



Twin Falls Planning & Zoning Commission Agenda

Tuesday, September 25, 2018, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

Members -

City Limits: Danielle Dawson, Vice-Chair; Craig Hawkins; Gerardo "Tato" Muñoz, Chairman; Ed Musser; Carolyn Bolton; Curtis Hansen; Craig Kelley

Area of Impact: Ryan Higley; David Detweiler

- 1) Confirmation of Quorum/Call Meeting to Order
- 2) Consent Calendar
 - a) Approval of Minutes from the following meeting: 09-11-18
Purpose: **ACTION ITEM**
 - b) Approval of Findings of Fact and Conclusions of Law:
 - Wells Fargo Bank (SUP PZ18-0028)
 - Mel Moeller (SUP PZ18-0054)
 - PMT (SUP PZ18-0055)Purpose: **ACTION ITEM**
- 3) Items of Consideration
- 4) Public Hearings
 - a) Request for a Special Use Permit to construct a detached accessory building larger than 1500 sq. ft. on property located at 3365 E 4028 N in the City's Area of Impact. c/o Al Gamache (app. PZ18-0058)
Purpose: **ACTION ITEM** By: Brock Cherry City Planner
 - b) Request for a Special Use Permit to construct a maximum of (8) four plex units, on individual lots on property located south of the intersection of Borah Avenue West and Rose Street North. c/o EHM on behalf of Kaitlyn Court (app. PZ18-0059)
Purpose: **ACTION ITEM** By: Steve O'Connor, City Planner
 - c) Request for a Special Use Permit to operate an indoor recreation facility on property located at 163 Cheney Drive West, Ste 200. c/o Gerald Martens on behalf of Core Cycle (app. PZ18-0063)
Purpose: **ACTION ITEM** By: Steve O'Connor, City Planner
 - d) Request for a Special Use Permit to operate a drive through on property located at 326 Blue Lakes Boulevard North. c/o Kyle Cooper (app. PZ18-0064)
Purpose: **ACTION ITEM** By: Brock Cherry , City Planner

- e) Request for a Special Use permit to operate an indoor recreation facility on property located at 834 Blue Lakes Boulevard North. c/o Tayler Chapin (app. PZ18-0065)

Purpose: **ACTION ITEM** By: Steve O'Connor, City Planner

- f) Request for a Special Use Permit to construct a storage unit rental facility and automobile/recreation vehicle storage yard on property located at 240 Eastland Dr. c/o Eastland Storage Solutions, LLC-Tyler Davis-Jeffers (app. PZ 18-0066)

Purpose: **ACTION ITEM** By: Brock Cherry, City Planner

- g) Request for a Zoning Title Amendment to repeal and replace City Code 10-11-19 Floodplain Regulations (A through E). c/o City of Twin Falls-Troy Vitek, Assistant City Engineer

Purpose: **ACTION ITEM** By: Brock Cherry, City Planner

5) Upcoming Meeting(s)

- a) October 3, 2018 Work Session
October 9, 2018 Public Hearing

6) Adjournment

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Lisa A. Strickland (208) 735-7267 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208) 735-7287.

CITY OF TWIN FALLS

PLANNING & ZONING COMMISSION

Public Hearing Procedures for Zoning Requests

1. Prior to opening the public meeting, the Chairman shall review the public hearing procedures, confirm a quorum is present and introduce staff present.
2. Individuals wishing to testify or speak before the Commission shall wait to be recognized by the Chairman, approach the microphone/podium, state their name, then commence with their comments. Following their statements, they shall write their name on the Sign-In record sheet(s) located on a separate table near the entrance of the chambers. The administrative assistant shall make an audio recording of each public meeting.
3. **The Applicant, or the spokesperson for the Applicant, shall make a presentation** on the application/request. No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing – WHICH IS A MINIMUM OF 15 DAYS PRIOR TO PUBLIC HEARING. **The applicant's 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.

The Applicant is limited to 15 minutes, unless a written request for additional time is received and granted by the Chairman prior to commencement of the public meeting.

4. Upon completion of the applicant's presentation City Staff will present a staff report which shall summarize the application/request, history of the property, if any, staff analysis of the request and any recommendations.
 - The Commission may ask questions of staff or the applicant pertaining to the request at this time.
5. The public will then be given the opportunity to provide public testimony/input/comments regarding the request.
 - The Chairman may limit public testimony to no more than two (2) minutes per person.
 - Five (5) or more individuals, having received personal public notice of the application under consideration, may select a spokesperson by written petition. The spokesperson shall be limited to 15 minutes.
 - No written comments, including e-mail, received after 12:00 o'clock noon on the date of the hearing will be accepted for consideration by the hearing body. Written comments, including e-mail, received by 12:00 o'clock noon or before the date of the hearing shall be either read into the record or displayed on the overhead projector either during or upon the completion of public comment.
 - Following the Public Testimony, the applicant is permitted a maximum five (5) minutes rebuttal to respond to Public Testimony.
6. Following the Public Testimony and Applicant's response, the Public Input portion of the public hearing shall be closed- **No further public testimony is permitted.** Commission Members, as recognized by the Chairman, shall be allowed to request clarification of any public testimony received of the Applicant, Staff or any person who has testified. The Chairman may again establish time limits.
7. The Chairman shall then close the Public Hearing. The 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 Chairman.



Twin Falls Planning & Zoning Commission Minutes

Tuesday, September 11, 2018, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

Members -

City Limits: Danielle Dawson, Vice-Chair; Craig Hawkins; Gerardo "Tato" Muñoz, Chairman; Ed Musser; Carolyn Bolton; Curtis Hansen; Craig Kelley

Area of Impact: Ryan Higley; David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Chairman Munoz called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff.

Members Present: Higley, Hansen, Bolton, Munoz, Kelley, Hawkins

Staff Present: Cherry, Nope, O'Connor, Spendlove, Strickland, Vitek, Kingsbury, Kenworthy

2) Consideration of Amendments to Agenda

3) General Public Input

4) Consent Calendar

- a) Approval of Minutes for the following meeting: 08-14-18

Motion:

Commissioner Bolton made a motion to approve the consent calendar, as presented.

Commissioner Hawkins seconded the motion.

Unanimously Approved

5) Items of Consideration

- a) Consideration to initiate the revocation process for Special Use Permit #1233, Indoor Recreation and Extended Hours, located at 139 Shoshone St N. (PZ18-0075)

Staff Presentation:

P&Z Director Spendlove reviewed the request on the overhead and stated this is a consideration to initiate the revocation process for Special Use Permit #1233, Indoor Recreation and Extended Hours, located at 139 Shoshone St N.

Per City Code 10-13-2-3: The commission may initiate revocation by adoption of a motion. The permit holder shall be notified of the motion, the change in circumstances which have been alleged to occur and the adverse impact the changes made, and the conditions alleged to have been violated. A public hearing would then be scheduled and held, where the permit holder will have the opportunity to address the allegations, and the Commission will be tasked with making a decision on revocation.

The Commission is tasked with making a motion to initiate the revocation process for Special Use Permit #1233. The Commission may approve the request, deny the request, or table the request for more information.

Chairman Munoz explained to the audience this is not a public hearing item and therefore he will not be taking public testimony. If the motion is to proceed with the revocation process, will be scheduled for a public hearing and the appropriate notifications will take place so that testimony can be heard.

Discussions Followed: Without Concerns

Motion:

Commissioner Hawkins made a motion to approve the request to initiate the revocation procedures. Commissioner Bolton seconded the motion. All members present voted in favor of the motion

Scheduled for Planning & Zoning Commission Public Hearing October 9, 2018

- b) Consideration to reinstate SUP #1440 due to the use not being established within the one (1) year required after approval.

Staff Presentation:

City Planner O'Connor reviewed the request on the overhead and stated this is a consideration to reinstate SUP #1440 due to the use not being established within the one (1) year required after approval.

The commission may review any Special Use Permit which has not been established within one (1) year of approval. The commission should review the current situation and determine if the conditions of the surrounding properties has changed enough to warrant a new SUP or approve reinstatement of the SUP. This is a request to reinstate SUP #1440. The SUP has become void due to the fact that the property has had to go through extensive environmental remediation. The owner and applicant of the property was unable to establish the kennel or Pet Resort due to the remediation efforts.

The SUP was approved June 27th, 2017 with the following conditions:

- 1) Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
- 2) Subject to no pets outside between the hours of 7:00 PM to 7:00 AM.
- 3) Subject to no occupancy until the COO is issued.

The Commission is tasked with approving reinstatement of SUP #1440, or requiring a new Special Use Permit be obtained.

Chairman Munoz explained this item is not a public hearing item and because this delay was at no fault of the applicant and there have not been any significant changes in the surrounding

area, he will not be taking public testimony on this item.

Discussion Followed: Without Concerns

Motion:

Commissioner Bolton made a motion to approve the request to reinstate the Special Use Permit #1440, as presented, with stated conditions. Commissioner Hawkins seconded the motion. All members present voted in favor of the motion.

[Approved for Reinstatement](#)

6) Public Hearings

- a) Request for a Special Use Permit to operate an ATM drive-through service on property located at the 102 2nd Avenue South. c/o Andrea Rios on behalf of Wells Fargo Bank (app. PZ18-0028)

Applicant Presentation:

James Vicks, explained they are here to request approval of a Special Use Permit for an ATM drive thru service. This will be a replacement ATM for the Wells Fargo ATM across the street due to closure of that branch office. The plan is to building the ATM with brick to look similar to the surrounding, to landscaping around the perimeter of the property and update the ADA ramp at the street corner.

Staff Presentation:

City Planner O'Connor reviewed the request on the overhead and stated this is a request for a Special Use Permit to operate an ATM drive-through service on property located at the 102 2nd Avenue South.

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 make a decision on the request within thirty (30) days after the public hearing. The Administrator If conditions are placed on the permit, shall issue a special use permit listing the specific conditions specified by the Commission for approval. 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.

This lot is does fall in the Downtown Historic District, however, it does not have any contributing historic structure or use, and has been utilized as parking lot since as early as the 1980's. The Historic Preservation Commission approved the structures and design for the ATM in January 2018. This is a request to establish a drive through in conjunction with a Drive-Up ATM on property located at 102 2nd Ave S. The property is zoned CB (Central Business) with the P-1 parking overlay and the Downtown Historic District. The applicant has already received a Certificate of Appropriateness from the Historic Preservation Commission, for the structure and ATM.

The Historic Preservation Commission specifically conditioned the certificate to have landscaping on the exterior of the lot. The commission's concern was that this would just be a large open hard surfaced lot with no landscaping. Since the P-1 overlay does not require parking, and the CB zone's landscaping requirement is tied to "required parking," there is no required internal landscaping per the zone. The commission may feel it appropriate to condition this SUP request to include internal landscaping.

If the Commission approves this request as presented, then staff recommends the following conditions.

1. Subject to site plan amendments as required by City Code Standards.

PZ/Questions & Comments:

- Commissioner Bolton asked for clarification on the traffic flow through the drive thru area. The entrance will be from 2nd Avenue East and the egress will be along Shoshone Street South. She asked if any of the surrounding businesses have been approached.
- Mr. Vicks explained this has been owned by Wells Fargo and has not been in use, and that contact has not been made with the surrounding businesses other than the notice for this meeting.
- Commissioner Hansen asked about the Certificate of Appropriateness and the landscaping condition.
- City Planner O'Connor explained the conditions for landscaping can be added as a condition on the SUP, but is also a condition for the Certificate of Appropriateness approval.
- Commissioner Kelley asked about the sidewalk improvements.
- City Planner O'Connor explained that the sidewalk is the responsibility of the property owner to maintain, they will be required to update the ADA ramp, and widen the egress along Shoshone Street South. As for the asphalt, as long as the maneuvering area is hard surfaced, they can proceed with their operations.

Public Hearing: Opened & Closed Without Concerns

Discussions Followed:

- Commissioner Kelley explained the property needs to be spruced up and the walking traffic in the area will increase and having the drive through moved to this location would be better.
- Commissioner Munoz explained he has no issue with this request.
Commissioner Hansen explained the landscaping has been approved by HPC, saving the P&Z Commission time in making a decision.

Motion:

Commissioner Higley made a motion to approve the request, as presented, with staff recommendations. Commissioner Kelley seconded the motion. All members present voted in

favor of the motion.

[Approved, As Present, With the Following Conditions](#)

1. Subject to site plan amendments as required by City Code Standards.

- b) Requests for a Special Use Permit to construct a detached accessory building with a total square footage that exceeds 1000 sq. ft. (approx. 1600 sq. ft.) on property located at 278 Caswell Avenue West. c/o Mel Moeller (app. PZ18-0054)

Applicant Presentation:

Mel Moeller, stated he lives at 278 Caswell Avenue West and would like to build a 40x40 accessory building, he would like to use for his shop and to store his motor home. It will only be used for personal use and it should not be a detriment to the neighbors.

Staff Presentation:

City Planner Cherry reviewed the request on the overhead and stated this is a request for a Special Use Permit to construct a detached accessory building with a total square footage that exceeds 1000 sq. ft. (approx. 1600 sq. ft.) on property located at 278 Caswell Avenue West.

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 make a decision on the request within thirty (30) days after the public hearing. The Administrator If conditions are placed on the permit, shall issue a special use permit listing the specific conditions specified by the Commission for approval. 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.

Twin Falls County Records indicates the primary residence on the property was built in 1948. The portion of the property the applicant wishes to construct the accessory structure has remained unchanged and remains vacant/undeveloped.

This is a request for a detached accessory building which exceeds 1,000 sq. ft. on property located at 278 Caswell Ave W. within the R-4 Zone. The R-4 Zone requires an SUP for all detached accessory buildings exceeding 1,000 sq. ft. The applicant has stated the structure will be utilized for storage and personal shop space.

If the Commission approves this request as presented, staff recommends the following conditions.

1. Subject to site plan amendments as required by City Code Standards.
2. Subject to personal use only – no commercial activity.
3. Subject to Existing access/approaches being utilized and no new access/approaches to be created.

PZ/Questions & Comments:

- Commissioner Munoz asked about hard surfacing.
- City Planner Cherry, explained the surface from the access has been hard surfaced.
- Commissioner Bolton asked if the building will be plumbed, will it have a living area.
- Mr. Moeller explained it will be plumbed with a bathroom and sink, no living area.

Public Hearing: Opened & Closed Without Testimony

Discussions Followed: Without Concern

Motion:

Commissioner Kelley made a motion to approve the request, as presented, with staff recommendations. Commissioner Higley seconded the motion. All members present voted in favor of the motion.

[Approved, As Presented, With the Following Conditions](#)

1. Subject to site plan amendments as required by City Code Standards.
 2. Subject to personal use only – no commercial activity.
 3. Subject to Existing access/approaches being utilized and no new access/approaches to be created
- c) Requests for a Special Use Permit to construct a Communication Utility building larger than 25 sq. ft. or taller than 3 ft. above ground on property located at 260 Highland Avenue. c/o EHM Engineers, Inc on behalf of PMT (app. PZ18-0055)

Applicant Presentation:

Tim Vawser, EHM Engineering, Inc. representing the applicant, they are requesting a Special Use Permit to place a communications hut in an area that needs enhanced services for their customers. The hut will be 10x20 sq. ft. and there will be fiber optics stored on site, along with this hut will be a forklift to help load and unload this equipment. During work hours it will serve as a parking area for staff to park their personal vehicles and pick-up and drop-off their service vehicles. However, it will be uninhabited for the most part, clean and screened.

Staff Presentation:

Requests for a Special Use Permit to construct a Communication Utility building larger than 25 sq. ft. or taller than 3 ft. above ground on property located at 260 Highland Avenue.

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 make a decision 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.

There is very little history on this property, which originally had a home on it from 1908 to as late as 1978. This is a request to construct a communications utility structure which is more than 3' above ground and larger than 25 sqft in size on a vacant piece of land at 260 Highland Ave. The property is zoned M-1 and the requested use requires an SUP.

If the Commission approves this request as presented, then staff recommends the following conditions.

1. Subject to site plan amendments as required by City Code Standards.

PZ/Questions & Comments:

- Commissioner asked if the portable storage units are on the site currently.
- City Planner O'Connor explained they are there, not shown on the site plan.
- Jeff Schamber, PMT representative, explained that they will have to be removed within 30 days after the final purchase date. There will be two personal vehicles parked during the day and service vehicles will be parked there in the evening for the two employees. There will also be a forklift on site.
- Commissioner Bolton asked about fencing
- Jeff Schamber, PMT representative, explained they will fence all sides and it will be secure.
- Commissioner Munoz asked about the screening if it will be slatted.
- Jeff Schamber, PMT representative, explained yes, it will be slatted.
- Commissioner Munoz asked about hard surfacing
- City Planner O'Connor explained hard surfacing is only required for the Handicap parking space, otherwise no hard surface is required in M-1.
- Jeff Schamber, PMT representative, explained they are planning to budget for asphalt.
- Commissioner Kelly asked what the adjacent business is?
- City Planner O'Connor explained it is a sign company.
- Commissioner Munoz asked about antennae's.
- Jeff explained that they are fiber optic based he doesn't foresee any antennae's for the site.

Public Hearing: Opened

Elizabeth Dorpat, 310 Lois Street South, explained they live at the corner of Highland and Lois, She asked if it will be wired fence, how high will the fence be, she wants to know the distance from her home for the forklift and vehicles.

Public Hearing: Closed

Closing Statements

Mr. Vawser explained the fence will be chain link with slats for privacy. The barbed wire is not necessary, for the site. The applicant will work with the adjacent owners. The sewer easement shown on the site is approximately 15 ft and the driveway will be 16 feet with the hut being places approximately 50 ft from the property line on the east.

Discussions Followed:

- Commissioner Higley clarified the city code requirement for sidewalks.
- City Planner O'Connor explained a sidewalk is not required unless it is on an arterial.
- Commissioner Hansen explained the weed control should be better, the setback look sufficient and their willingness to work with the neighbor alleviates any concerns he may have had.

Motion:

Commissioner Bolton made a motion to approve the request, as presented, with staff recommendations. Commissioner Higley seconded the motion. All members present voted in favor of the motion.

[Approved, As Presented, With the Following Conditions](#)

1. Subject to site plan amendments as required by City Code Standards.

7) Upcoming Meeting(s)

a) September 25, 2018 Public Hearing

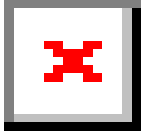
P&Z Director explained that there will be some minor changes to the format of the agenda.

Due to a recent change in state code for agenda posting the item that addresses any amendments to the agenda will be removed. State has clarified that an agenda cannot be amended once posted, for any items that require decisions be made by the governing body. Therefore this item will be removed from the agenda. The second item that will be removed from the agenda is general public input. The Planning & Zoning Commission does not have the ability to make decisions on items brought to them by the public, the person would have to be referred to the City Council, therefore this item will also be removed from the agenda format.

8) Adjournment

Chairman Munoz adjourned the meeting at 7:05pm

Lisa A. Strickland, Administrative Assistant



**CITY OF TWIN FALLS
PLANNING AND ZONING DEPARTMENT**

203 Main Avenue East
P.O. Box 1907
Twin Falls, Idaho 83303-1907
Phone: 208-735-7267 Fax: 208-736-2641

SPECIAL USE PERMIT

Permit No. PZ18-0028

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on September 11, 2018 to Wells Fargo c/o Andrea Rios whose address is 960 E Discovery Lane Anaheim, CA 92801 for the purpose of operating an ATM drive-through service on property located at 102 2nd Avenue South and legally identified with the following Parcel ID:
RPT0001118001A

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

This permit corresponds to Zoning Application No. PZ18-0028

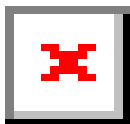
1. Subject to site plan amendments as required by City Code Standards

CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING
COMMISSION

DATE

This permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

Please contact the Building Department at 735-7238 for further information.



BEFORE THE PLANNING & ZONING COMMISSION OF THE CITY OF TWIN FALLS

In Re:	)	
	)	
<u>Special Use Permit</u> , Application,	)	FINDINGS OF FACT,
	)	
<u>Wells Fargo</u>	)	CONCLUSIONS OF LAW,
<u>c/o Andrea Rios</u>)	)	
Applicant(s)	)	AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on September 11, 2018 for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of operating an ATM drive-through service on property located at 102 2nd Avenue South, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Special Use Permit for the purpose of operating an ATM drive-through service on property located at 102 2nd Avenue South
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: August 23, 2018
3. The property in question is zoned CB P-1 Downtown Historic District pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Downtown in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, Parking Lot; to the south, Retail; to the east, Retail; and to the west, Parking Lot.
5. Relevant criteria and standards for consideration of this application are set forth in Sections 10-1-4, 10-1-5, 10-10-11-1 thru 8, and 10-13-1 (C) Twin Falls City Code.

Based on the foregoing Findings of Fact, the Planning and Zoning Commission hereby makes the following:

CONCLUSIONS OF LAW

1. The application for a Special Use Permit for the purpose of operating an ATM drive-through service on property located at 102 2nd Avenue South is consistent with the purpose of the CB P-1 Downtown Historic District Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use does constitute a special use as established by zoning requirements for the zone involved as required by Twin Falls City Code 10-13-2.2(D)1.

3. The proposed use will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations as required by Twin Falls City Code 10-13-2.2(D)2

4. The proposed use 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 as required by Twin Falls City Code 10-13-2.2(D)3.

5. The proposed use will not be hazardous or disturbing to existing or future neighboring uses as required by Twin Falls City Code 10-13-2.2(D)4.

6. The proposed use 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 as required by Twin Falls City Code 10-13-2.2(D)6.

7. The proposed use 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 as required by Twin Falls City Code 10-13-2.2(D)7.

8. The proposed use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares as required by Twin Falls City Code 10-13-2.2(D)8.

9. The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance as required by Twin Falls City Code 10-13-2.2(D)9.

10 The proposed use is a proper use in the CB P-1 Downtown Historic District Zone, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

11. The application for a Special Use Permit for the purpose of operating an ATM drive-through service on property located at 102 2nd Avenue South should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls City Planning and Zoning Commission hereby enters the following

DECISION

1. The application for a Special Use Permit for the purpose of operating an ATM drive-through service on property located at 102 2nd Avenue South is hereby granted, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.
2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.
3. The Special Use Permit shall be issued, as presented.

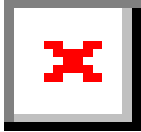
CHAIRMAN- TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

"EXHIBIT NO. A"

1. Subject to site plan amendments as required by City Code Standards

APPLICATION NO: PZ18-0028
SUP NO: PZ18-0028



**CITY OF TWIN FALLS
PLANNING AND ZONING DEPARTMENT**

203 Main Avenue East
P.O. Box 1907
Twin Falls, Idaho 83303-1907
Phone: 208-735-7267 Fax: 208-736-2641

SPECIAL USE PERMIT

Permit No. PZ18-0054

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on September 11, 2018 to Mel Moeller whose address is 3236 Addison Avenue East Twin Falls, ID 83301 for the purpose of constructing a detached accessory building with a total square footage that exceeds 1000 sq. ft. (approximately 1600 sq. ft.) on property located at 278 Caswell Avenue West and legally identified with the following Parcel ID: RPT4601000010B

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

This permit corresponds to Zoning Application No. PZ18-0054

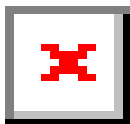
1. Subject to site plan amendments as required by City Code Standards
2. Subject to personal use only-no commercial activity
3. Subject to existing access/approaches being utilized and no new access/approaches to be created

CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING
COMMISSION

DATE

This permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

Please contact the Building Department at 735-7238 for further information.



BEFORE THE PLANNING & ZONING COMMISSION OF THE CITY OF TWIN FALLS

In Re:	)	
	)	
<u>Special Use Permit</u> , Application,	)	FINDINGS OF FACT,
	)	
<u>Mel Moeller</u>	)	CONCLUSIONS OF LAW,
Applicant(s)	)	
	)	AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on September 11, 2018 for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of constructing a detached accessory building with a total square footage that exceeds 1000 sq. ft. (approximately 1600 sq. ft.) on property located at 278 Caswell Avenue West, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Special Use Permit for the purpose of constructing a detached accessory building with a total square footage that exceeds 1000 sq. ft. (approximately 1600 sq. ft.) on property located at 278 Caswell Avenue West
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: August 23, 2018
3. The property in question is zoned R-4 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Town Neighborhood in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, Residential; to the south, Residential; to the east, Residential; and to the west, Residential.
5. Relevant criteria and standards for consideration of this application are set forth in Sections 10-1-4, 10-1-5, 10-4-5 Twin Falls City Code.

Based on the foregoing Findings of Fact, the Planning and Zoning Commission hereby makes the following:

CONCLUSIONS OF LAW

1. The application for a Special Use Permit for the purpose of constructing a detached accessory building with a total square footage that exceeds 1000 sq. ft. (approximately 1600 sq. ft.) on property located at 278 Caswell Avenue West is consistent with the purpose of the R-4 Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use does constitute a special use as established by zoning requirements for the zone involved as required by Twin Falls City Code 10-13-2.2(D)1.

3. The proposed use will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations as required by Twin Falls City Code 10-13-2.2(D)2

4. The proposed use 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 as required by Twin Falls City Code 10-13-2.2(D)3.

5. The proposed use will not be hazardous or disturbing to existing or future neighboring uses as required by Twin Falls City Code 10-13-2.2(D)4.

6. The proposed use 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 as required by Twin Falls City Code 10-13-2.2(D)6.

7. The proposed use 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 as required by Twin Falls City Code 10-13-2.2(D)7.

8. The proposed use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares as required by Twin Falls City Code 10-13-2.2(D)8.

9. The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance as required by Twin Falls City Code 10-13-2.2(D)9.

10 The proposed use is a proper use in the R-4 Zone, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

11. The application for a Special Use Permit for the purpose of constructing a detached accessory building with a total square footage that exceeds 1000 sq. ft. (approximately 1600 sq. ft.) on property located at 278 Caswell Avenue West should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City

code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls City Planning and Zoning Commission hereby enters the following

DECISION

1. The application for a Special Use Permit for the purpose of constructing a detached accessory building with a total square footage that exceeds 1000 sq. ft. (approximately 1600 sq. ft.) on property located at 278 Caswell Avenue West is hereby granted, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

3. The Special Use Permit shall be issued, as presented.

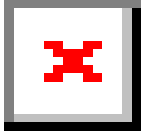
CHAIRMAN- TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

"EXHIBIT NO. A"

1. Subject to site plan amendments as required by City Code Standards
2. Subject to personal use only-no commercial activity
3. Subject to existing access/approaches being utilized and no new access/approaches to be created

APPLICATION # PZ18-0054
SUP# PZ18-0054



**CITY OF TWIN FALLS
PLANNING AND ZONING DEPARTMENT**

203 Main Avenue East
P.O. Box 1907
Twin Falls, Idaho 83303-1907
Phone: 208-735-7267 Fax: 208-736-2641

SPECIAL USE PERMIT

Permit No. PZ18-0055

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on September 11, 2018 to PMT whose address is 308 Shoshone Street East Twin Falls, ID 83301 for the purpose of constructing a Communication Utility Building larger than 25 sq. ft. or taller than 3 ft. above ground on property located at 260 Highland Avenue and legally identified with the following Parcel ID: RPT00107213605

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

This permit corresponds to Zoning Application No. PZ18-0055

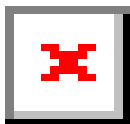
1. Subject to site plan amendments as required by City Code Standards.

CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING
COMMISSION

DATE

This permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

Please contact the Building Department at 735-7238 for further information.



BEFORE THE PLANNING & ZONING COMMISSION OF THE CITY OF TWIN FALLS

In Re:	)	
	)	
<u>Special Use Permit</u> , Application,	)	FINDINGS OF FACT,
	)	
<u>PMT</u>	)	CONCLUSIONS OF LAW,
<u>EHM Engineers, Inc.</u>)	)	
Applicant(s)	)	AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on September 11, 2018 for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of constructing a Communication Utility Building larger than 25 sq. ft. or taller than 3 ft. above ground on property located at 260 Highland Avenue, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Special Use Permit for the purpose of constructing a Communication Utility Building larger than 25 sq. ft. or taller than 3 ft. above ground on property located at 260 Highland Avenue
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: August 23, 2018
3. The property in question is zoned M-1 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Town Neighborhood in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, Residential; to the south, Residential; to the east, Residential; and to the west, Manufacturing.
5. Relevant criteria and standards for consideration of this application are set forth in Sections 10-1-4, 10-1-5, 10-4-9 Twin Falls City Code.

Based on the foregoing Findings of Fact, the Planning and Zoning Commission hereby makes the following:

CONCLUSIONS OF LAW

1. The application for a Special Use Permit for the purpose of constructing a Communication Utility Building larger than 25 sq. ft. or taller than 3 ft. above ground on property located at 260 Highland Avenue is consistent with the purpose of the M-1 Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use does constitute a special use as established by zoning requirements for the zone involved as required by Twin Falls City Code 10-13-2.2(D)1.

3. The proposed use will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations as required by Twin Falls City Code 10-13-2.2(D)2

4. The proposed use 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 as required by Twin Falls City Code 10-13-2.2(D)3.

5. The proposed use will not be hazardous or disturbing to existing or future neighboring uses as required by Twin Falls City Code 10-13-2.2(D)4.

6. The proposed use 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 as required by Twin Falls City Code 10-13-2.2(D)6.

7. The proposed use 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 as required by Twin Falls City Code 10-13-2.2(D)7.

8. The proposed use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares as required by Twin Falls City Code 10-13-2.2(D)8.

9. The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance as required by Twin Falls City Code 10-13-2.2(D)9.

10 The proposed use is a proper use in the M-1 Zone, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

11. The application for a Special Use Permit for the purpose of constructing a Communication Utility Building larger than 25 sq. ft. or taller than 3 ft. above ground on property located at 260 Highland Avenue should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls City Planning and Zoning Commission hereby enters the following

DECISION

1. The application for a Special Use Permit for the purpose of constructing a Communication Utility Building larger than 25 sq. ft. or taller than 3 ft. above ground on property located at 260 Highland Avenue is hereby granted, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.
2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.
3. The Special Use Permit shall be issued, as presented.

CHAIRMAN- TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

"EXHIBIT NO. A"

1. Subject to site plan amendments as required by City Code Standards.

APPLICATION # PZ18-0055
SUP# PZ18-0055



Date: Tuesday, September 25, 2018
To: Planning and Zoning Commission
From: Planning & Zoning Department

ACTION ITEM

Request:

Request for a Special Use Permit to construct a detached accessory building larger than 1500 sq. ft. on property located at 3365 E 4028 N in the City's Area of Impact. c/o Al Gamache (app. PZ18-0058)

Time Estimate:

Five (5) minutes for staff presentation; Five (5) minutes for questions

Background:

Approval Process:

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 make a decision on the request within thirty (30) days after the public hearing. The Administrator If conditions are placed on the permit, shall issue a special use permit listing the specific conditions specified by the Commission for approval. 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.

Budget Impact:

Regulatory Impact:

NA

History:

The primary residence on the subject property is currently under construction. Prior to construction of the primary residence the land was vacant/undeveloped.

Analysis:

This is a request to construct a detached accessory building (approx. 1760 sq. ft.) on property located within the SUI Zone at 3365 E. 4028 N. The SUI Zone requires an SUP for all detached accessory buildings exceeding 1,500 sq. ft.

The applicant has stated the structure will be utilized for storage of personal recreational vehicles, trailers, and other garage type items. Further, the applicant has stated that their neighborhood/subdivision covenants require that recreational vehicles and trailers be out of site from public right of way.

Conclusion:

If the Commission approves this request as presented, then staff recommends the following conditions.

1. Subject to site plan amendments as required by City Code Standards.
2. Subject to personal use only – no commercial activity.

Attachments:

1. PZ-18-0058 Staff Report
2. 1 - Narrative
3. 3 - Site Plan
4. 4 - Elevations
5. 5 - Photos



Comprehensive Staff Report

To: Planning & Zoning Commission
Presenter: Brock Cherry, City Planner
Editor: Jonathan Spendlove, P&Z Director
Authored by: Brock Cherry, City Planner
Request: A **Special Use Permit** to construct a detached accessory building larger than 1500 sq. ft. on property located at 3365 E 4028 N in the City's Area of Impact.

Application: PZ18-0058

Applicant:

Al Gamache
2312 Pole Line Rd. E.
Twin Falls ID, 83301
208-733-9189
algamache@aol.com

Public Hearing: September 25th, 2018

Analysis

This is a request to construct a detached accessory building (approx. 1760 sq. ft.) on property located within the SUI Zone at 3365 E. 4028 N. The SUI Zone requires an SUP for all detached accessory buildings exceeding 1,500 sq. ft.

The applicant has stated the structure will be utilized for storage of personal recreational vehicles, trailers, and other garage type items. Further, the applicant has stated that their neighborhood/subdivision covenants require that recreational vehicles and trailers be out of site from public right of way.

Approval Process

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 make a decision on the request within thirty (30) days after the public hearing. The Administrator If conditions are placed on the permit, shall issue a special use permit listing the specific conditions specified by the Commission for approval. 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.

History

The primary residence on the subject property is currently under construction. Prior to construction of the primary residence the land was vacant/undeveloped.

Applicable Regulations or Codes

Per City Code 10-4-2, an SUP is required for any detached accessory buildings exceeding 1,500 sq. ft. within the SUI Zoning District.

Comprehensive Plan Compliance

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Rural Residential". Staff has determined this request is in compliance with the 2016 comprehensive plan.

Potential Impacts

Staff nor the Applicant anticipate an increase of detrimental impacts from

this request on the surrounding properties.

Conclusion

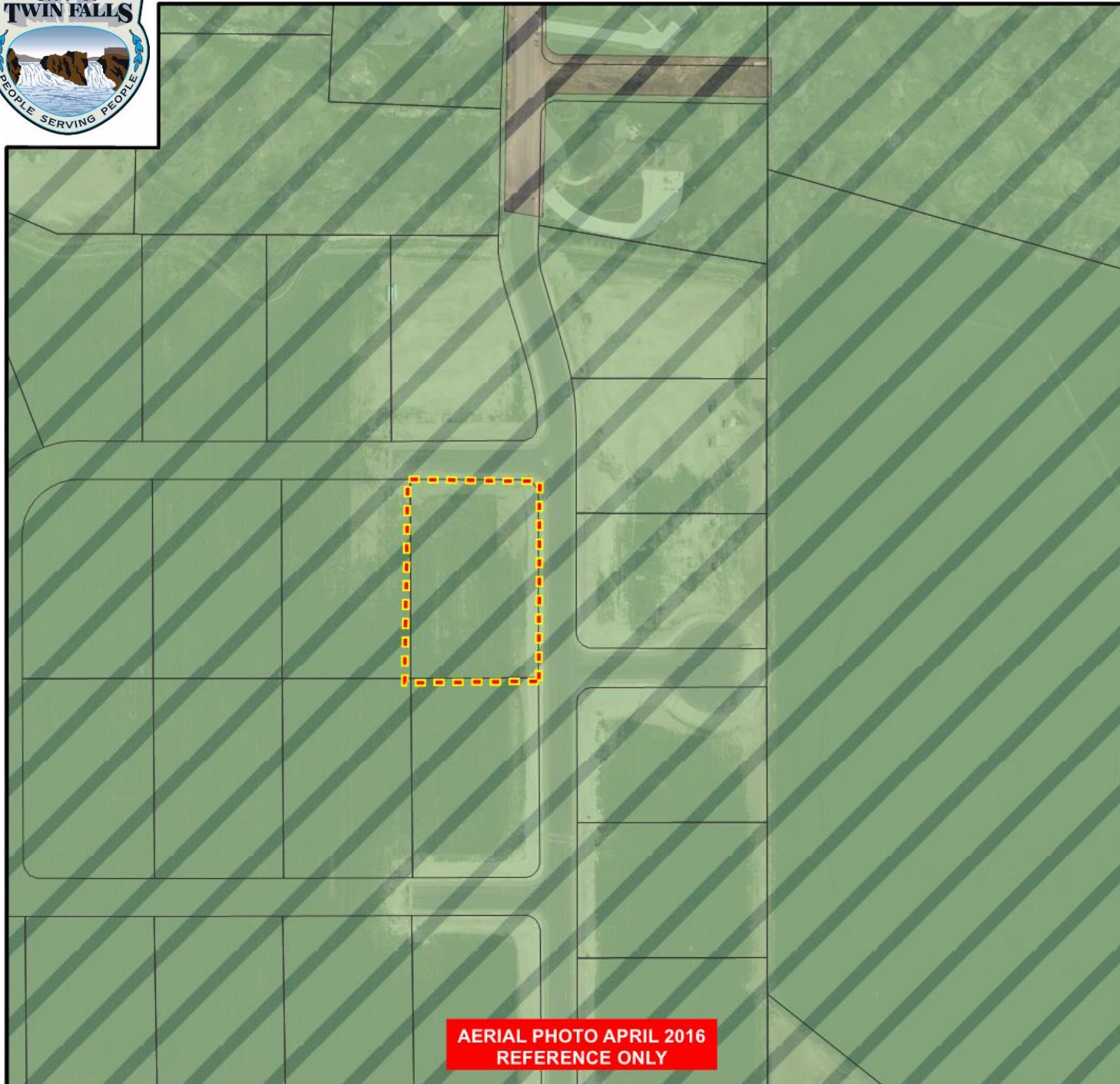
If the Commission approves this request as presented, then staff recommends the following conditions.

1. Subject to site plan amendments as required by City Code Standards.
2. Subject to personal use only – no commercial activity.

Attachments

1. Narrative
2. Vicinity Map
3. Site Plan
4. Elevations
5. Photos

Public Hearing: September 25th, 2018



AERIAL PHOTO APRIL 2016
REFERENCE ONLY

Vicinity Map



Current Zoning & Land Use

SUI-Residential

Comprehensive Plan

Rural Residential

Surrounding Zoning & Land Use

North

SUI –Residential

South

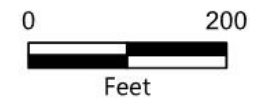
SUI –Residential

West

SUI –Residential

East

SUI –Residential



REASON FOR REQUEST:

CONVENANTS REQUIRE THAT RV'S AND TRAILERS TO BE OUT OF SIGHT FROM ROAD. REQUEST IS FOR A GARAGE FOR RV'S AND TRAILERS.

- A) HOURS OF OPERATION - WILL BE THE SAME AS A RESIDENCE GARAGE.
- B) TRAFFIC ANTICIPATED - IS ONLY WHEN RV OR TRAILER IS USED
- C) NO EMPLOYEES

EFFECTS ON ADJOINING PROPERTY:

- A) NO ADDITIONAL NOISE, GLARE, ODOR, FUMES OR VIBRATION TO ADJOINING PROPERTY.

GENERAL COMPATIBILITY WITH ADJACENT PROPERTIES.

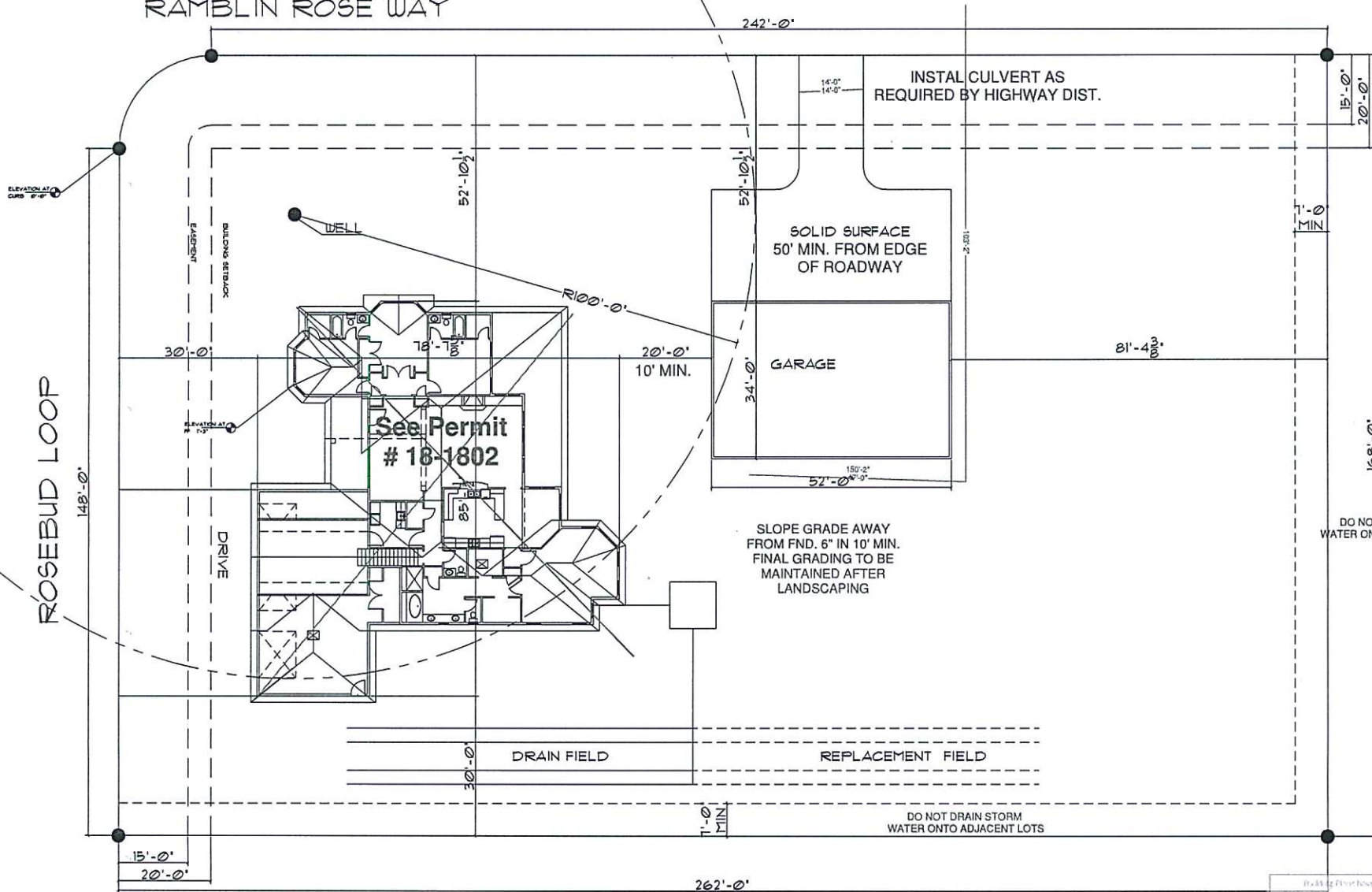
- A) BOTH HOMES ON EACH SIDE ALSO HAVE SEPARATE GARAGES.

RAMBLIN ROSE WAY

NORTH



SUI ZONE

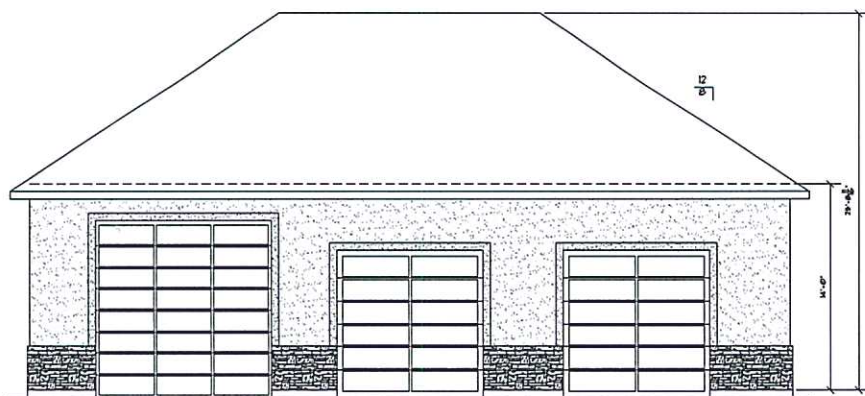


Building Floor Plan
 Submitted and approved by
 AS (seal) to be submitted to
 for plan review
 Project: 76 of 79
 Date: 7/27/18

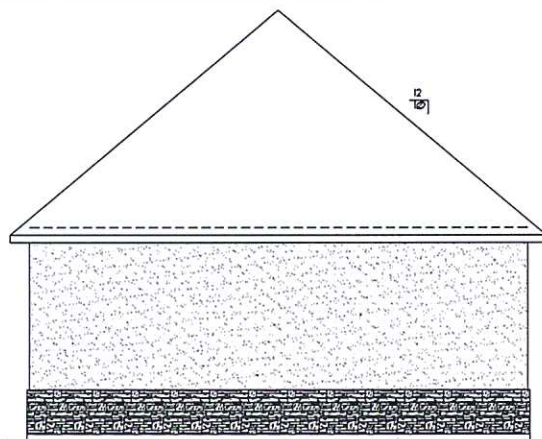
CONTRACTOR:
 HOMEOWNER:
 ADDRESS: LOT 4 BLOCK 3
 SUBDIVISION: WILD ROSE SUB.

SCALE: 1" = 10'-0"
 DATE: 7-18-18
 CUSTOM DESIGN YOUR DREAM HOME

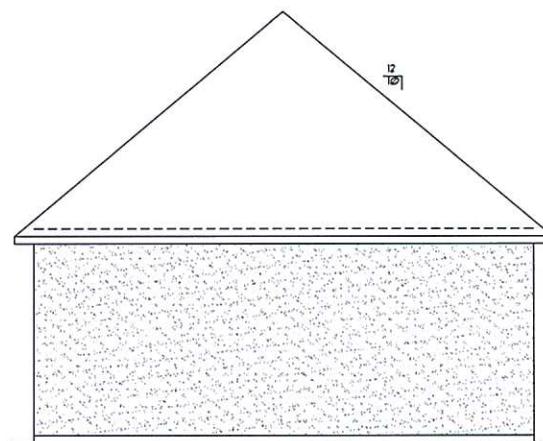
PAGE #
 18
 SHEET #



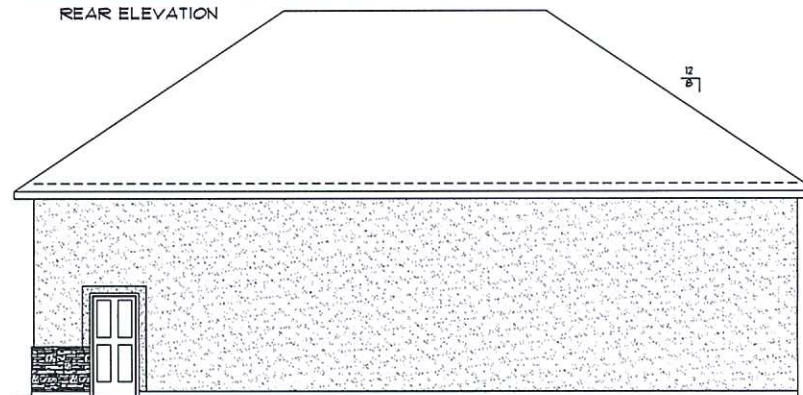
LEFT SIDE ELEVATION



FRONT ELEVATION



REAR ELEVATION



RIGHT SIDE ELEVATION

CONTRACTOR:	RYAN
HOMEOWNER:	AL GATLASH
ADDRESS:	LOT 4 BLOCK 9
SUBDIVISION:	WILD ROSE SUB
SCALE:	1/4" = 1'-0"
DATE:	1-18-18



PAGE #:	1
SHEET #:	4 of 4



NE Corner Looking SW



SE Corner Looking NW



Date: Tuesday, September 25, 2018
To: Planning and Zoning Commission
From: Planning & Zoning Department

ACTION ITEM

Request:

Request for a Special Use Permit to construct a maximum of (8) four plex units, on individual lots on property located south of the intersection of Borah Avenue West and Rose Street North. c/o EHM on behalf of Kaitlyn Court (app. PZ18-0059)

Time Estimate:

Applicant may take up to 10 minutes and staff may take 5 minutes.

Background:

N/A

Approval Process:

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 make a decision 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.

Budget Impact:

N/A

Regulatory Impact:

N/A

History:

There is very limited history on this property other than it was Farmland in the '50's and '60's.

Analysis:

This is a request to construct eight (8) four-plexes on individual lots, on property SW of the Borah Ave and Rose St intersection. The Property is zoned R-4, therefore a SUP is required to construct a four-plex.

Currently the land is not subdivided into the eight lots, however, the Engineering and P&Z departments have reviewed a preliminary plat that this body will see at a future public meeting.

Conclusion:

If the Commission approves this request as presented, then staff recommends the following conditions.

1. Subject to site plan amendments as required by City Code Standards.

2. Subject to the approval of a Final Plat for Kaitlyn Court Subdivision.

Attachments:

1. PZ18-0059 SUP Staff Report
2. 1 - Vicinity Map
3. 2 - Narrative
4. 3 - Site Plan
5. 4 - Elevations
6. 5 - Photos



Comprehensive Staff Report

To: Planning & Zoning Commission
 Presenter: Steve O'Connor, City Planner
 Request: A **Special Use Permit** to construct a maximum of (8) four plex units, on individual lots on property located south of the intersection of Borah Avenue and Rose Street North.

Application: PZ19-0059

Applicant:

Kaitlyn Court, LLC
 c/o Tim Vawser, EHM Engineers, INC.
 621 North College Rd. Ste. 100
 Twin Falls, ID 83301
 208.734.4888
 tvawser@ehminc.com

Public Hearing: September 25th, 2018

Analysis

This is a request to construct eight (8) four-plexes on individual lots, on property SW of the Borah Ave and Rose St intersection. The Property is zoned R-4, therefore an SUP is required to construct a four-plex.

Currently the land is not subdivided into the eight lots, however, the Engineering and P&Z departments have reviewed a preliminary plat that this body will see at a future public meeting.

Approval Process

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 make a decision 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.

History

There is very limited history on this property other than it was Farm land in the '50's and '60's.

Applicable Regulations or Codes

Per City Code 10-4-5, R-4 District an SUP is required for four-plexes.

Comprehensive Plan Compliance

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Neighborhood Commercial." The comprehensive plan calls out a need for increased multi-family housing, specifically higher density housing options. Therefore staff has determined this request complies with the 2016 comprehensive plan.

Potential Impacts

Staff does anticipate an increase of impacts originating from increased traffic due to the proposed development. However it is not anticipated to increase to an unacceptable level as the surrounding public roadways are anticipated to handle the increase vehicle trips.

Conclusion

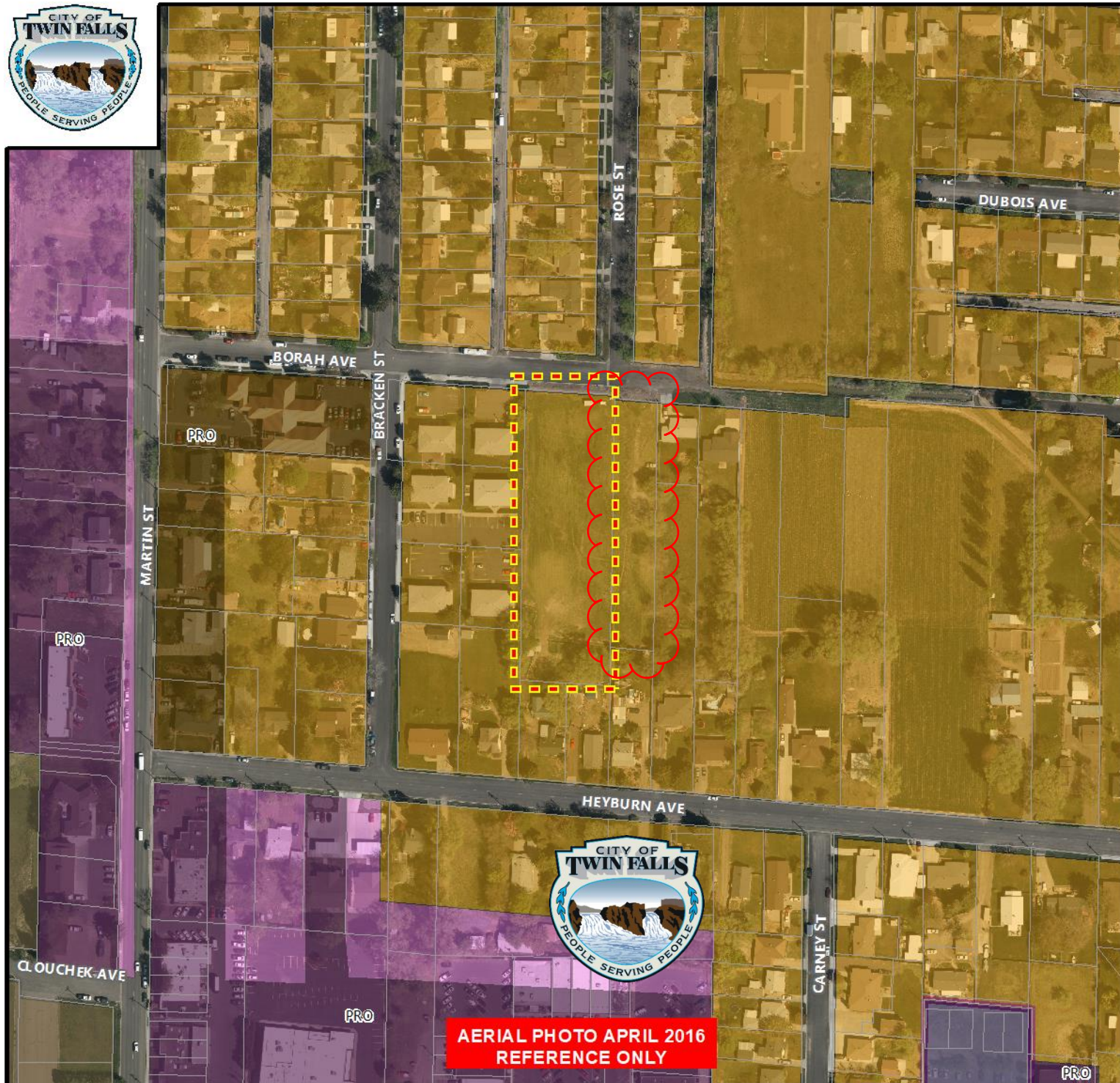
If the Commission approves this request as presented, then staff recommends the following conditions.

1. Subject to site plan amendments as required by City Code Standards.
2. Subject to approval of a Final Plat for Kaitlyn Court Subdivision.

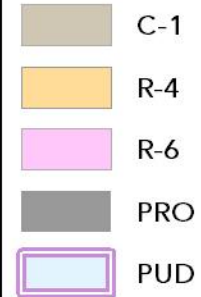
Attachments

1. Vicinity Map
2. Narrative
3. Site Plan
4. Elevations
5. Photos

Public Hearing: September 25th, 2018



Vicinity Map



Current Zoning & Land Use:

R-4, Medium Residential

Comprehensive Plan:

Neighborhood Commercial

Adjacent Zoning & Land Uses:

North:

Borah Ave; R-4: Residential

South:

R-4; Residential

East:

R-4; Residential

West:

R-4; Residential



KAITLYN COURT

Special Use Permit Statement

4.a Reason For Request:

Kaitlyn Court, LLC purchased the property to construct a multi-family development in the R-4 zoning district. The property is 2.01 acres in size and large enough to house the 8 proposed structures and provide adequate parking. The owners are initially planning to rent the units although they are proposing to plat the property with each four-plex being on an individual lot for the possibility of future sale.

4.b.i.

No set hours of operation. This is a residential development.

4.b.ii.

Traffic anticipated would be the standard trips generated out of a 2 bedroom household. This development will have 32 total units within the eight buildings. It is anticipated that the traffic will be similar to the existing four-plex development to the west of this property.

4.b.iii.

Only landscaping personnel are anticipated as employees maintaining the property on a weekly basis or as needed.

4.c.i.

Noise is anticipated to equal that of other residential development within the area.

4.c.ii.

Any site lighting will be directed internal to the site and no unreasonable glare is anticipated.

4.c.iii.

Being a residential development no increase in odor is anticipated.

4.c.iv.

No fumes or vibration is anticipated on adjoining property.

4.c.v.

This development is anticipated to be generally compatible with the surrounding neighborhood. An existing four-plex development exists to the west. Colored elevations are included showing the basic earth tones that will be utilized. The colors may vary slightly from those depicted but will maintain the general intent to maintain an aesthetically pleasing appearance with earth tone, subdued colors. The owners wish to develop an upscale residential development that will blend harmoniously with the neighborhood.

**Legal Description
Property
Twin Falls County, Idaho**

Being a portion of Lot 16 as shown on that certain map entitled "DE LONG ADDITION", recorded March 2, 1908 as instrument no. 0000-003071, of official records and a portion of Lot 1 as shown on that certain map entitled "CASEY SUBDIVISION", recorded May 25, 1939 as instrument no. 0000-300947, of official records, in the office of the county recorder of Twin Falls County, more particularly described as follows:

Beginning at the Northwest corner of said Lot 1 and being the REAL POINT OF BEGINNING;

Thence, South 86°37'49" East 138.32 feet along the North Boundary of said Lot 1 to the Northeast corner thereof;

Thence, South 00°30'38" West 5.33 feet along the West Boundary of said Lot 16;

Thence, leaving said West Boundary, South 86°05'25" East 65.52 feet;

Thence, South 00°30'29" West 383.96 feet;

Thence, North 86°07'50" West 65.53 feet to a point on said West Boundary of Lot 16;

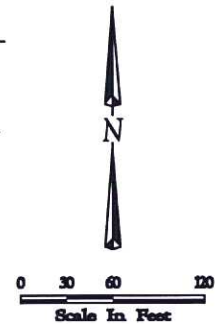
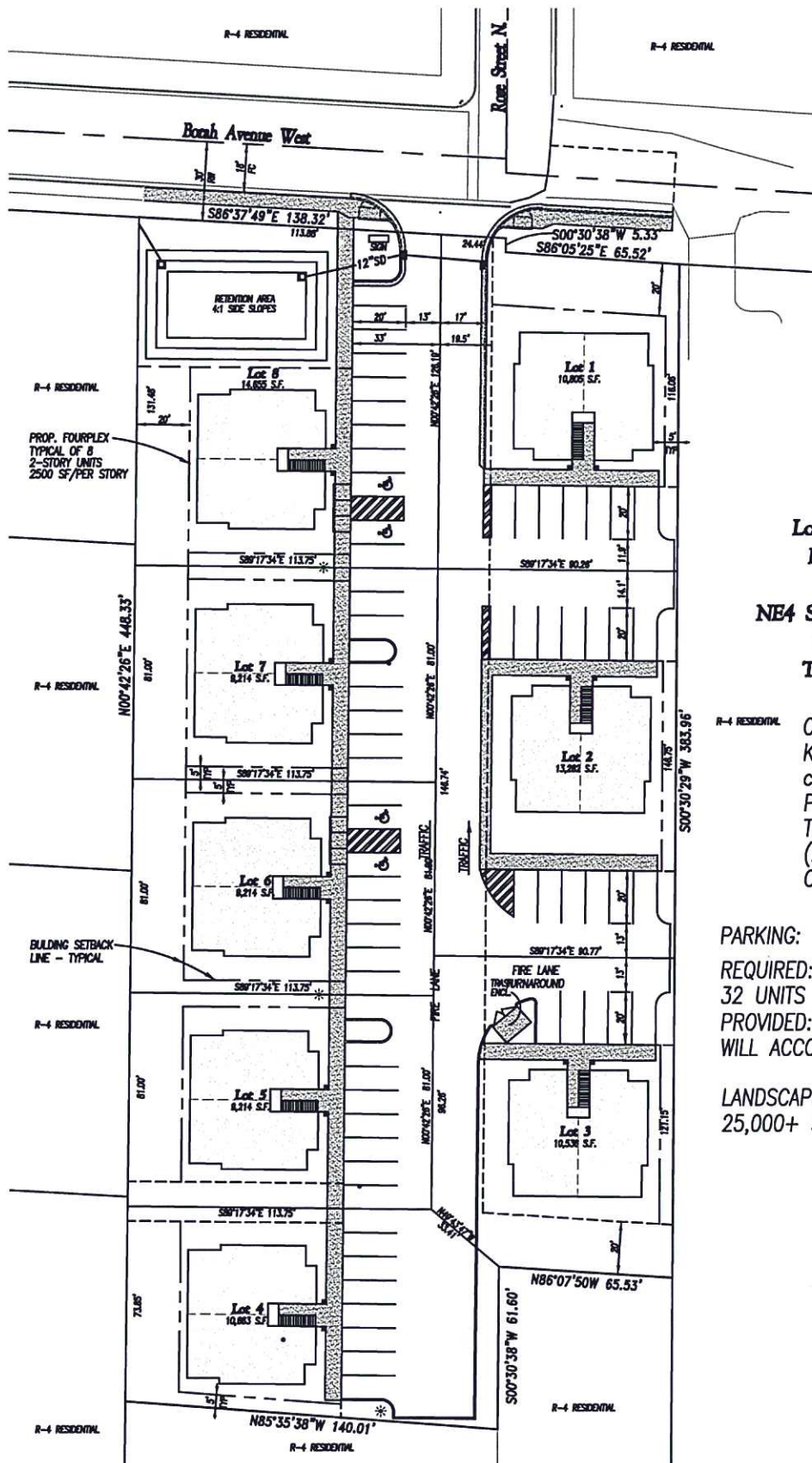
Thence, South 00°30'38" West 61.60 feet along said West Boundary;

Thence, leaving said West Boundary, North 85°35'38" West 140.01 feet to a point on the West Boundary of said Lot 1;

Thence, North 00°42'26" East 448.33 feet along said West Boundary to said REAL POINT OF BEGINNING.

Containing approximately 2.01 acres.

End of Description



Located In
A Portion of
Lot 16, Delong Addition &
Lot 1, Casey Subdivision
In
NE4 SW4 & NW4 SE4, Section 8
T. 10 S, R. 17 E, B.M.
Twin Falls County, Idaho

OWNER:
KAITLYN COURT, LLC
c/o GARY N. NELSON
P.O. BOX 6004
TWIN FALLS, ID 83303
(208) 731-5030
CONTACT: GARY N. NELSON

PARKING:

REQUIRED: 8 4-PLEXES (MAX. 2 BEDROOM)
32 UNITS x 2 = 64 REQUIRED SPACES
PROVIDED: 68 TOTAL SPACES (4 OF WHICH
WILL ACCOMMODATE VAN ACCESSIBLE PARKING)

LANDSCAPING:

25,000+ S.F. LANDSCAPING/LAWN PROVIDED.

Special Use Exhibit For
Kaitlyn Court



KAITLYN COURT 4 PLEX

PRELIMINARY NOT FOR CONSTRUCTION

ENGINEER: RAYMOND G. ALF
 DRAWN BY: YMS
 CHECKED BY: RJS
 PLOT DATE: 6/20/2018

KAITLYN COURT 4 PLEX

South Fork Design Group, LLC
 1066 North Yellowstone Hwy
 Rexburg, ID 83440
 www.southforkdesigngroup.com
 208-852-6236
 Copyright 2018 South Fork Design Group, LLC. All Rights Reserved.

SOUTH FORK
 DESIGN



SHEET TITLE	COVER SHEET
REVISION DATE	DESCRIPTION

G-101
 SHEET 1



NE Corner Looking SW



SE Corner Looking NW



Date: Tuesday, September 25, 2018
To: Planning and Zoning Commission
From: Planning & Zoning Department

ACTION ITEM

Request:

Request for a Special Use Permit to operate an indoor recreation facility on property located at 163 Cheney Drive West, Ste 200. c/o Gerald Martens on behalf of Core Cycle (app. PZ18-0063)

Time Estimate:

Applicant may take up to 10 minutes and staff may take up to 5 minutes.

Background:

N/A

Approval Process:

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 make a decision 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.

Budget Impact:

Regulatory Impact:

N/A

History:

The property is part of the Canyon Ridge PUD #247, recorded in January 2008.

Analysis:

This is a request to establish an indoor recreation facility as a health club on property located at 163 Cheney Dr. The applicant is looking to establish a health club type operation at this location and this land use has been classified as "indoor recreation" and in the C-1 Zone a SUP is required for an indoor recreation facility.

Conclusion:

If the Commission approves this request as presented, then staff recommends the following conditions.

1. Subject amendments as required by City Code Standards.

Attachments:

1. SUP Staff Report PZ18-0063
2. 1 - Vicinity
3. 2 - Site Plan
4. 3 - Elevation
5. 4 - Photos



Comprehensive Staff Report

To: Planning & Zoning Commission
 Presenter: Steve O'Connor, City Planner
 Request: A **Special Use Permit** to operate an indoor recreation facility on property located at 163 Cheney Drive West, Ste 200.

Application: PZ18-0063

Applicant:

Core Cycle / Becky Able Kuykendall
beckeyable83@gmail.com

c/o EHM Engineers Gearld Martens
 621 North College Rd.
 Twin Falls, ID 83301
 280.734.4888
gmartens@ehminc.com

Public Hearing: September 25, 2018

Analysis

The applicant is requesting to establish a business offering cycling classes. This falls within the "Indoor Recreation Facility" designation. The C-1 Zone requires an SUP for all Indoor Recreation Facilities.

No further information regarding the business (# of employees, types of classes, anticipated members) was furnished to staff.

Approval Process

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 make a decision 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.

History

The property is part of the Canyon Ridge PUD #247, recorded in January 2008.

Applicable Regulations or Codes
 Per City Code 10-4-8 & Canyon Ridge PUD #247, a SUP is required for an indoor recreation facility.

Comprehensive Plan Compliance

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Neighborhood Commercial & Town Neighborhood." Staff has determined this request is in compliance with the 2016 comprehensive plan

Potential Impacts

The proposed use is located in a developing commercial area, oriented towards a collector roadway (Cheney Dr. W.) and near an arterial roadway (Washington St. N.).

For these reasons the applicant and staff do not anticipate an increase of detrimental impacts from this request on the surrounding properties.

Conclusion

If the Commission approves this request as presented, then staff recommends the following conditions.

1. Subject to site plan amendments as required by City Code Standards.

Attachments

1. Vicinity Map
2. Site Plan
3. Elevations
4. Photos

Public Hearing: September 25, 2018



Vicinity Map

-  C-1
-  CSI
-  R-2
-  PUD

Current Zoning & Land Use:

C-1 PUD; Under construction

Comprehensive Plan:

Neighborhood Commercial &
Town Neighborhood

Adjacent Zoning & Land Uses:

North:

Cheney Dr. W.; C-1 PUD,
Commercial (Walmart)

South:

R-2; School (Canyon Ridge HS)

East:

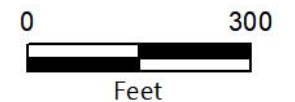
C-1 PUD; Bank (CapEd CU)

West:

C-1 PUD; Medical Office
(Wright Physical Therapy)

PUD

AERIAL PHOTO APRIL 2016
REFERENCE ONLY



[illegible]

- [illegible]

- [illegible]

Drainage Runoff Factors: $W = 1.6772(4.05)$
Impervious Area = 0.95
Low-pervious Area = 0.25
Pre-Development + Commercial Use Adj Factor
Dryest 2nd-Run-Off Study Info

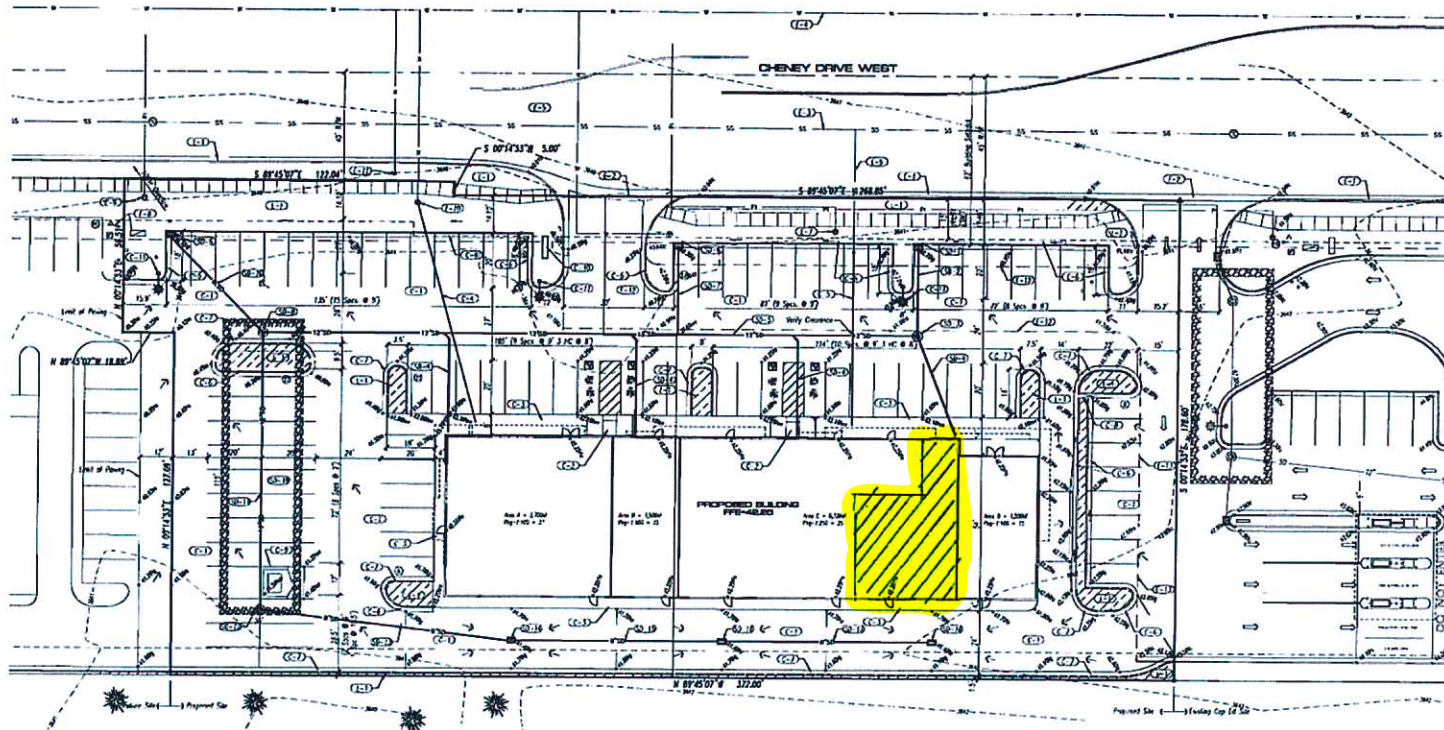
Units are tabulated in Acres as Shown - 48,021 of 156 ac

Impervious Area = 62,283 sf	$1.6772(2.9379) = 4.9354$
Low-pervious Area = 16,253 sf	$1.6772(3.6627) = 6.1427$
Area = 78,536	7.8787

Units Drainage to be Retained in 35' to 10' x 15' Deep Dryest as Shown
(0.88 ft) Detention requires, 25,000 ft³ provided

Building Square Footage = 11,002
 Required Parking For 11002 = 57
 Spaces Provided = 92
 % Spaces Provided = 161%
 % Spaces Required = 1
 Spaces Provided = 92 (4 MC Slots)
 Parking Assignment for Patients' Rooms - Provide 4 for Short and Fast Parking

Owner/Designer:	Architect:	Engineer:
	621 N College Rd Ste 100 Iowa Falls, IA 51301 (715)/234-6999 Gerald Marston, P.E.	Stark Engineers, Inc. 621 N College Rd Ste 100 Iowa Falls, IA 51301 (715)/234-6988 Gerald Marston, P.E.
Site Area:	1.56 Acres	Setbacks:
Zone:	C-1 PUD	Setbacks shall conform to City of Iowa Falls Zoning and Subdivision Regulations
Existing Use:	Agrest	
Prepared by:	Brady/BradyAssociates	



_____	SECTION LINE	⊗	STEAM DRAIN MANHOLE
_____	PLATED EXHAUST LINE	⊗	CATCH BASIN
_____	ADJACENT PROPERTY LINE	⊗	PRESSURE REGULATION VALVE
_____	GENERATOR OF SURFET	⊗	REGULATION VALVE
_____	PLATING LOT LINE	⊗	SEWER MANHOLE
Δ	CALCULATED POINT (NOT SET)	⊗	WATER METER
○	FOUND 1/4" REBAR (AS NOTED)	⊗	W/ F. INSULANT
○	FOUND 1/2" REBAR (AS NOTED)	⊗	WATER VALVE
○	MONUMENT (AS NOTED)	⊗	LIGHT POLE
_____	NATURAL GAS LINE	⊗	POWER POLE
SS	STAINLESS STEEL LINE	⊗	POWER JUNCTION BOX
SD	SEWERY DRAIN LINE	⊗	TELEPHONE POLE
_____	WATER LANE	⊗	CABLE RISER
PS	PRESSURE REGULATION LINE	⊗	FIBER OPTIC BOX (PMT)
_____	FEEDLINE	⊗	FIBER OPTIC LINE
_____	CURB AND GUTTER	⊗	FIBER OPTIC MANHOLE
_____	EXISTING GROUND CONTOUR (500' FINE HORIZONTAL DASH)	⊗	SEN

Bench Mark:
5/8" Rebar and Cap - LS 1421
NW Corner of Lot 5, Block 1
Per. #3644.14 (CTF Deham)



TWIN FALLS, IDAHO

LOCATED IN
Lot 1, Block 1
Riverhawk Commercial Subdivision, a PUD
IN
SE 1/4 NE 1/4, SECTION 5
Township 10 South, Range 17 East,
East Boise Meridian
Twin Falls, Idaho

0 10' 20' 40'

Scale in Feet



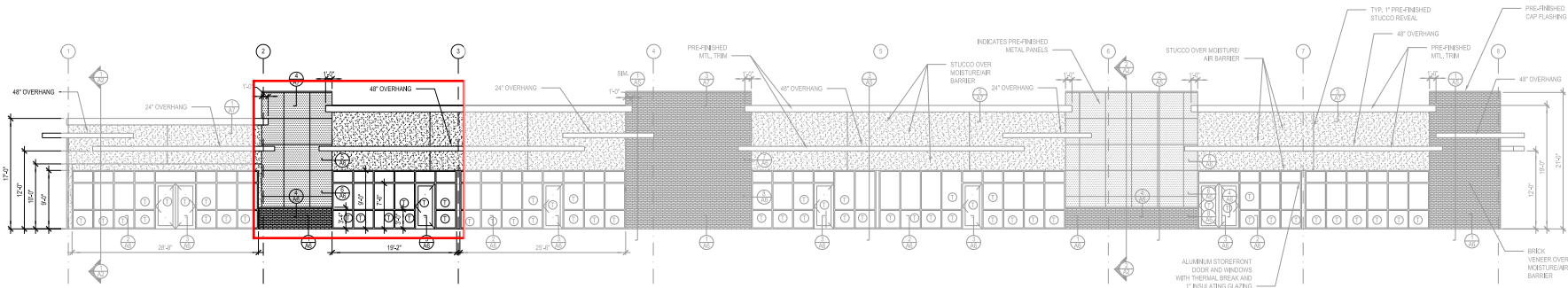
EHM Engineers, Inc.
ENGINEERING PARTIAL CIVIL ASSOCIATION OF REGISTRATION

Engineers / Surveyors / Planners
631 North College Road, Suite 100 Tulsa Falls, Idaho 83301
p (208) 733-4888 fax (208) 733-6049 e-mail: ehm-inc.com

Site Development Plan
for:
RIVERHAWK COMMERCIAL
Cheney Dr. W, Twin Falls, Idaho

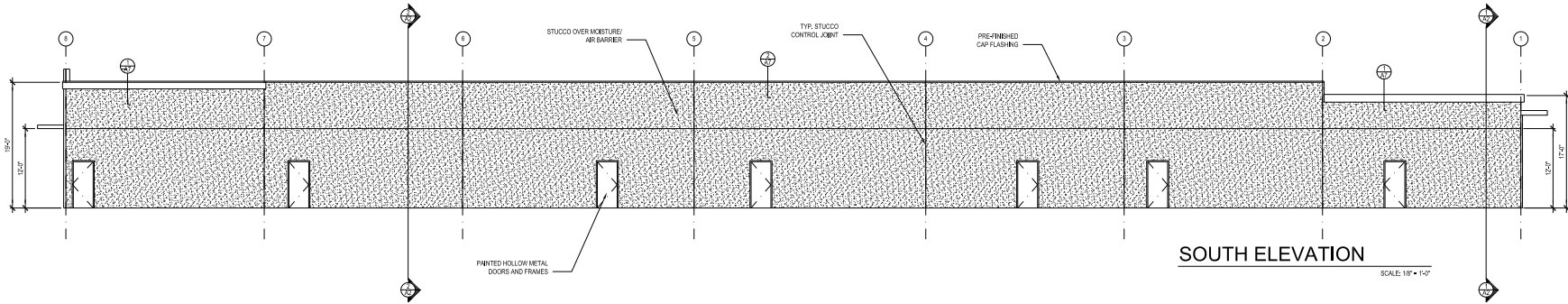
DO NOT SCALE DRAWINGS
CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND QUANTITIES AT THE JOB SITE AND NOTIFY THE ENGINEER OF ANY DIMENSIONAL ERRORS, OMISSIONS, OR DISCREPANCIES BEFORE BEGINNING OR FABRICATING ANY WORK.

COMPANY	G. MARTENS
CONTACT	J. MCBRIDE
ADDRESS	J. MCBRIDE
DATE	APR. 2018
STATUS	AS SHOWN
FILE NO.	112-78StePlan



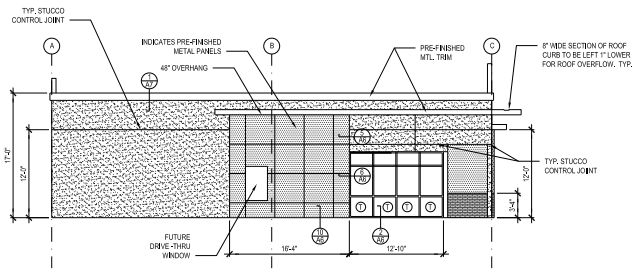
NORTH ELEVATION

SCALE: 1/8" = 1'-0"



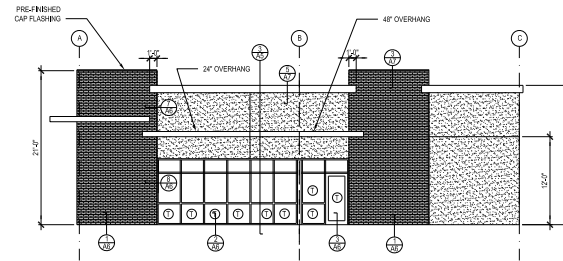
SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



EAST ELEVATION

SCALE: 1/8" = 1'-0"



WEST ELEVATION

SCALE: 1/8" = 1'-0"



NE Corner of the Front Facade



NW Corner of the Front Facade



Date: Tuesday, September 25, 2018
To: Planning and Zoning Commission
From: Planning & Zoning Department

ACTION ITEM

Request:

Request for a Special Use Permit to operate a drive through on property located at 326 Blue Lakes Boulevard North. c/o Kyle Cooper (app. PZ18-0064)

Time Estimate:

Five (5) minutes for staff presentation; Five (5) minutes for questions.

Background:

Approval Process:

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 make a decision 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.

Budget Impact:

Regulatory Impact:

NA

History:

Most recently Threads, a retail business that provides screen printing and embroidery services, has occupied the subject property.

Analysis:

This is a request to construct a drive-through at 326 Blue Lakes Boulevard North. The subject property is located in the C-1 Zoning District. The C-1 Zone requires a special use permit (SUP) for drive-through services.

The proposed drive-through will be used to facilitate the delivery of food and beverage to customers. The proposed drive-through provides approximately twenty-five (25) stacking spaces before the first stopping point and an escape lane which is nine feet (9') wide.

Conclusion:

If the Commission approves this request as presented, then staff recommends the following conditions.

1. Subject to site plan amendments as required by City Code Standards.

Attachments:

1. PZ-18-0064 SUP Staff Report
2. 2 - Narrative
3. 3 - Site Plan
4. 4 - Elevations
5. 5 - Photos
6. 6 - Letter of Testimony



Comprehensive Staff Report

To: Planning & Zoning Commission
 Presenter: Brock Cherry, City Planner
 Editor: Jon Spendlove, P&Z Director
 Authored by: Brock Cherry, City Planner
 Request: A **Special Use Permit** to operate a drive through on property located at 326 Blue Lakes Boulevard North.

Application: PZ18-0064

Applicant:

Kyle Cooper
 5906 W. Half Moon Ln.
 Eagle ID, 83616
 208-870-1943
 cooplivin@me.com

Public Hearing: September 25th, 2018

Analysis

This is a request to construct a drive-through at 326 Blue Lakes Boulevard North. The subject property is located in the C-1 Zoning District. The C-1 Zone requires a special use permit (SUP) for drive-through services.

The proposed drive-through will be used to facilitate the delivery of food and beverage to customers. The proposed drive-through provides approximately twenty-five (25) stacking spaces before the first stopping point and an escape lane which is nine feet (9') wide.

Approval Process

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 make a decision 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.

History

Most recently Threads, a retail business that provides screen printing and embroidery services, has occupied the subject property.

Applicable Regulations or Codes

Per City Code 10-4-8.2, A SUP is required for any facility with drive-through service within the C-1 Zone.

Per City Code 10-10-10, An drive-through shall provide five (5) stacking spaces from first window, order board, or other stopping point. An escape lane shall be provided for any use containing a drive-through facility. An escape lane shall be nine feet (9') wide and shall provide access around the drive-through facility.

Comprehensive Plan Compliance

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Mixed Use" Staff has determined this request is in compliance with the 2016 comprehensive plan.

Potential Impacts

The proposed SUP will produce additional traffic and noise. Staff believes due to the subject property being located on an arterial roadway, that additional traffic flow will be accommodated. Further, impactful noise caused by the drive-through is anticipated to be minimal being that the surrounding uses are commercial in nature and produce similar volumes of noise. However, the proposed drive-through is directly adjacent to a residential condominium. It can be inferred that the residents of the condominium will be susceptible to more noise than what was generated by the prior use (Threads Screen Printing).

Conclusion

If the Commission approves this request as presented, then staff recommends the following conditions.

1. Subject to site plan amendments as required by City Code Standards.

Attachments

1. Vicinity Map
2. Narrative
3. Site Plan
4. Elevations
5. Photos
6. Letter of Testimony

Public Hearing: September 25th, 2018



Vicinity Map



Current Zoning & Land Use:

C-1; Retail

Comprehensive Plan:

Mixed Use

Adjacent Zoning & Land Uses:

North:

C-1; Restaurant

South:

C-1; Retail

East:

C-1; Dwellings – Multiple Household (5+ Units)

West:

C-1; Dwellings – Multiple Household (5+ Units) & A Restaurant with a drive-through



August 13, 2018

Jonathan Spendlove
Senior Planner, AICP
203 Main Ave. East
Twin Falls, ID 83301

Re: SUP Written Statement on 326 Blue Lakes Blvd. N., Twin Fall, ID 83301 - Parcel ID:
RPT6021000009A

Mr. Spendlove,

This is a detailed written statement in regard to the above referenced site. Currently our understanding is, it is zoned as a C-1 Commercial Highway District. The intent of the above property is to develop it into a multi-car stacking coffee drive-thru stand with parking and limited outdoor seating. The new stand will encompass the Dutch Bros Coffee new stand design per the attachment. The new stand size will be a Building that is 1,080 S.F. + CANOPY 1,255 S.F. = 2,335 S.F. Proposed hours of operation will be from 5:00 a.m. to 11:00 p.m. with an average of 8 employee per shift.

Attached is the proposed final site and building design which was designed in conjunction with your city standards. The proposed site design indicates normal business flow and heavy business flow. With this design, it will allow a controlled traffic flow that will allow the adjacent property owners/tenants to function as they need to.

Please contact me or Kyle Cooper if you have any additional questions.

Sincerely

Adam Garcia



Project Manager
Houston-Bugatsch Architects, Chtd.



- 1 MICHA MINERALBOLK BOP-3000 HORIZONTAL PANEL SYSTEM MATCHING INDUSTRIALBOLK CORNERS. VERTICAL JOINTS DO NOT OCCUR.
- 2 MICHA WITKAGEWOLK BOP-3000 HORIZONTAL PANEL SYSTEM 10cm OPEN JOINTS. COLOR: RED
- 3 FIRESTONE CP-12" VERTICAL PANEL SYSTEM. COLOR: REGAL BLUE. ATTACHED COLUMN PER STRUCTURAL
- 5 STAINLESS STEEL STEEL SURFACE. FRANCHISE FURNISHED. CROSTAIR INSTALLED
- 7 PRE-FINISHED PARAPET CAP FLASHING. COLOR: REGAL BLUE
- 8 LIGHTED SIGN, INSTALLED BY SIGN CONTRACTOR. COORDINATE WITH ELECTRICAL SIGN AND BLOCKING REQUIREMENTS
- 10 WALL MOUNTED DUTCH BROS. LIGHT FIXTURE
- 12 METAL MATERIALS FUTURE BLOCK. MODULAR STRETCHER BRICK SYSTEM. COLOR: LIGHT BROWN
- 14 ALL-GLASS ARCHITECTURAL PRODUCTS PRE-FABRICATED ALUMINUM SUNSHADE SH844E ALUMINUM WITH CERTIFIED OF NO-LEAK. INST. B.LKS AS REG FOR SH844E. SEE DET. FOR SH844E
- 16 3" STEEL PIPE BOLLARD WITH PLASTIC BOLLIE. COLOR: DUTCH BROS BLUE
- 17 7" TALL STEEL "CLEARANCE" SIGN. COLOR: DUTCH BROS BLUE WITH WHITE VINYL LETTERING
- 18 6" HIGH ADDRESS NUMBERS
- 19 SPOONER THROUGH WALL AT LOW POINT OF HIGH ROOF
- 20 PRE-FINISHED PARAPET CAP FLASHING. COLOR: CITYSCAPE
- 21 4" HIGH WINDOW FRAMES. REFER TO WINDOW TYPES & SCHED
- 22 20'x40' ROOF DUCT. CLAD W FIRESTONE CP-12" VERTICAL PANEL SYSTEM COLOR: REGAL BLUE. ATTACHED
- 23 4" HIGH DUTCH BROS. PRE-FINISHED PARAPET CAP FLASHING W/ LED LINER LIGHT ALONG PERIMETER OF PARAPET. COLOR: REGAL BLUE. LED COLOR: WHITE

stamp

revisions:

NO.	DESCRIPTION	DATE
Dutch Bros Coffee 326 BLUE LAKES BLVD N. TWIN FALLS, ID		

HOUSTON ■ BUGATSCH
ARCHITECTS, CHARTERED
1307 N. 30TH STREET
SUITE 100
TAMPA, FL 33604-4398

1307 N. 30TH STREET
SUITE 100
TAMPA, FL 33604-4398

checked	
date	
drawn	EN
job no.	
issued for	Dutch Bros

sheet title:

EXTERIOR
ELEVATIONS

sheet number:





SW Corner Looking NE



NW Corner Looking SE



NE Corner Looking SW



SE Corner Looking NW

September 15, 2018

City of Twin Falls
Planning & Zoning Department
P.O. Box 1907
Twin Falls, ID 83301-1907

RE: Application PZ18-0064 (Kyle Cooper)

Dear P&Z Director:

My wife and I received a "Notice of Public Hearing" in the US mail recently. That Notice discussed the scheduled public hearing for PZ18-0064 on September 25th at the City Council Chambers. Unfortunately, neither my wife nor I will be available for this important hearing. As such, and as potentially affected property owners we would like to have the following comments entered into the record for this September 25th public hearing.

As the Times-News has indicated a Dutch Bros coffee stand will be constructed at 326 Blue Lakes Boulevard North, the same address as on the Notice of Public Hearing, and it is assumed that we are talking about one in the same entity. My comments are based on a comparison with the existing Dutch Bros coffee stand located on 572 Pole Line Road here in Twin Falls.

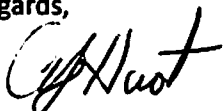
The Notice discusses a proposed drive through to be constructed at 326 Blue Lakes Boulevard North. A major concern with the proposed drive through is the noxious and toxic fumes and odors plus the combined noise of approximately 25 vehicle engines idling while patrons wait for their Dutch Bros product. A possible solution to this concern would be to construct a concrete block wall at least 12 feet high to contain the fumes and noise pollution.

My wife and I have traveled many times to the Dutch Bros coffee stand's Pole Line location for their excellent coffee and teas and as anyone who has been there will know the music in the coffee stand is extremely loud and progressive in style. As the Pole Line coffee stand is advertised to be open from 5am to 11pm seven days a week it is assumed that the Blue Lakes location will have similar if not identical hours of operation. During those hours of operation significant noise pollution could be generated and without a twelve-foot wall, that noise pollution could possibly encroach on our right to privacy.

It is understood that the existing buildings at the proposed Blue Lakes Dutch Bros coffee stand property are to be entirely removed to accommodate this new drive through feature. And since both existing buildings on this property are of sufficient age then testing for the existence of asbestos/hazardous materials should be undertaken prior to their demolition.

Thank you for reading these comments into the record for the September 25th Public Hearing for permit application PZ18-0064.

Regards,



Alan and Evelyn Huot
351 Elm St N, Unit 3
Twin Falls, ID 83301-4846



Date: Tuesday, September 25, 2018
To: Planning and Zoning Commission
From: Planning & Zoning Department

ACTION ITEM

Request:

Request for a Special Use permit to operate an indoor recreation facility on property located at 834 Blue Lakes Boulevard North. c/o Tayler Chapin (app. PZ18-0065)

Time Estimate:

The applicant may take up to 10 minutes, and the staff may take 5 minutes.

Background:

N/A

Approval Process:

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 make a decision 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.

Budget Impact:

Regulatory Impact:

N/A

History:

This area has been commercially developed since the early 1980's and has had various tenants since.

Analysis:

This is a request to establish an indoor recreation facility as a health club on property located at 834 Blue Lakes Blvd. N. The applicant is looking to establish a yoga studio at this location and this land use has been classified as "indoor recreation" and in the C-1 Zone, a SUP is required for an indoor recreation facility.

Conclusion:

If the Commission approves this request as presented, then staff recommends the following conditions.

1. Subject to site plan amendments as required by City Code Standards.

Attachments:

1. PZ18-0065SUP Staff Report
2. 1 - Vicinity
3. 2 - Narrative
4. 3 - Site Plan
5. 4 - Photos



Comprehensive Staff Report

To: Planning & Zoning Commission
 Presenter: Steve O'Connor, City Planner
 Request: A **Special Use Permit** to operate an indoor recreation facility on property located at 834 Blue Lakes Boulevard North.

Application: PZ18-0065

Applicant:

Hot Hive Yoga
 c/o Tayler Chapin
 247 Sunrise Blvd N.
 Twin Falls, ID 83301
 280.421.2627

tayler_chapin@hotmail.com

Public Hearing: September 25, 2018

Analysis

The applicant is requesting to establish a business offering yoga classes. This falls within the "Indoor Recreation Facility" designation. The C-1 Zone requires an SUP for all Indoor Recreation Facilities.

No further information regarding the business (# of employees, types of classes, anticipated members) was furnished to staff.

Approval Process

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 make a decision 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.

History

This area has been commercially developed since the early 1980's and has had various tenants since.

Applicable Regulations or Codes

Per City Code 10-4-8 an SUP is required for an indoor recreation facility.

Comprehensive Plan Compliance

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Mixed Use." Staff has determined this request is in compliance with the 2016 comprehensive plan

Potential Impacts

The proposed use is located in a developed commercial area, oriented towards arterial roadways (Blue Lakes Blvd N & Falls Ave E).

For these reasons the applicant and staff do not anticipate an increase of detrimental impacts from this request on the surrounding properties.

Conclusion

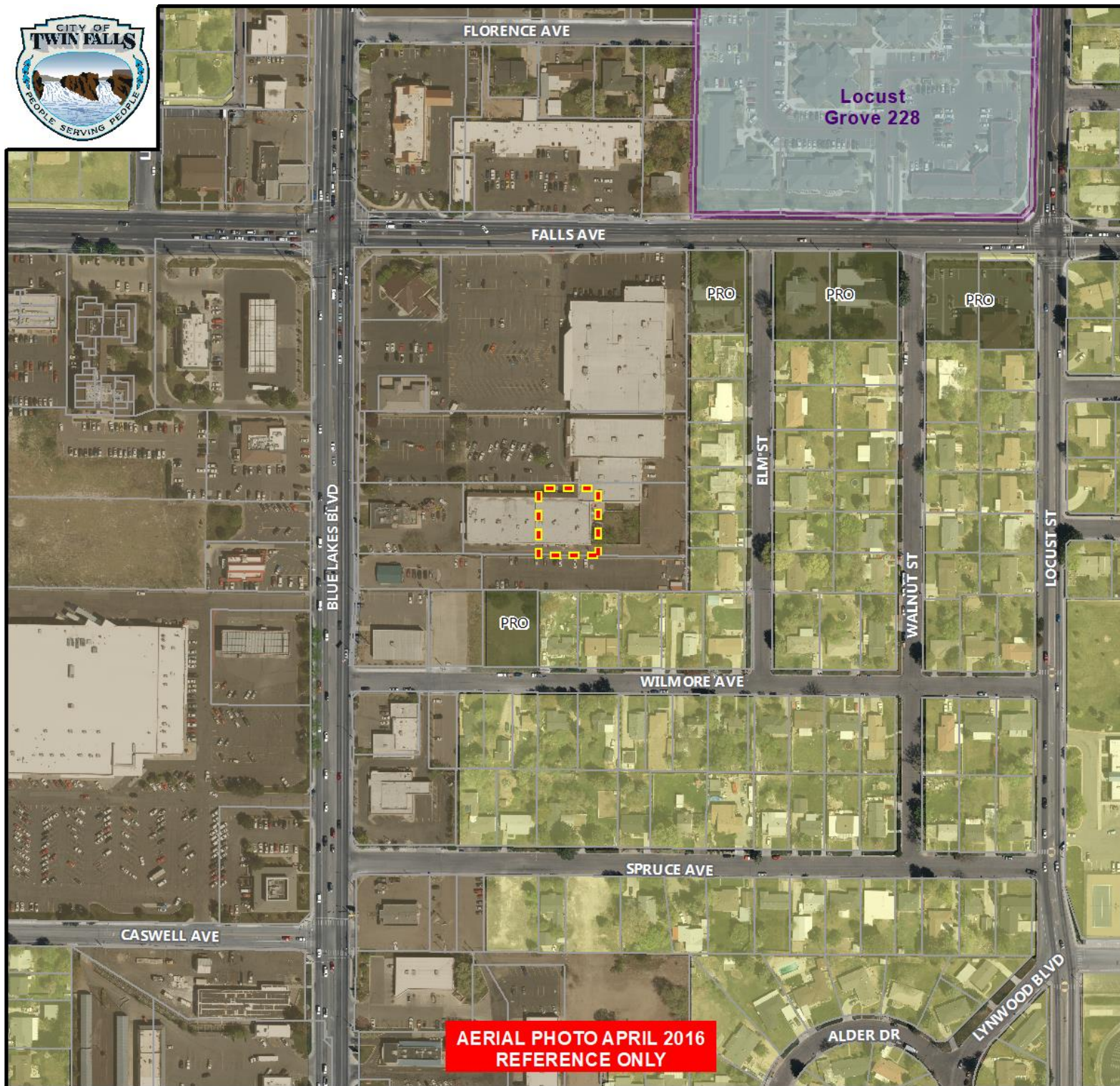
If the Commission approves this request as presented, then staff recommends the following conditions.

1. Subject to site plan amendments as required by City Code Standards.

Attachments

1. Vicinity Map
2. Narrative
3. Site Plan
4. Photos

Public Hearing: September 25, 2018



Vicinity Map



Current Zoning & Land Use:

C-1; Commercial

Comprehensive Plan:

Mixed Use

Adjacent Zoning & Land Uses:

North:

C-1, Commercial (Goodwill)

South:

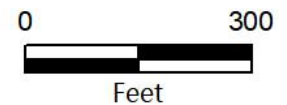
R-2; Residential

East:

R-2; Residential

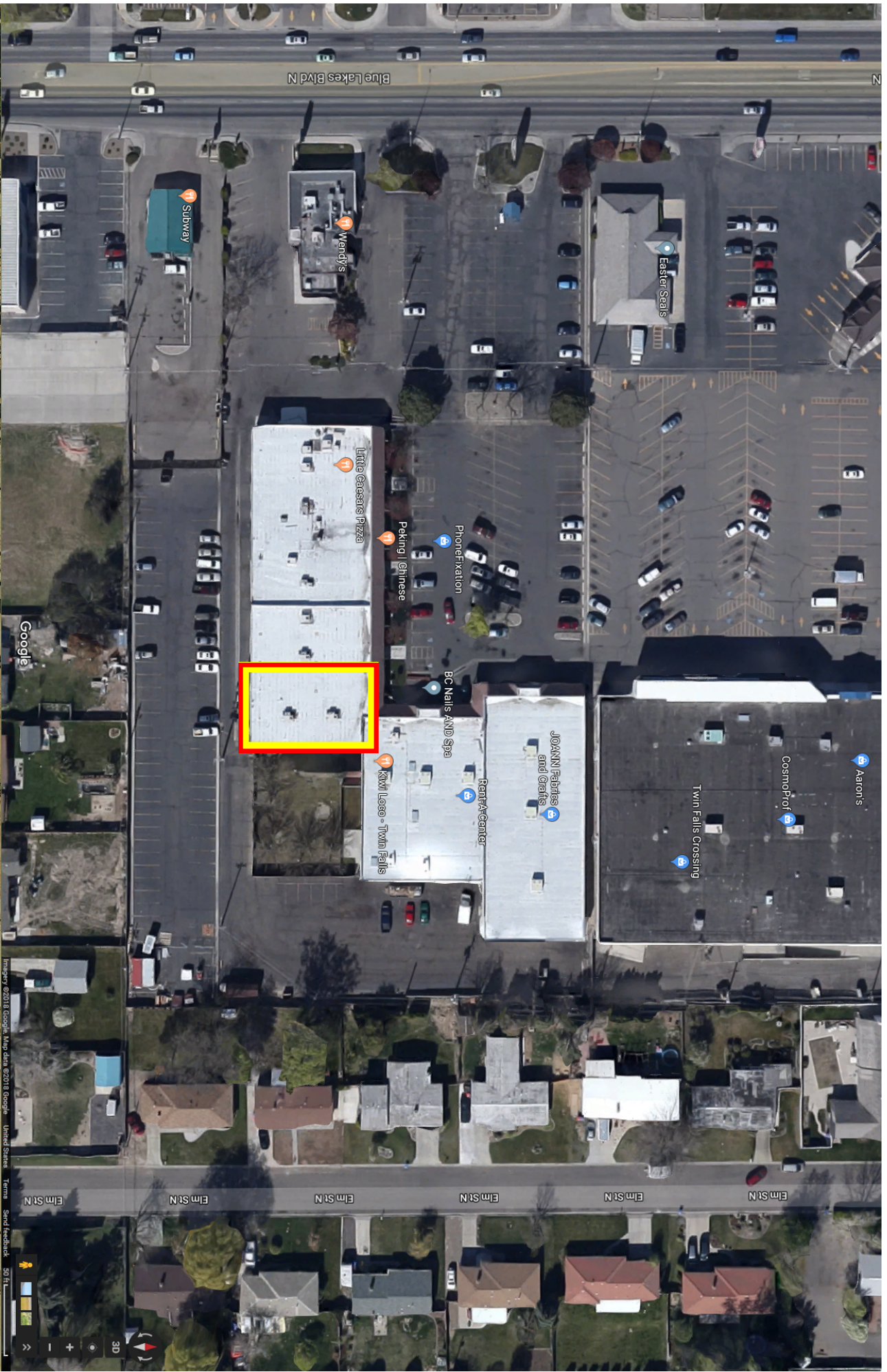
West:

Blue Lakes Blvd N; C-1;



Special Use Permit Attachment

4. a. The reason for the request is to gain access to the space leased and contribute to the growing health conscience community by creating a space for yoga class.
- b. An explanation of the project, including: This project will include a small remodel to enclose two rooms within the 4300 sq ft space, update and add showers to both bathrooms and add new flooring, paint and light fixtures to make it inviting for clients.
- i. Hours of operation will coincide with class times. When a class is going on the studio will be open to the public.
- ii. Traffic anticipated will be 5-15 people per class. There will be approximately 3-5 classes per day.
- iii. We will open with 3 independent contractors to conduct classes.
- c. An evaluation of the effects on adjoining property including the effect of such elements as:
 - i. ii. iii. The effects on the adjoining property will be minimal. We will maintain a normal noise level during and after class times and will be closed when there are no classes. There is no presumable glare, odor or fumes in the space. This studio will maintain a high level of cleanliness for optimal health.
- v. A discussion of the general compatibility with adjacent and other properties in the district. Hive Hot Yoga is a great addition to the Blue Lakes Plaza and is compatible with the other surrounding properties. HHY will bring a diverse group of people to the area daily.





Front Facade of the Subject Property



Date: Tuesday, September 25, 2018
To: Planning and Zoning Commission
From: Planning & Zoning Department

ACTION ITEM

Request:

Request for a Special Use Permit to construct a storage unit rental facility and automobile/recreation vehicle storage yard on property located at 240 Eastland Dr. c/o Eastland Storage Solutions, LLC-Tyler Davis-Jeffers (app. PZ 18-0066)

Time Estimate:

Five (5) minutes for staff presentation; Five (5) minutes for questions.

Background:

NA

Approval Process:

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 make a decision 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.

Budget Impact:

Regulatory Impact:

NA

History:

The subject property was developed as a Drive-In Movie facility in 1967 per Twin Falls County Records. Drive-In Movie facility operations ceased in 2015. Currently the subject property is considered vacant (however some equipment/structures from the prior Drive-In Movie facility remain on the subject property).

Analysis:

This is a request for a Special Use Permit to construct a storage unit rental facility and automobile /recreational vehicle storage yard on property located at 240 Eastland Drive.

The subject property is located within the Commercial Highway (C-1) Zoning District.

Conclusion:

If the Commission approves this request as presented, then staff recommends the following conditions.

1. Subject to site plan amendments as required by City Code Standards.

2. Subject to the applicant dedicating right of way on 4th Ave. prior to receiving final occupancy. Dimensions to be determined by the City Engineer.

Attachments:

1. PZ18-0066 Staff Report SUP
2. 2 - Narrative
3. 3 - Site Plan (Phase I)
4. 3 - Site Plan (Phase II)
5. 4 - Elevations
6. 5 - Photos



Comprehensive Staff Report

To: Planning & Zoning Commission
 Presenter: Brock Cherry, City Planner
 Editor: Jonathan Spendlove, P&Z Director
 Authored by: Brock Cherry, City Planner
 Request: A **Special Use Permit** to construct a storage unit rental facility and automobile/recreational vehicle storage yard on property located at 240 Eastland Drive.
 Application: PZ18-0066
 Applicant:
 Eastland Storage Solutions c/o Tyler Davis-Jeffers, Summit Creek Capital
 PO Box 2971, Ketchum ID 83340
 298-471-4940
 tyler@summitcreekcapital.com

Public Hearing: September 25th, 2018

Analysis

This is a request for a Special Use Permit to construct a storage unit rental facility and automobile /recreational vehicle storage yard on property located at 240 Eastland Drive.

The subject property is located within the Commercial Highway (C-1) Zoning District.

Approval Process

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 make a decision 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.

History

The subject property was developed as a Drive-In Movie facility in 1967 per Twin Falls County Records. Drive-In Movie facility operations ceased in 2015. Currently the subject property is considered vacant (however some equipment/structures from the prior Drive-In Movie facility remain on the subject property).

Applicable Regulations or Codes

Per City Code 10-4-8, an SUP is required for "Storage Unit Rentals" and an "Automobile/Recreational Vehicle Storage Yard" in the C-1 Zoning District.

Comprehensive Plan Compliance

Staff has determined that the applicant's proposal is in compliance with the 2016 Comprehensive Plan for the following reasons. The property is currently zoned C-1, and has been for many years. Additionally, this type of land use generally has fewer detrimental impacts on adjoining properties than a more intensive commercial development. The result is a gradual transition from existing, more intensive, commercial retail operations to existing residential neighborhoods.

Potential Impacts

The proposed SUP will produce additional traffic and noise (the applicant anticipates 50-100 vehicles traveling to the property per day once fully operational). However, due to the subject property being located on an arterial roadway staff anticipates that any additional traffic flow will be accommodated.

Conclusion

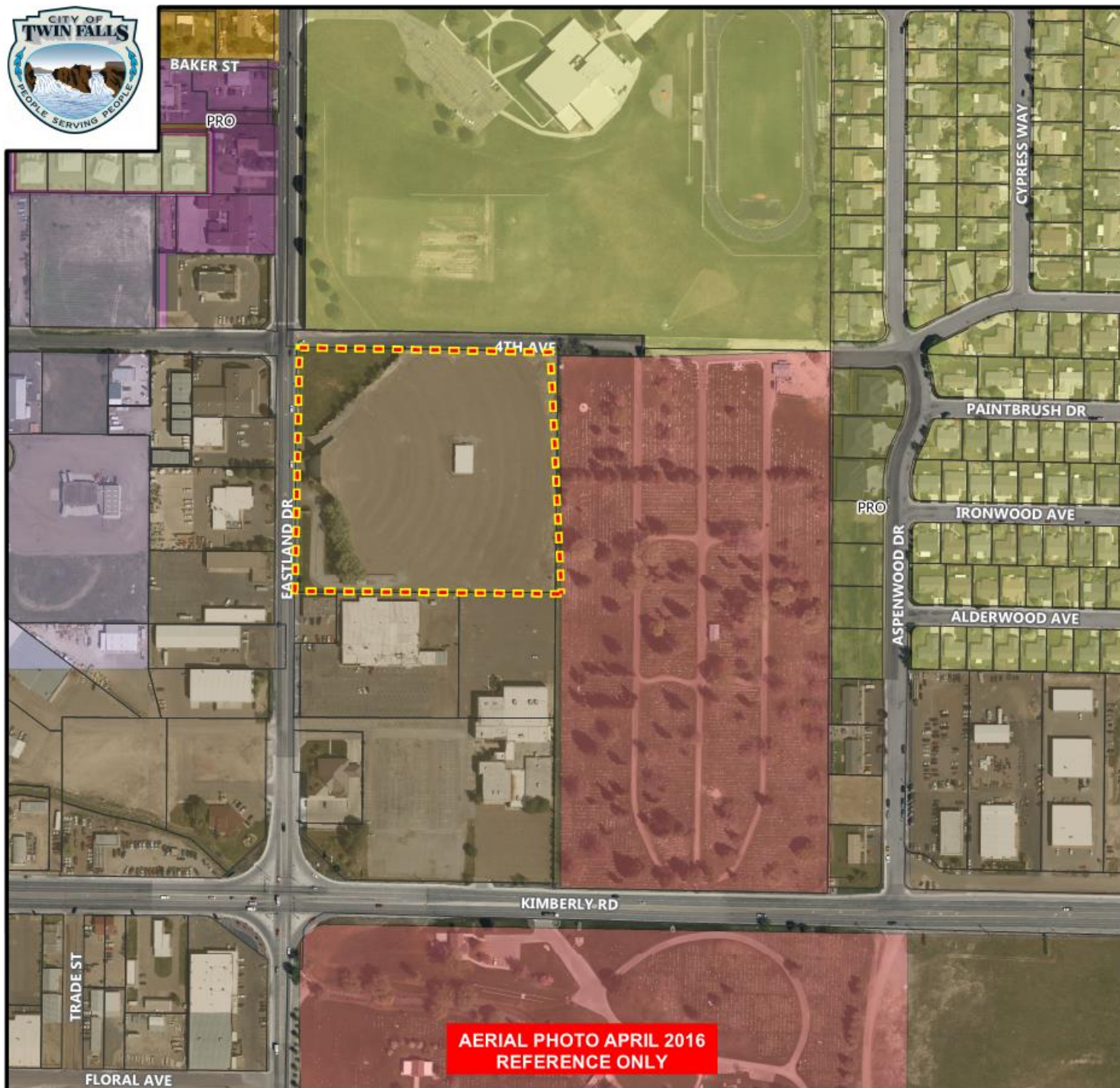
If the Commission approves this request as presented, then staff recommends the following conditions.

1. Subject to site plan amendments as required by City Code Standards.
2. Subject to the applicant dedicating right of way on 4th Ave. prior to receiving final occupancy. Dimensions to be determined by the City Engineer.

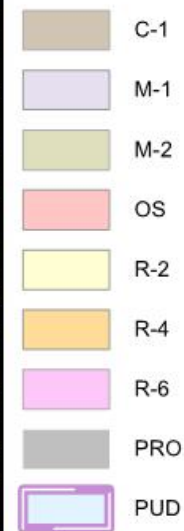
Attachments

1. Vicinity Map
2. Narrative
3. Site Plan (Phases I & II)
4. Elevations
5. Photos

Public Hearing: September 25th, 2018



Vicinity Map



Current Zoning & Land Use:

C-1, Vacant

Comprehensive Plan:

Town Neighborhood

Adjacent Zoning & Land Uses:

North:

R2, School

South:

C-1, Services; Indoor
Recreation Facility

East:

OS, Cemetery

West:

C-1, Office; Retail Trade



Eastland Storage Solutions

SUP application

8/14/18

- A) We intend to construct a self-storage and RV storage facility on 5 acres in two separate phases. Self-storage and RV Storage requires a special use permit in C-1.
- B) The facility will be accessed from 4th Street. The office hours will be 8 AM-6 PM, but the facility will be accessible from 6 AM-10 PM. When fully leased and operational there should be a vehicle count averaging 50-100 cars per day. There will be one employee on site 24 hours per day. The employee will have an apartment located above the office on 4th Street.
- C) The only noise coming from the facility will be vehicles accessing the storage units and doors opening and closing. There should be minimal glare from the facility, though the buildings will all be constructed of metal. This metal is finished with a flat color to reduce glare. There will be no odor or fumes other than vehicular exhaust. Self-storage facilities are typically quiet, secure, and unobtrusive to neighbors.

4TH AVENUE EAST

Moved 25' away from curb

Phase I Total

sq ft.	48,150
5x5 -	33
5x10 -	37
5x15 -	1
10x10 -	79
10x15 -	49
10x20 -	61
14x30 -	28
30x40 -	OFF.

RV parking LOT J

sq ft.	7,168
14x32 -	16

Bldg A **Bldg B**

sq ft.	4725	sq ft.	7800
5x5 -	24	14x30 -	14
5x10 -	1		
5x15 -	1		
10x10 -	9		
10x15 -	15		
30x40 -	OFF.		

Bldg C **Bldg D**

sq ft.	5100	sq ft.	6800
10x10 -	17	5x10 -	17
10x20 -	17	10x10 -	51

Bldg E **Bldg F**

sq ft.	6800	sq ft.	5100
10x20 -	34	10x15 -	34

Bldg G **Bldg H**

sq ft.	4025	sq ft.	7800
5x5 -	9	14x30 -	14
5x10 -	19		
10x10 -	2		
10x20 -	10		

sq. ft. 48,150
5x5 - 33
5x10 - 37
5x15 - 1
10x10 - 79
10x15 - 49
10x20 - 61
14x30 - 28
30x40 - OFF

LOT J
sq ft. 7,168
14x32 - 16

sq. ft. 4725	sq. ft. 7800
5x5 - 24	14x30 - 14
5x10 - 1	
5x15 - 1	
10x10 - 9	
10x15 - 15	
30x40 - OFF.	

sq ft. 5100	sq ft. 6800
10x10 - 17	5x10 - 17
10x20 - 17	10x10 - 51

sq ft. 6800	sq ft. 5100
10x20 - 34	10x15 - 34

sq ft. 4025	sq ft. 7800
5x5 - 9	14x30 - 14

10x10	- 2
10x20	- 10

Date:	Description:
08/17/18	UNIT LAYOUT

Dwg Date:	Job Number:
3/29/2018	FBC# 1818
Drawn By:	Chkd By:
TA, JP	FB

FBC-4	
Paper Size:	Scale:
24X36	N.T.
Issue #:	Issue Date:
For Review	and



BForge
BUILDING COMPANY

348 W Parkcenter Blvd
Boise, ID 83706
Phone, (208) 629-2945
Fax, (208) 343-0762
Email: fbc@forgebuildings.com

EASTLAND STORAGE SOLUTIONS
TWIN FALLS, ID







NW Corner Looking SE



SE Corner Looking NW



NE Corner Looking SW



SW Corner Looking NE



Shared Eastern Border with Cemetery



Date: Tuesday, September 25, 2018
To: Planning and Zoning Commission
From: Planning & Zoning Department

ACTION ITEM

Request:

Request for a Zoning Title Amendment to repeal and replace City Code 10-11-19 Floodplain Regulations (A through E). c/o City of Twin Falls-Troy Vitek, Assistant City Engineer

Time Estimate:

Five (5) minutes for staff presentation; Five (5) minutes for questions.

Background:

NA

Approval Process:

Zoning Title Amendments, which consist of text or map revisions, require a public hearing before the Planning & Zoning Commission. Following the public hearing, the Commission may forward the amendment with its recommendation to the City Council. Any material change by the Commission from what was presented during the public hearing will require an additional hearing prior to the Commission forwarding its recommendation to City Council.

After City Council receives a recommendation from the Commission, a public hearing shall be scheduled where the City Council may grant, grant with changes, or deny the Zoning Title Amendment. In any event the City Council shall specify the regulations and standards used in evaluating the Zoning Title Amendment, and the reasons for approval or denial.

In the event that the City Council shall approve an amendment, such amendment shall thereafter be made a part of the Title upon the passage and publication of an ordinance.

Budget Impact:

Regulatory Impact:

NA

History:

City Code 10-11-9(A-E) was adopted in 1982. There has been no significant changes to this portion of code since then.

Analysis:

This is a request to amend Title 10 of the Twin Falls City Code by repealing and replacing City Code 10-11-9 "Flood Plain Regulations" in its entirety.

The City Engineering Department has submitted the proposed Zoning Title Amendment to comply with best management practices and state and federal requirements.

Further, the proposed Zoning Title Amendment will be easier to enforce, provide more clarity, and provide better protection to residents whom reside in flood prone areas.

Conclusion:

The Commission may:

- Recommend modifying the proposed Zoning Title Amendment (which may require another public hearing before the Commission).
- Recommend approval of the proposed Zoning Title Amendment to the City Council.
- Recommend denial of the proposed Zoning Title Amendment.

Attachments:

1. ZTA PZ18-0056 Staff Report
2. 1 - Narrative
3. 2 - Proposed Twin Falls City Code Sections 10-11-9A through E Amendment

Comprehensive Staff Report



To: Planning & Zoning Commission

Presenter: Brock Cherry, City Planner

Editor: Jonathan Spendlove, Planning & Zoning Director

Authored by: Brock Cherry, City Planner

Request: Request for a **Zoning Title Amendment** to repeal and replace City Code 10-11-9 "Floodplain Regulations" A through E.

Application: PZ18-0056

Applicant: Troy Vitek, City of Twin Falls Assistant City Engineer
203 Main Ave E, Twin Falls ID, 83301
208-735-7356, tvitek@tfid.org

Public Hearing: September 25th, 2018

Analysis

This is a request to amend Title 10 of the Twin Falls City Code by repealing and replacing City Code 10-11-9 "Flood Plain Regulations" in its entirety.

The City Engineering Department has submitted the proposed Zoning Title Amendment to comply with best management practices and state and federal requirements.

Further, the proposed Zoning Title Amendment will be easier to enforce, prove more clarity, and provide better protection to residents whom reside in flood prone areas.

Approval Process

Zoning Title Amendments, which consist of text or map revisions, require a public hearing before the Planning & Zoning Commission. Following the public hearing, the Commission may forward the amendment with its recommendation to the City Council. Any material change by the Commission from what was presented during the public hearing will require an additional hearing prior to the Commission forwarding its recommendation to City Council.

After City Council receives a recommendation from the Commission, a public hearing shall be scheduled where the City Council may grant, grant with changes, or deny the Zoning Title Amendment. In any event the City Council shall specify the regulations and standards used in evaluating the

Zoning Title Amendment, and the reasons for approval or denial.

In the event that the City Council shall approve an amendment, such amendment shall thereafter be made a part of the Title upon the passage and publication of an ordinance.

History & Background

City Code 10-11-9(A-E) was adopted in 1982. There has been no significant changes to this portion of code since then.

Applicable Regulations or Codes

Per City Code 10-14-5, The Planning & Zoning Commission, prior to recommending a Zoning Title Amendment to City Council shall conduct at least one public 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.

Conclusion

The Commission may:

- Recommend modifying the proposed Zoning Title Amendment (which may require another public hearing before the Commission).
- Recommend approval of the proposed Zoning Title Amendment to the City Council.
- Recommend denial of the proposed Zoning Title Amendment.

Attachments

1. Narrative
2. The proposed amended Twin Falls City Code Sections 10-11-9A through E to replace current City Code.

Public Hearing: September 25th, 2018

Brock Cherry

From: Troy Vitek
Sent: Wednesday, August 29, 2018 8:12 AM
To: Brock Cherry
Subject: Troy's request of adoption of new Flood Plain ordinance.

The request for the code section change is due to the Idaho model ordinance for Flood Plains has been updated and re-organized to read like a planning & zoning ordinance instead of a building inspection ordinance. This new ordinance also outlines the Statutory Authorization, Findings of Fact, Purpose, Variance & Appeals process, severability, and repeal of conflicting provisions that our previous code didn't cover. This change is a mandate from both the Federal Government and the state of Idaho to reflect current regulations in Title 44 of Federal Regulations §§ 59.1, 60.3, and 60.6. The benefits to adopting this ordinance are it is easier to enforce, more thorough, better clarity, and better protection to the residents who reside within flood prone areas. The City of Twin Falls has committed to enforcing federal requirements when it joined the National Flood Insurance Program (NFIP) many years ago. This allows residents who are in flood areas to be eligible for flood insurance. If the City chooses not to adopt the new ordinance, the State NFIP Coordinator will be unable to close the Community Assistance Visit. At that time the residents with insurance may be unable to insure their property until the City returns to compliance and adopts the recommended ordinance. Engineering has worked with the City Attorney's office and reviewed the document for compliance. A few minor modifications were adjusted and the State NFIP Coordinator has reviewed them to be compliant. It is the recommendation of Staff that P&Z recommend approval to the City Council

FLOOD DAMAGE PREVENTION ORDINANCE – IDAHO MODEL ORDINANCE

ORDINANCE NO. _____

Article I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

Section A. Statutory Authority

The Legislature of the State of Idaho, pursuant to Idaho Code §§ 46-1020, 46-1023, and 46-1024, authorizes local governments to adopt floodplain management ordinances that identify floodplains and minimum floodplain development standards to minimize flood hazards and protect human life, health, and property. Therefore, the Council of the City of Twin Falls, Idaho does hereby ordain as follows:

Section B. Findings of Fact

1. The flood hazard areas of City of Twin Falls are subject to periodic inundation that results in:
 - a. loss of life and property;
 - b. health and safety hazards;
 - c. disruption of commerce and governmental services;
 - d. extraordinary public expenditures for flood relief and protection; and
 - e. impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by structures in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.
3. Local government units have the primary responsibility for planning, adopting, and enforcing land use regulations to accomplish proper floodplain management.

Section C. Statement of Purpose

The purpose of this ordinance is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life, health, and property;
2. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;

3. Help maintain a stable tax base by providing for the sound use and development of flood prone areas;
4. Minimize expenditure of public money for costly flood control projects;
5. Minimize the need for rescue and emergency services associated with flooding, generally undertaken at the expense of the general public;
6. Minimize prolonged business interruptions;
7. Ensure potential buyers are notified the property is in an area of special flood hazard; and
8. Ensure those who occupy the areas of special flood hazard assume responsibility for their actions.

Section D. Objectives and Methods of Reducing Flood Losses

In order to accomplish its purpose, this ordinance includes methods and provisions to:

1. Require that development which is vulnerable to floods, including structures and facilities necessary for the general health, safety, and welfare of citizens, be protected against flood damage at the time of initial construction;
2. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
3. Control filling, grading, dredging, and other development which may increase flood damage or erosion;
4. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;
5. Preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store flood waters.

Article II. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted according to the meaning they have in common usage and to give this ordinance its most reasonable application.

Accessory Structure (appurtenant structure): a structure on the same lot or parcel as a principal structure, the use of which is incidental and subordinate to the principal structure.

Addition (to an existing building): an extension or increase in the floor area or height of a building or structure.

Appeal: a request for review of the Floodplain Administrator's interpretation of provisions of this ordinance or request for a variance.

Area of Shallow Flooding: a designated AO, AH, AR/AO, or AR/AH zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: see Special Flood Hazard Area (SFHA).

Base Flood: the flood having a one (1) percent (1%) chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): a determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the Freeboard, establishes the Flood Protection Elevation.

Basement: any area of the building having its floor sub grade (below ground level) on all sides.

Building: see Structure.

Critical Facilities: facilities that are vital to flood response activities or critical to the health and safety of the public before, during, and after a flood, such as a hospital, emergency operations center, electric substation, police station, fire station, nursing home, school, vehicle and equipment storage facility, or shelter; and facilities that, if flooded, would make the flood problem and its impacts much worse, such as a hazardous materials facility, power generation facility, water utility, or wastewater treatment plant.

Datum: the vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points was the National Geodetic Vertical Datum of 1929 (NGVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

Development: any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development Activity: any activity defined as Development which will necessitate a Floodplain Development Permit; such as: the construction of buildings, structures, or accessory structures; additions or substantial improvements to existing structures; bulkheads, retaining walls, piers, and pools; the placement of mobile homes; or the deposition or extraction of materials; the construction or elevation of dikes, berms and levees.

Digital Flood Insurance Rate Map (DFIRM): the digital official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Elevated Building: for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Elevation Certificate: The Elevation Certificate is an important administrative tool of the NFIP. It is used to determine the proper flood insurance premium rate; it is used to document elevation information necessary to ensure compliance with community floodplain management regulations; and it may be used to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

Enclosure: an area enclosed by solid walls below the BFE/FPE or an area formed when any space below the BFE/FPE is enclosed on all sides by walls or partitions. Insect screening or open wood lattice used to surround space below the BFE/RFPE is not considered an enclosure.

Encroachment: the advance or infringement of uses, fill, excavation, buildings, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Construction: for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing Manufactured Home Park or Manufactured Home Subdivision: a manufactured home park or subdivision where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before the effective date of the original floodplain management regulations adopted by the community, on July 6, 1981

Existing Structures: see existing construction.

Expansion to an Existing Manufactured Home Park or Subdivision: the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are

to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding:

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph a.2. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

Flood Elevation Determination: See Base Flood Elevation (BFE)

Flood Elevation Study: See Flood Insurance Study (FIS)

Flood Hazard Boundary Map (FHBM): an official map of a community, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

Flood Insurance Rate Map (FIRM): an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Zone: a geographical area shown on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) that reflects the severity or type of flooding in the area.

Floodplain or Flood-Prone Area: any land area susceptible to being inundated by water from any source (see definition of “flooding”).

Floodplain Administrator: the individual appointed to administer and enforce the floodplain management regulations.

Floodplain Development Permit: any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

Floodplain Management: the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and flood plain management regulations.

Floodplain Management Regulations: zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing: any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Protection Elevation (FPE): the Base Flood Elevation plus the Freeboard.

- a. In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus one (1) foot of freeboard; and
- b. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

Flood Protection System: those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodway: the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

Freeboard: a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effects of urbanization in a watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the Flood Protection Elevation (FPE). Freeboard shall be one (1) foot in areas that have a BFE and two (2) feet in areas where no BFE exists.

Functionally Dependent Use: a facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Highest Adjacent Grade (HAG): the highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the FEMA Elevation Certificate for HAG related to building elevation information.

Historic Structure: a structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 1. by an approved state program as determined by the Secretary of the Interior, or
 2. directly by the Secretary of the Interior in states without approved programs.

Letter of Map Change (LOMC): a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F)

1. **Letter of Map Amendment (LOMA):** an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.
2. **Letter of Map Revision (LOMR):** FEMA's modification to an effective Flood Insurance Rate Map (FIRM) or a Flood Boundary and Floodway Map (FBFM) or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.
3. **Letter of Map Revision Based on Fill (LOMR-F):** FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement

of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM, FBFM, or FIS report.

4. **Conditional Letter of Map Revision (CLOMR)**: A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS). Upon submission and approval of certified as-built documentation, a Letter of Map Revision (LOMR) may be issued by FEMA to revise the effective FIRM. Building Permits and/or Flood Development Permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

Levee: a man-made structure, usually an earthen embankment, designed and constructed according to sound engineering practices, to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System: a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Adjacent Grade (LAG): the lowest point of the ground level next to the structure. Refer to the FEMA Elevation Certificate for LAG related to building elevation information.

Lowest Floor: the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3 and this ordinance.

Manufactured Home: a structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle."

Manufactured Home Park or Subdivision: a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value: the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

Mean Sea Level: for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum (such as North America Vertical Datum of 1988 - NAVD88) to which Base Flood Elevations (BFEs) shown on a community's FIRM are referenced.

Mudslide (i.e., mudflow): describes a condition where there is a river, flow, or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide (i.e., mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

Mudslide (i.e., mudflow) Area Management: the operation of an overall program of corrective and preventive measures for reducing mudslide (i.e., mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and flood plain management regulations.

Mudslide (i.e., mudflow) Prone Area: an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

National Flood Insurance Program (NFIP): The NFIP is a Federal program created by Congress to mitigate future flood losses nationwide through sound, community-enforced building and zoning ordinances and to provide access to affordable, federally backed flood insurance protection for property owners.

New Construction: for floodplain management purposes, a structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. Any construction started after July 6, 1981 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

New Manufactured Home Park or Subdivision: a place where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community May 1, 1984.

Post-FIRM: construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map (FIRM).

Pre-FIRM: construction or other development for which the “start of construction” occurred before July 6, 1981 Ordinance #2012, the effective date of the initial Flood Insurance Rate Map (FIRM).

Recreational Vehicle: a vehicle that is:

- a. Built on a single chassis, and
- b. 400 square feet or less when measured at the largest horizontal projection, and

- c. Designed to be self-propelled or permanently towed by a light duty truck, and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway: See Floodway

Remedy a Violation: to bring the structure or other development into compliance with State or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its non-compliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Repetitive Loss Structure: An NFIP-insured structure that has had at least two paid flood losses of more than \$1,000 each in any 10-year period since 1978.

Riverine: relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area (SFHA): the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

Start of Construction: includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial Damage: damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent (50%) of its market value before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate

occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent (25%) of the market value of the structure before the damage occurred.

Substantial Improvement: any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either: (CRS – Up to 20 points for a substantial improvement threshold lower than 50%)

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure's continued designation as a “historic structure” and the alteration is approved by variance issued pursuant to this ordinance.

Technical Bulletins and Technical Fact Sheets: FEMA publications that provide guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U S Code of Federal Regulations § 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations. Rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area. *(This definition is OPTIONAL)*

Temperature Controlled: having the temperature regulated by a heating and/or cooling system, built-in or appliance.

Variance: a grant of relief by the governing body from a requirement of this ordinance.

Violation: the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the Finished Construction Elevation Certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation: the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 (or other specified datum), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

Watercourse: a lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Article III. GENERAL PROVISIONS

Section A. Lands to Which This Ordinance Applies

This Ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of City of Twin Falls. Nothing in this ordinance is intended to allow uses or structures that are otherwise prohibited by the zoning ordinance.

Section B. Basis for Special Flood Hazard Areas

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for City of Twin Falls, dated May 1, 1984, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this ordinance. The FIS and the FIRM are on file at City of Twin Falls 203 Main Avenue East Room 218.

Section C. Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Article IV Section B.

Section D. Compliance

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

Section E. Abrogation and Greater Restrictions

This ordinance shall not in any way repeal, abrogate, impair, or remove the necessity of compliance with any other laws, ordinances, regulations, easements, covenants, or deed restrictions, etcetera. However, where this ordinance and another conflict or overlap, whichever imposes more stringent or greater restrictions shall control.

Section F. Interpretation

In the interpretation and application of this ordinance all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

Section G. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of City of Twin Falls or by any officer or employee thereof for flood damages that result from reliance on this ordinance or an administrative decision lawfully made hereunder.

Section H. Penalties for Violation

No structure or land shall hereafter be located, extended, converted, or altered unless in full compliance with the terms of this ordinance and other applicable regulations.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100 or imprisoned for not more than 180 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Twin Falls from taking such other lawful actions as is necessary to prevent or remedy any violation.

Article IV. ADMINISTRATION

Section A. Designation of Floodplain Ordinance Administrator

The Assistant City Engineer, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

Section B. Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator shall perform, but not be limited to, the following duties:

1. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
2. Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State, and Federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.
3. Notify adjacent communities and the Idaho Department of Water Resources State Coordinator for the National Flood Insurance Program (NFIP) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
5. Prevent encroachments into floodways and flood fringe areas unless the certification and flood hazard reduction provisions of Article V, Section E are met.
6. Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Article IV, Section C.3.
7. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article IV, Section C.3.
8. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Article IV, Section C.3.
9. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article IV, Section C.3. and Article V, Section B.2.
10. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or flood fringe areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
11. When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of Article III, Section B, obtain, review, and reasonably utilize any BFE data, along with floodway data or flood fringe area data available from a Federal, State, or other

source, including data developed pursuant to Article V, Section C.2.b., in order to administer the provisions of this ordinance.

12. When Base Flood Elevation (BFE) data is provided but no floodway or flood fringe area data has been provided in accordance with the provisions of Article III, Section B, obtain, review, and reasonably utilize any floodway data or flood fringe area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
13. *When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area (SFHA) is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file. (13 is OPTIONAL)*
14. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
15. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
16. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
17. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

18. Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
19. Follow through with corrective procedures of Article IV, Section D.
20. Review, provide input, and make recommendations for variance requests.
21. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps, and studies adopted in accordance with the provisions of Article III, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify the NFIP State Coordinator and FEMA of your community's mapping needs.
22. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

Section C. Floodplain Development Application, Permit, and Certification Requirements

1. Application Requirements. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
 - a. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - i. the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - ii. the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article III, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
 - iii. the flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article III, Section B;
 - iv. the boundary of the floodway(s) or flood fringe area(s) as determined in Article III, Section B;
 - v. the Base Flood Elevation (BFE) where provided as set forth in Article III, Section B; Article III, Section C; or Article V, Section C;
 - vi. the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and

- b. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - i. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
 - ii. Elevation in relation to mean sea level to which any non-residential structure in Zone A, AE, AH, AO, or A1-30 will be floodproofed; and
 - iii. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
 - c. If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-33) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
 - d. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - i. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation, or on columns/posts/piers/piles/shear walls); and
 - ii. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article V, Section B.4.d.i-vi when solid foundation perimeter walls are used in Zones A, AE, AH, AO, and A1-30.
 - e. Usage details of any enclosed areas below the lowest floor.
 - f. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
 - g. Certification that all other Local, State, and Federal permits required prior to floodplain development permit issuance have been received.
 - h. Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of Article V, Section B.6 and 7 of this ordinance are met.
 - i. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and
 - i. A map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
2. Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:
- a. A complete description of all the development to be permitted under the floodplain development permit (i.e. house, garage, pool, septic, bulkhead, cabana, pole barn, chicken coop, pier, bridge, mining, dredging, filling, rip-rap, docks, grading, paving, excavation or drilling operations, or storage of equipment or materials, etcetera).

- b. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article III, Section B.
 - c. The Flood Protection Elevation required for the lowest floor and all attendant utilities.
 - d. The Flood Protection Elevation required for the protection of all public utilities.
 - e. All certification submittal requirements with timelines.
 - f. A statement that no fill material or other development shall encroach into the floodway or flood fringe area of any watercourse, as applicable.
 - g. The flood openings requirements, if in Zones A, AE, AH, AO, or A1-30.
 - h. All floodplain development permits shall be conditional upon the start of construction of work within 180 days. A floodplain development permit shall expire 180 days after issuance unless the permitted activity has commenced as per the Start of Construction definition.
 - i. A statement of the limitations of below BFE enclosure uses, if applicable. (i.e., parking, building access and limited storage only).
 - j. A statement that all materials below BFE/FPE must be flood resistant materials.
3. Certification Requirements.
- a. Elevation Certificates
 - i. A Construction Drawings Elevation Certificate (FEMA Form 86-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
 - ii. A Building Under Construction Elevation Certificate (FEMA Form 86-0-33) is required after the lowest floor is established. Within seven (7) calendar days of establishment of the lowest floor elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
 - iii. A final as-built Finished Construction Elevation Certificate (FEMA Form 86-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built

construction of the elevation of the lowest floor and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- b. Floodproofing Certificate. If non-residential floodproofing is used to meet the Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the lowest floor and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- c. If a manufactured home is placed within Zone A, AE, AH, AO, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article V, Section B.3.b.
- d. If a watercourse is to be altered or relocated, the following shall all be submitted by the permit applicant prior to issuance of a floodplain development permit:
 - i. a description of the extent of watercourse alteration or relocation; and
 - ii. a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and
 - iii. a map showing the location of the proposed watercourse alteration or relocation; and
 - iv. an Idaho Stream Channel Alteration Permit approval shall be provided by the applicant to the Floodplain Administrator.
- e. Certification Exemptions. The following structures, if located within Zone A, AE, AH, AO, or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items a and b of this subsection:
 - i. Recreational Vehicles meeting requirements of Article V, Section B.6.a;
 - ii. Temporary Structures meeting requirements of Article V, Section B.7; and
 - iii. Accessory Structures less than 200 square feet meeting requirements of Article V, Section B.8.

4. Determinations for Existing Buildings and Structures. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
 - a. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 - b. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 - c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
 - d. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the adopted Idaho Building Code and this ordinance is required.

SECTION D. Corrective Procedures

1. Violations to be Corrected. When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
2. Actions in Event of Failure to Take Corrective Action. If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - a. that the building or property is in violation of the floodplain management regulations;
 - b. that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - c. that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
3. Order to Take Corrective Action. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in

violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than (____) calendar days. *(One-hundred-eighty (180) calendar days or less is recommended)* Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

4. Appeal. Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
5. Failure to Comply with Order. If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

SECTION E. Variance Procedures

1. The City Council of Twin Falls, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.
2. Variances may be issued for:
 - a. the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 - b. functionally dependent facilities, if determined to meet the definition as stated in Article II of this ordinance, provided provisions of Article IV, Section E.9.b, c, and e, have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - c. any other type of development, provided it meets the requirements of this Section.
3. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - a. the danger that materials may be swept onto other lands to the injury of others;
 - b. the danger to life and property due to flooding or erosion damage;
 - c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- d. the importance of the services provided by the proposed facility to the community;
 - e. the necessity to the facility of a waterfront location as defined under Article II of this ordinance as a functionally dependent facility, where applicable;
 - f. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. the compatibility of the proposed use with existing and anticipated development;
 - h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - k. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
4. The applicant shall include a written report addressing each of the above factors in Article IV, Section E.3.a-k with their application for a variance.
5. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
6. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
7. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of Idaho upon request.
8. Conditions for Variances:
- a. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - b. Variances shall not be issued within any designated floodway or flood fringe area if the variance would result in any increase in flood levels during the base flood discharge.

- c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - d. Variances shall only be issued prior to development permit approval.
 - e. Variances shall only be issued upon:
 - i. a showing of good and sufficient cause;
 - ii. a determination that failure to grant the variance would result in exceptional hardship; and
 - iii. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
9. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- a. The use serves a critical need in the community.
 - b. No feasible location exists for the use outside the Special Flood Hazard Area.
 - c. The lowest floor of any structure is elevated or floodproofed to at least the Flood Protection Elevation.
 - d. The use complies with all other applicable Federal, State and local laws.
10. The City of Twin Falls will notify the State NFIP Coordinator of the Idaho Department of Water Resources of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.
11. Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Idaho Code 67-6535.

Article V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

In all Special Flood Hazard Areas the following provisions are required:

- 1. All new construction, substantial improvements, and development shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- 2. All new construction, substantial improvements, and development shall be constructed with materials and utility equipment resistant to flood damage in accordance with the Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the Federal Emergency Management Agency.

3. All new construction, substantial improvements, and development shall be constructed by methods and practices that minimize flood damages.
4. All new and replacement electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
6. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
8. A fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor shall:
 - a. be constructed entirely of flood resistant materials at least to the Flood Protection Elevation; and
 - b. include, in Zones A, AE, AH, AO, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - i. A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - ii. The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - iii. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - iv. The bottom of all required flood openings shall be no higher than one (1) foot above the interior or exterior adjacent grade;
 - v. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - vi. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

9. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of “new construction” as contained in this ordinance.
10. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, flood fringe area, or stream setback, provided there is no additional encroachment below the Flood Protection Elevation in the floodway, flood fringe area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
11. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article IV, Section E.10. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Flood Protection Elevation and certified in accordance with the provisions of Article IV, Section C.3.
12. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage and determined to be reasonably safe from flooding.
13. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
14. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
15. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.
16. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
17. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

Section B. Specific Standards

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article III, Section B, or Article V, Section D, the following provisions, in addition to the provisions of Article V, Section A, are required:

1. **Residential Construction.** New construction, substantial improvements, and development of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than the Flood Protection Elevation, as defined in Article II of this ordinance.
2. **Non-Residential Construction.** New construction, substantial improvements, and development of any commercial, industrial, or other non-residential structure shall have the lowest floor, including basement, elevated no lower than the Flood Protection Elevation, as defined in Article II of this ordinance. Structures located in Zones A, AE, AH, AO, and A1-30 may be floodproofed to the Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AH and AO Zones, the floodproofing elevation shall be in accordance with Article V, Section F.2. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article IV, Section C.3, along with the operational plan and the inspection and maintenance plan.
3. **Manufactured Homes.**
 - a. New and replacement manufactured homes shall be elevated so that the lowest floor of the manufactured home is no lower than the Flood Protection Elevation, as defined in Article II of this ordinance.
 - b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the Idaho Division of Building Safety's "Idaho Manufactured Home Installation Standard" in accordance with Idaho Code § 44-2201(2). Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
 - c. All enclosures or skirting below the lowest floor shall meet the requirements of Article V, Section B.4.
 - d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

4. Additions/Improvements.
 - a. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are
 - i. not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure; or
 - ii. a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
 - b. Additions to post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
 - c. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are
 - i. not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction; or
 - ii. a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
 - d. Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a 10 year period, the cumulative cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the improvement or repair is started, must comply with the standards for new construction. For each building or structure, the 10 year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
 - i. any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions; or
 - ii. any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
5. Recreational Vehicles. Recreational vehicles shall be either:
 - a. Temporary Placement
 - i. be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it

- is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
- b. Permanent Placement.
 - i. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction, as set forth in Article V, Section A.
6. Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
- a. a specified time period for which the temporary use will be permitted. Time specified may not exceed six (6) months, renewable up to one (1) year;
 - b. the name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - c. the time frame prior to the event at which a structure will be removed (i.e., immediately upon flood warning notification);
 - d. a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - e. designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
7. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, elevation or floodproofing certifications are required for all accessory structures in accordance with Article IV, Section C.3, and the following criteria shall be met:
- a. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);
 - b. Accessory structures shall not be temperature-controlled;
 - c. Accessory structures shall be designed to have low flood damage potential;
 - d. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - e. Accessory structures shall be firmly anchored in accordance with the provisions of Article V, Section A.1;
 - f. All service facilities, such as electrical, shall be installed in accordance with the provisions of Article V, Section A.4; and
 - g. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Flood Protection Elevation in conformance with the provisions of Article V, Section B.4.d.
- An accessory structure with a footprint less than 200 square feet and is a minimal investment of \$7,500 or less and satisfies the criteria outlined in a - g above is not required to meet the elevation or floodproofing standards of Article V, Section B.2.

8. Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
 - a. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the base flood, including the effects of buoyancy (assuming the tank is empty);
 - b. Elevated above-ground tanks, in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the base flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
 - c. Not elevated above-ground tanks, that do not meet the elevation requirements of Article V, Section B.2 of this ordinance shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
 - d. Tank inlets, fill openings, outlets and vents shall be:
 - i. at or above the flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood; and
 - ii. anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
9. Construction of Below-Grade Crawlspace.
 - a. The interior grade of a crawlspace must not be below the BFE and must not be more than two (2) feet below the exterior lowest adjacent grade (LAG).
 - b. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four (4) feet at any point.
 - c. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
 - d. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace.

See Technical Bulletin 11 for further information.

Caution:

Buildings that have below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation of the crawlspace soil at or above the Base Flood Elevation (BFE).

10. Other Development in regulated floodways and flood fringe.

- a. Fences that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, in regulated floodways and flood fringe shall meet the limitations of Article V, Section E of this ordinance.
- b. Retaining walls, bulkheads, sidewalks, and driveways that involve the placement of fill in regulated floodways and flood fringe shall meet the limitations of Article V, Section E of this ordinance.
- c. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, which encroach into regulated floodways and flood fringe, shall meet the limitations of Article V, Section E of this ordinance. *The applicant/developer shall submit an application for a Letter of Map Revision (LOMR) upon completion of construction for the purpose of providing FEMA better available data. (Optional)*
- d. Drilling water, oil, and/or gas wells including fuel storage tanks, apparatus, and any equipment at the site that encroach into regulated floodways and flood fringe shall meet the limitations of Article V, Section E of this ordinance.
- e. Docks, piers, boat ramps, marinas, moorings, decks, docking facilities, port facilities, shipbuilding, and ship repair facilities that encroach into regulated floodways and flood fringe shall meet the limitations of Article V, Section E of this ordinance

11. Subdivision plats.

Flood zones.

- a. A note must be provided on the final plat documenting the current flood zone in which the property or properties are located. The boundary line must be drawn on the plat in situations where two or more flood zones intersect over the property or properties being surveyed.
- b. FEMA FIRM panel(s): #160xxxxxxC, & 160xxxxxxE, etc.
 FIRM effective date(s): mm/dd/year
 Flood Zone(s): Zone X, Zone A, Zone AE, A Zone AO, Zone, AH, Zone D, etc.
 Base Flood Elevation(s): AE _____.0 ft., etc.
 Flood Zones are subject to change by FEMA & all land within a floodway or floodplain is regulated by _____ chapter/section of the City/County Code.

12. Critical Facilities:

As a best practice, FEMA recommends protection that exceeds code minimums. For example, FEMA 543, Design Guide for Improving Critical Facility Safety from Flooding and High Winds (2007) recommends protecting critical facilities to withstand at least a 0.2-percent-annual-chance flood event (often called the “500-year flood event”). Flood elevations for the 0.2-percent-annual-chance flood may be greater than the elevation specified by ASCE 24. If federal funding or other Federal action is involved, the requirements of Executive Order 11988 – Floodplain Management may necessitate

protection of critical actions to the 500-year flood elevation (critical actions may include the construction and repair of critical facilities).

Section C. Standards for Floodplains without Established Base Flood Elevations

Within the Special Flood Hazard Areas designated as Zone A (also known as Unnumbered A Zones) and established in Article III, Section B, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Article V, Section A, shall apply:

The BFE used in determining the Flood Protection Elevation (FPE) shall be determined based on the following criteria:

1. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Article V, Sections A and B.
2. When floodway or flood fringe data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and flood fringe areas shall also comply with the requirements of Article V, Sections B and E.
3. All subdivision, manufactured home park, and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Article III, Section B and utilized in implementing this ordinance. *The applicant/developer shall submit an application for a Conditional Letter of Map Revision (CLOMR) prior to Preliminary Plat approval and have obtained a Letter of Map Revision (LOMR) prior to any building permits for structures being issued. (Optional)*
See FEMA 480 and/or FEMA 265 for further information
4. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the lowest floor shall be elevated or floodproofed (non-residential) to two feet (2.0 ft.) above the Highest Adjacent Grade (HAG) at the building site or to the Flood Protection Elevation (FPE) whichever is higher, as defined in Article II. All other applicable provisions of Article V, Section B shall also apply.

Section D. Standards for Riverine Floodplains with Base Flood Elevations but without Established Floodways or Flood Fringe Areas.

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor flood fringe areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

1. Standards of Article V, Sections A and B; and
2. Until a regulatory floodway or flood fringe area is designated, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community.

Section E. Standards for Floodways and Flood Fringe Areas

Areas designated as floodways or flood fringe areas are located within the Special Flood Hazard Areas established in Article III, Section B. The floodways and flood fringe areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article V, Sections A and B, shall apply to all development within such areas:

1. No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:
 - a. it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
 - b. a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.
2. If Article V, Section E.1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
3. Manufactured homes may be permitted provided the following provisions are met:
 - a. the anchoring and the elevation standards of Article V, Section B.3; and
 - b. the encroachment standards of Article V, Section E.1.

Section F. Standards for Areas of Shallow Flooding (Zone AO, AH, AR/AO, or AR/AH)

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article V, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

1. The lowest floor shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of 2 feet, above the highest adjacent grade; or at least 2 feet above the highest adjacent grade if no depth number is specified.
2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article V, Section F.1 so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article IV, Section C.3, and Article V, Section B.2.
3. Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

Article VI. LEGAL STATUS PROVISIONS

Section A. Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance

This ordinance, in part, comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted July 6, 1981 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit, or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of City of Twin Falls enacted on July 6, 1981, as amended, which are not reenacted herein are repealed.

Section B. Effect upon Outstanding Floodplain Development Permits

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a Floodplain Development Permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance. Provided, however, that when construction is not begun under such outstanding permit within a period of 180 days subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

Section C. Severability

The ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

Section D. Effective Date

This ordinance shall become effective {insert date; based upon adoption, or a specific date; or passage and publication as provided by law}.

Enacted by the City Council as an ordinance of the City of Twin Falls on the ____ day of _____, 201__.

Approved by Mayor of Twin Falls on the ____ day of _____, 201__.

City of Twin Falls

Mayor

ATTEST:

{insert name of clerk}, {City/County} Clerk