



Twin Falls City Council Agenda

Monday, March 4, 2019, 5:00 PM

City Council Chambers
203 Main Avenue East- Twin Falls, Idaho

Members: Shawn Barigar, Suzanne Hawkins, Nikki Boyd, Chris Talkington, Gregory Lanting, Christopher Reid, Ruth Pierce

- 1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM
- 2) PLEDGE OF ALLEGIANCE
- 3) PROCLAMATIONS: None
- 4) GENERAL PUBLIC INPUT
- 5) CONSENT CALENDAR
 - a) **ACTION ITEM:** Request to approve the February 25, 2019, City Council Minutes.
By: Amy Luna, Finance Administrative Assistant
 - b) **ACTION ITEM:** Request to approve the Accounts Payable for February 21 thru 27, 2019.
By: Amy Luna, Finance Administrative Assistant
 - c) **ACTION ITEM:** Request to accept the Improvement Agreement for the purpose of developing Broadmoor Subdivision (South) – Phase 3.
By: Troy Vitek, Assistant City Engineer
 - d) **ACTION ITEM:** Request for approval of the Annual Saint Patrick's Day Parade and Special Event Celebration on March 16, 2019.
By: Sergeant Ryan Howe, Twin Falls Police Department
- 6) ITEMS OF CONSIDERATION
 - a) **ACTION ITEM:** Request to confirm the appointment of Debbie Dane to serve a partial term as a Library Trustee.
By: Tara Bartley, Director of the Twin Falls Public Library
 - b) **ACTION ITEM:** Request to amend Ordinance 2019-001, which is the Election Ordinance calling for a general obligation bond election. The purpose of the bonds would be to fund improvements and construction of fire and other public safety facilities.
By: Lorie Race, Chief Financial Officer
- 7) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS
- 8) PUBLIC HEARINGS

- a) **ACTION ITEM:** Request to approve a Zoning Title Amendment to repeal and replace City Code 10-11-19 Floodplain Regulations (A through E).

By: Troy Vitek, Assistant City Engineer, Brock Cherry, Planner

9) ADJOURNMENT

- a) Executive Session 74-206(1) (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.

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

Public Input Procedures

1. Individuals wishing to provide public input regarding matters relevant to the City of Twin Falls shall:
 - Wait to be recognized by the Mayor or Chairman
 - Approach the microphone/podium
 - State their name, and whether they are a resident or property owner in the City of Twin Falls, and proceed with their input.
2. The Mayor or Chairman may limit input to no less than two (2) minutes. Individuals are not permitted to give their time to other speakers.

Public Hearing Procedures for Zoning Requests

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

* Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor or Chairman.



**Twin Falls City Council
Minutes**

Monday, February 25, 2019, 5:00 PM

City Council Chambers
203 Main Avenue East- Twin Falls, Idaho

1) CALL MEETING TO ORDER/CONFIRMATION OF QUORUM

Present: Mayor Shawn Barigar, Vice Mayor Nikki Boyd, Council Members Suzanne Hawkins, Chris Talkington, Greg Lanting, Christopher Reid & Ruth Pierce

Absent: None

Staff Present: City Manager Travis Rothweiler, Deputy City Managers Mitch Humble & Brian Pike, City Attorney Shayne Nope, Lt. John Wilson, Captain Anthony Barnhart, CFO Lorie Race, Human Resource Director Gretchen Scott, Grants & Com. Relations Mandi Thompson, Fire Chief Les Kenworthy, Airport Manager Bill Carberry, Public Works Director Jon Caton, P&R Director Wendy Davis, Public Information Officer Josh Palmer, IT Manager Kathy Markus, Finance Administrative Assistant Amy Luna

Mayor Barigar called the meeting to order at 05:01 PM. A quorum was present.

2) PLEDGE OF ALLEGIANCE

Mayor Barigar invited Boy Scouts to lead all present, who wished, to recite the Pledge of Allegiance to the Flag.

3) PROCLAMATIONS: None

4) GENERAL PUBLIC INPUT

Citizen Noreen Price spoke about the lack of snow removal from the sidewalks throughout Twin Falls.

5) CONSENT CALENDAR

Vice Mayor Boyd requested that the Consent items be voted on separately.

MOTION: Council Member Pierce moved to approve the Consent Calendar, without the Minutes from the February 19, 2019 meeting, as presented. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted. 7 to 0.

MOTION: Council Member Reid moved to approve the February 19, 2019 Minutes as presented. **Council Member Pierce** seconded the motion. Roll call vote showed all members present voted. Approved 6 to 0 with Vice Mayor Boyd abstaining.

a) **ACTION ITEM:** Request to approve the February 19, 2019, City Council Minutes.

b) **ACTION ITEM:** Request to approve the Accounts Payable for February 14 thru 20, 2019.

6) ITEMS OF CONSIDERATION

- a) **ACTION ITEM:** Request to approve the reappointment of Dennis Sonius to serve a five-year term, serving as Commissioner for the Twin Falls Housing Authority.
- Leanne Trappen Executive Director for the Twin Falls Housing Authority made a request to approve the reappointment of Dennis Sonius to serve a five-year term, serving as Commissioner for the Twin Falls Housing Authority.*

MOTION: Council Member Lanting moved to approve the reappointment of Dennis Sonius to serve a five-year term, serving as Commissioner for the Twin Falls Housing Authority. **Council Member Hawkins** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

- b) **PRESENTATION:** Presentation of the Diversity and Inclusion Committee Charter.

City Manager Rothweiler made a presentation of the Diversity and Inclusion Committee Charter.

Timeline: Letters of Interest will be accepted through March 8, 2019

Hope to have first meeting prior to the spring break and if unable to they will do it shortly after.

Discussion ensued on the following:

Council Member Talkington: Asked about compliance with federal or state statutes. Is there an opportunity of the City to qualify for federal and/or state grants recognizing our openness to diversity?

Council Member Hawkins: Is there room for someone not listed in one of the groups, but passionate in community service? Time frame being mid-year, will this go toward the terms of the Committee Members?

Council Member Talkington: Spoke in favor of the Inclusion Committee Charter.

Mayor Barigar spoke about the opportunities that this Committee will present.

- c) **ACTION ITEM:** Request to approve the City of Twin Falls and Twin Falls Fire Fighters Local 1556 Collective Bargaining Agreement.

Gretchen Scott Human Resource Director made a request to approve the City of Twin Falls & Twin Falls Fire Fighters Local 1556 Collective Bargaining Agreement.

Discussion ensued on the following:

Council Member Talkington: Bottom line, do these changes show a significant financial impact?

MOTION: **Vice Mayor Boyd** moved to approve the City of Twin Falls & Twin Falls Fire Fighters Local 1556 Collective Bargaining Agreement. **Council Member Pierce** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

- d) **ACTION ITEM:** Request to approve a Fire Station General Obligation Bond Election Ordinance and Official Intent Resolution.

Deputy City Manager Pike made a request to approve a Fire Station General Obligation Bond Election Ordinance and Official Intent Resolution.

Discussion ensued on the following:

Council Member Talkington: If the Bond passes, can we lock in the rate at that time?

Council Member Hawkins: Spoke in favor of this Bond Election.

MOTION: **Council Member Talkington** made a motion to suspend the rules and place Ordinance on third and final reading by title only under suspension of the rules. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

Finance Administrative Assistant Luna read the Ordinance No. 2019-001 by title only:

AN ORDINANCE CALLING A GENERAL OBLIGATION BOND ELECTION TO BE HELD FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF TWIN FALLS, TWIN FALLS COUNTY, IDAHO, A PROPOSITION FOR THE ISSUANCE OF NEGOTIABLE GENERAL OBLIGATION BONDS OF THE CITY; DETERMINING THAT THE TOTAL AMOUNT OF BONDED INDEBTEDNESS OF THE CITY WILL NOT EXCEED TWO PERCENT (2%) OF MARKET VALUE OF TAXABLE PROPERTY; DIRECTING THE CITY CLERK TO NOTIFY THE COUNTY CLERK THAT THE MAYOR AND CITY COUNCIL CALLED THE BOND ELECTION; APPROVING THE FORM OF NOTICE OF GENERAL OBLIGATION BOND ELECTION; APPROVING THE FORM OF BALLOT; PROVIDING FOR THE ISSUANCE OF SUCH BONDS AND MAKING PROVISIONS FOR THE PAYMENT OF PRINCIPAL AND INTEREST DUE ON SUCH BONDS; ORDERING PUBLICATION; PROVIDING FOR A WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Council Member Hawkins moved to approve the request to adopt Ordinance No. 2019-001.
Council Member Reid seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

MOTION: Council Member Hawkins moved to approve Official Intent Resolution. No. 2019-003. **Vice Mayor Boyd** seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

City Manager Rothweiler requested a 10 minute break.

Recess: 6:15 p.m.

Reconvened: 6:25 p.m.

- e) **ACTION ITEM:** A general discussion about the City Council's FY 2019 budget priorities, use of \$775,000 project fund and philosophies followed by citizen input.
City Manager Rothweiler presented a general discussion about the City Council's FY 2019 budget priorities, use of \$775,000 project fund and philosophies followed by citizen input.

Discussion ensued on the following:

Mayor Barigar: Are these projects above and beyond?

Council Member Hawkins: Where are we on the City Park's bathrooms and band shell projects? Asked about the sidewalks heading to Robert Stuart Middle School and the safety of the children heading to our schools.

Council Member Talkington: Spoke about the importance of the sidewalks throughout the City of Twin Falls.

Vice Mayor Boyd: Spoke about the importance of the sidewalks. Is there some part of the Shoshone Falls Road that can be worked on now? Finalization of the Archway and the need of safety barriers.

Council Member Lanting: Asked about the funding of all the items that are being presented tonight? Stressed the need for the school children safety with sidewalks and then the bathrooms at the City Parks.

Council Member Reid: Echoed the need for sidewalks to the schools. Is there an avenue that we can create, for the community to participate in the needs of the City?

Council Member Pierce: Spoke in favor of the sidewalks to the schools, and the need to finalize the Archway.

Council Member Reid: Traffic Light needs?

Council Member Hawkins: How much has the City invested in the Archway project?

Mayor Barigar: Agreed that the sidewalks to the Schools are important. Snow removal challenges.

Airport items on the list. Council Chambers are not urgent and critical. Close captioning would be a good project for the Inclusion Committee.

Council Member Hawkins: Echoed Mayor Barigar's thoughts about the Airport project.

Vice Mayor Boyd: Asked if the updates to the Airport would be capital improvements and part of the Airport Budget? Sounds like this would be a maintenance of an asset and standard procedure.

Council Member Hawkins: Asked for an update of the trails projects.

Public input:

Citizen Sid Haverd: Spoke in favor of the closed captioning, and the need for ADA ramp and sidewalk improvement needs in the City.

Citizen Jesse Nunes: Spoke in favor of reaching out to the community about the sidewalk issue.

7) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

Council Member Hawkins advised that on May 18th the Youth Council will be holding a Color Run to support teen suicide prevention and awareness.

8) PUBLIC HEARINGS: None

9) ADJOURNMENT

The meeting adjourned at 06:58 PM

Amy Luna, Administrative Assistant Finance



Date: Monday, March 4, 2019
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

ACTION ITEM

Request:

ACTION ITEM: Request to accept the Improvement Agreement for the purpose of developing Broadmoor Subdivision (South) – Phase 3.

Time Estimate:

N/A

Background:

Prior to development, an Improvement Agreement is required. The developer is meeting that requirement with this document.

Approval Process:

Accepting the Improvement Agreement allows the developer to develop the lots. After acceptance of utilities or a financial guarantee provided to the City, the lots can be sold.

Budget Impact:

There is no significant budget impact associated with the Council's approval of this request.

Regulatory Impact:

Approval of this request will allow the applicant to proceed to develop the property.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the Council approve the request and authorize the Mayor to sign the Improvement Agreement.

Attachments:

1. Improvement Agreement - Broadmoor (South) Phase 3

IMPROVEMENT AGREEMENT

for

DEVELOPMENTS

This Agreement made and entered into this 8th day of Feb, 20 19, by and between the CITY OF TWIN FALLS, State of Idaho, a municipal corporation, hereinafter called "City" and Jade Development, LLC hereinafter called "Developer" for the purpose of constructing certain improvements on property sought to be developed for the following Development Broadmoor Subdivision (South) - Phase 3.

WHEREAS, there is attached hereto and incorporated herein as if the same were set out in full, a certified copy of the deed to the real property showing ownership of said real property to be in the Developer's name, or, as the case may be, there is attached hereto and incorporated herein as if the same were set out in full, a copy of the deed to the above described real property showing ownership in fee simple in someone other than Developer together with a notarized authorization, signed by the real property owner, authorizing Developer to act on behalf of said real property owner, and;

WHEREAS, Developer desires to develop said real property for the following purposes: Single family residential subdivision.

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

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

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

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

W I T N E S S E T H

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

I.

City agrees: (1) to operate and maintain all approved streets, alleys, service and roads, excluding state highways, constructed under the terms of this Agreement in any public rights-of-way

or easements and which are presently within or subsequently annexed into the City limits. Those streets, excluding state highways, lying outside the City limits and within the City Area of Impact shall be constructed to City standards but shall become the responsibility of the Twin Falls Highway District until such time as they are annexed or a maintenance agreement is signed by the City and the Twin Falls Highway District. (2) To operate and maintain all approved water lines, drainage lines, and sewer lines constructed under the terms of this Agreement in any public rights-of-way or easements and to provide water and sewer service to the Developer's real property, subject to all ordinances, rules and regulations governing sewer and water service. (3) To maintain non-pressure irrigation lines only where they cross City streets. All other maintenance of non-pressurized irrigation lines is the responsibility of the Twin Falls Canal Company or the irrigation users.

II.

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

a. Surety Bond

1. Accrual - The Bond shall accrue to the City covering construction, operation and maintenance of the specific public improvement.
2. Amount - the bond shall be in an amount equal to one hundred percent (100%) of the total estimated cost for completing construction of the specific public improvements, as estimated by the Developer's Engineer and approved by the City Engineer.
3. Term Length - The term length in which the bond is in force, for the duration of that phase of the project, shall be until completed and accepted by the City Engineer.
4. Bonding for Surety Company - The bond shall be with a surety company authorized to do business in the State of Idaho, acceptable to the Council.
5. The escrow agreement shall be drawn and furnished by the subdivider to the satisfaction of the Council.

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

1. Treasurer, Escrow Agent or Trust Company - A cash deposit, certified check, negotiable bond or an irrevocable bank letter of credit such surety acceptable by the Council, shall be deposited with an escrow agent or trust company.
2. Dollar Value - The dollar value of the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be equal to one hundred percent (100%) of the estimated cost of construction for the specific public improvements, as estimated by Developer's Engineer and approved by the City Engineer.
3. Escrow Time - The escrow time for the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be until all required improvements are completed and accepted by the City Engineer.
4. Progressive Payment - In the case of cash deposits or certified checks, an agreement between the City and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.

III.

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

- a. Prepare a master utility plan showing the location of all existing and proposed utility lines to include but not be limited to sewer, water, gas, electricity, telephone, irrigation, pressure irrigation and storm sewer.
- b. Prepare detailed plans and specifications for construction of all improvements required by this Agreement and shall include but not be limited to a complete set of construction plans, including profiles, cross-sections, specifications and other supporting data, for all required public streets, utilities and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies. All

- construction plans shall be prepared in accordance with the public agencies' standards and specifications.
- c. Perform construction surveying, staking, testing, inspection and administer the construction of all facilities required by this contract.
 - d. Submit all test reports, inspection reports, change orders and construction diaries to the City Engineer every week during the construction of the development or subdivision.
 - e. Prepare and submit an updated copy of the enclosed development and subdivision checklist to the City Engineer every week during the construction of the development or subdivision, and also upon completion of the project.
 - f. Submit to the City Engineer the final plans, and master utility plan for the City records showing any approved changes to the original plans and specifications. A permanent drawing in ink on approved transparent polyester drafting film and an electronic media copy of the plans in ACAD 2000 using City standard format shall be provided within thirty (30) days after completion of the project.
 - g. Submit a letter upon completion of construction stating that the work has been constructed in conformance to the plans and specifications, with the certification by the Developer's Engineer that improvements were constructed to the lines and grades shown.

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

The City agrees to provide asphalt pavement testing for conformance with City standards, but it shall be the responsibility of Developer's Engineer to provide all necessary quality control during construction. All tests shall be taken at a frequency based upon City of Twin Falls Standard Specifications.

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

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

IV.

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

V.

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

VI.

The Developer hereby agrees and petitions the City to annex into the corporate limits of said City, the above described real property that is contiguous with the same or becomes contiguous to said City limits. Developer agrees to annexation of said real property by the City upon the terms and conditions as shall be set forth by said City.

VII.

The Developer and the City agree that the improvements listed herein are required unless specifically waived by action of the City Council and that said improvements will be constructed on any public rights-of-way or easements approved and accepted by the City Council all as designed by the Developer's Engineer and approved by the City Engineer and in accordance with standards established by the City Engineer and that all required improvements will be completed in a timely manner. If improvements are not completed in a timely manner, the Developer shall provide an updated, current version of the developer's agreement and financial guarantee for City Council consideration.

VIII.

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

IX.

Developer agrees to pay the total extra cost of all additional materials, labor and equipment necessary to construct any streets the City requires to be wider or deeper than a standard street or any water or sewer lines the City requires to be larger than the size required to properly serve the

development. The requirement for wider and deeper streets shall be based on the City Master Street Plan. Requirements for larger water and sewer lines shall be based on the citywide sewer and water system sizing guidelines.

X.

The City shall provide no compensation for the cost of an oversize water or sewer line. In the case of water or sewer lines extended adjacent to or outside the limits of development, the Developer shall be eligible for payback from adjacent property owners pursuant to Resolution No. 1182. The Developer shall also be eligible for compensation when a private developer extends or connects to any water or sewer system previously installed by private developer, pursuant to Resolution 1651.

XI

Developer agrees to request in writing that the Developer's Engineers make the inspections required herein and the Developer or his Contractors shall not proceed with the next construction phase until the required inspection is complete and the work has been approved by the Developer's Engineer, the City Engineer or the Engineer's authorized inspector. All such inspections shall be scheduled in accordance with the City of Twin Falls Standard Specifications. Developer agrees to pay all costs resulting from: 1) his failure to properly schedule and request a required test or inspection or 2) proceeding with work before receiving approval to proceed. Developer agrees to remove or correct any rejected, unapproved or defective work or materials as required by the Developer's Engineer or the City Engineer. Any such defective work whether the result of poor workmanship, use of defective materials, damage through carelessness or any other cause, shall be removed within ten (10) days after written notice is given by the Developer's Engineer or the City Engineer, and the work shall be re-executed by the Contractor at his expense. The fact that either Engineer may have previously overlooked such defective work or materials shall not be a basis for acceptance of any part of it.

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

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

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

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

The Developer shall be responsible for any damage to any existing public improvements and shall repair or replace any such damage as required by the City Engineer, during or after completion of this project.

XII.

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

PUBLIC WAYS

(a) Required Improvements

- (1) Curb, gutter and sidewalk on all public street rights-of-way.
- (2) A standard residential street thirty six feet (36') wide with an eight inch (8") gravel course and two inch (2") asphaltic concrete surface course on all public street rights-of-way serving residential use property.
- (3) Minor residential and private streets as specified in the City of Twin Falls Standard Drawings.
- (4) A standard commercial or collector street forty eight feet (48') wide with an eleven inch (11") gravel course and three inch (3") asphaltic concrete surface course on all public street rights-of-way serving commercial use property or as a collector street. Whenever a street serves an industrial use property the City Engineer will determine the appropriate structural section.
- (5) A service-road twenty four feet (24') wide with an eight inch (8") gravel course and two inch (2") asphaltic concrete surface course and with concrete curb-gutter or curb and valley-gutter on all public service road rights-of-way.
- (6) A sidewalk five feet (5') wide minimum on all public pedestrian rights-of-way. Four foot (4') sidewalks by special permission of the City Council are allowed by City of Twin Falls Standard Drawings for minor residential streets under certain conditions.

(7) Landscaping and sidewalk placement required adjacent to arterial and collector streets: A tract of land eleven feet (11') in depth behind the curb line will be dedicated as part of any residential development adjacent to arterial and collector streets. Within that tract the developer shall install landscaping six feet (6') in depth with a sprinkler system and with grass and trees behind the curb line and shall also install a five foot (5') sidewalk. The landscaping will be maintained by the city and funded through a fee added to the water bill of each account within the development. Irrevocable restrictive covenants for this development and maintenance shall provide for this funding. TFCC §10-12-4.2(O).

(8) Street signs and traffic control devices on all public streets.

(9) Street lights as determined by City policy for street light installation.

(b) City Costs

(1) The cost of any street signs or traffic control devices installed by the City on new or existing streets.

(2) The cost of any required street lights (standard luminaires mounted on a wood pole). The Developer shall pay the extra cost of any decorative luminaries or poles. Prior approval will be required, and the cost of maintenance, replacement and power usage will be considered.

(c) Required Inspections and Testing

(1) All inspections and testing shall be as required by City of Twin Falls Standard Specifications.

WATER SYSTEM

(a) Required Improvements

(1) Pursuant to City Code Section 7-8-3, 7-8-10 and 10-12-4.2 water line and fittings six inch (6") minimum diameter that will transport a flow of water, which will satisfy fire, domestic, other water demands of the development, based upon the City water pipe sizing plan and computer water model. Water line extension shall include connection from the existing City Water System to each building site and fire hydrants and then loop back to the City System in a manner that will provide a properly functioning system approved by the City Engineer, Water Superintendent and Fire

Chief. If the development is to be constructed in phases, the water system shall be looped back to the City system during the first phase. No dead-end lines will be allowed during any phase of the project.

- (2) Water lines and fittings adjacent to and internal to the development shall be sized to continue the orderly expansion of the City water distribution network in accordance with existing sizing guidelines.
- (3) Water valves that will allow temporary suspension of water flow for maintenance and repair of portions of water system without causing undue inconvenience to a large number of users or creating a critical situation in the suppression of fires.
- (4) Fire hydrant connections and fire hydrants spacing to substantially comply with the minimum standards suggested by the Fire Rating Bureau and American Water Works Association. Fire hydrants are required in all developments.
- (5) One water service line shall be constructed to each building site at the time the water lines are installed. Each service line shall not exceed fifty feet (50') in length and shall terminate at the right-of-way.

During construction of the curb the letter W shall be stamped into the top or face of the curb directly in front of the water meter box. The impression shall be not less than one and one half inches (1½") high. Meters shall be grouped at adjacent side lot lines when possible or at another location if requested by the Developer and approved by the City Engineer and Water Superintendent.

Water meter boxes will not be allowed in driveway approaches. Any cost associated in relocating meters from driveway approaches will be the responsibility of the Developer or Lot Owner. Temporary address or lot number signs shall be staked at the location where the water meter box is to be installed. The City may install multiple water meters in a single water meter box.

The City will make the water line tap only after all appropriate tap fees for a Water Connection General Permit have been received and permits issued. All new water service line and connections made from existing water service mains to service any new development will be the responsibility of the

Developer. The City will make the necessary service line tap after payment of the required water connection general permit fees.

- (6) One water service line tap, meter box, and service line shall be constructed for each building connected to the City water system. It is understood and agreed that the City will make all service line taps and install all meter boxes and that the fee paid by the developer for a Water Connection General Permit will reimburse the City for such work.
- (7) It is further understood and agreed that the City will make all connections to the existing water system. The City will disinfect the new water system at the developer's expense.

(b) City Costs

- (1) None.

(c) Required Inspections

- (1) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

WASTE WATER COLLECTION SYSTEM

(a) Required Improvements

- (1) Pursuant to City Code Section 7-7-4, 7-7-11 and 10-12-4.2 a waste water collection system (eight-inch (8") minimum diameter) that will transport a flow of waste water, under conditions of maximum and minimum discharge from the development, to the existing City waste water system.
- (2) Waste water sewer lines adjacent to or internal to the development will be sized to continue the orderly expansion of the City Waste Water Collection System in accordance with existing sizing guidelines and computer sewer model.
- (3) Manholes to provide access for maintenance and cleaning of the sewer lines located at any change of grade or alignment of the sewer, at the end of each sewer and spaced not more than four hundred feet (400') apart.
- (4) During construction of the curb the letter S shall be stamped into the top or face of the curb directly in front of the sewer service line location. The impression shall be not less than one and one half inches (1½") high.

(b) City Costs

- (1) None.
- (c) Required Inspections and Testing
 - (1) All inspections and testing shall be as required by City of Twin Falls Standard Specifications.

DRAINAGE SYSTEM

- (a) Required Improvements
 - (1) Any valley-gutters, ditching, grading or other surface drainage facilities necessary to convey any storm run-off originating from or traversing across the proposed development over the land surface to a point of retention, detention or discharge approved by the City Engineer.
 - (2) Any catch basin, storm sewer and other sub-surface drainage facilities necessary to convey any storm run-off, originating from or traversing across the proposed development, to a point of retention, detention or discharge approved by the City Engineer, that cannot, in the City Engineer's opinion, be conveyed over the land surface without causing damage to public or private property or without being an unreasonable inconvenience or hazard to a private individual, a group of individuals or the general public.
- (b) City Costs
 - (1) None.
- (c) Required Inspections and Testing
 - (1) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

GRAVITY IRRIGATION SYSTEM

- (a) Required Improvements
 - (1) Any pipe, boxes or other appurtenances necessary to convey all irrigation water in underground pipe across the development and any adjacent public property. Irrigation facilities outside an established City irrigation district shall be constructed in an irrigation easement on private property except where it is necessary for irrigation water to cross the public right-of-way and all such crossings shall be perpendicular to the center line of said right-of-way unless otherwise approved by the City Engineer due to some unusual condition.

- (b) City Costs
 - (1) None.
- (c) Required Inspections and Testing
 - (1) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

PRESSURE IRRIGATION SYSTEM

- (a) Required Improvements
 - (1) Pursuant to Section 7-8-3 of the City Code, the use of the City's potable water supply as the primary source of irrigation water in all new developments shall be prohibited. For purposes of this subsection, the term "new development" means any new subdivision or PUD, or any development of any parcel of land of two (2) acres or larger that is not part of a subdivision or PUD. One (1) share of Twin Falls Canal Company Water for each acre of property within the subdivision shall be deeded to the City of Twin Falls before the filing of the final plat for use in the City's pressurized irrigation system.
 - (2) Pressure irrigations water line and fittings shall be four inch (4") minimum diameter or larger that will transport a flow of water, which will satisfy all irrigation water demands of the development, based upon the computer irrigation water model that the developer's engineer has prepared.
 - (3) Water lines and fittings adjacent to and internal to the development shall be sized to continue the orderly expansion of the City Pressure Irrigation water distribution network in accordance with existing sizing guidelines.
 - (4) Water valves that will allow temporary suspension of water flow for maintenance and repair of portions of water system without causing undue inconvenience to a large number of users. One pressure irrigation water service line shall be constructed to each subdivision

lot site at the time the pressure irrigation water lines are installed. Each service line shall not exceed fifty feet (50') in length and shall terminate at the right-of-way. One Pressure irrigation water service line tap, irrigation box, and service line shall be constructed for each subdivision lot connected to the City pressure irrigation water system.

- (5) The Developer shall be responsible for all costs incurred in designing and installing the pressure irrigation station. This includes the land, pumps, motors, filters, buildings, delivery system to the station from the TFCC head gate, storage pond, Supervisory Control and Data Acquisition (SCADA) system, and power to the station.
- (6) All pressure irrigation system plans must be prepared by the Developer's engineer shall be according to the City's standard specifications and drawings. Plans submitted to the City shall be signed by a Professional Engineer for review and final approval, before the City Engineer will sign the plat or approve construction plans.
- (7) The Pressure Irrigation System shall be located within easements, right of ways and/or property deeded to the City of Twin Falls.
- (b) City Cost.
 - (1) None
- (c) Required Inspections and Testing
 - (1) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

SPECIAL FEATURES

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

a) Required Improvements

~~All construction shall conform to the city construction standards adopted at time of construction plan approval, or as noted by City Staff on the approved construction plans.~~

b) City Costs

(1) None.

XIII.

The City and the Developer agree that the sequence of construction shall be as follows unless special approval in writing is obtained from the City Engineer:

1. Erosion and sedimentation controls.
2. Stormwater retention and detention facilities.
3. Waste water sewers and service connections.
4. Waste water manholes.
5. Storm sewers and catch basins.
6. Gravity irrigation pipes and boxes.
7. Pressure irrigation lines, service connections, etc.
8. Water lines and service connections.
9. Gas lines, power lines, telephone lines and cablevision lines.
10. Any other underground improvements that are required.
11. Sub-base preparation for public ways.
12. Gravel base course for public ways.
13. Curb-gutter, valley-gutter and sidewalk.
14. Gravel leveling course.
15. Asphalt paving.
16. Special Features.

XIV.

The Development may be phased as indicated on the attached development plan submitted by the Developer and approved by the City Engineer.

The terms of the basic agreement shall apply individually to each phase shown on the attached plan as though each phase were a separate and independent development providing each phase is begun in the sequence indicated on the development plan.

The two (2) year time limit, (indicated in Section VII of the Agreement) for completing the required improvements shall begin for each phase when the Developer sells a lot or an application or a building permit to construct a building within the phase has been received by the City.

The Developer may cease further development after completing any phase and before beginning the next phase and the basic agreement shall terminate in accordance with Section XVI, of the basic agreement for any undeveloped phases of the development originally proposed in the basic agreement.

XV.

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

XVI.

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

Attest:

CITY OF TWIN FALLS, IDAHO

City Clerk_____
Mayor

Developer

Jade Development, LLC

Brian Mosich

STATE OF IDAHO)
)ss.
County of Twin Falls)

On this 8th day of February, 2019, before me, the undersigned, a Notary Public for Idaho, personally appeared Brian Mosich, known to me to be the persons whose names are subscribed to the within instrument on behalf of said Owner and acknowledged to me that said Owner executed the same.

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



Mary O'Leary
Notary Public for Idaho
Residing at Twin Falls, Idaho

CORPORATION

STATE OF IDAHO)
)ss.
County of Twin Falls)

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

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

Notary Public for Idaho
Residing at Twin Falls, Idaho

PARTNERSHIP

STATE OF IDAHO)
)ss.
County of Twin Falls)

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

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

Notary Public for Idaho
Residing at Twin Falls, Idaho

NOTICE OF DEVELOPER'S AGREEMENT

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

Broadmoor Subdivision (South) - Phase 3

The Agreement imposes certain obligations upon the developer for the development of the subject property, and upon the developer's heirs, successors in interest and lawful assigns. Details of the conditions and obligations may be found by examining or photocopying the Agreement at the Office of the City Engineer, 321 2nd Avenue East, Twin Falls, Idaho 83301.

CITY OF TWIN FALLS, IDAHO

City Clerk

Mayor

Developer

Jade Development, LLC

Brian Mosch

STATE OF IDAHO)
)ss.
County of Twin Falls)

On this 8th day of February, 2019, before me, the undersigned, a Notary Public for Idaho, personally appeared Brian Mosich, known to me to be the persons whose names are subscribed to the within instrument on behalf of said Owner and acknowledged to me that said Owner executed the same.

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


Notary Public for Idaho
Residing at Twin Falls, Idaho





Date: Monday, March 4, 2019
To: Honorable Mayor and City Council
From: Sergeant Ryan Howe, Twin Falls Police Department

ACTION ITEM

Request:

ACTION ITEM: Request for approval of the Annual Saint Patrick's Day Parade and Special Event Celebration on March 16, 2019.

Time Estimate:

Staff requests that this item be placed on the Consent Calendar.

Background:

In February 2019, I received a Special Event and Parade Application from Bev and Steve O'Connor for the Annual Saint Patrick's Day Parade and Special Event Celebration.

The parade is to be held on Saturday, March 16, 2019, at 12:00 p.m. on Main Avenue. The parade will begin in the 600 Block of Main Avenue East/South, the area of Kregel's True Value Hardware Store. The parade will travel west on Main Avenue to the 500 Block of Main Avenue North/West, the area of the Magic Valley High School. The assembly for the parade participants will begin at 11:30 a.m.

Main Avenue will be closed from Murtaugh Street, where the staging area will be located, to Castleford Street where the parade floats will disperse.

Due to safety concerns and prior parade activities, the Twin Falls Police Department has requested to block all downtown parking on Main Street from Idaho Street to Fairfield Street to allow pedestrians a safe area to watch the parade. Restricting the parking and the posting of signs will occur in the early morning hours of the scheduled parade. Main Avenue will be left open for traffic until 11:00 a.m. Vehicles will be allowed to park on Main Avenue, outside of the five-block area listed above.

There will be an estimated 30 floats in the parade. The floats will be decorated with a theme for Saint Patrick's Day. As with prior years, there will be an estimated 1,000 people in attendance to observe the parade based on the weather. The parade application fee has been paid and the required insurance for the event has been applied for.

Portable toilets and trash receptacles will also be provided for participants in the area of O'Dunken's. As in years past, additional security will not be required by the Twin Falls Police Department after the event due to the time of day. Bev and Steve O'Connor will be responsible for the cleanup in the immediate area of the event and the surrounding area of downtown affected.

The Twin Falls Police Department did not receive any calls for service during the 2018 event.

It will be the event sponsor's responsibility to notify downtown business owners of the event and street closures.

The Twin Falls City Street Department will provide the traffic cones and barricades for the parade.

Approval Process:

Consent of the Council

Budget Impact:

Due to the increase in participating crowds, the Twin Falls Police Department believes that 18 Twin Falls Police Officers on overtime will be required to adequately staff the parade. A briefing will be held at 10:30 a.m. and the street closures will take place at 11:00 a.m. The parade is scheduled to start at 12:00 p.m. and is estimated to conclude by 1:00 p.m. The total time for this event is estimated to take three (3) hours to allow for street closures, allowing traffic flows to adjust, and for the opening of the streets at the conclusion of the parade. The total overtime cost for the Twin Falls Police Department will be approximately \$3,500.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Several relevant City Staff members have approved this Special Event and Parade Application. The Twin Falls Police Department has approved this Special Event and Parade Application as presented.

Attachments:

None



February 1, 2019

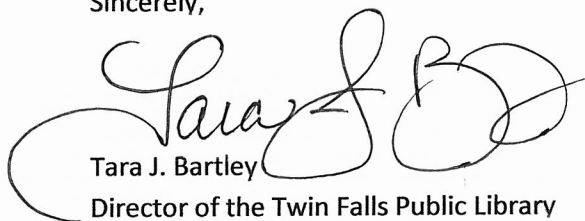
Twin Falls City Council
P.O. Box 1907
Twin Falls, ID 83301

Dear Mayor Barigar and City Council Members:

The current Board of Trustees of the Twin Falls Public Library requests that Debbie Dane, who resides at 2122 Julie Lane, Twin Falls, be appointed by the City Council to serve as Library Trustee for a partial term of office extending from March 2019 – December 2019 to fill the remaining term of Board Member Kyle Tarbet who resigned in February.

As stated in the enclosed letter, Mrs. Dane expresses a strong interest in the Library and is prepared to accept the full responsibilities of a working Library Trustee for her term of office. On behalf of the Board of Trustees, thank you for your consideration.

Sincerely,



Tara J. Bartley
Director of the Twin Falls Public Library

Enclosure: Letter of Interest

January 23, 2019

Tara Bartley, Director
Twin Falls Public Library

Tara:

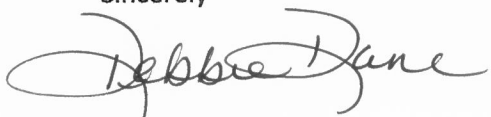
Please accept this letter of interest to step in and fill the upcoming vacancy on the Board of Trustees for the Twin Falls Public Library. I served as a Trustee from 2011 through 2015; working with my fellow Trustees and Staff to provide valuable services for our community.

I firmly believe that our Library is one of the finest assets in Twin Falls. Under the leadership of Director Tara Bartley, the library continues to cultivate a diverse collection and put in place innovative programs that meet the needs of our growing community.

It would be an honor to again serve as a Trustee.

Thank you for your consideration.

Sincerely

A handwritten signature in cursive script that reads "Debbie Dane". The signature is written in dark ink and is positioned above the printed name.

Debbie Dane



Date: Monday, March 4, 2019
To: Honorable Mayor and City Council
From: Lorie Race, Chief Financial Officer

ACTION ITEM

Request:

ACTION ITEM: Request to amend Ordinance 2019-001, which is the Election Ordinance calling for a general obligation bond election. The purpose of the bonds would be to fund improvements and construction of fire and other public safety facilities.

Time Estimate:

The time estimate for this item is approximately 5-7 minutes, including questions from Council.

Background:

On Monday, February 25th, the Council approved Ordinance 2019-001, which is a bond election ordinance. Information contained in the ordinance describes the estimated average annual cost of the proposed bonds based on current market conditions, with an estimate of annual cost per \$100,000 of taxable assessed value. That information included in the original ordinance was \$71.17 per \$100,000 of taxable value. The amount has been updated with amended values, showing a new, potential impact of \$74.36 per \$100,000 of taxable value.

The change is informational, and based on changes made to the net taxable market values prior to the adoption of the original ordinance.

Approval Process:

A majority of the Council must vote to approve this amendment to Ordinance 2019-001.

Budget Impact:

There is no budget impact.

Regulatory Impact:

There is no regulatory impact.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that Council vote to approve this amendment.

Attachments:

1. Election Ordinance Final (002) - New #s from County Rev RAS 2-28-2019

ORDINANCE NO. 2019-001

AN ORDINANCE AMENDING AND RESTATING AN ORDINANCE CALLING A GENERAL OBLIGATION BOND ELECTION TO BE HELD FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF TWIN FALLS, TWIN FALLS COUNTY, IDAHO, A PROPOSITION FOR THE ISSUANCE OF NEGOTIABLE GENERAL OBLIGATION BONDS OF THE CITY; DETERMINING THAT THE TOTAL AMOUNT OF BONDED INDEBTEDNESS OF THE CITY WILL NOT EXCEED TWO PERCENT (2%) OF MARKET VALUE OF TAXABLE PROPERTY; DIRECTING THE CITY CLERK TO NOTIFY THE COUNTY CLERK THAT THE MAYOR AND CITY COUNCIL CALLED THE BOND ELECTION; APPROVING THE FORM OF NOTICE OF GENERAL OBLIGATION BOND ELECTION; APPROVING THE FORM OF BALLOT; PROVIDING FOR THE ISSUANCE OF SUCH BONDS AND MAKING PROVISIONS FOR THE PAYMENT OF PRINCIPAL AND INTEREST DUE ON SUCH BONDS; ORDERING PUBLICATION; PROVIDING FOR A WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS on February 26, 2019, the Twin Falls City Council adopted Ordinance No. 2019-001 (the "Original Ordinance"), and subsequent thereto it was determined that certain dollar amounts of tax per \$100,000 of taxable value needed to be corrected in the Official Ballot and Notice of Election therein, such that the estimated average annual cost of the proposed bonds based on current market conditions is a tax of \$74.36 (prior estimate was \$71.17) per \$100,000 of taxable assessed value, per year, and therefore the Original Ordinance is to be amended and restated as follows:

WHEREAS, certain fire and other public safety improvements throughout the City of Twin Falls, Twin Falls County, Idaho (the "City"), are deemed by the members of the Council of the City (the "Council") to be required for the public good and welfare of the City; and

WHEREAS, the Council has determined and hereby deems it is necessary and advisable to finance certain capital improvements in the City, for the purpose of constructing and equipping three (3) new fire stations to reduce emergency response service gaps and to enhance neighborhood safety, constructing and equipping a new firefighter training facility, and renovating existing fire stations to accommodate additional public safety programming needs, and together with all necessary appurtenant facilities and equipment, pursuant to Sections 50-1019(6) and 50-1019(9), Idaho Code (the "Project"); and

WHEREAS, the City deems it necessary and advisable to issue general obligation bonds of the City in the amount of up to \$36,000,000, pursuant to the provisions of Sections 50-1019 and 50-1026, Idaho Code, and chapter 2, Title 57, Idaho Code, to finance the Project, and in order to do so desires to call an election to be held pursuant to chapter 14, Title 34, Idaho Code, for electorate authorization of issuing bonds to finance the Project; and

WHEREAS, said bonds cannot be issued without the assent of two-thirds (2/3) of the qualified electors of the City voting at an election held for the purpose of authorizing or refusing to authorize the issuance of said bonds; and

WHEREAS, neither the question herein set forth nor any question for a similar, or like, purpose has been defeated at an election which has been held in the City within six (6) months of the date of the adoption of this Ordinance.

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

Section 1. A special general obligation bond election (the “Bond Election”) is hereby called to be held in the City on Tuesday, May 21, 2019, for the purpose of submitting to the qualified electors of the City the proposition set forth in the form of ballot hereinafter provided.

Section 2. The City hereby determines that the outstanding amount of all general obligation bond indebtedness of the City, including the bonds proposed under this Ordinance, will not exceed two percent (2%) of the market value for assessment purposes of all real and personal taxable property within the City on the tax rolls completed and available according to the assessment of the preceding year.

Section 3. The Project briefly and generally described shall consist of the construction, renovation, improvement, upgrading and betterment of the City’s fire and other public safety facilities by making the following improvements and acquisitions:

It is currently anticipated that the City’s fire and other public safety facilities will be improved by the construction of certain capital improvements, including the construction of three (3) new fire stations, the construction of a new firefighter training facility, and the renovation of certain existing fire stations, as otherwise determined by the City, and all other related costs, equipment, items and appurtenances necessary, useful and convenient for the betterment of the City’s fire and other public safety facilities, all collectively constituting the “Project.”

Section 4. In compliance with Section 34-106(8) and Section 34-1406, Idaho Code, the Clerk of the City (the “City Clerk”) shall notify the Clerk of Twin Falls County, Idaho (the “County Clerk”) that the Mayor and Council have called the Bond Election on behalf of the City by delivering to the County Clerk a copy of this Ordinance, including the form of the ballot and notice of the Bond Election, as provided under Section 9 and Exhibit “A” hereof.

Section 5. Pursuant to Section 34-1401, Idaho Code, the County Clerk shall administer the Bond Election. The City Clerk shall confirm with the County Clerk that a sample ballot has been printed before said Bond Election, which sample ballot shall be in or contain the same form as the official ballot proposition set forth in Section 9 hereof. The City Clerk shall also confirm with the County Clerk that the form of sample ballot for the Bond Election will be published in the official newspaper of Twin Falls County, Idaho, in accordance with Sections 34-602 and 34-1406, Idaho Code.

Section 6. Notice of the Bond Election shall be given by the County Clerk by publication of the Notice of Special Municipal Bond Election in the official newspaper of Twin Falls County, Idaho, and as may be necessary in the Times-News, an official newspaper of the City, at least two (2) times, with the first publication not less than twelve (12) days prior to the date fixed for the

holding of the Bond Election and the last publication of notice shall be made not less than five (5) days prior to the Bond Election. Said notice shall be in substantially the form attached hereto as Exhibit "A."

Section 7. The polls at the Bond Election shall open at the hour of 8:00 a.m. and remain open continuously until the hour of 8:00 p.m. and then close. The County Clerk shall have and hereby designates the polling places for said Bond Election as set forth in the Notice of the Bond Election attached hereto as Exhibit "A."

Section 8. All qualified electors of the City, eighteen (18) years of age or older, who have legally resided in the City for at least thirty (30) days immediately preceding the date of the election, and who are properly registered as provided by law, are entitled to vote at the Bond Election. The ballot proposition and question to be voted upon at the Bond Election shall be separate from any other measures or candidates being voted upon at any other election being held simultaneously or conducted in conjunction with the Bond Election. Only those qualified City electors casting valid ballots upon the bond proposition and question set forth in Section 9 of this Ordinance shall be counted in determining the number of qualified electors voting at or participating in the special bond election.

Section 9. The voting at the election on the question of issuing the City's general obligation bonds shall be by ballot and/or a separate ballot page substantially in the following form:

(Form of Official Ballot)

OFFICIAL BALLOT

SPECIAL MUNICIPAL BOND ELECTION
GENERAL OBLIGATION BONDS

CITY OF TWIN FALLS
TWIN FALLS COUNTY, STATE OF IDAHO

May 21, 2019

INSTRUCTIONS TO VOTERS: To vote on the foregoing proposition, please fill in the oval in the space to the right of the words "YES, IN FAVOR OF ISSUING GENERAL OBLIGATION BONDS FOR THE PURPOSES STATED IN THE ORDINANCE OF THE CITY ADOPTED ON FEBRUARY 25, 2019" or "NO, AGAINST ISSUING GENERAL OBLIGATION BONDS FOR THE PURPOSES STATED IN THE ORDINANCE OF THE CITY ADOPTED ON FEBRUARY 25, 2019" according to the way you desire to vote on the question. If you, by mistake or accident, mark, tear, deface, or otherwise mutilate this ballot, please return it to the election judges and obtain another ballot.

SHALL THE CITY OF TWIN FALLS, TWIN FALLS COUNTY, IDAHO, BE AUTHORIZED TO INCUR AN INDEBTEDNESS AND ISSUE AND SELL ITS GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES OF BONDS, IN AN AGGREGATE PRINCIPAL AMOUNT FOR ALL SUCH BONDS OF NOT MORE THAN \$36,000,000, OR SO MUCH

THEREOF AS MAY BE NECESSARY, FOR THE PURPOSE OF PROVIDING FUNDS WITH WHICH TO CONSTRUCT AND EQUIP THREE (3) NEW FIRE STATIONS, CONSTRUCT AND EQUIP A NEW FIREFIGHTER TRAINING FACILITY, AND RENOVATE EXISTING FIRE STATIONS, WITH EACH OF SAID SERIES OF BONDS TO BE PAYABLE ANNUALLY OR AT SUCH LESSER INTERVALS AS DETERMINED BY FUTURE RESOLUTIONS OR ORDINANCES OF THE CITY, AND TO MATURE SERIALLY WITH THE FINAL INSTALLMENT TO FALL DUE WITHIN TWENTY (20) YEARS FROM THE DATE OF EACH OF SAID SERIES OF BONDS, AND TO BEAR INTEREST AT A RATE OR RATES TO BE DETERMINED BY FUTURE RESOLUTIONS OR ORDINANCES OF THE CITY, ALL AS PROVIDED IN THE ORDINANCE OF THE CITY ADOPTED ON FEBRUARY 25, 2019?

The following information is required by §34-439, Idaho Code:

The purpose for which the proposed bonds are to be used, the date of the special municipal bond election (May 21, 2019), and the principal amount of the bonds are set forth above on the ballot or in the proposition. The interest rate anticipated on the proposed bonds based on current market rates is 3.55% per annum. The total amount to be repaid over the life of the proposed bonds, principal and interest, based on the anticipated interest rate, is estimated to be \$51,161,450, consisting of \$36,000,000 in principal and \$15,161,450 in interest. The estimated average annual cost of the proposed bonds based on current market conditions is a tax of \$74.36 per \$100,000 of taxable assessed value, per year. The proposed bonds will mature within twenty (20) years from the date of each series of bonds. The total existing general obligation bonded indebtedness of the City, including interest accrued as of May 21, 2019, is \$0.00. The total existing indebtedness of the City, including interest accrued as of May 21, 2019, is \$55,350,881.

YES, IN FAVOR OF ISSUING GENERAL OBLIGATION BONDS FOR THE PURPOSES STATED IN THE ORDINANCE OF THE CITY ADOPTED FEBRUARY 25, 2019 ☐

NO, AGAINST ISSUING GENERAL OBLIGATION BONDS FOR THE PURPOSES STATED IN THE ORDINANCE OF THE CITY ADOPTED ON FEBRUARY 25, 2019..... ☐

(End of Form of Official Ballot)

Section 10. The County Clerk is authorized to cause a sufficient number of ballots to be printed for use at the Bond Election, to acquire such other election supplies as may be required, and to take all other and further actions as may be necessary in connection with the Bond Election.

Section 11. Any qualified and registered elector of the City may vote by absentee ballot in the manner provided by Title 34, Chapter 10, Idaho Code, as amended.

Section 12. When the polls are closed, the election officials shall immediately proceed to count the ballots cast at the Bond Election. The counting shall be continued without adjournment until completed and the result declared. The election judges and clerks shall thereupon certify the returns of the Bond Election, as may be appropriate, to the County Clerk, who shall present the results to the Twin Falls County Commissioners.

The Board of the Twin Falls County Commissioners shall meet within ten (10) days following the election, or at such times to which said meeting is continued, for the purpose of canvassing the results of the Bond Election. The County Clerk shall thereupon certify the election results to the City. The results shall then be entered in the minutes of the City and the overall election result proclaimed as final.

Section 13. If at the Bond Election two-thirds (2/3) of the qualified registered electors of the City voting at such election assent to the issuance of the City's general obligation bonds, the negotiable general obligation bonds of the City shall be issued as hereinabove provided and shall mature over a period commencing at the expiration of one (1) year from their date and ending not more than twenty (20) years from their date, and shall bear interest and be payable, in accordance with the provisions of Section 50-1026, Idaho Code, and the Municipal Bond Law of the State of Idaho, Title 57, Chapter 2, as amended, from the proceeds of ad valorem taxes.

Section 14. The City's general obligation bonds shall be issued if carried by the City's electorate, as aforesaid indicated, and payment of principal and interest shall be made on up to \$36,000,000 principal amount of said bonds through the levy of taxes on all taxable property in the City, beginning with the tax year 2019 or thereafter and continuing until principal and interest shall have been fully paid, in such amounts and at such rates as are necessary to assure the prompt payment of such interest, and also to establish and to constitute a sinking fund sufficient for the payment of the principal thereof, and it is hereby ordered that such taxes shall be levied annually at the time and in the manner as general taxes for said City are levied in each such year; provided, however, the aforementioned taxes shall never be diminished prior to payment of all bonds excepting in any year to the extent that other available revenues or funds shall have been applied to or set aside in a special fund to be irrevocably held for the payment of principal or interest or both, payable from said taxes for such year. The proper officer or officers of said City are hereby authorized and directed to do all things requisite and necessary to carry out the provisions of this section and to apply the proceeds of the taxes so collected to the payment of such principal and interest.

Section 15. The officers of the City shall be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The law firm of Skinner Fawcett LLP, Boise, Idaho, is hereby authorized and designated as bond counsel for the said Bonds.

Section 16. Officers of the City shall provide a brief official statement setting forth the information required by Section 34-439, Idaho Code.

Section 17. All bylaws, resolutions and ordinances in conflict with this Ordinance are hereby repealed.

Section 18. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 19. This Ordinance or a summary thereof shall be published after adoption in at least one issue of the Times-News, which is an official newspaper of the City.

Section 20. Pursuant to the affirmative vote of one-half (1/2) plus one (1) of the members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same is hereby, dispensed with, and accordingly, this Ordinance shall be in full force and effect immediately upon its passage, approval, and publication, as provided by law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR of the City of Twin Falls, Twin Falls County, Idaho, this 25th day of February, 2019.

CITY OF TWIN FALLS, a municipal corporation
of the State of Idaho

By: _____
SHAWN BARIGAR, Mayor

ATTEST:

By: _____
_____, City Clerk

EXHIBIT “A”
(Form of Notice)

CITY OF TWIN FALLS, TWIN FALLS COUNTY, IDAHO
NOTICE OF SPECIAL MUNICIPAL BOND ELECTION

May 21, 2019

NOTICE IS HEREBY GIVEN that pursuant to an ordinance adopted on February 25, 2019, by the City Council of the City of Twin Falls, Twin Falls County, Idaho (the “City”), there will be a special municipal bond election held between the hours of 8:00 a.m. and 8:00 p.m. on May 21, 2019, in the City. Polling places are listed as follows:

[TO BE DETERMINED BY TWIN FALLS COUNTY CLERK]

Special Municipal Bond Election: The City has proposed to issue general obligation bonds in an amount not to exceed \$36,000,000 for the purpose of providing funds with which to construct and equip three (3) new fire stations to reduce emergency response service gaps and to enhance neighborhood safety, construct and equip a new firefighter training facility, and renovate existing fire stations to accommodate additional public safety programming needs, as otherwise determined by the City, and all other related costs, equipment, items and appurtenances necessary, useful and convenient for the betterment of fire and other public safety facilities within the City, all collectively constituting the “Project.”

The interest rate anticipated on the proposed bonds based on current market rates is 3.55% per annum. The total amount to be repaid over the life of the proposed bonds, principal and interest, based on the anticipated interest rate, is estimated to be \$51,161,450, consisting of \$36,000,000 in principal and \$15,161,450 in interest. The estimated average annual cost of the proposed bonds based on current market conditions is a tax of \$74.36 per \$100,000 of taxable assessed value, per year. The proposed bonds will mature within twenty (20) years from the date of each series bonds. The total existing general obligation bonded indebtedness of the City, including interest accrued as of May 21, 2019, is \$0.00. The total existing indebtedness of the City, including interest accrued as of May 21, 2019, is \$55,350,881.

(The remainder of this page is intentionally left blank.)

BY ORDER OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, TWIN FALLS
COUNTY, IDAHO, this ____ day of _____, 2019.

CITY OF TWIN FALLS, a municipal
corporation of the State of Idaho

By: _____
SHAWN BARIGAR, Mayor

ATTEST:

By: _____
_____, City Clerk

(End of Form of Notice)



Date: Monday, March 4, 2019
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer, Brock Cherry, Planner

ACTION ITEM

Request:

ACTION ITEM: Request to approve a Zoning Title Amendment to repeal and replace City Code 10-11-19 Floodplain Regulations (A through E).

Time Estimate:

Five (5) minutes for Staff presentation; Five (5) to ten (10) minutes for Council questions, deliberation, and decision.

Background:

N/A

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 shall forward the amendment with its recommendation to the City Council.

Once the City Council has received a recommendation from the Planning & Zoning Commission, a public hearing shall be scheduled. 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:

If this amendment is approved City Code 10-11-9(A-E) will be repealed and replaced with the updated section and the updated regulations will then be in effect.

History:

City Code 10-11-9(A-E) was adopted in 1982. To our knowledge, 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 on the regulations, and provide better protection to residents whom reside in flood prone areas.

Conclusion:

On September 25, 2018 the Planning & Zoning Commission voted unanimously to forward a positive recommendation on the amendment as presented.

On October 29th, 2018 the City Council directed City staff to reformat the proposed amendment language so that it is harmonious with existing City Code. The City Council is tasked with making a decision on this request. The council may approve the amendment as presented, approve the amendment with modifications, or deny the amendment.

Attachments:

1. Proposed Floodplain Regulations 10-11-19 (A - E)

10-11-9 FLOODPLAIN REGULATIONS

(A) Statutory Authority

1. The Legislature of the State of Idaho, pursuant to Idaho Code §§ 46-1020, 46-1023, and 46-1024, authorizes local governments to adopt floodplain management ordinances that identify floodplains and minimum floodplain development standards to minimize flood hazards and protect human life, health, and property. Therefore, the Council of the City of Twin Falls, Idaho does hereby ordain as follows:
2. Findings of Fact
 - a. The flood hazard areas of City of Twin Falls are subject to periodic inundation that results in: loss of life and property; health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures for flood relief and protection; and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
 - b. These flood losses are caused by structures in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.
 - c. Local government units have the primary responsibility for planning, adopting, and enforcing land use regulations to accomplish proper floodplain management.
3. Statement of Purpose: The purpose of this ordinance is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - a. Protect human life, health, and property;
 - b. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;
 - c. Help maintain a stable tax base by providing for the sound use and development of flood prone areas;
 - d. Minimize expenditure of public money for costly flood control projects;
 - e. Minimize the need for rescue and emergency services associated with flooding, generally undertaken at the expense of the general public;
 - f. Minimize prolonged business interruptions;
 - g. Ensure that potential buyers are notified the property is in an area of special flood hazard; and
 - h. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

4. Objectives and Methods of Reducing Flood Losses: In order to accomplish its purpose, this ordinance includes methods and provisions to:
- a. Require that development which is vulnerable to floods, including structures and facilities necessary for the general health, safety, and welfare of citizens, be protected against flood damage at the time of initial construction;
 - b. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
 - c. Control filling, grading, dredging, and other development which may increase flood damage or erosion;
 - d. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;
 - e. Preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store flood waters.

(B) Definitions:

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

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE): A structure on the same lot or parcel as a principal structure, the use of which is incidental and subordinate to the principal structure.

ADDITION (TO AN EXISTING BUILDING): An extension or increase in the floor area or height of a building or structure.

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

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

AREA OF SPECIAL FLOOD HAZARD: See Special Flood Hazard Area (SFHA).

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE): A determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a Federal, State, local, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the Freeboard, establishes the Flood Protection Elevation.

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

BUILDING: See Structure.

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

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

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

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

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM): The digital official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

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

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

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

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

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 “Flood or Flooding”).

FLOODPLAIN ADMINISTRATOR: The individual appointed to administer and enforce the floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMIT: Any type of permit that is required in conformance with the provisions of this 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 one hundred and eighty (180) days of permit issuance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A place where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed on or after the effective date of Floodplain Management Regulations adopted by a community May 1, 1984.

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

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

RECREATIONAL VEHICLE: A vehicle that is:

- a. Built on a single chassis, and
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection, and
- c. Designed to be self-propelled or permanently towed by a light duty truck, and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY: See Floodway

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 One Thousand Dollars (\$1,000) each in any ten (10) year period since 1978.

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

SPECIAL FLOOD HAZARD AREA (SFHA): The land in the 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 one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site (such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation) or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of its market value before the damage occurred. See definition of “Substantial Improvement.” Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of 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.

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.

(C) General Provisions

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

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

3. **Establishment of Floodplain Development Permit:** A Floodplain Development Permit (FDP) shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas (SFHA) determined in accordance with the provisions of Part (D), Section 2.

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

5. **Abrogation and Greater Restrictions:** This ordinance shall not in any way repeal, abrogate, impair, or remove the necessity of compliance with any other laws, ordinances, regulations,

easements, covenants, or deed restrictions, etcetera. However, where this ordinance and another conflict or overlap, whichever imposes more stringent or greater restrictions shall control.

6. Interpretation: In the interpretation and application of this ordinance all provisions shall be:
- a. Considered as minimum requirements;
 - b. Liberally construed in favor of the governing body; and
 - c. Deemed neither to limit nor repeal any other powers granted under state statutes.

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

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

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

(D) Administration

1. Designation of Floodplain Ordinance Administrator

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

2. Duties and Responsibilities of the Floodplain Administrator: The Floodplain Administrator shall perform, but not be limited to, the following duties:

- a. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas (SFHA) to assure that the requirements of this ordinance have been satisfied.
- b. Review all proposed development within Special Flood Hazard Areas (SFHA) to assure that all necessary local, State, and Federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.
- c. Notify adjacent communities and the Idaho Department of Water Resources State Coordinator for the National Flood Insurance Program (NFIP) prior to any alteration

or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

d. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.

e. Prevent encroachments into floodways and flood fringe areas unless the certification and flood hazard reduction provisions of Part (E), Section 5 are met.

f. Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Part (D) Section 3.c.

g. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Part (D) Section 3.c.

h. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Part (D) Section 3.c.

i. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Part (D) Section 3.c and Part (E) Section 2.b.

j. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (SFHA), floodways, or flood fringe areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

k. When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of Part (C) Section 2, obtain, review, and reasonably utilize any BFE data, along with floodway data or flood fringe area data available from a Federal, State, local, or other source, including data developed pursuant to Part (E) Section 3.b.ii, in order to administer the provisions of this ordinance.

l. When Base Flood Elevation (BFE) data is provided but no floodway or flood fringe area data has been provided in accordance with the provisions of Part (C) Section 2, obtain, review, and reasonably utilize any floodway data or flood fringe area data available from a Federal, State, local, or other source in order to administer the provisions of this ordinance.

m. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area (SFHA) is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.

n. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

o. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

p. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

q. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

r. Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

s. Follow through with corrective procedures of Part (D), Section 4.

t. Review, provide input, and make recommendations for variance requests.

u. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps, and studies adopted in accordance with the provisions of Part (C) Section 2 of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify the NFIP State Coordinator and FEMA of your community's mapping needs.

v. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

3. Floodplain Development Application, Permit, and Certification Requirements

a. Application Requirements: Application for a Floodplain Development Permit (FDP) shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas (SFHA). The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

i. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

1. 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;
2. The boundary of the Special Flood Hazard Area (SFHA) as delineated on the FIRM or other flood map as determined in Part (C) Section 2, or a statement that the entire lot is within the Special Flood Hazard Area;
3. The Flood Zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in in Part (C) Section 2;
4. The boundary of the floodway(s) or flood fringe area(s) as determined in Part (C) Section 2;
5. The Base Flood Elevation (BFE) where provided as set forth in Part (C) Section 2; Part (C) Section 3; or Part (E) Section 3;
6. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and

ii. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area (SFHA), including but not limited to:

1. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
2. 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
3. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.

iii. If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-33) with supporting data; an operational plan; and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

iv. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

1. 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
2. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Part (E) Section 2.d.i-vi when solid

foundation perimeter walls are used in Zones A, AE, AH, AO, and A1-30.

v. Usage details of any enclosed areas below the lowest floor.

vi. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.

vii. Certification that all other local, State, and Federal permits required prior to floodplain development permit issuance have been received.

viii. Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of Part (E) Section 2.f and g of this ordinance are met.

ix. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and

x. A map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

b. Permit Requirements. The Floodplain Development Permit (FDP) shall include, but not be limited to:

i. A complete description of all the development to be permitted under the floodplain development permit (i.e. house, garage, pool, septic, bulkhead, cabana, pole barn, chicken coop, pier, bridge, mining, dredging, filling, rip-rap, docks, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).

ii. The Special Flood Hazard Area (SFHA) determination for the proposed development in accordance with available data specified in Part (C) Section 2.

iii. The Flood Protection Elevation (FPE) required for the lowest floor and all attendant utilities.

iv. The Flood Protection Elevation (FPE) required for the protection of all public utilities.

v. All certification submittal requirements with timelines.

vi. A statement that no fill material or other development shall encroach into the floodway or flood fringe area of any watercourse, as applicable.

vii. The flood openings requirements, if in Zones A, AE, AH, AO, or A1-30.

viii. All floodplain development permits shall be conditional upon the start of construction of work within 180 days. A Floodplain Development Permit (FDP) shall expire one hundred and eighty (180) days after issuance, unless the permitted activity has commenced as per the Start of Construction definition.

ix. A statement of the limitations of below BFE enclosure uses, if applicable. (i.e., parking, building access and limited storage only).

x. A statement that all materials below BFE/FPE must be flood resistant materials.

c. Certification Requirements.

i. Elevation Certificates

1. 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.

2. 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.

3. A final as-built Finished Construction Elevation Certificate (FEMA Form 86-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the lowest floor and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

ii. Floodproofing Certificate. If non-residential floodproofing is used to meet the Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection

and maintenance plan, are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the lowest floor and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

iii. If a manufactured home is placed within Zone A, AE, AH, AO, or A1-30 and the elevation of the chassis is more than thirty-six (36) inches in height above grade, an engineered foundation certification is required, in accordance with the provisions of Part (E) Section 2.c.ii.

iv. If a watercourse is to be altered or relocated, the following shall all be submitted to the Floodplain Administrator by the permit applicant prior to issuance of a Floodplain Development Permit (FDP):

1. A description of the extent of watercourse alteration or relocation; and
2. 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
3. A map showing the location of the proposed watercourse alteration or relocation; and
4. An Idaho Stream Channel Alteration Permit.

v. Certification Exemptions. The following structures, if located within Zone A, AE, AH, AO, or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items a and b of this subsection:

1. Recreational Vehicles meeting requirements of Part (E) Section 2.f.i;
2. Temporary Structures meeting requirements of Part (E) Section 2.g; and
3. Accessory Structures less than 200 square feet meeting requirements of Part (E) Section 2.h.

d. Determinations for Existing Buildings and Structures. For applications for building permits to improve buildings and structures (including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures), the Floodplain Administrator, in coordination with the Building Official, shall:

- i. Estimate the market value or require the applicant to obtain an appraisal of the market value, prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- ii. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, and the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- iii. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- iv. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the adopted Idaho Building Code and this ordinance is required.

4. Corrective Procedures

- a. Violations to be Corrected. When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- b. Actions in Event of Failure to Take Corrective Action. If the owner of a building or property fails to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - i. that the building or property is in violation of the Floodplain Management Regulations (FMR);
 - ii. that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - iii. that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building, or to remove fill, as applicable.
- c. Order to Take Corrective Action. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance (FDPO), he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one hundred-eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

d. Appeal. Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

e. Failure to Comply with Order. If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

5. Variance Procedures

a. The City Council of Twin Falls, hereinafter referred to as the “appeal board,” shall hear and decide requests for variances from the requirements of this ordinance.

b. Variances may be issued for:

i. the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

ii. functionally dependent facilities, if determined to meet the definition as stated in Part (B) of this ordinance, provided provisions of Part (D), Section 5.i.ii, iii, and v, have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

iii. any other type of development, provided it meets the requirements of this Section.

c. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

i. the danger that materials may be swept onto other lands to the injury of others;

ii. the danger to life and property due to flooding or erosion damage;

iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

iv. the importance of the services provided by the proposed facility to the community;

v. the necessity to the facility of a waterfront location as defined under Part (B) of this ordinance as a functionally dependent facility, where applicable;

vi. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

vii. the compatibility of the proposed use with existing and anticipated development;

viii. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;

x. the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

xi. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

d. The applicant shall include a written report addressing each of the above factors in Part (D), Section 5.c.i-xi with their application for a variance.

e. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.

f. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

g. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) and the State of Idaho, upon request.

h. Conditions for Variances:

i. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

ii. Variances shall not be issued within any designated floodway or flood fringe area if the variance would result in any increase in flood levels during the base flood discharge.

iii. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

iv. Variances shall only be issued prior to development permit approval.

v. Variances shall only be issued upon:

1. a showing of good and sufficient cause;

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

(E) Provisions for Flood Hazard Reduction

1. General Standards: In all Special Flood Hazard Areas (SFHA), the following provisions are required:
- a. All new construction, substantial improvements, and development shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
 - b. All new construction, substantial improvements, and development shall be constructed with materials and utility equipment resistant to flood damage in accordance with the Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the Federal Emergency Management Agency (FEMA).
 - c. All new construction, substantial improvements, and development shall be constructed by methods and practices that minimize flood damages.
 - d. All new and replacement electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Flood Protection Elevation (FPE). These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

f. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

g. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

h. A fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor shall:

i. be constructed entirely of flood resistant materials at least to the Flood Protection Elevation (FPE); and

ii. include, in Zones A, AE, AH, AO, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

1. A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;

2. 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;

3. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

4. The bottom of all required flood openings shall be no higher than one (1) foot above the interior or exterior adjacent grade;

5. 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

6. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

i. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

j. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, flood fringe area, or stream setback, provided there is no additional encroachment below the Flood Protection Elevation (FPE) in the floodway, flood fringe area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

k. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Part (D), Section 5.x. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area (SFHA) only if the structure or tank is either elevated or floodproofed to at least the Flood Protection Elevation and certified in accordance with the provisions of Part (D), Section 3.c.

l. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage and determined to be reasonably safe from flooding.

m. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

n. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

o. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

p. When a structure is partially located in a Special Flood Hazard Area (SFHA), the entire structure shall meet the requirements for new construction and substantial improvements.

q. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

2. Specific Standards: In all Special Flood Hazard Areas (SFHA) where Base Flood Elevation (BFE) data has been provided, as set forth in Part (C), Section 2, or Part (E), Section 4, the following provisions, in addition to the provisions of Part (E), Section 1, are required:

a. Residential Construction. New construction, substantial improvements, and development of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than the Flood Protection Elevation (FPE), as defined in Part (B) of this ordinance.

b. Non-Residential Construction. New construction, substantial improvements, and development of any commercial, industrial, or other non-residential structure shall have the lowest floor, including basement, elevated no lower than the Flood Protection Elevation (FPE), as defined in Part (B) of this ordinance. Structures located in Zones A, AE, AH, AO, and A1-30 may be floodproofed to the Flood Protection Elevation (FPE) in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Flood Protection Elevation (FPE) are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AH and AO Zones, the floodproofing elevation shall be in accordance with Part (E), Section 6.b. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in (D), Section 3.c, along with the operational plan and the inspection and maintenance plan.

c. Manufactured Homes.

i. New and replacement manufactured homes shall be elevated so that the lowest floor of the manufactured home is no lower than the Flood Protection Elevation (FPE), as defined in Part (B) of this ordinance.

ii. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the Idaho Division of Building Safety's "Idaho Manufactured Home Installation Standard" in accordance with Idaho Code § 44-2201(2). Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

iii. All enclosures or skirting below the lowest floor shall meet the requirements of Part (E), Section 2.d.

iv. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

d. Additions/Improvements.

i. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are

1. 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

2. a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

ii. Additions to post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

iii. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are

1. not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction; or

2. a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

iv. Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a 10 year period, the cumulative cost of

which equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, must comply with the standards for new construction. For each building or structure, the ten (10) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

1. 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
2. any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

e. Recreational Vehicles. Recreational vehicles shall be either:

i. Temporary Placement

Be on site for fewer than one hundred and eighty (180) consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

ii. Permanent Placement.

Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction, as set forth in Part (E), Section 1.

f. Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

- i. a specified time period for which the temporary use will be permitted. Time specified may not exceed six (6) months, renewable up to one (1) year;
- ii. the name, address, and phone number of the individual responsible for the removal of the temporary structure;
- iii. the time frame prior to the event at which a structure will be removed (i.e., immediately upon flood warning notification);
- iv. a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- v. designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

g. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area (SFHA), elevation or floodproofing certifications are required for all accessory structures in accordance with Part (D), Section 3.c, and the following criteria shall be met:

- i. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);
- ii. Accessory structures shall not be temperature-controlled;
- iii. Accessory structures shall be designed to have low flood damage potential;
- iv. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- v. Accessory structures shall be firmly anchored in accordance with the provisions of Part (E), Section 1.a;
- vi. All service facilities, such as electrical, shall be installed in accordance with the provisions of Part (E), Section 1.d; and
- vii. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Flood Protection Elevation in conformance with the provisions of Part (E), Section 2.d.iv.

An accessory structure with a footprint less than two hundred (200) square feet and is a minimal investment of Seven Thousand Five Hundred Dollars (\$7,500) or less and satisfies the criteria outlined in a. through g. above is not required to meet the elevation or floodproofing standards of Article V, Section B.2.

h. Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area (SFHA), the following criteria shall be met:

- i. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the base flood, including the effects of buoyancy (assuming the tank is empty);
- ii. Elevated above-ground tanks in flood hazard areas shall be attached to an elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the base flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
- iii. Not elevated above-ground tanks that do not meet the elevation requirements of Part (E), Section 2.b of this ordinance shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- iv. Tank inlets, fill openings, outlets, and vents shall be:
 - 1. 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

2. anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

i. Construction of Below-Grade Crawlspace.

- i. The interior grade of a crawlspace must not be below the BFE and must not be more than two (2) feet below the exterior lowest adjacent grade (LAG).
- ii. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four (4) feet at any point.
- iii. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
- iv. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace.

See Technical Bulletin 11 for further information.

Caution:

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

j. Other Development in Regulated Floodways and Flood Fringe.

- i. Fences that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, in regulated floodways and flood fringe shall meet the limitations of Part (E), Section 2.b of this ordinance.
- ii. Retaining walls, bulkheads, sidewalks, and driveways that involve the placement of fill in regulated floodways and flood fringe shall meet the limitations of Part (E), Section 5 of this ordinance.
- iii. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, which encroach into regulated floodways and flood fringe, shall meet the limitations of Part (E), Section 5 of this ordinance.
- iv. Drilling water, oil, and/or gas wells including fuel storage tanks, apparatus, and any equipment at the site that encroach into regulated floodways and flood fringe shall meet the limitations of Part (E), Section 5 of this ordinance.
- v. Docks, piers, boat ramps, marinas, moorings, decks, docking facilities, port facilities, shipbuilding, and ship repair facilities that encroach into regulated floodways and flood fringe shall meet the limitations of Part (E), Section 5 of this ordinance

k. Subdivision Plats in Flood Zones.

- i. A note must be provided on the final plat documenting the current flood zone in which the property or properties are located. The boundary line must be drawn on the plat in

situations where two or more flood zones intersect over the property or properties being surveyed.

ii. FEMA FIRM panel(s): #160xxxxxxC, & 160xxxxxxE, etc.

FIRM effective date(s): mm/dd/year

Flood Zone(s): Zone X, Zone A, Zone AE, A Zone AO, Zone, AH, Zone D, etc.

Base Flood Elevation(s): Example: (AE _____.0 ft., etc.)

Flood Zones are subject to change by FEMA & all land within a floodway or floodplain is regulated by _____ chapter/section of the City Code 10-11-9(C)1

I. Critical Facilities:

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

3. Standards for Floodplains without Established Base Flood Elevations

Within the Special Flood Hazard Areas designated as Zone A (also known as Unnumbered A Zones) and established in Part (C), Section 2, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Part (E), Section 1, shall apply:

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

a. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Part (E), Section 1 and 2.

b. When floodway or flood fringe data is available from a Federal, State, local or other source, all new construction and substantial improvements within floodway and flood fringe areas shall also comply with the requirements of Part (E), Section 2 and 5.

c. All subdivision, manufactured home park, and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Part (C), Section 2 and utilized in implementing this ordinance.

d. When Base Flood Elevation (BFE) data is not available from a Federal, State, local, or other source as outlined above, the lowest floor shall be elevated or floodproofed (non-residential) to two (2) feet above the Highest Adjacent Grade (HAG) at the building site or to the Flood Protection Elevation (FPE), whichever is higher, as defined in Part (B). All other applicable provisions of Part (E), Section 2 shall also apply.

4. Standards for Riverine Floodplains with Base Flood Elevations but Without Established Floodways or Flood Fringe Areas.

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

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

5. Standards for Floodways and Flood Fringe Areas

Areas designated as floodways or flood fringe areas are located within the Special Flood Hazard Areas established in Part (C), Section 2. The floodways and flood fringe areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Part (E), Sections 1 and 2, shall apply to all development within such areas:

- a. No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:
 - i. 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
 - ii. a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six (6) months of completion of the proposed encroachment.
- b. If Part (E), Section 5.a is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- c. Manufactured homes may be permitted provided the following provisions are met:
 - i. the anchoring and the elevation standards of Part (E), Section 2.c; and
 - ii. the encroachment standards of Part (E), Section 5.a.

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

Located within the Special Flood Hazard Areas (SFHA) established in Part (C), Section 2, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the

path of flooding is unpredictable and indeterminate. In addition to Part (E), Sections 1 and 2, all new construction and substantial improvements shall meet the following requirements:

- a. The lowest floor shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least two (2) feet above the highest adjacent grade if no depth number is specified.
- b. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Part (E), Section 6.a so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Part (D), Section 3.c, and Part (E), Section 2.b.
- c. Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

(F) Legal Status Provisions

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

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

2. Effect upon Outstanding Floodplain Development Permits

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

3. Severability

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

Proposed Title 10-11-9 Floodplain Regulation Repeal & Replace

4. 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