to meet current city code. This will include items such as gateway arterial landscaping, site landscaping, trash enclosures, hard surfacing etc. These items will be reviewed at the time of the building permit and the site plan provided for this request is for reference only. Amendments to the site plan may be required per city codes and standards.

The narrative states the company will operate during the months of April–October, with hours of operation being 7:00 AM to 5:30 PM on Monday-Friday and 9:00 AM to 3:00 PM on Saturdays. During the "off-season", November-March, operating hours will be 8:00 AM to 5:00PM Monday-Friday and closed on weekends. Customers will visit the site to pick up and return rented equipment throughout the day. The impact of this type of visit should be minimal and similar to other businesses within the area. Kimberly Road is a major arterial that is constructed to handle large amounts of traffic and Staff does not anticipate the operation of such a business will impact the flow or volume of traffic traveling within this area.

While reviewing the application with the community development team, the applicant was sent comments regarding the location of the trash enclosure, the parking and maneuvering area, purpose of the canopies as well as plans for washing equipment. The revision to the original site plan shows that the trash enclosure has been relocated to a more appropriate location. The canopies will be used to house equipment that needs protection from the weather. The plan has identified the parking and maneuvering path throughout the site and clarified that a wash bay will be used that will contain a grease interceptor for management of any waste materials such as oils and lubricants that could damage the sewer system.

The comprehensive plan identifies this area as commercial, which is characterized by highway-oriented businesses such as large retail stores, hotels, restaurants and other businesses. The land uses recommended are mixes of retail, offices, plazas and parks. The land use proposed is compatible with the comprehensive plan and should blend well with the surrounding area.

Upon conclusion, this is a land use request and, if approved, does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project. Should the commission approve the request as presented, staff recommends approval be

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 providing a grease interceptor for wash bays

Applicant Presentation:

Colby Ricks commented that there is a lot of growth in Twin, and they would like to open more locations. They like to keep a certain look, and it has been incorporated into the design. He added that the original application wanted to be open seasonally but they have since thought about changing it to year-round.

PZ/Questions & Comments:

- Commissioner Bulkley asked if they were using the building access on the west.

- Colby Ricks replied that this is one property, and they will share the lot.
- Chairperson Campbell asked if they want to change the application to year-round will they need to revise it.
- Director Spendlove clarified that they are not asking for outside business hours and if it is discussed during the meeting it will be fine.

Public Hearing: Opened and closed with no public input

Discussions Followed:

The commission feels this fits the plan and will help fill in blank space. It fits with the surrounding area and comprehensive plan.

MOTION: Vice-Chairperson Zimmerman moved to approve the request for a Special Use Permit for equipment rental on property located east of 2647 Kimberly Rd (portion of Sunset Business Park). c/o Laughlin Ricks Architecture on behalf of Tate's Rents (PZ25-0027). Commissioner Gomes seconded the motion. Roll call vote showed all members present voted.

Approved 6 to 0.

7) Upcoming Meeting(s)

- a) April 22, 2025.

8) Adjournment

The meeting adjourned at 08:34 PM

Jody Green, Planning Technician



Date: Tuesday, April 22, 2025
To: Planning and Zoning Commission
From: William Klaver, Senior Planner

PRESENTATION

Request:

Preliminary Presentation for a request for a Zoning District Change/Zoning Map Amendment from R-2 to R-4 ZDA on property located at 807 Wendell St. c/o Sid Lezamiz (PZ25-0002).

Time Estimate:

Fifteen (15) minutes for staff and applicant presentation.

Background:

The applicant, Sid Lezamiz, is proposing to create a Zoning Development Agreement (ZDA), "807 Wendell Street Housing Project ZDA" located at approximately 807 Wendell Street, on one (1) parcel containing approximately 1.186 acres (more or less). This proposed ZDA will change the base zoning from R-2 to R-4, allow by right the land use dwelling-multiple household (5 units or more), allow for up to two (2) structures on 1 lot, and have a max density on the 1.168 acre property 15 units. The applicant would agree to general architectural requirements, reconstruction to centerline of Wendell and Lawrence, construct 24 feet of Robbins Avenue, and constructing an underground water retention pit to handle the storm water needs.

This project is anticipated to utilize two phases, with all infrastructure to be constructed in the first phase.

Approval Process:

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

Per City Code 10-6-1.7(E) Approval of a ZDA shall be based on the following standards: the proposed uses are not detrimental to surrounding properties; deviations from Title 10 shall be warranted by the design of the conceptual plan; conformance to the Comprehensive Plan, and existing and/or proposed infrastructure must be adequate for the project.

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

Budget Impact:

N/A

Regulatory Impact:

Per City Code 10-6-1.4 (B) The ZDA shall conform to all sections of this title unless specifically addressed in the written commitment document. All applications to the city shall list all requested variations from the standard requirements.

Should this Zoning Development Agreement amendment be approved, the ZDA will become the regulatory zoning document for the property.

History:

N/A

Analysis:

A full analysis of this application will be provided during the public hearing.

Conclusion:

Staff makes no recommendations at this time. Staff will present a full analysis of the request at the public hearing scheduled for Tuesday, May 13, 2025.

Attachments:

1. PZ25-0002 Proposed Zoning Development Agreement
2. PZ25-0002 Proposed Elevations
3. PZ25-0002 Proposed Site Plan
4. PZ25-0002 Applicant Narrative

807 Wendell Street Housing Project

ZDA DEVELOPMENT COMMITMENT

Pursuant to All Parts of the Planning Exhibit

This ZDA Development Commitment is made and entered into this ____ day of ____ 202__ by and between the CITY OF TWIN FALLS, STATE OF Idaho, a municipal corporation hereinafter called "City" and Sid Lezamiz hereinafter call "Developer" for the purpose of developing 15 townhouse style units on property located generally at 807 Wendell Street and more specifically described in the Legal Description.

Legal description of the property is: See Exhibit 1

Development and Improvements shall conform to the standards and regulations of the Twin Falls City Code Title 10-4:5 R4 Residential Medium Density.

(1) Use Regulations:

- (A) Permitted Uses: Dwelling-multiple household (5 units or more)
- (B) Special Uses: None requested
- (C) Prohibited Uses: None requested

(2) Property Development Standards:

- (A) Lot Occupancy: Modified As Follows: Lot area not to exceed 15 units on the 1.6-acre parcel or eight units on .593 acres and 7 units on .593 acres
- (B) Building height: Not requested.
- (C) Yards: Modified as follows: Street setback no Change requested
- (D) Access: Will be from Robbins and Lawrence.
- (E) Parking: Will be garage parking with a parking space tandem outside for 10 of the units and carport parking that is also tandem for the additional 5 units.

(3) Other Site development Criteria – if applicable

- (A) Building Elevations: Project to be Constructed in accordance with the Building Elevations Provided with This Agreement.

(4) Architectural Standards: The buildings will be constructed by the developer and/or its successors and assigns in accordance with the building elevations included with this application.

(5) Project Phasing: is intended to be built out in two phases. Infrastructure will be built in the first phase. Infrastructure to include:

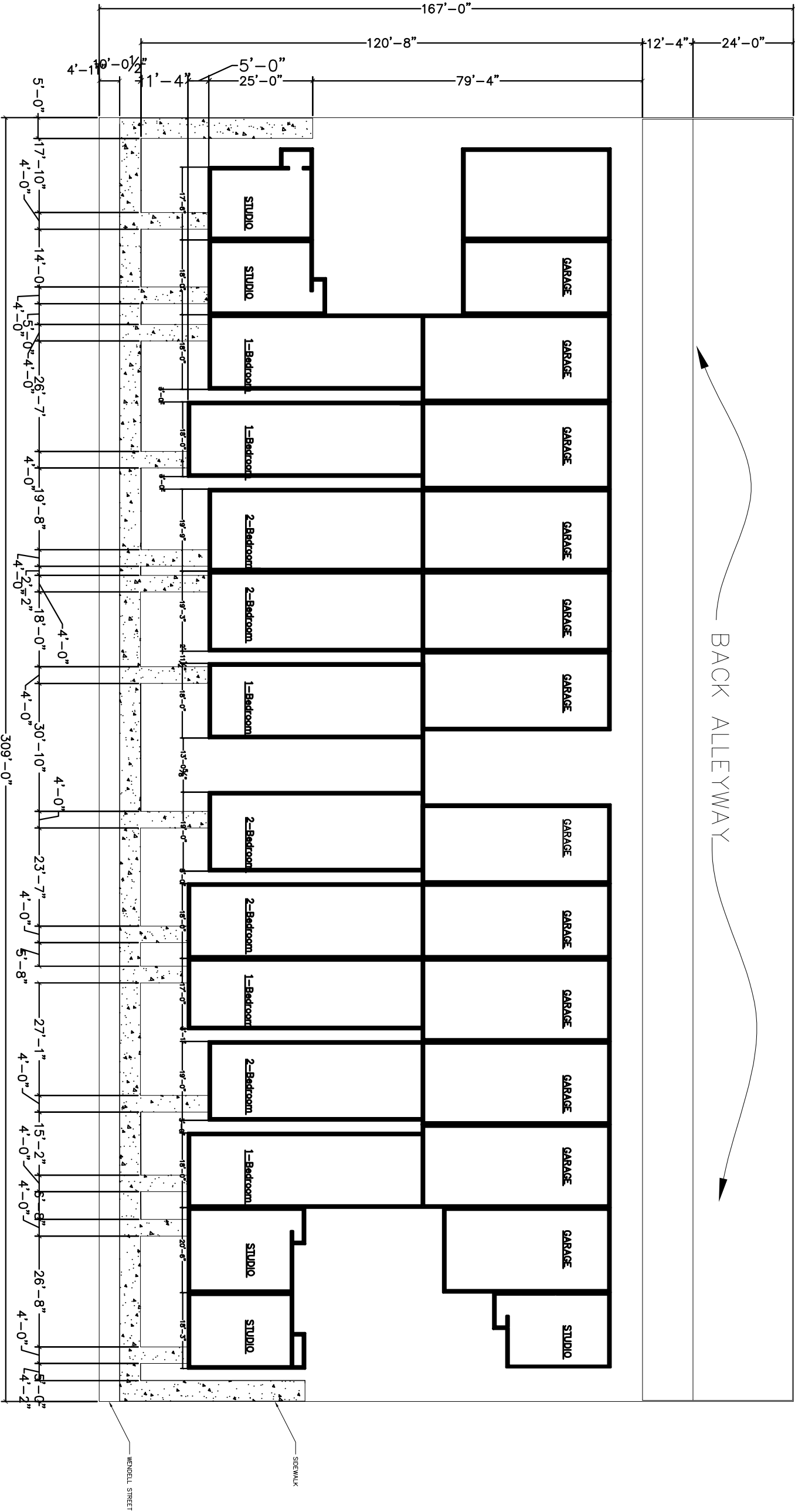
- a. Replacement and relocation of the irrigation ditch presently along Robbins and Wendell Street, would be diverted to the northeast portion of the

property as suggested by the Twin Falls Canal Company and installed to their standard.

- b. Construction of underground water Retention Pit Parallel to Wendell Street and one parallel to the new Alley way along the west of the property.
- c. Installation of curb, gutter, sidewalks along Wendell and Lawrence Streets.
- d. Reconstruct Wendell Street to the centerline of the road which meets City of Twin falls Collector Street standards.
- e. Reconstruction of Residential Street, Lawrence Street to the centerline of the road which meets City of Twin falls Residential Street standards.
- f. Reconstruct Robbins St. to meet City of Twin Falls Alley standards with minimum width of 24 feet.
- g. Construction of alley along west boundary of property providing loading for units and their perspective garages. This will be maintained by the owner.



Wendell Street



WENDELL STREET

Important Additional Information

We are finding the cost to develop this infill property is cost prohibitive, such as new curbs, gutters, sidewalks, road improvement of all three bordering streets, extension of Robbins west to Alley standard. As well as installation of irrigation piping being called out, to meet city development requirements. To make the project economically viable a higher density zone is required. Most importantly, in our present inventory of approximately 200 plus Rental properties in the Greater Twin Falls area, these rental properties break down as 69 percent three-bedroom units, and 27 percent two-bedrooms units, 4 percent one-bedroom units, and only 1 studio unit in 200 plus properties.

For years we have been fielding calls for more affordable one-bedroom units, and studio apartment living, and are keenly aware of the strong **need/demand** in the rental market for studio and 1-bedroom units.

This Wendell Street 15 Unit Project is our attempt to meet the need in the Rental Market for smaller more affordable units, more 1-bedroom units, and more studio units. Additionally, our goal with this project is to also provide clean affordable housing with additional storage space, as many Tenants have a need for additional storage space. This shortcoming on the part of the Landowner, of not providing additional storage space in rental housing, often times then requires the Tenant who is already stretched to meet the ever-rising Rental Lease rates to lease storage space off site at an additional cost to store personal belongings. We have designed our garages to meet this need, as our garages are 45 feet in depth with overhead storage to accommodate our valued Tenants.

I believe we can all agree that it is harder for our kids today, to make ends meet financially, to find safe, clean, affordable housing, than it was when we were young adults attempting to break out into the world.

This Wendell Street 15 Unit Project, we feel, is a step in the right direction to bring safe, clean, affordable housing, with storage to our community. Should this project prove to be successful, as we are confident it will, we will build more housing of similar design, with hopes of others following suit, to meet the needs of our community.



Date: Tuesday, April 22, 2025
To: Planning and Zoning Commission
From: Jonathan Spendlove & William Klaver

ACTION ITEM

Request:

Request for a recommendation for a Zoning Title Amendment to repeal and replace Title 10. Items to include are regulations pertaining to "subdivisions". c/o City of Twin Falls (PZ24-0121).

Time Estimate:

20-30 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 "Subdivision Regulations". This chapter was adopted and amended in various years, ranging from 1981 to 2024.

This chapter utilized the majority of the previous language as it pertained to the process of reviewing and approving subdivisions. The Preliminary Plats will continue to be reviewed and approved by the Commission. Final Plats are still under the purview of the City Council. The previous code had numerous design elements that have been removed and a reference to the already approved Idaho Standards for public Works Construction (with City of Twin Falls modifications).

A few of the more notable changes include:

1. A provision for a Short Plat - 5 or few lots on less than 5 acres. This is geared toward infill projects that will require following City Standards, and allows for administrative review of the standards and Final Plat approval by City Council.
2. The notification requirements have been modified to require public comments on plats to be made in writing prior to the meeting.
3. The expiration of plat approvals have been modified to include a grace period on expiration's, and a maximum approval time for construction plans.
4. Other changes have been made by removing outdated sections design standards, grammatical fixes, and flowing the chapters in the order that most development occurs.

City Staff has delivered this draft section to the Developers group, and met with them on April 10, 2025 to receive their comments regarding multiple items. We have modified a few of those sections to accommodate their concerns.

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:

If approved, this section will provide the general verbiage for the Subdivision regulations in Title 10. Prior to adoption, the entirety of Title 10 will be brought forth to the Commission and Council in its final format, where the Council will decide to proceed with an ordinance or not.

History:

N/A

Analysis:

N/A

Conclusion:

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

Sample main motions:

1. *Move to recommend approval for the proposed zoning text amendment to the subdivision regulations chapter of Title 10 as presented;*
2. *Move to recommend approval with conditions for the proposed zoning text amendment to the subdivision chapter of Title 10; or*

3. *Move to table the item to a date certain of* _____

Attachments:

1. PZ24-0121 Proposed Subdivision Regulations
2. PZ24-0121 Current Subdivision Regulations - 4.17.25

Chapter 12

GENERAL SUBDIVISION PROVISIONS

10-12-1: General Subdivisions Provisions

10-12-1-1: AUTHORITY:

These regulations are authorized by Title 50, Chapter 13 of the Idaho Code; Title 67, Chapter 65 of the Idaho Code; and Article 12, Section 2 of the Idaho Constitution, as amended or subsequently codified.

10-12-1-2: PURPOSE: The purpose of these regulations is to promote the public health, safety and general welfare, and to provide for:

- (A) The harmonious development of the area;
- (B) The coordination and continuation of the historic grid network of streets and roads;
- (C) Adequate open space for recreation;
- (D) Adequate facilities for transportation, potable water, drainage, irrigation, and sewer;
- (E) The avoidance of scattered subdivision of land that would result in either of the following:
 - 1. The lack of water supply, irrigation supply, sewer service, drainage, transportation or other public services; and
 - 2. The unnecessary imposition of an excessive expenditure of public funds for the supply of such services.
- (F) Adequate requirements and standards, and timing of installation and improvement for Roads, water and sewer, and other utility mains, piping connections or other public facilities.
- (G) The manner, form, and process of making and filing of any plat; and
- (H) The administration of these regulations by defining the powers and duties of approval authorities.

10-12-1-3: JURISDICTION: These regulations shall apply to the subdividing of land within the corporate limits of the City.

10-12-1-4: INTERPRETATION: All subdivisions as herein defined shall be submitted for final approval by the Council and shall comply with the provisions of these regulations. These regulations may be supplemented by other regulations, ordinances, resolutions, or standards; and where in conflict with other laws, regulations, ordinances, resolutions or standards, the more restrictive requirements shall apply.

10-12-1-5: ADMINISTRATION: The administration of this Chapter shall be conducted by the Administrator.

10-12-2: PROCEDURE FOR SUBDIVISION APPROVAL:

10-12-2-1: SUBDIVISION APPROVAL REQUIRED:

- (A) Any person desiring to create a subdivision, as herein defined, shall submit all necessary completed applications to the Administrator on forms as provided by the City.
- (B) All applicant shall go through the following reviews:
- (1) Subdivision Concept
 - (2) Short Plat or Preliminary Plat, whichever is applicable,
 - (3) Public Infrastructure Construction Plan
 - (4) Final plat
- (C) No Final Plat shall be filed with the County Recorder, or improvements made on the property, until the Preliminary Plat has been acted upon by the Planning and Zoning Commission, where required, and a Final Plat has been approved by the City Council.
- (D) No lots shall be sold until the Final Plat has been recorded in the office of the County Recorder.

10-12-2-2: SUBDIVISION CONCEPT REVIEW:

- (A) Application: The subdivider shall submit a concept drawing with sufficient detail (specific items to be listed on forms provided by the City) to enable the administrator to review and comment on the proposed subdivision.
- (B) Administrator Action: Within 15 business days from the date of receiving a complete Subdivision Concept Application, the Administrator shall notify the subdivider as to the general conformance, or nonconformance, of the proposal with this Title, and shall provide the necessary forms and check lists, as well as the additional following consideration:
1. Compliance of the proposed development with existing local or state policies, goals and objectives or comprehensive plans;
 2. Determination if additional special permits or ordinance conflicts, such as rezone, special development permit or variance are needed and the manner of coordinating such permits;
 3. Consideration of any unique environmental features or hazardous concerns that may be directly or indirectly associated with the subject property, such as areas that have been designated as areas of critical environmental concern, unique plant or animal life and floodplains; and
 4. Consideration of other local and state agencies that the subdivider should contact before preparing a preliminary plat.

10-12-XXX SHORT PLAT

- (A) Purpose: The purpose of the Short Plat Process is to allow for minor subdivisions of land through a streamlined process. The ideal scenario is intended for in-fill development where no further subdivisions will occur on adjacent properties.
- (B) Applicability: Short Plats shall adhere to the following:

1. Shall not involve a total area exceeding 5 acres.

2. Shall not Create more than 5 lots.

3. Shall not require new street dedications, widening of existing street is allowed, per the Master Transportation Plan or the City Engineer.

4. Parent Parcel Clause: The "parent" lot, or parcel must not have been created using the short plat process within the last 5 years of recording date.

5. All new parcels abutting public right-of-way shall install access approaches to current standards.

6. Any existing structures shall connect to centralized sewer and water.

7. Subdivisions of Special Concern shall not qualify for short plat consideration.

(C) Application Process: The subdivider shall file a complete short plat subdivision application with the administrator, on forms furnished by the City.

1. The administrator, or designee, shall review the application for completeness.

2. The administrator, or designee, shall conduct an inter-departmental technical review to evaluate compliance with Preliminary and Final Plat standards and requirements for utilities, stormwater management, access, fire safety, and any other relevant public facilities.

3. The City may provide copies of submitted documents to outside agencies that may be impacted by the proposed development, as necessary.

4. Written notice to the owners of property within 100 feet of the exterior property lines of the project shall be provided. The written notice shall provide

a. the proposed short plat drawing,

b. general information concerning the proposal,

c. a time frame of no less than 14 days for submitting written comments from the date of mailing.

(D) Decision and Appeal: The City Engineer, or designee, must find that all criteria outlined in 10-12-2-3-(E) have been met.

1. The City Engineer, or designee, shall act as a Hearing Examiner in accordance with Idaho Statute 67-6520.

2. The Hearing Examiner shall render a written decision to approve, approve with conditions, or deny the request for preliminary short plat.

2. Notice of the action taken will be mailed to the applicant and all owners of real property who received notice as required by city code.

3. A decision to deny the application must indicate the reasons for denial and explain what steps are necessary to obtain approval.

4. The applicant or any affected party may appeal the decision of the City Engineer by filing a notice of appeal with the Planning Director no later than 10 days after the City Engineer's decision.

a. The appeal must be in writing and explain in a clear and concise fashion the basis for appeal.

b. The appeal will be set as a consideration item before the City Council at the next regularly scheduled meeting at which it can be reasonably accommodated.

c. The City Council will base its decision on whether the findings required by this title have been met.

d. The City Council will render a written decision to the applicant and any party appealing the original decision. The Director shall also make the City Council decision available for public inspection.

5. Upon preliminary plat approval by the City, the developer may apply for a final plat and construction documents as required elsewhere in this title.

(E) Approval Period: Approval of a Short Plats is valid for 1 year from the date of final written decision. Any Plat not recorded within 1 year of final approval shall be considered expired.

All other limitations, requirements and restrictions on final plats, public infrastructure construction, and warranties are applicable to short plats.

10-12-2-3: PRELIMINARY PLAT:

(A) Application: The subdivider shall file with the administrator a complete subdivision application containing all required information prior to any official review taking place.

(B) Content Of Preliminary Plat Application: The contents of the preliminary plat and related information shall be in such form as stipulated by the administrator as listed on the official application. Additional information may also be required as deemed necessary by the Administrator.

A completed application shall contain at least the following:

1. A signed application.

2. A preliminary plat drawing of the proposed subdivision, drawn to the specifications, standards and requirements listed on the application.

3. Water modeling results which indicate the new subdivision/development can be developed in a manner that will provide adequate water supply for domestic water and fire protection and

the new subdivision/development will not adversely affect the city's ability to continue to provide adequate domestic water and fire protection to the existing water system users. The cost of the water modeling will be the responsibility of the developer.

4. Sewer treatment modeling results which indicate the new Subdivision/development can be developed in a manner that will provide adequate sewer service and sewer treatment capacity by the city and the new subdivision/development will not adversely affect the city's ability to continue to provide adequate sewer treatment capacity to the existing sewer system users. The cost of the sewer modeling will be the responsibility of the developer.

5. Appropriate information that sufficiently details the compliance of the proposed development with any special development criteria when applicable (see 10-10-XXXX Special Development Subdivisions).

(C) Administrator Review:

1. Certification: Upon receipt of the submitted preliminary plat application, the Administrator, shall review the application for complete information. When the application is deemed complete the date of application acceptance shall be affixed thereon.

2. Review: The Administrator shall receive a written review of the application from the City Engineer prior to any action taken by the Commission. Additionally, the Administrator may require the developer to submit the application materials to other agencies as deemed necessary. Such agencies may include the following:

- a. Other governing bodies having joint jurisdiction;
- b. The appropriate utility companies, irrigation companies or districts and drainage districts;
- c. The superintendent of the school district; and
- d. Other agencies having an interest in the proposed subdivision.

External agencies shall have a time frame of no less than 10 days for submitting written comments from the date of notification.

3. Recommendation: The Administrator shall prepare a recommendation to the Commission and place the item on the next available agenda once all review periods have been completed.

(D) Notification to Property Owners: In addition to posting the property, written notice to the owners of property within 300 feet of the exterior property lines of the project shall be provided. The written notice shall provide

- a. the proposed preliminary plat drawing,
- b. general information concerning the proposal,
- c. a time frame of no less than 10 days for submitting written comments from the date of mailing.

184 (E) Commission Action:

185 1. Consideration by Commission: The Commission shall review the preliminary plat, written
186 comments from concerned persons and agencies, and the report from the Administrator to
187 arrive at a decision on the preliminary plat.

188 A public hearing is not required to consider a preliminary plat.

189 2. Commission's Findings: In determining the acceptance of a proposed subdivision the
190 Commission shall consider the following:

191 a. the Standards and Regulations of this Title;

192 b. general conformance of the subdivision with the Comprehensive Plan;

193 c. the availability of public services to accommodate the proposed development;

194 d. other health, safety or environmental problems that may be brought to the Commission's
195 attention.

196 3. Decision on Preliminary Plat: The Commission may approve, conditionally approve, deny, or
197 table for additional information when acting on the preliminary plat. If tabled, approval or
198 disapproval shall occur at the regular meeting following the meeting at which the preliminary
199 plat is first considered by the Commission.

200 4. Reasoned Decision Required. The reasoned decision shall be stated in writing and provided
201 to the applicant within 30 days of the Commissions action. Upon granting or denying a
202 preliminary plat the Commission shall specify:

203 a. The regulations and standards used in evaluating the application;

204 b. The reasons for approval or denial; and

205 c. The actions, if any that the applicant could take to obtain plat approval.

206 (G) Approval Period: Preliminary plat approvals shall be valid for 24 months from the date of written
207 decision by the Commission, or the recordation date of the preceding phase of development in
208 an approved subdivision.

209 1. The planning commission, upon written request, may grant 2 extensions of 12 months each
210 upon a finding that the preliminary plat complies with current development requirements and
211 all applicable conditions of approval. The commission may apply conditions to the extension
212 to ensure compliance with adopted policies or ordinance changes since the original approval.

213 2. A request for an extension of a preliminary plat approval must be received by the
214 administrator within 45 days after the approval lapse, and must be accompanied by the
215 required fee.

216 3. In any case, at 6 years from preliminary plat approval, any subsequent Final Plat submittal
217 shall follow adopted standards for infrastructure construction at the time of final plat
218 submittal.

10-12-2-4: FINAL PLAT:

(A) Application: After the approval, or conditional approval, of the preliminary plat, the subdivider may file a final plat application for the total parcel, or any part thereof, including the payment of fees to defray the costs and expenses of plan checking all associated documents.

(B) Content Of The Final Plat: The final plat documents shall be in compliance with all items required under title 50, chapter 13 of the Idaho Code, and contain the following:

1. Proof of current ownership of the real property included in the proposed final plat.
2. Substantial conformance with the approved preliminary plat, meeting all requirements or conditions thereof.
3. Conformance with all requirements and provisions of this title.
4. Acceptable engineering practices and local standards established by the City Engineer.
5. Any other pertinent information the administrator, or Council, may deem necessary to arrive at a decision.

(C) Administrator Review:

1. Acceptance: Upon receipt of the final plat, and compliance with all other requirements provided for herein, the administrator, shall certify the application as complete and shall affix the date of acceptance thereon.
2. Substantial Conformance to Preliminary Plat: The administrator shall review the final plat for substantial conformance with the design of approved preliminary plat, and compliance with any conditions of approval.
 - a. If the administrator determines there is substantial difference in the design of the final plat from the approved preliminary plat, then the administrator may require the final plat be submitted to the commission in the same manner as the preliminary plat process.
3. Internal Department Review: The administrator shall transmit the application, and associated documents for review and recommendation to all affected City of Twin Falls Departments. Such review shall include the construction standards of improvements, compliance with health standards, the cost estimate for all improvements, and the legal review of the performance bond if applicable.
4. Submission to The Council: Upon the determination that the final plat is in compliance with the preliminary plat, and all conditional requirements have been met, the administrator shall forward the application for agency review, the final plat on the council consent agenda.

(D) Agency Review: The administrator may transmit copies of the final plat, or other associated documents, for review and recommendation to external agencies as they deem necessary to ensure compliance with the preliminary approval and/or conditions of preliminary plat approval.

External agencies shall have a time frame of no less than 10 days for submitting written comments from the date of notification.

(E) Council Action: Following receipt of the administrator's report, the Council shall consider the conditions of preliminary plat approval, and comments from agencies, to arrive at a decision on the final plat.

The council shall approve, approve conditionally, disapprove or table the final plat for additional information. Upon granting or denying the final plat the council shall specify:

1. The regulations and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain approval.

(G) Final Documents: Prior to recording the final subdivision plat, the subdivider shall submit to the administrator:

1. A copy of the approved plat, satisfying any additional conditions placed by the Council.
2. Approved copies of the Construction Plans and specifications for public infrastructure including but not limited to: streets, water, sewer, stormwater, parks, gravity irrigation and pressure irrigation systems. The city engineer shall establish all applicable standards.

All plans and specifications shall have sufficient detail and written information to accurately locate the proposed improvements in the field and determine their relationship to other improvements.

3. Financial guarantee of improvements pursuant to section 10-12-4-3 of this chapter.
4. An approvable weed management plan.
5. Certification of water and sewer plan approval from the Idaho Department of Environmental Quality.
6. Street and utility plan approval from the appropriate authority (Idaho Transportation Department, Twin Falls Highway District, etc), if applicable.
8. Gravity irrigation system plan approval from the Twin Falls Canal Company, if applicable.
9. An executed City of Twin Falls Improvement Agreement for Developers.
10. Certification of the notice of intent and stormwater pollution prevention plan filed with Idaho DEQ.
11. All water share certificates transferred to the city of Twin Falls equal to one share per gross acre for new residential developments, or such other number of shares as negotiated between the City Council and the developer by separate agreement.

(H) Approval Period: Final plat approvals shall be valid for 24 months from the date of written decision by the City Council.

1. The City Council, upon written request, may grant 2 extensions of 12 months each upon a finding that the Final Plat complies with current development requirements and all applicable conditions of approval. The City Council may apply conditions to the extension to ensure compliance with adopted policies or ordinance changes since the original approval.

2. A request for an extension of a Final plat approval must be received by the administrator within 45 days after the approval lapse and must be accompanied by the required fee.

3. In any case at 6 years from preliminary plat approval, any subsequent Final Plat submittal shall follow adopted standards for infrastructure construction at the time of final plat submittal.

(I) Recording of Final Plat: Upon approval of the final plat, the applicant may proceed to recording the plat through the following process:

1. Pay any outstanding City of Twin Falls fees,
2. Posting of surety bond, or other acceptable guarantee for the public improvements, as outlined within this Title,
3. Providing a final plat mylar which accommodates for the following signatures and restriction:
 - (a). Certification and signature of the city council verifying that the subdivision has been approved;
 - (b). Certification and signature of the city engineer verifying that the subdivision meets the city requirements; and
 - (c). Certification of the sanitation restrictions on the face of the plat per section 50-1326, Idaho Code.

Upon successfully accomplishing the above items the developer may submit the final plat to the county recorder for recording.

10-12-3: PUBLIC INFRASTRUCTURE DESIGN STANDARDS:

10-12-3-1: MINIMUM STANDARDS:

All plats submitted pursuant to the provisions of this title, and all public infrastructure construction plans, shall comply with the minimum design standards set forth herein, or in accordance with supplemental standards provided by the City of Twin Falls, including but not limited to: Idaho Standards for Public Works Construction ("ISPWC": City of Twin Falls revisions), City Infrastructure Design Manual, or other standards approved by the City Engineer.

Standards from any highway district, state highway department, or health agency will govern where that agency has jurisdiction.

10-12-3-2: DEDICATION OF STREETS:

Within any proposed subdivision, arterial and collector streets as shown on a Master Transportation Plan, shall be dedicated to the public in all cases. In general, all other streets shall also be dedicated to public use, unless otherwise approved by the City Council.

10-12-3-3: STREET LOCATION:

Street and road locations shall conform to the following:

- (A) Street Location and Arrangements: All street locations shall conform to the Twin Falls Master Transportation Plan where applicable. Collector streets may contain curvature throughout a development at the discretion of the City Engineer per engineering standards and best practices. However, such trafficways shall maintain the city wide grid type pattern for connectivity as close to one-fourth of a mile as is reasonably feasible.

(B) Stub Streets: Where adjoining areas are undeveloped, new subdivisions shall be designed and constructed to make provisions for the future extension of streets into adjacent areas. Temporary cul-de-sacs may be required at the discretion of the City Engineer.

(C) Relation to Topography: Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and acceptable gradients.

(D) Alleys: Alleys shall be provided in multi-dwelling or commercial subdivisions unless other provisions are made for service access and off-street loading and parking. Dead end alleys shall be prohibited in all cases.

(E) Cul-De-Sac Streets: Cul-de-sac streets shall not be more than 500 feet in length and shall terminate with an adequate turnaround having a minimum radius per the current City of Twin Falls Standards.

(F) Half Streets: Half streets shall be prohibited, unless required by condition of approval by the Planning Commission or City Council through the Platting process.

(G) Private Streets: Private streets shall be constructed to the local road standard as listed in ISPMC.

(H) Private Reserve Strips: Privately held reserve strips (aka spite strips) controlling access to public streets shall be prohibited.

10-12-3-4: STREET SPECIFICATIONS:

(A) Right Of Way Widths: Right of way widths shall conform to the adopted plans or standards of the City.

(B) Street Grades: Street grades shall not exceed ten percent (10%) on either local or collector streets and six percent (6%) for arterial streets. Minimum street grades shall be four-tenths percent (0.4%).

(C) Street Alignment: Street alignment shall be as follows:

1. Horizontal alignment: Shall be in accordance with section [10-12-3-13](#) of this chapter.

2. Vertical alignment: Minimum stopping sight distances shall be two hundred feet (200') for minor streets and designed in accordance with design speed for collector and arterial streets.

10-12-3-5: STREET NAMES:

The naming of streets shall conform to the following:

(A) Street names shall not duplicate any existing name within the limits of this title except where a new street is a continuation of an existing street. Street names if spelled differently but sound the same as existing streets shall not be used.

(B) All new streets shall be named as follows: Streets having predominantly north-south direction shall be named "street" or "way"; streets having a predominantly east-west direction shall be named "avenue" or "road"; meandering streets shall be named "drive", "lane", "path" or "trail" and cul-de-sacs shall be named "circle", "court" and "place".

(C) When any new subdivision contains any street which is a continuation of any street, such new street shall take the name of such existing street. No new street shall be given the similar name of any existing street. The City Engineer shall have the power to change the name of any street on any map or plat submitted to make such map or plat conform to the provisions of this section.

10-12-3-6: INTERSECTIONS:

(A) Angle of Intersection: Streets shall intersect at ninety degrees (90°) or as closely thereto as possible, and in no case shall streets intersect at less than eighty degrees (80°).

(B) Sight Triangles: Minimum clear sight distance at all street intersections shall permit vehicles to be visible to the driver of another vehicle when each is one hundred feet (100') from the center of the intersection. The City Engineer may increase this distance where reasonable based on situational circumstances. See also section [9-9-16](#) of this code.

(D) T Intersections: T intersections may be used at the discretion of the City Engineer.

(E) Centerline Off Sets: Street centerlines shall be offset by a distance of at least 300 feet on arterials, and 150 feet on all others.

(F) Vertical Alignment of Intersection: A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be extended a minimum of one hundred feet (100') each way from the intersection. An allowance of two percent (2%) maximum intersection grade.

10-12-3-7: PATHWAY CONNECTIONS:

Right of way for pathway connections in the middle of long blocks, and at the terminus of cul-de-sacs, may be required to ensure non-motorized circulation routes to schools, parks, or for the general welfare of a robust public sidewalk/trail network.

Pathway easements shall be no less than 15 feet wide, and contain a paved walkway at least 10 feet wide.

Additional landscaping and safety features may be required within the pathway connection at the discretion of the administrator, including but not limited to lighting, bollards, gates, etc.

10-12-3-8: UTILITY AND DRAINAGE WAY EASEMENTS:

(A) Unobstructed utility easements shall be provided along front lot lines. Additional utility easements for rear lot lines and side lot lines may be approved when necessary at the discretion of the City Engineer.

Minimum utility easement size is 15 feet, or 6 feet from edge of pipe, whichever is greater.

(B) Unobstructed drainageway easements shall be provided at the discretion of the City Engineer.

10-12-3-9: LOT SIZE:

Lot sizes and dimensions shall conform to the minimum requirements of the applicable zoning district.

Sufficient Lot Size for Septic Tank: Where individual septic tanks have been authorized, sufficient lot size shall be provided for a replacement drain field.

10-12-3-10: PARKS AND STORMWATER RETENTION/DETENTION:

No plat shall be approved unless it includes provision stormwater retention/detention.

A) Construction Standards: Stormwater Retention/Detention areas shall meet the standards found in City of Twin Falls revisions to ISPWC (Idaho Standard for Public Works Construction) and The City of Twin Falls Parks Department Landscape and Irrigation Specifications.

B) Dedication and Maintenance: All stormwater retention/detention facilities shall be dedicated to the city upon completion and acceptance of all required improvements. Irrevocable Restrictive Covenants for each development shall be required in order to provide the City the right to add a fee to the City Utility bill of each account within the development, for the purpose of maintaining stormwater facilities.

10-12-3-11: RESTRICTIVE COVENANTS:

Restrictive covenants may be prepared and recorded as part of a subdivision. This is done to provide protection to future property owners by establishing higher standards than required under other regulations. The provisions within protective covenants are enforceable through civil action and local governments shall not be required to enforce these provisions.

10-12-3-13: RIGHT OF WAY and other Public Way REQUIREMENTS:

	Local (In Feet)	Collector (In Feet)	Arterial (In Feet)
Min Row Width	50	78	92
Min Tangent Length	100	250	500
Min Centerline Radius	100	250	500
Multi-Use Path Width	15	15	15
Minimum cul-de-sac:			
Diameter	110	NA	NA

10-12-4: PUBLIC INFRASTRUCTURE CONSTRUCTION STANDARDS:

10-12-4-1: RESPONSIBILITY FOR PLANS:

It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by an active licensed engineer, 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 or specifications.

10-12-4-2: REQUIRED IMPROVEMENTS:

Every subdivider shall be required to install the following improvements in accordance with the conditions and specifications as follows:

(A) Monuments: Monuments shall be required as per Idaho Code.

(B) Streets And Alleys: All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the City Engineer.

(C) Curbs And Gutters: Curbs and gutters shall be constructed on all streets.

All construction shall be in accordance with the standards and specifications adopted by the City Engineer.

(D) Bicycle Pathways: A bicycle pathway shall be provided within all subdivisions, as part of the public right of way or separate easement, as may be specified in an overall bicycle plan as adopted by the council or the Comprehensive Plan (including associated chapters/plans).

(E) Installation Of Public Utilities: Underground utilities shall be required in all new subdivisions.

Existing power utilities or new large transmission lines shall not be required to be buried.

(F) Driveways: All driveway openings in curbs shall be as specified by the City Engineer, highway district or state highway department; whichever entity has jurisdiction.

(G) Storm Drainage: Refer to [section 10-11-8](#) of this title for drainage requirements.

(H) Public Water Supply, and Sewer Systems: All new public water supply, or sewer systems shall be an extension of an existing public system.

(I) Fire Hydrants and Water Mains: Adequate fire protection shall be required in accordance with standards established by the City Engineer; or the Fire Marshal per National Fire Protection Agency Standards.

(J) Street Name Signs: Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the local standards set forth by the City Engineer.

- 488 (K) Sidewalks and Pedestrian Walkways: Sidewalks shall be required on both sides of the street,
489 and located within Right-of-Way.
490
491 Sidewalks, crosswalks, and Pedestrian Walkways shall be constructed in accordance with the
492 standards and specifications as adopted by the City Engineer.
- 493 (L) Mailboxes: Mailbox locations shall conform to ISPWC, or U.S. Postal Service standards, and not
494 impede traffic or pedestrian flow.
- 495 (M) Greenbelt: Greenbelts or landscaping screening may be required for the protection of residential
496 properties from adjacent major arterial streets, waterways, railroad rights of way or other features
497 as required by the Commission or Council. Subdivision plats shall show the location of any
498 greenbelt areas.
- 499 (N) Street Luminaires: Luminaires shall be required to be installed at intersections
500 throughout the subdivision in accordance with the local standards set forth by the
501 City Engineer.
- 502 (O) Arterial and Collector Street Landscape Buffer and Detached Sidewalk Placement: Landscaping
503 and sidewalk placement is required adjacent to arterial and collector streets. The developer shall
504 install a 6 foot landscape area with ground cover and trees immediately behind the curb line,
505 followed by a 6 foot sidewalk. The landscaping area shall contain ground cover, trees, and an
506 adequate watering system.
- 507 The ground cover and trees shall meet the Landscaping Chapter of this Title (See Code 10-6). The
508 water system shall follow the Landscaping and Irrigation Specifications set forth by the Parks
509 Director.
- 510 This common landscape area may be maintained by the City only when funded through a fee added
511 to the water bill of each account within the development through irrevocable restrictive covenants
512 recorded upon each development.
- 513 Alternative landscaping, including trees and ground cover, may be approved by the Parks Director.
- 514 (P) Pressure Irrigation System:
- 515 1. The use of the city's potable water supply as the primary source of irrigation water in all new
516 developments shall be prohibited. For purposes of this subsection, the term "new
517 development" means any new subdivision or ZDA, or any development of any parcel of land
518 1 acre or larger that is not part of a subdivision or ZDA.
- 519 2. All new developments shall include an operating pressure irrigation system constructed to city
520 standards and approved by the City Engineer. Developers shall connect to or construct a
521 regional pump station. The pressure irrigation system shall be operational prior to the first
522 building permit being issued for that station's service area.
- 523 3. One share of Twin Falls Canal Company water for each acre of property within the subdivision
524 shall be transferred to the city before the filing of the final plat.

4. The City Engineer may authorize relief from the requirement of a pressure irrigation system, owing to special conditions, where a literal enforcement of the provisions of this subsection would result in unnecessary hardship.

a. Special conditions may include, but are not limited to, small developments in terms of acreage, developments without viable access to irrigation water delivery, or developments without Twin Falls Canal Company water shares.

b. The City Engineer shall not authorize relief from the requirement of an operating pressure irrigation system unless an alternate provision has been approved by the City Engineer. Alternates may include, but shall not be limited to, required xeriscaping (i.e., landscaping in ways that do not require supplemental irrigation), payment of an in-lieu fee equal to the estimated cost of construction of an operating pressure irrigation system (including land acquisition), or some combination of these or other acceptable options.

(Q) Special Features: All other special features or items as presented or conditioned by the Commission or Council during the approval process.

10-12-4-3: GUARANTEE OF COMPLETION OF IMPROVEMENTS:

(A) Conditional Approval of Final Plat: the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:

(1). The construction of improvements required by this title shall have been completed by the subdivider and approved by the city engineer.

(2). Surety acceptable to the council shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit or surety bond.

(B) Financial Guarantee Arrangements: In lieu of the actual installation of required public improvements before recording of the final plat, the City Engineer may permit the subdivider to:

(1) execute a trust and escrow agreement and record a notice prohibiting the sale of an undeveloped lot, or

(2) provide a financial guarantee of performance as agree to between the developer and the City Council through the "Improvement Agreement for Developers".

(C) Inspection Of Public Improvements Under Construction shall follow the process outlined within the Improvement Agreement for Developers. This agreement shall be executed prior to recording the final plat.

(D) Failure To Complete Construction: In the event the subdivider fails to complete such work within the time period written in the agreement, it shall be the responsibility of the Council to proceed to have such work completed.

The council shall reimburse itself for the cost and expense thereof by appropriating the financial guarantee, or they may take such steps as may be necessary to require performance by the bonding or surety company, as included in a written agreement between the council and the subdivider.

10-12-5: SPECIAL DEVELOPMENT SUBDIVISIONS:

10-12-5-1: PURPOSE:

The purpose of this section is to identify various types of developments that normally pose special concerns when reviewing and acting upon subdivision requests. This section outlines the plan submittal requirements and design standards that shall be taken into consideration when acting on special developments. The provisions of this section are in addition to the plan requirements, design standards and improvement standards that are required by sections [10-12-2](#), [10-12-3](#) and [10-12-4](#) of this chapter.

10-12-5-2: CONDOMINIUM SUBDIVISIONS:

Condominium developments shall be subject to requirements set forth in this title and also subject to all provisions herein contained.

Condominium subdivisions do not require a preliminary plat.

(A) Allowances: Developments complying with Idaho Statute [XX-XX-XX](#) are permitted to apply for a condominium subdivision.

(B) Site Development Plan: The developer shall provide the commission with a colored rendering of adequate scale to show the completed development that will include at least the following where applicable:

(1). Architectural style and building design.

(2). Building materials and color.

(3). Landscaping.

(4). Screening.

(5). Solid waste areas.

(6). Parking.

(7). Open space.

(8). Any other items deemed appropriate by the Administrator to adequately depict the development.

(C) Owners' Association: The Owners' association bylaws and other similar deed restrictions, which provide for the control and maintenance of all common areas, recreation facilities or open space shall meet with the approval of the council. Any and all powers as specified in such agreements may also be assigned to the council and the city may elect to accept said powers for the purpose of assessing property for delinquencies and enforcement of motor vehicle regulations to protect the best interests of the owners involved and of the general public.

(D) Storage Areas: Storage areas shall be provided for the anticipated needs of boats, campers and trailers. For typical residential development, two hundred (200) square feet shall be provided every two (2) living units. This may be reduced by the Council if there is a showing that the needs of a particular development are less.

(E) Parking Space: One additional parking space beyond that which is required by [Chapter 10](#) of this Title may be required for every three (3) dwelling units to accommodate visitor parking.

(F) Maintenance Building: A maintenance building may be provided by the developer, size and location to be suitable for the service needs that are necessary for the repair and maintenance of all common areas.

(G) Open Space: The location of open space shall be appropriate to the development and shall be of such shape and area to be usable and convenient to the residents of the development.

(H) Control During Development: Single ownership or control during development shall be required and a time limit may be imposed to guarantee the development is built and constructed as planned.

(I) Storm Drainage: Refer to Section [10-11-8](#) for additional drainage requirements.

10-12-5-6: PLANNED TOWNHOME SUBDIVISION:

Planned townhome subdivision developments shall be subject to requirements set forth in this Title and also subject to all provisions contained herein.

(A) Allowances: See [Chapter 4](#) of this Title. Except for side yard and lot area requirements which are as specified below.

(B) Site Development Plan: The developer shall provide the Commission with the following:

(1). Plat Map with building envelopes.

(2). Common wall agreement detailing the specifics of ownership and maintenance for the common walls between buildings.

(3). Maintenance Easements, where applicable, must be shown on the plat.

(4) Other common area easements and owners association documents, if applicable.

(C) Requirements:

1. Lot Area: No minimum, the project shall not have more density than the base Zoning District for single family homes.

(Example: [TN2 District = 4000 sq ft per single family home. Townhome subdivision in the TN2 District of 1 acre: 43560 / 4000 = 10 Total townhomes within that project.](#))

2. Front Yard: Same as in Chapter 2 of this title as specified in each zone.

a. Platted Common Area may be used to satisfy this setback requirements.

3. Rear Yard: Same as in Chapter 2 of this title as specified in each zone.

a. Platted Common Area may be used to satisfy this setback requirements.

4. Zero Side Yard: The zero side yard shall not be adjacent to a public or private right of way.

5. Windows: No window shall be placed on the zero lot line.

6. Projections: No portion of the dwelling or architectural projections other than rain gutters may project over any property lines.

7. Blocks of townhomes shall have a maximum of number of lots as listed in 10-4-10 (C).

(D) Storm Drainage: Refer to section [10-11-8](#) of this title for additional drainage requirements.

10-12-5-7: CEMETERY SUBDIVISION:

(A) Function: The developer shall provide the commission with written documentation that will sufficiently explain the functions of the proposed cemetery for either human or animal remains.

(B) Compliance With Idaho Code: The developer shall submit a written statement that has been prepared by an attorney that adequately assures the compliance of the proposed cemetery with the procedural management requirements that are outlined in title 27, Idaho Code.

(C) Storm Drainage: Refer to section [10-11-8](#) of this title for additional drainage requirements.

10-12-5-8: SUBDIVISION WITHIN A FLOODPLAIN:

(A) Flood Areas: For any proposed subdivision that is located within a floodplain, the developer shall provide the commission with a development plan of adequate scale and supporting documentation that will show and explain at least the following:

1. Location of all planned improvements.

2. Location of the floodway and the floodway fringe as shown on the FEMA flood insurance rate map and flood insurance study referenced in subsection [10-11-9\(C\)](#) of this title or as established by engineering studies and approved by the city engineer.

3. Location of the present water channel.

4. Any planned rerouting of waterways.

5. All major drainageways.

6. Areas of frequent flooding.

7. Means of floodproofing buildings.

8. Means of insuring loans for improvements within the floodplain.

9. For subdivisions of fifty (50) or more lots or of five (5) acres of area or more, base flood elevations where flood elevation data has not been established.

10. Storm drainage: Refer to section [10-11-8](#) of this title for additional drainage requirements.

New construction and substantial improvements of residential structures within the floodplain shall meet the requirements of subsection [10-11-9\(E\)2a](#), "Residential Construction", of this title.

(B) Justification For Development: Upon the determination that buildings are planned within the floodplain or that alterations of any kind are anticipated within the floodplain area that will alter the flow of water, the developer shall demonstrate conclusively to the commission that such development will not present a hazard to life, limb or property and will not have adverse effects on the safety, use or stability of a public way or drainage channel or the natural environment.

No subdivision or part thereof shall be approved if levees, fills, structures or other features within the proposed subdivision will individually or collectively significantly increase flood flows, heights or damages. If only part of a proposed subdivision can be safely developed, the council shall limit development to that part and shall require that development proceed consistent with that determination.

The subdivision shall be reviewed to assure that:

1. All such proposals are consistent with the need to minimize flood damage;

2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages;

3. All necessary state and federal permits required for the development have been received pursuant to FEMA [chapter 1](#), part 60, subpart 60.3(a)(2);

4. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;

5. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated by the developer for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres, whichever is less;

6. New or replacement water supply systems and/or sanitary sewage systems shall be designated to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and require on site waste disposal systems to be located so as to avoid impairment of such systems or contamination from such systems during flooding;

7. In new or substantially improved manufactured home parks or manufactured home subdivisions:

a. Stands or lots are to be elevated on compacted fill or pilings so that the lowest floor of the manufactured home is above the base flood level.

b. Adequate lot surface drainage and access for a tractor are to be provided.

715 c. In the instance of elevation on pilings, lots are to be large enough to permit steps, piling
716 foundations are to be placed in stable soil no more than ten feet (10') apart and
717 reinforcement is to be provided for pilings more than six feet (6') above the ground level.

718 **10-12-5-9: SUBDIVISION WITHIN AN AREA OF CRITICAL CONCERN:**

719 Hazardous or unique areas may be designated as an area of critical concern by the council or
720 by the state.

721 Special consideration shall be given to any proposed development within an area of critical
722 concern to assure that the development is necessary and desirable and in the public interest in
723 view of the existing unique conditions. Hazardous or unique areas that may be designated as
724 areas of critical concern are as follows:

725 Avalanche paths

726 Earthquake locations

727 Floodplain

728 Historical significance

729 Scenic areas

730 Unique animal life

731 Unique plant life

732 Unstable soils and rock formations

733 Other areas of critical concern

734 (A) Plan Submission: The developer shall prepare and submit an environmental assessment
735 along with the preliminary plan application for any development that is proposed within an area
736 of critical concern.

737 (B) Content Of Local Environmental Assessment: The content of the environmental
738 assessment shall usually be prepared by an interdisciplinary team of professionals that shall
739 provide answers to the following questions:

740 1. What changes will occur to the area of environmental concern as a result of the
741 proposed development?

742 2. What corrective action or alternative development plans could occur so as not to
743 significantly change the area of environmental concern?

744 3. What changes in the area of environmental concern are unavoidable?

745 4. What beneficial or detrimental effects would the development have on the environment
746 such as animal life, plant life, social concerns, economic conditions, noise, audio and visual
747 conditions?

748 5. Storm drainage: Refer to section [10-11-8](#) of this title for additional drainage
749 requirements.

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CHAPTER 12

GENERAL SUBDIVISION PROVISIONS

SECTION:

10-12-1: General Subdivision Provisions

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10-12-1: GENERAL SUBDIVISIONS PROVISIONS:

10-12-1-1: AUTHORITY:

These regulations are authorized by Title 50, Chapter 13 of the Idaho Code; Title 67, Chapter 65 of the Idaho Code; and Article 12, Section 2 of the Idaho Constitution, as amended or subsequently codified.

10-12-1-2: PURPOSE:

The purpose of these regulations is to promote the public health, safety and general welfare, and to provide for:

- (A) The harmonious development of the area;
- (B) The coordination of streets and roads within the subdivision with other existing or planned streets and roads;
- (C) Adequate open space for travel, light, air and recreation;
- (D) Adequate transportation, water drainage and sanitary facilities;
- (E) The avoidance of scattered subdivision of land that would result in either of the following:
 - 1. The lack of water supply, sewer service, drainage, transportation or other public services; and
 - 2. The unnecessary imposition of an excessive expenditure of public funds for the supply of such services.
- (F) The requirement as to the extent and the manner in which:
 - 1. Roads shall be created and improved; and
 - 2. Water and sewer and other utility mains, piping connections or other facilities shall be installed.
- (G) The manner and form of making and filing of any plat; and
- (H) The administration of these regulations by defining the powers and duties of approval authorities.

10-12-1-3: JURISDICTION:

These regulations shall apply to the subdividing of land within the corporate limits of the City including the property within one mile outside the corporate limits thereof. They shall also apply to the "area of impact" as established by agreement between the City and County in conformance with State law ¹.

Notes

- ¹ 1. I.C. 67-6526.

10-12-1-4: INTERPRETATION:

All subdivisions as herein defined shall be submitted for approval by the Council and shall comply with the provisions of these regulations. These regulations shall supplement all other regulations, and where at variance with other laws, regulations, ordinances or resolutions, the more restrictive requirements shall apply.

10-12-1-5: ADMINISTRATION:

The administration of this Title shall be conducted by the Administrator¹. The Administrator shall be appointed by the City Manager and the appointment shall be ratified by the Council.

Notes

- ¹ 1. See Section 10-17-1 of this Code.

10-12-2: PROCEDURE FOR SUBDIVISION APPROVAL:

10-12-2-1: SUBDIVISION APPROVAL REQUIRED:

Any person desiring to create a subdivision as herein defined shall submit all necessary applications to the Administrator on forms as provided by the City. No final plat shall be filed with the County Recorder or improvements made on the property until the plat has been acted upon by the Planning and Zoning Commission ¹ as approved by the Council. No lots shall be sold until the plat has been recorded in the office of the County Recorder.

Notes

- ¹ 2. See Section 10-17-2 of this Code.

10-12-2-2: PRE-APPLICATION:

- (A) Application: The subdivider shall submit a pre-application to enable the Administrator to review and comment on the

proposed subdivision. The pre-application shall include at least one copy of a sketch plan. The sketch plan shall include the entire developmental scheme of the proposed subdivision, in schematic form and include the following:

1. The general layout and approximate dimensions of streets, blocks and lots in sketch form;
2. The existing conditions and characteristics of the land on and adjacent to the proposed subdivision site; and
3. The areas set aside for schools, parks and other public facilities.

(B) Fee: None required.

(C) Administrator Action: The Administrator shall notify the subdivider within fifteen (15) days from the date of receiving an acceptable pre-application as to the general conformance or nonconformance of the proposal with this Title, and shall provide the necessary forms and check lists, as well as the additional following consideration:

1. Compliance of the proposed development with existing local or state policies, goals and objectives or comprehensive plans;
2. Determination if additional special permits or ordinance conflicts, such as rezone, special development permit or variance are needed and the manner of coordinating such permits;
3. Consideration of any unique environmental features or hazardous concerns that may be directly or indirectly associated with the subject property, such as areas that have been designated as areas of critical environmental concern, unique plant or animal life and floodplains; and
4. Consideration of other local and state agencies that the subdivider should contact before preparing a preliminary plat. (Ord. 2012, 7-6-1981)

10-12-2-3: PRELIMINARY PLAT:

(A) Application: The subdivider shall file with the administrator a complete subdivision application form and preliminary plat date as required in this title.

(B) Combining Preliminary And Final Plats: The applicant may request that the subdivision application be processed as both a preliminary and final plat if all the following exist:

1. The proposed subdivision does not exceed ten (10) lots;
2. No new street dedication or street widenings are involved;
3. No major special development considerations are involved, such as development in a floodplain or a hillside development; and
4. All required information for both preliminary and final plat is complete and in an acceptable form.

A request to combine both preliminary plat and final plat into one application shall be acted upon by the commission after receiving a recommendation by the administrator. (Ord. 2012, 7-6-1981)

(C) Content Of Preliminary Plat: The contents of the preliminary plat and related information shall be in such form as stipulated by the commission; however, additional maps or data as deemed necessary by the administrator may also be required.

The subdivider shall submit to the administrator at least the following:

1. Ten (10) copies of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated; each copy of the preliminary plat shall be on good quality paper, shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100'), shall show the drafting date and a north arrow.
2. A written application requesting approval of the preliminary plat. (Ord. 2620, 8-2-1999)
3. Appropriate information that sufficiently details the proposed development within any special development area, such as hillside, zoning development agreement, floodplain, cemetery, mobile home, large scale development, hazardous and unique areas of development. (Ord. 3082, 12-8-2014)
4. To ensure adequate water supply to each new subdivision/development, all subdivision/development preliminary plat applications to the city will include water modeling results which indicates the new subdivision/development can be developed in a manner that will provide adequate water supply for domestic water and fire protection and the new subdivision/development will not adversely affect the city's ability to continue to provide adequate domestic water and fire protection to the existing water system users.
5. To ensure adequate sewer treatment service by the city, each subdivision/development preliminary plat application to the city will include sewer service treatment modeling results which indicates the new subdivision/development can be developed in a manner that will provide adequate sewer service and sewer treatment capacity by the city and the new subdivision/development will not adversely affect the city's ability to continue to provide adequate sewer treatment capacity to the existing sewer system users.
6. The cost of the water and sewer modeling will be the responsibility of the developer. (Ord. 2620, 8-2-1999)

(D) Requirement Of Preliminary Plats: The following shall be shown on the preliminary plat or shall be submitted

separately together with any other pertinent information requested by the administrator:

1. The name of the proposed subdivision, which does not duplicate the name of any other subdivision in Twin Falls County.
2. The names, addresses and telephone numbers of the subdividers, the engineer or surveyor who prepared the plat, and any other professional persons involved in the subdivision.
3. The names and addresses of all surrounding property owners both adjacent to and beyond any public thoroughfares from the subject property on record in the County Assessor's office.
4. The legal description of the subdivision by section, township and range.
5. A statement of the intended use of the proposed subdivision, such as: residential single-family, two-family and multiple housing, commercial, industrial, recreational or agricultural and a showing of any sites proposed for parks, playgrounds, schools, churches or other public uses.
6. A map of the entire area scheduled for development if the proposed subdivision is a portion of a larger holding intended for subsequent development.
7. A vicinity map showing the relationship of the proposed plat to the surrounding area (covering at least a 4 square mile area).
8. The land use and existing zoning of the proposed subdivision and the adjacent land.
9. Existing streets, street names, rights of way and roadway widths, including adjoining streets or roadways, along with type of surface and the existence of any curb-gutter and/or sidewalks.
10. Approximate location and length of the boundary lines of each lot, parcel or site and the proposed lot and block numbers. Approximate acreage enclosed by subdivision.
11. Contour lines, shown at five foot (5') intervals where land slope is greater than twenty percent (20%) and at two foot (2') intervals where land slope is twenty percent (20%) or less, referenced to an established bench mark of the City vertical control system, including its location and elevation.
12. A site report as required by the appropriate health district where individual wells or septic tanks are proposed.
13. Location, size and direction of flow of all existing utilities, including, but not limited to, storm and sanitary sewers, irrigation laterals, ditches, drainages, bridges, culverts, water mains, fire hydrants, gas lines, power, telephone and streetlights. If utilities are not on or adjacent to the property, indicate direction and distance to nearest ones that can serve the subdivision.
14. A copy of any proposed restrictive covenants and/or deed restrictions.
15. Any dedications to the public and/or easements both public and private, together with a statement of location, dimensions and purpose of such on both, the subject property and surrounding properties.
16. Any additional required information for special developments as specified in this Title .
17. A statement as to whether or not any variance will be requested with respect to any provision of this Title describing the particular provision, the variance requested, and the reasons therefor.
18. Location, right-of-way width and name of all public or private traffic ways, the location, right-of-way width and use of any proposed public or private pedestrianways or special ways, and a statement of intended improvements to be made thereto.
19. A statement as to what improvements will be made to existing utilities and what other on-site improvements will be made.
20. Approximate lot corner and easement locations of all adjacent subdivisions. (Ord. 2012, 7-6-1981)
21. Location, size and direction of flow of all drainage, irrigation, sewer and water line improvements which will be part of the subdivision development. (Ord. 2570, 11-17-1997)
22. For additional drainage requirements see Section 10-11-8 of this Title. (Ord. 2481, 5-1-1995)

(E) Fees: A fee for processing and checking a preliminary plat shall be due at the time upon submittal of the preliminary plat to the Administrator. The amount of the fee shall be established by resolution of the Council. (Ord. 2012, 7-6-1981)

(F) Administrator Review:

1. Certification: Upon receipt of the preliminary plat, and all other required data as provided for herein, the Administrator, after review by the City Engineering Department, shall certify the application as complete and shall affix the date of application acceptance thereon. He shall, thereafter, place the preliminary plat on the agenda for consideration at the next regular meeting of the Commission. One copy of the preliminary plat shall be delivered by the subdivider to each member of the Commission at least five (5) days prior to the meeting for plat consideration.

2. Review By Other Agencies: The Administrator shall refer the preliminary plat and application to as many agencies as

deemed necessary. Such agencies may include the following:

- a. Other governing bodies having joint jurisdiction;
- b. The appropriate utility companies, irrigation companies or districts and drainage districts;
- c. The superintendent of the school district; and
- d. Other agencies having an interest in the proposed subdivision.

3. Recommendation: Upon expiration of the time allowance for department and agency review, the Administrator shall prepare a recommendation to the Commission. (Ord. 2620, 8-2-1999)

(G) Notification To Property Owners: The subdivider shall certify to the Administrator that he has notified all adjoining property owners of the proposed subdivision. Such written notification shall be mailed at least ten (10) days prior to the Commission meeting.

(H) Commission Action:

1. Hearing By Commission: The Commission shall review the preliminary plat, comments from the concerned persons and agencies and the report from the Administrator to arrive at a decision on the preliminary plat.

2. Commission's Findings: In determining the acceptance of a proposed subdivision the Commission shall consider the objectives of this Title and at least the following:

- a. The conformance of the subdivision with a Comprehensive Plan;
- b. The availability of public services to accommodate the proposed development;
- c. The continuity of the proposed development with the capital improvement program;
- d. The public financial capability of supporting services for the proposed development; and
- e. The other health, safety or environmental problems that may be brought to the Commission's attention.

3. Action On Preliminary Plat: The Commission may approve, conditionally approve, disapprove or table for additional information when acting on the preliminary plat. If tabled, approval or disapproval shall occur at the regular meeting following the meeting at which the plat is first considered by the Commission. The action, and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant. The Administrator shall also forward a statement of the action taken and the reasons for such action together with a copy of the preliminary plat to the Council for its information and record. Upon granting or denying a preliminary plat the Commission shall specify:

- a. The regulations and standards used in evaluating the application;
- b. The reasons for approval or denial; and
- c. The actions, if any that the applicant could take to obtain plat approval.

4. Action On Combined Preliminary And Final Plat: If the Commission's conclusion is favorable to the subdivider's request for the subdivision to be considered as both a preliminary plat and final subdivision, then a recommendation shall be forwarded to the Council in the same manner as herein specified for a final plat. The commission may recommend that the combined application be approved, approved conditionally or disapproved. (Ord. 2012, 7-6-1981)

(I) Approval Period:

1. Failure to file and obtain the certification of the acceptance of the final plat application by the administrator within two (2) years after action by the commission shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for by the subdivider and granted by the commission. Only one extension may be granted by the commission for a term of two (2) years.

2. In the event that the development of the preliminary plat is made in successive contiguous segments in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of two (2) years may be considered for final approval without resubmission for preliminary plat approval. (Ord. 3006, 7-25-2011)

Notes

- ¹ 1. See Section 10-12-5 of this Chapter.

10-12-2-4: FINAL PLAT:

(A) Application: After the approval or conditional approval of the preliminary plat, the subdivider may cause the total parcel, or any part thereof, to be surveyed, and a final plat prepared in accordance with the approved preliminary plat. The subdivider shall submit to the administrator three (3) copies of the final plat. (Ord. 2012, 7-6-1981)

(B) Content Of The Final Plat: The final plat shall include and be in compliance with all items required under title 50,

chapter 13 of the Idaho Code and shall be drawn at such a scale and contain lettering of such size as to enable the same to be placed on one sheet of eighteen inch by twenty seven inch (18" x 27") stable base drafting film with a minimum base thickness of three thousandths inches (0.003"). The plat shall have a three inch (3") margin at the left for binding and a one-half inch ($\frac{1}{2}$ ") margin on all other sides. No part of the drawing shall be nearer than one-half inch ($\frac{1}{2}$ ") to the margins. The reverse of said sheet shall not be used. If, because of the size or complexity, required information cannot be shown, additional sheets may be used, provided they conform to this chapter. The final plat shall include at least the following:

1. A written application for approval of such final plat as stipulated by the commission.
2. Proof of current ownership of the real property included in the proposed final plat.
3. Such other information as the administrator or commission may deem necessary to establish whether or not all proper parties have signed and/or approved said final plat.
4. Conformance with the approved preliminary plat and meeting all requirements or conditions thereof.
5. Conformance with all requirements and provisions of this title.
6. Acceptable engineering practices and local standards established by the administrator. (Ord. 2391, 8-17-1992)

(C) Fees: At the time of submission of an application for a final plat, a fee as established by resolution of the council shall be paid. (Ord. 2012, 7-6-1981)

(D) Administrator Review:

1. Acceptance: Upon receipt of the final plat and compliance with all other requirements as provided for herein, the administrator, after review by the city engineering department, shall certify the application as complete and shall affix the date of acceptance thereon.
2. Resubmittal Of Final Plat: The administrator shall review the final plat for compliance with the approved or conditionally approved preliminary plat. If the administrator determines that there is substantial difference in the final plat than that which was approved as a preliminary plat or conditions which have not been met, the administrator may require that the final plat be submitted to the commission in the same manner as required in the preliminary plat process.
3. Submission To The Council: 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. (Ord. 2620, 8-2-1999)

(E) Agency Review: The administrator may transmit one copy of the final plat, or other documents submitted, for review and recommendation to the departments and the agencies as he deems necessary to ensure compliance with the preliminary approval and/or conditions of preliminary approval. Such agency review shall also include the construction standards of improvements, compliance with health standards, the cost estimate for all improvements and the legal review of the performance bond.

(F) Council Action: The council, at its next meeting following receipt of the administrator's report, shall consider the commission's findings and comments from concerned persons and agencies to arrive at a decision on the final plat. 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:

1. The regulations and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain approval. (Ord. 2012, 7-6-1981)

(G) Plans And Specifications: Prior to recording the final subdivision plat, the subdivider shall submit to the administrator:

1. Approved copies of the final plans and specifications for streets, water, sewer, stormwater, parks, gravity irrigation and pressure irrigation systems. All plans and specifications shall have sufficient detail, written information, vertical and horizontal dimensions to accurately locate the proposed improvements in the field and determine their relationship to other improvements. The city engineer shall establish standards.
2. Financial guarantee of improvements pursuant to section 10-12-4-3 of this chapter.
3. An approved weed management plan.
4. Certification of water and sewer plan approval from the Idaho department of environmental quality.
5. Street and utility plan approval from the Idaho department of transportation, as required.
6. Street and utility plan approval from the Twin Falls highway district, as required.
7. Gravity irrigation system plan approval from the Twin Falls canal company, as required.
8. An executed improvement agreement for developers.
9. Certification of the notice of intent and stormwater pollution prevention plan filed with the United States EPA.

10. A recorded warranty deed to the city of Twin Falls for water shares equal to one share per acre for new residential developments (2 acres or larger), and such other number of shares as agreed to between the city and the developer. (Ord. 2850, 2-21-2006)

(H) Fees: At the time of submittal of plans and specifications a fee to defray costs and expenses of plan checking as provided for by resolution of the city council shall be paid. (Ord. 2012, 7-6-1981)

(I) Approval Period: Final plat shall be filed with the county recorder within two (2) 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 the council. Only one extension may be granted by the council for a term of two (2) years. (Ord. 3006, 7-25-2011)

(J) Method Of Recording: Upon approval of the final plat by the council, the subdivider's prepayment of recording fees, posting of surety bond or other acceptable guarantee and the inclusion of the following signatures on the final plat, the administrator shall submit the final plat to the county recorder for recording:

1. Certification and signature of the city council verifying that the subdivision has been approved;
2. Certification and signature of the city clerk, if required, and the city engineer verifying that the subdivision meets the city requirements and has been approved by the council; and
3. Certification of the sanitation restrictions on the face of the plat per section 50-1326, Idaho Code. (Ord. 2012, 7-6-1981)

10-12-2-5: CONVEYANCE PLATS:

(A) Purpose; Intent: A conveyance plat may be used for the purpose of subdividing land and the recording of same, or recording a single existing lot or parcel created by other means. A conveyance plat may be used to convey the property or interests therein; however, a conveyance plat does not constitute approval for development of the property and is not intended for immediate development. A conveyance plat is an interim step in the subdivision and development of land. (Ord. 2901, 4-16-2007)

(B) Conveyance Plats: The applicant may request that the subdivision application be processed as conveyance plat if the following exist:

1. The proposed subdivision does not exceed two (2) lots.
2. To record the remainder of a tract created by the final platting of a portion of the property provided that the remainder is not intended for immediate development.
3. To record the subdivision of property into parcels that is not intended for immediate development. All public rights of way and easements shall be dedicated. The council may require all abutting streets and utilities to be installed and accepted by the city at the time of the building permitting and/or development stage, whichever comes first.
4. If either parcel develops or is built on, the city council may require construction of street and utility improvements on both parcels. (Ord. 3098, 6-22-2015)

(C) Application: The subdivider shall submit to the administrator three (3) copies of the conveyance plat for review. After the approval by the administrator, the subdivider may cause the total parcel to be surveyed, and a plat to be prepared. The subdivider shall submit the plat.

The conveyance plat shall include at least the following:

1. A written application for approval of such conveyance plat as stipulated by the administrator.
2. Proof of current ownership of the real property included in the proposed plat.
3. Such other information as the administrator or city council may deem necessary to establish whether or not all proper parties have signed and/or approved said plat.
4. Conformance with all requirements and provisions of this title.
5. Acceptable engineering practices and local standards established by the administrator.
6. All conveyance plats shall include the following note:

A conveyance plat is a record of property approved by the City of Twin Falls, Idaho, for the purpose of sale or conveyance in its entirety or interests thereon defined. No building permit shall be issued until a final plat is approved, filed of record and public improvements accepted in accordance with the provisions of Title 10 of the City of Twin Falls City Code. Selling a portion of this property by metes and bounds, except as shown on an approved, filed and accepted conveyance plat is a violation of City Code.

(D) Fees: At the time of submission of an application for a final plat, a fee as established by resolution of the council shall be paid.

(E) Administrator Review:

1. Acceptance: Upon receipt of the conveyance plat and compliance with all other requirements as provided for herein,

the administrator, after review by the city engineering department, shall certify the application as complete and shall affix the date of acceptance thereon.

2. Submission To The Council: Upon the determination that the conveyance plat is in compliance and all conditional requirements have been met, the administrator shall place the conveyance plat on the council agenda at the next regular meeting.

(F) Agency Review: The administrator may transmit one copy of the conveyance plat, or other documents submitted, for review and recommendation to the departments and the agencies as he deems necessary to ensure compliance.

(G) Council Action: The council shall approve, approve conditionally, disapprove or table the conveyance plat for additional information. A copy of the approved plat shall be filed with the administrator. Upon granting or denying the plat, the council shall specify:

1. The regulations and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain approval.

(H) Approval Period: The plat shall be filed with the county recorder within one year 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 the council.

(I) Platting Rules: The subdivider shall follow all the state and local platting rules when recording the plat. Refer to section 10-12-2-4 of this chapter for additional information and requirements. (Ord. 2901, 4-16-2007)

10-12-3: DESIGN STANDARDS:

10-12-3-1: MINIMUM DESIGN STANDARDS REQUIRED:

All plats submitted pursuant to the provisions of this section, and all subdivisions, improvements and facilities done, constructed or made in accordance with said provisions shall comply with the minimum design standards set forth hereinafter in this chapter; provided, however, that any higher standards adopted by any highway district, state highway department or health agency shall prevail over those set forth herein. (Ord. 2012, 7-6-1981)

10-12-3-2: DEDICATION OF STREETS:

Within a proposed subdivision arterial and collector streets as shown on a comprehensive plan, shall be dedicated to the public in all cases; in general, all other streets shall also be dedicated to public use. (Ord. 2012, 7-6-1981)

10-12-3-3: STREET LOCATION:

Street and road location shall conform to the following:

(A) Street Location And Arrangements: All street locations shall conform to the Twin Falls master street plan where applicable. Collector type streets may, for aesthetic reasons, curve and wind in accordance with these standards, but such trafficways shall maintain a grid type pattern approximately one-fourth ($\frac{1}{4}$) of a mile square.

(B) Stub Streets: Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be such that said streets extend to the boundary line of the tract to make provisions for the future extension of said streets into adjacent areas. A vehicular nonaccess reserve strip may be required and held in public ownership. Temporary cul-de-sacs shall be required.

(C) Relation To Topography: Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and acceptable gradients.

(D) Alleys: Alleys shall be provided in multiple dwelling or commercial subdivisions unless other provisions are made for service access and off street loading and parking. Dead end alleys shall be prohibited in all cases. (Ord. 2139, 3-4-1985)

(E) Cul-De-Sac Streets: Cul-de-sac streets shall not be more than one thousand feet (1,000') in length and shall terminate with an adequate turnaround having a minimum radius of fifty feet (50') for right of way. (Ord. 2489, 6-5-1995)

(F) Half Streets: Half streets shall be prohibited, except where unusual circumstances make such necessary to the reasonable development of a tract, special justification shall be presented for variance request to the commission. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract. A vehicular nonaccess reserve street may be required and held in public ownership.

(G) Private Streets: Private streets and roads shall be prohibited within a subdivision, except as provided by subsection 10-11-5(A) of this title, but may be allowed in subdistricts providing the private streets conform to city standard drawing S-5. Access from interior subdivision lots to public streets may be allowed by private drives conforming to subsection 10-11-5(A) of this title. (Ord. 2139, 3-4-1985)

10-12-3-4: STREET SPECIFICATIONS:

(A) Street Right Of Way Widths: Street and road right of way widths shall conform to the adopted major street plan or comprehensive plan and the rules of the state department of highways and the highway district having jurisdiction; minimum right of way standards shall be in accordance with section 10-12-3-13 of this chapter.

(B) Street Grades: Street grades shall not exceed ten percent (10%) on either local or collector streets and six percent

(6%) for arterial streets. Minimum street grades shall be four-tenths percent (0.4%).

(C) Street Alignment: Street alignment shall be as follows:

1. Horizontal alignment: Shall be in accordance with section 10-12-3-13 of this chapter.

2. Vertical alignment: Minimum stopping sight distances shall be two hundred feet (200') for minor streets and designed in accordance with design speed for collector and arterial streets. (Ord. 2012, 7-6-1981)

10-12-3-5: STREET NAMES ¹ :

The naming of streets shall conform to the following:

(A) Street names shall not duplicate any existing name within the limits of this title except where a new street is a continuation of an existing street. Street names if spelled differently but sound the same as existing streets shall not be used.

(B) All new streets shall be named as follows: Streets having predominantly north-south direction shall be named "street" or "way"; streets having a predominantly east-west direction shall be named "avenue" or "road"; meandering streets shall be named "drive", "lane", "path" or "trail" and cul-de-sacs shall be named "circle", "court" and "place".

(C) When any new subdivision contains any street which is a continuation of any street, such new street shall take the name of such existing street. No new street not a continuation of an existing street shall be given the same or similar name of any existing street. The city engineer shall have the power to change the name of any street on any map or plat submitted to make such map or plat conform to the provisions of this section. (Ord. 2132, 12-17-1984)

Notes

¹ 1. See also section 8-1-3 of this code.

10-12-3-6: INTERSECTIONS:

(A) Angle Of Intersection: Streets shall intersect at ninety degrees (90°) or as closely thereto as possible, and in no case shall streets intersect at less than seventy degrees (70°).

(B) Sight Triangles: Minimum clear sight distance at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is one hundred feet (100') from the center of the intersection. (See section 9-9-16 of this code.)

(C) Number Of Streets: No more than two (2) streets shall cross at any one intersection.

(D) T Intersections: T intersections may be used wherever such design will not restrict the free movement of traffic.

(E) Centerline Off Sets: Street centerlines shall be off set by a distance of at least one hundred twenty five feet (125').

(F) Vertical Alignment Of Intersection: A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be extended a minimum of one hundred feet (100') each way from the intersection. An allowance of two percent (2%) maximum intersection grade in rolling terrain, and four percent (4%) in hilly terrain will be permitted. (Ord. 2012, 7-6-1981)

10-12-3-7: PEDESTRIAN WALKWAYS:

Right of way for pedestrian walkways in the middle of long blocks may be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas; the pedestrian easement shall be in accordance with section 10-12-3-13 of this chapter. Cul-de-sacs will be connected to other adjacent streets with cul-de-sacs within the proposed subdivision or existing subdivisions and to adjacent arterial or collector streets with paved pedestrian walkways at least ten feet (10') wide within fifteen foot (15') easements. (Ord. 2798, 8-2-2004)

10-12-3-8: UTILITY AND DRAINAGE WAY EASEMENTS:

(A) Unobstructed utility easements shall be provided along front lot lines, rear lot lines and side lot lines when deemed necessary; total easement width shall be in accordance with section 10-12-3-13 of this chapter.

(B) Unobstructed drainageway easements shall be provided as required by the council.

(C) A lot drainage plan shall be submitted for approval as part of the plans and specifications required by subsection 10-12-2-4(G) of this chapter. All lots required by the plan to drain along rear and side lot lines shall have drainage easement widths determined by an Idaho licensed engineer and shall not be less than five feet (5') in width. The final plat and the recorded covenants shall specify that the rear and side yard drainageways shown in the approved drainage plan shall be neither obstructed nor substantially regraded by the property owners. (Ord. 2472, 12-19-1994)

10-12-3-9: LOTS:

Lots shall conform to the following:

(A) Zoning: The lot width, depth and total area shall not be less than the requirements of any applicable zoning district.

(B) Future Arrangements: Where parcels of land are subdivided into unusually large lots (such as when large lots are

approved for septic tanks), the parcels shall be divided, where feasible, so as to allow for future resubdividing into smaller parcels. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks. Whenever such future subdividing or lot splitting is contemplated the plan thereof shall be approved by the commission prior to the taking of such action.

(C) Sufficient Area For Septic Tank: Where individual septic tanks have been authorized, sufficient area shall be provided for a replacement sewage disposal system. (Ord. 2012, 7-6-1981)

10-12-3-10: PLANTING STRIPS AND RESERVE STRIPS:

Planting strips and reserve strips shall conform to the following:

(A) Planting Strips: Planting strips shall be required to be placed next to incompatible features such as highways, railroads, commercial or industrial uses to screen the view from residential properties. Such screening shall be a minimum of twenty feet (20') wide, and shall not be a part of the normal street right of way or utility easement.

(B) Reserve Strips:

1. Private Reserve Strips: Privately held reserve strips controlling access to streets shall be prohibited.

2. Public Reserve Strips: A one foot (1') reserve may be required to be placed along half streets which are within the subdivision boundaries and shall be deeded in fee simple to the city for future street widening. (Ord. 2012, 7-6-1981)

10-12-3-11: STORMWATER RETENTION/DETENTION:

No Residential Plat shall be approved unless it includes provision for stormwater retention/detention.

(A) Construction Standards: Stormwater Retention/Detention areas shall meet the standards found in City of Twin Falls revisions to ISPWC (Idaho Standard for Public Works Construction) and/or The City of Twin Falls Parks Department Design Manual, whichever is applicable.

(B) Dedication and Maintenance: Stormwater retention/detention facilities may be dedicated to the City upon completion, and acceptance, of all required improvements. Irrevocable Restrictive Covenants for each development shall be required in order to provide the City with the right to add a fee to the water bill of each account within the development, for the purpose of maintaining stormwater facilities. (Ord. 2822, 4-11-2005; amd. Ord. 2954, 11-3-2008; Ord. 3034, 7-16-2012; Ord. 2021-017, 10-11-2021)

10-12-3-12: RESTRICTIVE COVENANTS:

Restrictive covenants may be prepared and recorded as part of a subdivision. This is done to provide protection to future property owners by establishing higher standards than required under other regulations. The provisions within protective covenants are enforceable through civil action and local governments shall not be required to enforce these provisions. (Ord. 2012, 7-6-1981)

10-12-3-13: RIGHT OF WAY REQUIREMENTS:

Type Of Public Way	Residential (In Feet)	Commercial (In Feet)	Manufacturing (In Feet)
Type Of Public Way	Residential (In Feet)	Commercial (In Feet)	Manufacturing (In Feet)
Minimum right of way width:			
Trafficways:			
Alley			20
Service road	25	25	Not allowed
One-way road	25	30	30
Local street	50	60	60
Collector street	64	64	64
Arterial street	80	80	80
Special ways:			
Pedestrian	10	10	10
Bicycle	15	15	15
Equestrian	20	20	20
Easements:			
Utility	15	15	15
Access	10	10	15
Minimum centerline radius:			
Trafficways:			
Alley			60
Service road	50	50	Not allowed

One-way road	50	50	60
Local street	100	150	200
Collector street	200	250	300
Arterial street	500	500	500
Special ways:			
All	25	25	25
Easements:			
All	0	0	0
Minimum tangent length:			
Trafficways:			
Alley			0
Service road	0	0	Not allowed
One-way road	100	150	200
Local street	100	150	200
Collector street	200	250	300
Arterial street	400	400	400
Special ways	0	0	0
Easements	0	0	0
Minimum cul-de-sac:			
Trafficways:			
All	100	100	100

(Ord. 2012, 7-6-1981)

10-12-4: IMPROVEMENT STANDARDS:

10-12-4-1: RESPONSIBILITY FOR PLANS:

It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by a registered engineer, 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 or specifications. (Ord. 2012, 7-6-1981)

10-12-4-2: REQUIRED IMPROVEMENTS:

Every subdivider shall be required to install the following improvements in accordance with the conditions and specifications as follows:

(A) Monuments: Monuments shall be set in accordance with section 50-1303, Idaho Code.

(B) Streets And Alleys: All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the council ¹.

(C) Curbs And Gutters: Curbs and gutters shall be constructed on all streets and service roads.

All construction shall be in accordance with the standards and specifications adopted by the council ².

(D) Bicycle Pathways: A bicycle pathway shall be provided within all subdivisions, as part of the public right of way or separate easement, as may be specified in an overall bicycle plan as adopted by the council.

(E) Installation Of Public Utilities: Underground utilities shall be required in all new subdivisions.

Existing utilities or new large transmission lines shall not be required to be buried.

(F) Driveways: All driveway openings in curbs shall be as specified by the administration, highway district or state highway department.

(G) Storm Drainage: Refer to section 10-11-8 of this title for additional drainage requirements.

(H) Public Water Supply And Sewer Systems: All new public water supply or sewer systems shall be an extension of an existing public system ¹.

(I) Fire Hydrants And Water Mains: Adequate fire protection shall be required in accordance with standards established by the city engineer.

(J) Street Name Signs: Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the local standards set forth by the City Engineer.

(K) Sidewalks And Pedestrian Walkways: Sidewalks shall be required on both sides of the street, except that where the average width of lots, as measured at the street frontage line or at the building setback line, is over two hundred ten feet (210') sidewalks on only one side of the street may be allowed. Pedestrian walkways, when required shall have easements at least ten feet (10') in width and include a paved walk at least five feet (5') in width.

Sidewalks and crosswalks shall be constructed in accordance with the standards and specifications as adopted by the council².

(L) Mailboxes: Mailbox locations shall conform to the following standards:

1. In the SUI zone with public streets where no sidewalks are required, boxes shall be placed with their bottoms three and one-half feet ($3\frac{1}{2}'$) above the edge of the public roadway and their fronts one-half foot ($\frac{1}{2}'$) behind the face of the curb.

2. In the R1-VAR, R2, R4 and R6 zones for single-family and duplexes on public streets, the boxes shall be placed in groups of two (2) or more with their bottoms between three and one-half feet ($3\frac{1}{2}'$) and four feet (4') above the back of the sidewalk and their fronts between one-half foot ($\frac{1}{2}'$) and one foot (1') behind the back of the sidewalk.

3. In the R4 and R6 zones for triplexes and larger multiplexes on public streets, mailboxes shall not encroach over public sidewalks. Mailbox locations shall be reviewed and approved by the U.S. postal service.

4. In ZDA and MHP overlays with private streets and in commercial and industrial zones, mailbox locations shall be reviewed and approved by the U.S. postal service.

5. No appurtenances to the mailbox or its support shall extend forward of the box.

(M) Greenbelt: Greenbelts or landscaping screening may be required for the protection of residential properties from adjacent major arterial streets, waterways, railroad rights of way or other features. Subdivision plats shall show the location of any greenbelt areas.

(N) Street Luminaires: Luminaires shall be required to be installed at intersections throughout the subdivision, in accordance with the local standards set forth by the City Engineer.

(O) Landscape And Sidewalk Placement: Landscaping and sidewalk placement required adjacent to arterial and collector streets. A tract of land eleven feet (11') in depth behind the curb line will be dedicated as part of any residential development adjacent to arterial and collector streets. Within that tract the developer shall install landscaping six feet (6') in depth with a sprinkler system and with grass and trees behind the curb line and shall also install a five foot (5') sidewalk. The landscaping will be maintained by the city and funded through a fee added to the water bill of each account within the development. Irrevocable restrictive covenants for this development and maintenance shall provide for this funding. Alternative landscaping other than trees and grass may be approved by the city.

(P) Pressure Irrigation System:

1. Pursuant to section 7-8-3 of this 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 ($\frac{3}{4}$) of an acre or larger that is not part of a subdivision or ZDA.

2. All new developments shall include an operating pressure irrigation system constructed to city standards and approved by the city engineer and the Twin Falls Canal Company. The city engineer shall encourage developers to participate in a regional system as long as the pump station is operational before the first building permit is issued for that station's service area.

3. The city engineer may authorize in specific cases a variance from the requirement of a pressure irrigation system, if not contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this subsection would result in unnecessary hardship.

a. Special conditions may include, but are not limited to, small developments in terms of acreage, developments without viable access to irrigation water delivery, or developments without Twin Falls Canal Company water shares.

b. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this title would result in unnecessary hardship.

4. The city engineer shall not authorize a variance from the requirement of an operating pressure irrigation system unless an alternate provision has been approved by the city engineer. Alternates may include, but shall not be limited to, required xeriscaping (i.e., landscaping in ways that do not require supplemental irrigation), payment of an in lieu fee equal to the estimated cost of construction of an operating pressure irrigation system (including land acquisition), or some combination of these or other acceptable options.

5. One share of Twin Falls Canal Company water for each acre of property within the subdivision shall be deeded to

the city before the filing of the final plat for use in the pressurized irrigation system.

(Q) Special Features: All other special features or items as represented during the approval process. (Ord. 2012, 7-6-1981; amd. Ord. 2472, 12-19-1994; Ord. 2481, 5-1-1995; Ord. 2796, 6-14-2004; Ord. 2850, 2-21-2006; Ord. 2925, 11-19-2007; Ord. 3082, 12-8-2014; Ord. 2024-003, 1-8-2024)

Notes

1. See section 8-1-2 of this code and section 10-11-5 of this title.
2. See section 8-2-12 of this code and section 10-11-5 of this title.
1. See subsection 7-8-3(D) of this code.
2. See section 8-2-12 of this code.

10-12-4-3: GUARANTEE OF COMPLETION OF IMPROVEMENTS:

(A) Financial Guarantee Arrangements: In lieu of the actual installation of required public improvements before recording of the final plat, the council may permit the subdivider to execute a trust and escrow agreement and record a notice prohibiting the sale of an undeveloped lot without a recorded developer's agreement between the subdivider and the city relating to that lot, or to provide a financial guarantee of performance in one 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: (Ord. 2488, 6-5-1995)

1. Surety Bond:

- a. Accrual: The bond shall accrue to the city covering construction, operation and maintenance of the specific public improvement.
- b. Amount: The bond shall be in an amount equal to one hundred percent (100%) of the total estimated cost for completing construction of the specific public improvements, as estimated by the developer's consulting engineer and approved by the city engineer.
- c. Term Length: The term length in which the bond is in force, for the duration of that phase of the project, shall be for a period to be specified by the council for the specific public improvement.
- d. Bonding For Surety Company: The bond shall be with a surety company authorized to do business in the state of Idaho, acceptable to the council.

2. Cash Deposit, Certified Check, Negotiable Bond Or Irrevocable Bank Letter Of Credit:

- a. Treasurer, Escrow Agent Or Trust Company: A cash deposit, certified check, negotiable bond or an irrevocable bank letter of credit, such surety acceptable by the council, shall be deposited with an escrow agent or trust company.
- b. 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 percent (100%) of the estimated cost of construction for the specific public improvement, as estimated by the developer's consulting engineer approved by the city engineer.
- c. Escrow Time: The escrow time for the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be until completed and accepted by the city engineer.
- d. Progressive Payment: In the case of cash deposits or certified checks, an agreement between the council 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.

(B) Conditional Approval Of Final Plat: With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:

1. The construction of improvements required by this title shall have been completed by the subdivider and approved by the city engineer.
2. Surety acceptable to the council shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit or surety bond.

(C) Inspection Of Public Improvements Under Construction: Before approving a final plat and construction plans and specifications for public improvements, an agreement between the subdivider and the council shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans.

(D) Penalty In Case Of Failure To Complete The Construction Of A Public Improvement: In the event the subdivider shall, in any case, fail to complete such work within the period of time as required by the conditions of the guarantee for the completion of public improvements it shall be the responsibility of the council to proceed to have such work completed. In order to accomplish this, the council shall reimburse itself for the cost and expense thereof by appropriating the cash

deposit, certified check, irrevocable bank letter of credit, or negotiable bond which the subdivider may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company, and as included in a written agreement between the council and the subdivider. (Ord. 2012, 7-6-1981)

10-12-5: SPECIAL DEVELOPMENT SUBDIVISIONS:

10-12-5-1: PURPOSE:

The purpose of this section is to identify various types of developments that normally pose special concerns to the commission and elected officials when reviewing and acting upon subdivision requests. This section outlines the plan submittal requirements and design standards that shall be taken into consideration when acting on special developments. The provisions of this section are in addition to the plan requirements, design standards and improvement standards that are required by sections 10-12-2, 10-12-3 and 10-12-4 of this chapter. (Ord. 2012, 7-6-1981)

10-12-5-2: HILLSIDE OR CANYON RIM SUBDIVISION:

(Rep. by Ord. 2466, 2-6-1995)

10-12-5-3: CONDOMINIUM SUBDIVISIONS:

Condominium developments shall be subject to requirements set forth in this title and also subject to all provisions herein contained. (Ord. 3082, 12-8-2014)

(A) Allowances: See chapter 6 of this title for subdistrict provisions.

(B) Site Development Plan: The developer shall provide the commission with a colored rendering of adequate scale to show the completed development that will include at least the following where applicable:

1. Architectural style and building design.
2. Building materials and color.
3. Landscaping.
4. Screening.
5. Solid waste areas.
6. Parking.
7. Open space. (Ord. 2012, 7-6-1981)

A concept site development plan may be approved by the commission but shall be conditioned upon approval of a final site development plan before final approval of the condominium subdivision. (Ord. 3082, 12-8-2014)

(C) Homeowners' Association: The homeowners' association bylaws and other similar deed restrictions, which provide for the control and maintenance of all common areas, recreation facilities or open space shall meet with the approval of the council. Any and all powers as specified in such agreements may also be assigned to the council and the city may elect to accept said powers for the purpose of assessing property for delinquencies and enforcement of motor vehicle regulations to protect the best interests of the owners involved and of the general public.

(D) Storage Areas: Storage areas shall be provided for the anticipated needs of boats, campers and trailers. For typical residential development, two hundred (200) square feet shall be provided every two (2) living units. This may be reduced by the Council if there is a showing that the needs of a particular development are less.

(E) Parking Space: One additional parking space beyond that which is required by Chapter 10 of this Title may be required for every three (3) dwelling units to accommodate visitor parking.

(F) Maintenance Building: A maintenance building shall be provided, size and location to be suitable for the service needs that are necessary for the repair and maintenance of all common areas.

(G) Open Space: The location of open space shall be appropriate to the development and shall be of such shape and area to be usable and convenient to the residents of the development.

(H) Control During Development: Single ownership or control during development shall be required and a time limit may be imposed to guarantee the development is built and constructed as planned. (Ord. 2012, 7-6-81)

(I) Storm Drainage: Refer to Section 10-11-8 for additional drainage requirements. (Ord. 2481, 5-1-95)

10-12-5-4: MOBILE HOME SUBDIVISION: (Rep. by Ord. 2140, 3-18-85)

10-12-5-5: LARGE SCALE DEVELOPMENT SUBDIVISION:

Due to the impact that a large scale development would have on public utilities and services, the developer shall submit the following information along with the preliminary plat:

(A) Identification of all public services that would be provided to the development such as fire protection, police protection, central water, central sewer, road construction, parks and open space, recreation, maintenance, schools and solid waste collection.

(B) Estimate of the public service costs to provide adequate service to the development.

(C) Estimate of the tax revenue that will be generated from the development.

(D) Suggest public means of financing the services for the development if the cost for the public services would not be off-set by tax revenue received from the development. (Ord. 2012, 7-6-81)

(E) Storm Drainage: Refer to Section 10-11-8 for additional drainage requirements. (Ord. 2481, 5-1-95)

10-12-5-6: PLANNED ZERO LOT LINE SUBDIVISION:

Planned zero lot line developments shall be subject to requirements set forth in this Title and also subject to all provisions contained herein.

(A) Allowances: See Chapter 4 of this Title. Except for side yard and lot area requirements which are as specified below.

(B) Site Development Plan: The developer shall provide the Commission with the following:

1. Plat Map with building envelopes to show location of each unit in the development project.
2. Common wall agreement if applicable that is acceptable to the Commission.
3. Maintenance Easement, if applicable, must be shown on the plat. This applies to one dwelling zero lot line units without a common wall.

(C) Requirements:

1. Lot Area:
 - a. R1-8,000 - the minimum lot area shall be six thousand (6,000) square feet for a one dwelling unit.
 - b. R2 - the minimum lot area shall be five thousand five hundred (5,500) square feet for one dwelling unit.
 - c. R4 - the minimum lot area shall be four thousand (4,000) square feet for one dwelling unit.
 - d. R6 - the minimum lot area shall be four thousand (4,000) square feet for one dwelling unit.
2. Side Yard: No building is allowed within ten feet (10') of the side opposite the zero lot line.
3. Front Yard: Same as in chapter 4 of this title as specified in each zone.
4. Rear Yard: Same as in chapter 4 of this title as specified in each zone.
5. Zero Side Yard: The zero side yard cannot be adjacent to a public or private right of way.
6. Windows: No window shall be placed on the zero lot line.
7. Setback: No accessory building shall be placed in the ten foot (10') side yard setback area as required above.
8. Lot Coverage: No dwelling including its accessory buildings shall occupy more than sixty percent (60%) of the lot.
9. Projections: In a one-dwelling unit no portion of the dwelling or architectural projections other than rain gutters may project over any property lines. (Ord. 2012, 7-6-1981)

(D) Storm Drainage: Refer to section 10-11-8 of this title for additional drainage requirements. (Ord. 2481, 5-1-1995)

10-12-5-7: CEMETERY SUBDIVISION:

(A) Function: The developer shall provide the commission with written documentation that will sufficiently explain the functions of the proposed cemetery for either human or animal remains.

(B) Compliance With Idaho Code: The developer shall submit a written statement that has been prepared by an attorney that adequately assures the compliance of the proposed cemetery with the procedural management requirements that are outlined in title 27, Idaho Code. (Ord. 2012, 7-6-1981)

(C) Storm Drainage: Refer to section 10-11-8 of this title for additional drainage requirements. (Ord. 2481, 5-1-1995)

10-12-5-8: SUBDIVISION WITHIN A FLOODPLAIN:

(A) Flood Areas: For any proposed subdivision that is located within a floodplain, the developer shall provide the commission with a development plan of adequate scale and supporting documentation that will show and explain at least the following:

1. Location of all planned improvements.
2. Location of the floodway and the floodway fringe as shown on the FEMA flood insurance rate map and flood insurance study referenced in subsection 10-11-9(C) of this title or as established by engineering studies and approved by the city engineer.
3. Location of the present water channel.
4. Any planned rerouting of waterways.
5. All major drainageways.
6. Areas of frequent flooding.

7. Means of floodproofing buildings.
8. Means of insuring loans for improvements within the floodplain.
9. For subdivisions of fifty (50) or more lots or of five (5) acres of area or more, base flood elevations where flood elevation data has not been established.
10. Storm drainage: Refer to section 10-11-8 of this title for additional drainage requirements.

New construction and substantial improvements of residential structures within the floodplain shall meet the requirements of subsection 10-11-9(E)2a, "Residential Construction", of this title. (Ord. 2952, 9-8-2008)

(B) Justification For Development: Upon the determination that buildings are planned within the floodplain or that alterations of any kind are anticipated within the floodplain area that will alter the flow of water, the developer shall demonstrate conclusively to the commission that such development will not present a hazard to life, limb or property and will not have adverse effects on the safety, use or stability of a public way or drainage channel or the natural environment.

No subdivision or part thereof shall be approved if levees, fills, structures or other features within the proposed subdivision will individually or collectively significantly increase flood flows, heights or damages. If only part of a proposed subdivision can be safely developed, the council shall limit development to that part and shall require that development proceed consistent with that determination.

The subdivision shall be reviewed to assure that:

1. All such proposals are consistent with the need to minimize flood damage;
2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages;
3. All necessary state and federal permits required for the development have been received pursuant to FEMA chapter 1, part 60, subpart 60.3(a)(2);
4. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;
5. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated by the developer for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres, whichever is less;
6. New or replacement water supply systems and/or sanitary sewage systems shall be designated to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and require on site waste disposal systems to be located so as to avoid impairment of such systems or contamination from such systems during flooding;
7. In new or substantially improved manufactured home parks or manufactured home subdivisions:
 - a. Stands or lots are to be elevated on compacted fill or pilings so that the lowest floor of the manufactured home is above the base flood level.
 - b. Adequate lot surface drainage and access for a tractor are to be provided.
 - c. In the instance of elevation on pilings, lots are to be large enough to permit steps, piling foundations are to be placed in stable soil no more than ten feet (10') apart and reinforcement is to be provided for pilings more than six feet (6') above the ground level. (Ord. 2226, 1-4-1988)

10-12-5-9: SUBDIVISION WITHIN AN AREA OF CRITICAL CONCERN:

Hazardous or unique areas may be designated as an area of critical concern by the council or by the state.

Special consideration shall be given to any proposed development within an area of critical concern to assure that the development is necessary and desirable and in the public interest in view of the existing unique conditions. Hazardous or unique areas that may be designated as areas of critical concern are as follows:

Avalanche paths

Earthquake locations

Floodplain

Historical significance

Scenic areas

Unique animal life

Unique plant life

Unstable soils and rock formations

Other areas of critical concern

(A) Plan Submission: The developer shall prepare and submit an environmental assessment along with the preliminary plan application for any development that is proposed within an area of critical concern.

(B) Content Of Environmental Assessment: The content of the environmental assessment shall usually be prepared by an interdisciplinary team of professionals that shall provide answers to the following questions:

1. What changes will occur to the area of environmental concern as a result of the proposed development?
2. What corrective action or alternative development plans could occur so as not to significantly change the area of environmental concern?
3. What changes in the area of environmental concern are unavoidable?
4. What beneficial or detrimental effects would the development have on the environment such as animal life, plant life, social concerns, economic conditions, noise, audio and visual conditions? (Ord. 2012, 7-6-1981)
5. Storm drainage: Refer to section 10-11-8 of this title for additional drainage requirements. (Ord. 2481, 5-1-1995)

REGULATIONS