



Twin Falls City Council Agenda

Monday, October 14, 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 Accounts Payable for Oct 3 thru 9, 2019.
By: Amy Luna, Finance Administrative Assistant
 - b) **ACTION ITEM:** Request to approve the October 7, 2019, City Council Minutes.
By: Amy Luna, Finance Administrative Assistant
 - c) **ACTION ITEM:** Request to approve Trust Agreement for Fieldwood Subdivision
By: Troy Vitek, Assistant City Engineer
 - d) **ACTION ITEM:** Request to hold the annual Voices Against Violence Candlelight Vigil.
By: Sergeant Justin Dimond, Twin Falls Police Department
 - e) **ACTION ITEM:** Request to hold the Trick or Treat on Main Street event.
By: Sergeant Justin Dimond, Twin Falls Police Department
- 6) ITEMS OF CONSIDERATION
 - a) **PRESENTATION:** Present an award to outgoing Airport Board Member, Brady Workman.
By: William Carberry, Airport Manager
 - b) **ACTION ITEM:** Request to reject all bids for the 2019 School Sidewalk Project.
By: Erin Steel , Staff Engineer
 - c) **ACTION ITEM:** Request to adopt Ordinance 2019-002 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

- d) **ACTION ITEM:** Request to adopt an ordinance to vacate right of way and easements located within the Perrine Point Subdivision (Blocks 5, 6, 7, 8) located at the 100 block of Falls Avenue West.

By: Jonathan Spendlove, Planning & Zoning Director

- e) **ACTION ITEM:** Request to repeal and replace City Code 9-6-8, Parking Trucks, Trailers, Unused and Inoperative Vehicles.

By: Sean Standley, Code Enforcement Coordinator

- f) **ACTION ITEM:** Request to consider and act on a resolution declaring the City's intent to dispose of real property and setting a date for a public hearing.

By: Mitch Humble, Deputy City Manager

7) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

8) PUBLIC HEARINGS

- a) **ACTION ITEM:** Request for a Zoning District Change from R-4 to C-1 on property located at 890 Washington Street South c/o Colby Ricks on behalf of Oasis Stop N Go LLC (PZ19-0105)

By: Steve O'Connor, City Planner

- b) **ACTION ITEM:** Request for a Special Use Permit for Additional Height to allow a seventy-five foot (75') tall mixed use building on property located at 160 Main Avenue South c/o OneSixty, LLC. (PZ19-0085)

By: Brock Cherry, City Planner

9) ADJOURNMENT

- a) **ACTION ITEM:** REQUEST TO ADJOURN TO EXECUTIVE SESSION:

§ 74-206(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

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, October 7, 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 Member Suzanne Hawkins, Chris Talkington, Greg Lanting (called in), Christopher Reid & Ruth Pierce.

Absent:

Staff Present: City Manager Travis Rothweiler, Deputy City Managers Mitch Humble & Brian Pike, City Attorney Shayne Nope, CFO Lorie Race, Grants & Community Relations Mandi Thompson, Fire Chief Les Kenworthy, Fire Marshall Tim Lauda, Police Chief Craig Kingsbury, Lieutenant Terry Thueson, Information Technology Manager Kathy Markus, Utility Services Supervisor Bill Baxter, Desktop Support Analyst Jeremiah Parent, Finance Administrative Assistant Amy Luna.

Mayor Barigar called the meeting to order at 5:01 PM. A quorum was present.

2) PLEDGE OF ALLEGIANCE

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

3) PROCLAMATIONS

- a) National Energy Month & Weatherization Day 2019 - Ken J. Robinette, Chief Executive Officer, South Central Community Action Partnership

Mayor Barigar read the proclamation for
"National Energy Month & Weatherization Day 2019".

- b) City of Twin Falls/Breast Cancer Awareness Month - Ruth Pierce, City Council

Council Member Pierce read the proclamation for
"City of Twin Falls/Breast Cancer Awareness Month".

4) GENERAL PUBLIC INPUT

Mr. Craig Hawkins, Twin Falls resident, expressed his appreciation of the City's participation in American Planning Association Conference.

5) CONSENT CALENDAR

Council Member Talkington requested that Consent Item 5(b) be voted on separately.

MOTION: Council Member Reid moved to approve the Consent Calendar Items 5(a) & (c) as presented. **Council Member Pierce** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0

MOTION: Vice Mayor Boyd moved to approve the Consent Calendar Item 5(b) as presented. **Council Member Hawkins** seconded the motion. Roll call vote showed all members present voted in favor of the motion with **Council Member Talkington** abstaining. 6 to 0 to 1

- a) **ACTION ITEM:** Request to approve the Accounts Payable for September 26 thru October 2, 2019.
b) **ACTION ITEM:** Request to approve the September 30, 2019, City Council Minutes.
c) **ACTION ITEM:** Request to approve the Walk for Freedom event.

6) ITEMS OF CONSIDERATION

- a) **PRESENTATION:** Presentation by Jason Kirschenmann of PSI on their "Pink Cart Program". This program is designed to raise funds and awareness for breast cancer.

Jason Kirschenmann of PSI presented their "*Pink Cart Program*".

Discussion ensued on the following:

Council Member Hawkins: Is the \$50 donation a onetime thing or monthly? (*One time*)

Council Member Reid: Can people donate more than the \$50? (*Yes*)

Council Member Pierce: Spoke in favor of this program.

Council Member Lanting: Lives in a condo, so can they participate as well? (*Yes*)

Mayor Barigar thanked Mr. Kirschenmann for his presentation.

- b) **PRESENTATION:** The Twin Falls Fire Department would like to recognize their newest promoted Captain Tom McCully, and their new Driver Scott Wyatt, and have each take their oath of office, and pin their new rank badges.

Fire Chief Kenworthy presented their newest promoted **Captain Tom McCully**, and their new driver **Scott Wyatt**, and had each take their oath of office, and pin their new rank badges.

- c) **PRESENTATION:** Fire Chief Les Kenworthy would like to take this opportunity to thank four individuals for their outstanding and dedicated service to the citizens and visitors of the City of Twin Falls and recognize them for their following accomplishments.

Fire Chief Kenworthy took a moment to thank four individuals for their outstanding and dedicated service to the citizens and visitors of the City of Twin Falls and recognize them for their following accomplishments.

Fire Fighter of the Year: Kyle Eldridge

Fire Officer of the Year: Dave Owens

New Training Officer: Josh Kliegl

Fire Fighter 2 Certification: Kody Lewin

Council Member Talkington: Spoke about the importance of having a qualified fire department.

Council Member Lanting: Congratulated the fire fighters.

- d) **ACTION ITEM:** Request approval to enter into contract negotiations with Lytle Signs for the completion of the "Archway with Message Boards Proposal #IT201901".

Information Technology Manager Markus made a request for approval to enter into contract negotiations with Lytle Signs for the completion of the "Archway with Message Boards Proposal #IT201901".

Discussion ensued on the following:

Council Member Talkington: Is there a reason that we only had one bid?

Council Member Hawkins: What is the exact amount that this contract will be done for? (*Estimated to be \$347,353.00*) Will the actual contract be brought back to Council? (*Yes*)

Council Member Reid: Asked about the in-kind donations.

MOTION: Council Member Pierce moved to approve the request to enter into contract negotiations with Lytle Signs for the completion of the "Archway with Message Boards Proposal #IT201901". **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

- e) **ACTION ITEM:** Request approval to enter into contract negotiations with Central Square for the implementation of a Public Safety Software System that includes CAD, Mobile and Records Management.

Deputy City Manager Pike made a request for approval to enter into contract negotiations with Central Square for the implementation of a Public Safety Software System that includes CAD, Mobile and Records Management.

Discussion ensued on the following:

Council Member Reid: Thanked the staff for the information that was presented.

Mayor Barigar: Spoke in favor of moving forward with this software.

Council Member Talkington: What was the differences between the two company's presentations that caused the participants to choose Central Square?

Council Member Hawkins: What are the editing abilities of the software?

Vice Mayor Boyd: Spoke in favor of this software.

MOTION: Council Member Talkington moved to approve the request to enter into contract negotiations with Central Square for the implementation of a Public Safety Software System that includes CAD, Mobile and Records Management. **Vice Mayor Boyd** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

- f) **ACTION ITEM:** Consideration of the City of Twin Falls accepting the status to become a Community Development Block Grant (CDBG) program recipient for the 2020 Fiscal Year.

City Manager Rothweiler made a request for consideration of the City of Twin Falls accepting the status to become a Community Development Block Grant (CDBG) program recipient for the 2020 Fiscal Year.

Appropriation is Estimated to be around \$342,000.00

Estimate to build a plan is \$25,000.00

Discussion ensued on the following:

Council Member Talkington: Is the program driven by the fact that we have reached the 50,000 in population? (Yes)

Mayor Barigar: Made clarifying comments on the requirements for this program.

Mandi Thompson: Spoke about how some of the other Cities use their CDBG funds.

Mayor Barigar: Asked for clarification of the timelines. If they were to say October 1, 2020 as the starting date of the program, would that be the current year or for the following physical year?

Council Member Hawkins: Currently we are getting a grant for ADA, would accepting the entitlement take these funds away? Spoke in favor of looking at this program but feels that it has happened to quickly and that they should take the year to get things figured out.

Council Member Pierce: There is a potential of losing both Federal or State funds no matter which option that they choose. What is the amount that we have funded over the last few years? With the two pending projects would there be a problem?

Council Member Lanting: Are there any guarantees, that the money that we would be applying for, will be granted to us? (No)

Council Member Talkington: Would this money be available for the hiring of Police/Fire officers? (No)

Council Member Hawkins: If the federal government does not fund this program, then we would be left with the debt, but if we stay with the State funding, we would receive the money and would not have any debt? (Correct)

Mayor Barigar: Spoke in favor of going forward rather than being subjected to the grant procedures through the State, and then have them decide not to grant us the money.

Council Member Pierce: Where would the two projects be, if they do not get the funds, and would they even qualify?

Vice Mayor Boyd: Ultimately, this money really comes from the same place, however there is no guarantee that we would get the grants continually.

Council Member Hawkins: Spoke against going forward for this year. Would like to go forward with the two projects and allow them time to apply for their funds.

Mayor Barigar: Do we have any ideas what the funds would be used for? Would the entitlement funds be allowed to be used for their projects?

Council Member Hawkins: Has anyone reached out to the two entities? Could we reach out to them and then decide at next week's Council Meeting?

City Manager Rothwieler: Explained the complexity of reaching out to the entities.

Council Member Lanting: Gem State Dairy, is this going to be an urban renewal district? (*Depends on what the Council decides*) Do we have an estimate on how much this building is going to be? (*Do not have that available*)

Mayor Barigar: Wants to be supportive of these two projects but we can't sit around waiting for them. Would prefer to get the CDBG process going.

MOTION: Council Member Talkington moved to approve the City of Twin Falls accepting the status to become a Community Development Block Grant (CDBG) program recipient for the 2020 Fiscal Year. **Vice Mayor Boyd** seconded the motion. Roll call vote showed all members present voted with **Council Member Hawkins** voting no. 6 to 1.

7) GENERAL INPUT/ADVISORY BOARD REPORT/ANNOUNCEMENTS

Youth Council Meeting is next Monday at 4 p.m. at Dairy Queen on Blue Lakes.

8) PUBLIC HEARINGS: None

9) ADJOURNMENT

a) REQUEST TO ADJOURN TO 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.

§ 74-206(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

MOTION: Vice Mayor Boyd moved to adjourn to 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. Executive Session 74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement. **Council Member Reid** seconded the motion. Roll call vote showed all members present voted in favor of the motion. 7 to 0.

The meeting adjourned at 06:58 PM



Date: Monday, October 14, 2019
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

ACTION ITEM

Request:

ACTION ITEM: Request to approve Trust Agreement for Fieldwood Subdivision

Time Estimate:

Staff Estimates 2 minutes to explain

Background:

Fieldwood Subdivision is ready to record the final plat. This requires a bond or trust agreement be executed. Attached is a trust agreement that would be executed at time of final plat recordation, placing the lots into trust

Approval Process:

Majority approval by the City council authorizing the Mayor to sign the agreement

Budget Impact:

None

Regulatory Impact:

None

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends council approve the request and authorize the Mayor to sign the Trust Agreement

Attachments:

1. Fieldwood Trust Agreement

TRUST AGREEMENT

This Trust Agreement (the "Agreement") is made and entered into this _____ day of _____, 2019, by and between **WILLS, INC., an Idaho corporation**, (hereinafter "Trustor"); **TITLEFACT, INC. an Idaho corporation**, (hereinafter "Trustee"); and the **CITY OF TWIN FALLS, IDAHO** (hereinafter "Beneficiary"), and is made with respect to the following facts and objectives:

WITNESSETH:

WHEREAS, Trustor is the owner of the real property described below (the "Property"); and

WHEREAS, it is the desire and intent of Trustor to arrange, by and through this Agreement, for the orderly development and sale of the Property, in a manner that is conducive to achieving full compliance with applicable rules and regulations of Twin Falls County, Idaho, and the City of Twin Falls, Idaho, in effect on the date of approval of the subdivision of the property.

NOW THEREFORE, it is agreed between the parties hereto as follows:

1. That upon the execution of this Agreement by both parties, the Trustor agrees to execute and deliver to the Trustee a Warranty Deed, conveying to the Trustee, in Trust, to be held solely for the benefit of the Beneficiary, the Property, to-wit:

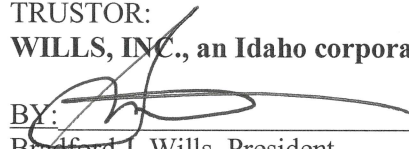
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, Block 1, **FIELDWOOD SUBDIVISION, A PUD**, Twin Falls County, Idaho, according to the official plat thereof recorded in Book _____ of Plats, page _____, records of Twin Falls County, Idaho.

2. The Trustor and the Trustee agree that the Trustee shall hold said title to the Property in trust, solely for the benefit of the Beneficiary under the terms hereof, and that title to the Property shall be and remain good and marketable and free from any defects, liens, conditions or encumbrances of any kind or nature, other than those appearing of record in the office of the Twin Falls County Recorder, and conditions of the Phase Control Development Notice for lots in **FIELDWOOD SUBDIVISION, A PUD**, a copy of which is attached hereto as Exhibit "A," or those which are placed on the Property with the prior written consent of the Trustee. The Trustee shall not convey, transfer or encumber all or any interest in the Property, save and except to the extent as directed by the Trustor by written instrument delivered to the Trustee.
3. It is understood and agreed that the purpose of this Agreement is to provide Trustor with a convenient means of, subdividing, developing and selling the Property. It shall be the entire responsibility of the Trustor to effect such developing, subdividing and selling of the Property and to provide whatever subdivision plat it may desire and to pay all costs and expenses of said developing, subdividing and selling, and Trustee shall have no liability for any costs or expenses therefor or for any claim, damage, loss or liability sustained to the Property or Trustor or to any other person or persons in connection with said matter, save and except to the extent caused by Trustee's failure or refusal to comply with the terms and conditions of this Agreement.

4. The Trustor may, as it desires from time to time, sell all or any portion of the Property in its sole and complete discretion subject to the restrictions of the Phase Control Development Notice for lots in said subdivision. The Trustee agrees that, when it is so instructed in writing by Trustor, Trustee shall execute and deliver to the person or persons designated by Trustor, a fiduciary deed conveying good and marketable title to the Property or any part thereof as designated, and at said time the Trustor agrees to pay to Trustee any reasonable costs and expenses incurred by the Trustee hereunder and to pay the normal and customary fee for the cost of an owner's title insurance policy to be issued by *TITLEFACT, INC.*
5. It is agreed that Trustee shall not be liable or responsible for the condition of title to the Property, except as may be provided in any title insurance policy issued by the Trustee, and Trustee shall have no liability concerning possession or survey or any taxes, costs or expenses in connection with the Property, other than as herein provided.
6. It is agreed that the term of this Agreement shall expire when all of the above described Lots have been conveyed by the Trustee pursuant to Trustor's written instructions.
7. It is agreed that this Trust Agreement may not be revoked or amended without the prior written approval of the Beneficiary. If Trustee is presented with written notice of Termination by both Trustor and Beneficiary, and Trustee receives Trustor's payment of all reasonable out-of-pocket costs and expenses incurred by Trustee in connection with this Agreement, if any, the Trustee shall immediately reconvey to Trustor the remaining part of the Property; and thereafter no party hereto shall have any further liability to the others in connection with the Property or under the terms of this Agreement.
8. Trustor agrees to indemnify and save harmless Trustee from any claims, demands, judgments, costs and expenses including reasonable attorney's fees and any other obligation or liability of any kind or nature that the Trustee may for any reason suffer, incur or expend by reason of this Trust Agreement or in the administration thereof, other than for or as a result of Trustee's misconduct, breach of this Agreement, or willful neglect.
9. This Agreement shall bind the parties hereto, their heirs, representatives, successors and assigns.

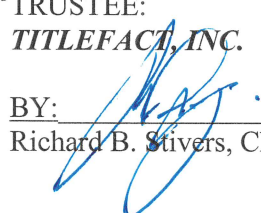
Date: 5-1-19

TRUSTOR:
WILLS, INC., an Idaho corporation

BY: 
Bradford J. Wills, President

Date: 5-7-19

TRUSTEE:
TITLEFACT, INC.

BY: 
Richard B. Stivers, Chairman of the Board

Date: _____

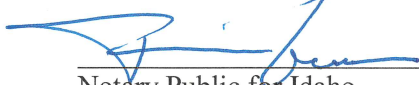
BENEFICIARY:
CITY OF TWIN FALLS, IDAHO

BY: _____

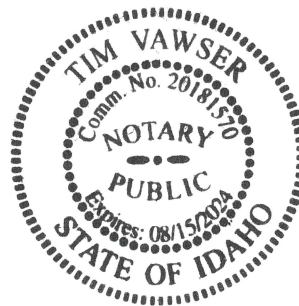
STATE OF IDAHO
County of Twin Falls

On this 1st day of May, 2019, before me, the undersigned, Notary Public in and for said State, personally appeared **Bradford J. Wills**, known to me to be the President of the corporation that executed this 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 affixed my official seal, the day and year in this certificate first above written



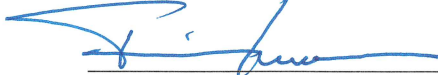
Notary Public for Idaho
Residing at: Kimberly, Idaho
My Commission expires: 8-15-2024



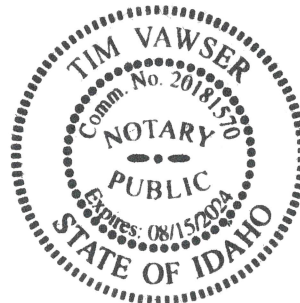
STATE OF IDAHO
County of Twin Falls

On this 7th day of May, 2019, before me, the undersigned, Notary Public in and for said State, personally appeared **RICHARD B. STIVERS**, known or identified to me to be the Chairman of the Board of the said corporation that executed this 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 affixed my official seal, the day and year in this certificate first above written



Notary Public for Idaho
Residing at: Kimberly, ID.
My Commission expires: 8-15-2024



STATE OF IDAHO
County of Twin Falls

On this _____ day of _____, 2019, before me, the undersigned, Notary Public in and for said State, personally appeared _____, known or identified to me to be the _____ for the City of Twin Falls, Idaho, and known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same on behalf of the City of Twin Falls, Idaho.

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

Notary Public for Idaho

Residing at:

My Commission expires:

"EXHIBIT A"

PHASE CONTROL DEVELOPMENT NOTICE

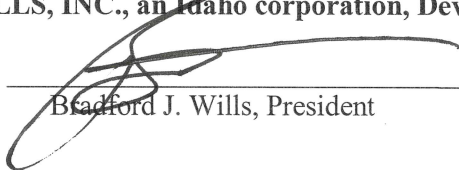
THIS NOTICE prohibits the conveyance of any undeveloped lot in **FIELDWOOD SUBDIVISION, A PUD**, until such time as an Improvement Agreement for Developments between the City of Twin Falls and the Developer is recorded designating the lots and blocks in each phase which are approved for conveyance.

TITLEFACT, INC., will hold the deed to all undeveloped lots in Escrow with instructions to convey only those lots covered by the recorded Improvement Agreement for Developments.

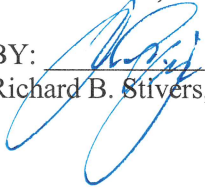
The real property subject to this notice is **FIELDWOOD SUBDIVISION, A PUD** as platted in the records of Twin Falls County, Idaho.

Dated this 1st day of May, 2019.

WILLS, INC., an Idaho corporation, Developer

BY: 
Bradford J. Wills, President

TITLEFACT, INC.

BY: 
Richard B. Stivers, Chairman of the Board



Date: Monday, October 14, 2019
To: Honorable Mayor and City Council
From: Sergeant Justin Dimond, Twin Falls Police Department

ACTION ITEM

Request:

ACTION ITEM: Request to hold the annual Voices Against Violence Candlelight Vigil.

Time Estimate:

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

Background:

Jessica Kaschmitter has submitted a Special Event Application requesting to hold the annual Voices Against Violence Candlelight Vigil in the Twin Falls City Park on October 24, 2019. This event will take place from 6:00 p.m. to 8:00 p.m.

Voices Against Violence is a non-profit community organization founded for providing shelter, support, and hope to people victimized by domestic and sexual violence within Twin Falls, Jerome, Gooding, and Lincoln Counties. The annual Candlelight Vigil is an event held to remember those lost over the last year as a result of domestic violence. It should be noted that October is Domestic Violence Awareness Month, and this event is being held at this time to promote awareness.

This event will feature survivors of domestic violence speaking about their experiences and community members lighting candles in memory of those lost.

The organizers will be responsible for cleanup within the park and other areas affected by the event.

The Twin Falls Police Department Staff and other relevant City Staff members have reviewed the application and recommend its approval.

Approval Process:

Consent of the Council

Budget Impact:

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the City Council approve the Special Event Application submitted for the Voices Against Violence Candlelight Vigil event based on the information provided.

Attachments:

None



Date: Monday, October 14, 2019
To: Honorable Mayor and City Council
From: Sergeant Justin Dimond, Twin Falls Police Department

ACTION ITEM

Request:

ACTION ITEM: Request to hold the Trick or Treat on Main Street event.

Time Estimate:

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

Background:

Susan Hall, representing multiple Main Avenue merchants, has submitted a Special Event Application requesting to hold the Trick or Treat on Main Street event. This event is scheduled to take place on Main Avenue from Gooding Street to Jerome Street on Saturday, October 26, 2019, from 2:00 p.m. until 4:00 p.m. This event will take place during daylight hours.

The Trick or Treat on Main Street is the annual, family-friendly, trick or treat event hosted by the downtown merchants on Main Avenue. Merchants will distribute candy and other items to children from their storefronts. This event has traditionally attracted between 4,000 and 5,000 people.

The event organizers will be responsible for cleanup within the Main Avenue area and other areas affected by the event.

To allow for safe crossing of Shoshone Street during the event, the organizers have arranged for volunteers to monitor the crosswalks located there.

The Twin Falls Police Department Staff and other relevant City Staff members have reviewed the application and recommend its approval.

Approval Process:

Consent of the Council

Budget Impact:

Twin Falls Police Department Staff does not feel there is a need for the Twin Falls Police Department to provide security; therefore, there is no budget impact. On-duty Twin Falls Police Department Officers will be assigned to monitor this event throughout its duration.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the City Council approve the Special Event Application submitted for the Trick or Treat on Main Street event based on the information provided.

Attachments:

None



Date: Monday, October 14, 2019
To: Honorable Mayor and City Council
From: William Carberry, Airport Manager

PRESENTATION

Request:

PRESENTATION: Present an award to outgoing Airport Board Member, Brady Workman.

Time Estimate:

Approximately 5 minutes

Background:

Brady Workman has served two 3 year terms on the Airport Advisory Board. Brady regularly attended meetings and was instrumental in helping with the planning and development of the airline terminal remodel, the Fed EX facility, and the Northeast Development Area.

Approval Process:

Budget Impact:

Regulatory Impact:

History:

N/A

Analysis:

N/A

Conclusion:

On behalf of the Airport Advisory Board, staff recommends City Council honor Brady Workman for his service to the Airport Advisory Board.

Attachments:

None



Date: Monday, October 14, 2019
To: Honorable Mayor and City Council
From: Erin Steel, Staff Engineer

ACTION ITEM

Request:

ACTION ITEM: Request to reject all bids for the 2019 School Sidewalk Project.

Time Estimate:

5 Minutes

Background:

Included with last year's 2018-2019 budget the Twin Falls City Council directed the use of foregone money to fund multiple projects to improve vehicular and pedestrian safety around the City. A total of \$770,000 was dedicated to complete these projects.

Staff recently released for bid, two foregone school sidewalk projects. Two bids were received from Extreme Excavation and Kloepper Inc. There were two bidding irregularities that staff feels warrant rejection of all bids and to re-bid the project. The first issue, the apparent low bidder did not follow bidding procedures as outlined in the advertisement. The second issue, the low bidder on bid one is also a subconsultant for the number 2 bidder. As per ISPWC instruction to bidders, section 19.02 "Reasonable grounds for believing that any Bidder has an interest in more than one Bid for the Work may be cause for disqualification of that bidder and the rejection of all Bids in which that Bidder has an interest."

After consulting with City's legal counsel, it was determined, that the combination of both irregularities warrant rejection of all bids and re-bidding the project.

Approval Process:

A majority vote of the Council will allow staff to reject all bids and re-bid the project at a later date.

Budget Impact:

None

Regulatory Impact:

None

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that City Council reject all bids for the 2019 School Sidewalk Project.

Attachments:

1. ISPWC Advertisement and Article 19

**CITY OF TWIN FALLS
2019 SCHOOL SIDEWALKS PROJECT**

ADVERTISEMENT FOR BIDS

Separate sealed Bids for construction of the City of Twin Falls, 2019 School Sidewalks Project, will be received through Quest CDN electronically until 11:00 a.m., prevailing local time, on Tuesday, September 10, 2019. Bids will be publicly opened and read aloud in Room 221, 2nd floor of the City offices at 203 Main Avenue East, Twin Falls, Idaho, 83301.

The Project generally consists of constructing sidewalks, curb and gutter, road base, and paving in two separate locations within the City of Twin Falls.

The Contract Documents, including bid forms, bidding instructions and conditions, Plans, Specifications, and other documents may be examined at the following locations:

City of Twin Falls, 203 Main Avenue East – 2nd Floor Engineering, Twin Falls, Idaho, 83301
J-U-B ENGINEERS, Inc., 115 Northstar Avenue, Twin Falls, ID 83301

Digital copies of the Bidding Documents may be obtained from QuestCDN at www.questcdn.com upon payment of fifteen dollars (\$15.00). There is an additional fee of twenty-five dollars (\$25.00) for Prime Contractors for the On-Line Bidding. Log on to the website and enter Quest Project #6492726. Should you need assistance with this process, please contact QuestCDN at 1-952-233-1632.

Hard copies of the Bidding Documents may be obtained at the Twin Falls office of J-U-B ENGINEERS, Inc., (issuing office) upon payment of Fifty Dollars (\$50.00) for each set. Payment is to be made to J-U-B ENGINEERS, Inc., and is non-refundable.

All communications relative to this Work and Bid are to be directed to the Engineer prior to opening of Bids; contact Ivan McCracken, P.E., at J-U-B ENGINEERS, Inc., (208) 733-2414, (imccracken@jub.com).

The Owner reserves the right to reject any or all Bids, waive any nonmaterial informalities, and to accept the Bid deemed most advantageous to their best interest. Each Bidder must deposit, with the Bid, security in the amount, form, and subject to the conditions provided in the Instructions to Bidders.

Dated this 27th day of August 2019

PUBLISH: August 27, 2019
September 3, 2019

/S/ Mark Holtzen, PE
Mark Holtzen, City Engineer
City of Twin Falls, Idaho
Twin Falls County, Idaho

ARTICLE 17 - OPENING OF BIDS

- 17.01 Bids will be opened at the time and place indicated in the Advertisement or Invitation to Bid and, unless obviously non-responsive, read aloud publicly. An abstract of the amounts of the base Bids and major alternates, if any, will be made available to Bidders after the opening of Bids.

ARTICLE 18 - BIDS TO REMAIN SUBJECT TO ACCEPTANCE

- 18.01 All Bids will remain subject to acceptance for the period of time stated in the Bid Form, but OWNER may, in its sole discretion, release any Bid and return the Bid security prior to the end of this period.

ARTICLE 19 - EVALUATION OF BIDS AND AWARD OF CONTRACT

- 19.01 OWNER reserves the right to reject any or all Bids, including without limitation, nonconforming, nonresponsive, unbalanced, or conditional Bids. OWNER further reserves the right to reject the Bid of any Bidder whom it finds, after reasonable inquiry and evaluation, to be non-responsive. OWNER also reserves the right to waive all informalities not involving price, time, or changes in the Work and to negotiate contract terms with the Successful Bidder.
- 19.02 More than one Bid for the same Work from an individual or entity under the same or different names will not be considered. Reasonable grounds for believing that any Bidder has an interest in more than one Bid for the Work may be cause for disqualification of that Bidder and the rejection of all Bids in which that Bidder has an interest.
- 19.03 In evaluating Bids, OWNER will consider whether or not the Bids comply with the prescribed requirements, and such alternates, unit prices and other data, as may be requested in the Bid Form or prior to the Notice of Award.
- 19.04 If the Contract is to be awarded, OWNER will award the Contract to the responsible Bidder who's Bid Schedule(s), conforming with all the material terms and conditions of the Bidding Documents, is lowest in price and is in the best interest of the Project.
- 19.05 If the Contract is to be awarded, OWNER will give Successful Bidder a Notice of Award within sixty (60) days after the day of the Bid opening.

ARTICLE 20 - CONTRACT SECURITY AND INSURANCE

- 20.01 Article 5 of the General Conditions, as may be modified by the Supplementary Conditions, sets forth OWNER's requirements as to performance and payment Bonds and insurance. When the Successful Bidder delivers the executed Agreement to OWNER, it must be accompanied by such Bonds.

ARTICLE 21 - SIGNING OF AGREEMENT

- 21.01 When OWNER gives a Notice of Award to the Successful Bidder, it shall be accompanied by the required number of unsigned counterparts of the Agreement with the other Contract Documents which are identified in the Agreement as attached thereto. Within 15 days thereafter, Successful Bidder shall sign and deliver the required number of counterparts of



Date: Monday, October 14, 2019
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer, Brock Cherry, Planner, Planner

ACTION ITEM

Request:

ACTION ITEM: Request to adopt Ordinance 2019-002 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) minutes for Council questions, deliberation, and decision.

Background:

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.

On March 4th, 2019 the City Council held a public hearing to review the reformatted proposed amendment language.

On March 11, 2019 the City Council voted to adopt ordinance 2019-002 by a vote of 5-0.

Approval Process:

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

Budget Impact:

NA

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:

N/A

Analysis:

N/A

Conclusion:

After passing the ordinance in March 2019. There was a miscommunication with the newspaper regarding the publishing of the ordinance. In effect, the publication did not conform to Idaho Statutes in regards to the timing of publication after the decision by the Council. It is for this reason we are bringing this back to Council for approval, so we may get this section published appropriately.

Attachments:

1. 2019 Floodplain Regulation - Repeal and Replace FINAL DRAFT

ORDINANCE NO. 2019-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE BY REPEALING AND REPLACING §10-11-9 WITH A NEW SECTION PROVIDING FOR NEW REQUIREMENTS AND DEFINITIONS RELATED TO FLOODPLAIN REGULATIONS.

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

Section 1: That Twin Falls City Code Section 10-11-9, Floodplain Regulations is repealed and replaced by a New Section 10-11-9, providing for new Floodplain Regulations, as follows:

“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) Stormwater Management:

1. Any applicant for a building permit shall furnish satisfactory engineering data to allow the city engineer to ascertain that any proposed construction will comply with the following drainage criteria:

- a. A conceptual drainage plan shall be presented and approved with the preliminary plat or site plan. A drainage study shall be submitted and approved before any improvement plans are reviewed.
- b. The drainage study shall be prepared by a civil engineer registered in the state. Refer to section 10-11-8 of this chapter for additional drainage requirements.
- c. The drainage study and conceptual plan shall be submitted under the following concepts:
 - (i) Drainage Patterns: Drainage flows of all frequencies should enter and depart from the property to be developed in substantially the same manner as predevelopment conditions.
 - (ii) Street Relationships/Emergency Access: All lots, structures, etc., within a development shall be accessible by at least one route during a 100-year storm with a maximum street water depth of one foot (1'). In all cases, the flow of water shall be contained within rights of way.

2. In order to reduce the storm runoff as much as feasible, retention facilities shall be sized for local (on site) stormwater using the following procedures:

- a. The design frequency shall be the 50-year storm, using the 24-hour rainfall depth "D" as determined from the National Weather Service's isopluvials for Idaho. For the Twin Falls area the 24-hour rainfall on a 50-year storm frequency is 1.9 inches.
- b. Volume requirements for the retention facility are calculated by the following method:

V_t	=	$\frac{1.9 A}{12}$
V_t	=	Volume required (acre-feet)
1.9	=	24 hour rainfall depth (inch) on a 50-year storm frequency
A	=	Tributary area

c. Where possible, the retention facility shall have four to one (4:1) side slopes. (Ord. 2952, 9-8-2008)

(G) 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.”

Section 2: That this ordinance may be published by summary as follows:

“SUMMARY OF ORDINANCE NO. 2019-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE BY REPEALING AND REPLACING §10-11-9 WITH A NEW SECTION PROVIDING FOR NEW REQUIREMENTS AND DEFINITIONS RELATED TO FLOODPLAIN REGULATIONS.

Section A. Establishes statutory authority for 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. The Findings of Fact and Statement of purpose are also identified.

Section B. Provides a more extensive list of definitions concerning floodplain regulation and management.

Section C. Provides general provisions including lands to which this ordinance applies, basis for special flood hazard areas, establishment of floodplain development permit, compliance, abrogation & greater restrictions, interpretation, warning & disclaimer of liability, and penalties for violation.

Section D. Identifies the designation of Floodplain Ordinance Administrator and describes the duties and responsibilities of said Floodplain Ordinance Administrator. Further, the Floodplain Development Application, Permit, and Certification requirements are described. Also contained in this section are the processes for corrective procedures and variances.

Section E. Describes the general and specific standards for development in all Special Flood Hazard Areas (SFHA).

Section F. Describes Stormwater Management procedure.

Section G. Describes the Legal Status provisions of the proposed ordinance.

The full text of Ordinance No. 2019-002 is available at City Hall and will be provided to any citizen upon personal request during normal office hours.”

PASSED BY THE CITY COUNCIL, March 11, 2019.

SIGNED BY THE MAYOR, March 11, 2019.

MAYOR

ATTEST:

DEPUTY CITY CLERK

The foregoing summary of Ordinance 2019-002 in Section 2 above, is true and complete and provides adequate notice to the public of the principal provisions of the ordinance.

DATED March 11, 2019.



Shayne T. Nope, City Attorney



Date: Monday, October 14, 2019
To: Honorable Mayor and City Council
From: Jonathan Spendlove, Planning and Zoning Director, Planning & Zoning Director

ACTION ITEM

Request:

ACTION ITEM: Request to adopt an ordinance to vacate right of way and easements located within the Perrine Point Subdivision (Blocks 5, 6, 7, 8) located at the 100 block of Falls Avenue West.

Time Estimate:

Approximately five (5) minutes for presentation and questions.

Background:

On Tuesday March 26, 2019, the Planning & Zoning Commission unanimously recommended approval of the request to the City Council.

On May 22, 2019 the City Council heard, deliberated, and approved the vacation of platted right of way and easements, within the property described.

Additionally, the project associated with this parcel went through the public hearing process to amend the PUD agreement. On August 5th, 2019 Council approved the PUD Amendment modifying the master development plan consistent with this vacation.

The adoption of this ordinance is the final action, in a series of actions, associated with this particular project.

Approval Process:

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

Budget Impact:

This property will now be assessed the City Tax Rate.

Regulatory Impact:

Approval of this request will remove the limitation, or entitlement, for the specific area, as described on the Plat. This area will become private property, and subject to current rules and regulations for taxes, zoning code compliance, and development.

History:

N/A

Analysis:

N/A

Conclusion:

As directed by Council, staff has prepared an ordinance to finalize the process.

Attachments:

1. PZ19-0019 ORD Perrine Point Tres Gringos-VAC

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL
OF THE CITY OF TWIN FALLS, IDAHO, **VACATING
RIGHT OF WAY AND EASEMENTS** THE REAL PROPERTY
DESCRIBED BELOW AND PROVIDING FOR VESTING OF
TITLE TO THE PROPERTY SO VACATED.

WHEREAS, Tres Gringos, LLC has made application for vacation
of right-of-way and easements located within the Perrine Point
Subdivision (Blocks 5,6,7,8) located at the 1000 block of Falls
Avenue West in the City of Twin Falls; and,

WHEREAS, the City Planning and Zoning Commission for the
City of Twin Falls, Idaho, held a Public Hearing as required by
law on the 26th day of March, 2019, to consider the vacation of
the real property below described; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho,
held a Public Hearing to consider the same matter on the 22nd
day of May, 2019.

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

SECTION 1. That the following described real property be
and the same is hereby VACATED:

SEE EXHIBIT "A"

SECTION 2. That title to the real property by this Ordi-
nance vacated be divided among the adjoining property owners in
the portions here below described to the persons named below:

Tres Gringos, LLC
P.O. Box 5179
Twin Falls, ID 83303-5179

SECTION 3. That the City Clerk immediately upon the passage and publication of this Ordinance as required by law certify a copy of the same and deliver said certified copy to the County Recorder's Office for indexing and recording, in the same manner as other instruments affecting the title to real property, as required by Idaho Code 50-1324(2).

PASSED BY THE CITY COUNCIL , 20____

SIGNED BY THE MAYOR , 20____

Mayor

ATTEST:

Deputy City Clerk

PUBLISH: Thursday, , 20XX

Exhibit "A"
Legal Description
Portion of Perrine Point Subdivision to be Vacated
Twin Falls County, Idaho

Being all of Reservoir Lane, Coulee Lane and a portion of Crestview Drive as shown on that certain map entitled "Perrine Point Subdivision", recorded May 14, 2008 as Instrument No. 2008-010805 in the office of the County Recorder of Twin Falls County, more particularly described as follows:

Commencing at the northwest corner of lot 34, block 8 as shown on said map;

Thence, along the west boundary of said lot 34, block 8, South $04^{\circ}36'41''$ West 92.51 feet to a point on the northern right-of-way line of said Crestview Drive and being the REAL POINT OF BEGINNING;

Thence, along said northern right-of-way line, along the arc of a tangent 20.00 foot radius curve to the left, through a central angle of $89^{\circ}57'26''$, an arc distance of 31.40 feet and a chord distance of 28.27 feet that bears South $40^{\circ}22'02''$ East;

Thence, continuing along said northern right-of-way line, South $85^{\circ}20'45''$ East 802.90 feet;

Thence, continuing along said northern right-of-way line, along the arc of a tangent 20.00 foot radius curve to the left, through a central angle of $80^{\circ}15'42''$, an arc distance of 28.02 feet and a chord distance of 25.78 feet that bears North $54^{\circ}31'24''$ East to a point on the western right-of-way line of Silvercreek Way as shown on said map;

Thence, along said western right-of-way line, South $14^{\circ}23'33''$ West 91.32 feet to a point on the southern right-of-way line of said Crestview Drive;

Thence, along said southern right-of-way line, along the arc of a non-tangent 20.00 foot radius curve to the left, through a central angle of $99^{\circ}44'18''$, an arc distance of 34.82 feet and a chord distance of 30.58 feet that bears North $35^{\circ}28'36''$ West;

Thence, continuing along said southern right-of-way line, North $85^{\circ}20'45''$ West 211.07 feet to a point on the eastern right-of-way line of Coulee Lane as shown on said map;

Thence, along said eastern right-of-way line, along the arc of a tangent 20.00 foot radius curve to the left, through a central angle of $90^{\circ}52'05''$, an arc distance of 31.72 feet and a chord distance of 28.50 feet that bears South $49^{\circ}13'12''$ West;

Thence, continuing along said eastern right-of-way line, South 03°47'10" West 308.12 feet;

Thence, continuing along said eastern right-of-way line, along the arc of a tangent 125.00 foot radius curve to the left, through a central angle of 17°10'10", an arc distance of 37.46 feet and a chord distance of 37.32 feet that bears South 04°47'55" East;

Thence, continuing along said eastern right-of-way line, South 13°23'00" East 65.64 feet;

Thence, continuing along said eastern right-of-way line, along the arc of a tangent 20.00 foot radius curve to the left, through a central angle of 82°49'48", an arc distance of 28.91 feet and a chord distance of 26.46 feet that bears South 54°47'54" East to a point on the northern right-of-way line of Magic Road as shown on said map;

Thence, along said northern right-of-way line, along the arc of a non-tangent 525.00 foot radius curve to the left, through a central angle of 09°28'52", an arc distance of 86.87 feet and a chord distance of 86.78 feet that bears South 79°02'47" West to a point on the western right-of-way line of said Coulee Lane;

Thence, along said western right-of-way line, along the arc of a non-tangent 20.00 foot radius curve to the left, through a central angle of 87°41'21", an arc distance of 30.61 feet and a chord distance of 27.71 feet that bears North 30°27'40" East;

Thence, continuing along said western right-of-way line, North 13°23'00" West 61.82 feet;

Thence, continuing along said western right-of-way line, along the arc of a tangent 175.00 foot radius curve to the right, through a central angle of 17°10'10", an arc distance of 52.44 feet and a chord distance of 52.25 feet that bears North 04°47'54" West;

Thence, continuing along said western right-of-way line, North 03°47'10" East 309.48 feet;

Thence, continuing along said western right-of-way line, along the arc of a tangent 20.00 foot radius curve to the left, through a central angle of 89°07'55", an arc distance of 31.11 feet and a chord distance of 28.07 feet that bears North 40°46'48" West to a point on said southern right-of-way line of Crestview Drive;

Thence, along said south right-of-way line, North 85°20'45" West 185.02 feet to a point on the eastern right-of-way line of Reservoir Lane as shown on said map;

Thence, along said eastern right-of-way line, along the arc of a tangent 20.00 foot radius curve to the left, through a central angle of 90°52'05", an arc distance of 31.72 feet and a chord distance of 28.50 feet that bears South 49°13'12" West;

Thence, continuing along said eastern right-of-way line, South

03°47'10" West 420.83 feet;

Thence, continuing along said eastern right-of-way line, along the arc of a tangent 125.00 foot radius curve to the left, through a central angle of 21°48'57", an arc distance of 47.59 feet and a chord distance of 47.31 feet that bears South 07°07'18" East;

Thence, continuing along said eastern right-of-way line, South 18°01'47" East 64.33 feet;

Thence, continuing along said eastern right-of-way line, along the arc of a tangent 20.00 foot radius curve to the left, through a central angle of 96°49'37", an arc distance of 33.80 feet and a chord distance of 29.92 feet that bears South 66°26'36" East to a point on said northern right-of-way line of Magic Road;

Thence, along said north right-of-way line, South 65°08'36" West 38.72 feet;

Thence, continuing along said northern right-of-way line, along the arc of a tangent 475.00 foot radius curve to the right, through a central angle of 06°30'31", an arc distance of 53.96 feet and a chord distance of 53.93 feet that bears South 68°23'51" West to a point on the western right-of-way line of said Reservoir Lane;

Thence, along said western right-of-way line, along the arc of a non-tangent 20.00 foot radius curve to the left, through a central angle of 89°40'54", an arc distance of 31.30 feet and a chord distance of 28.21 feet that bears North 26°48'40" East;

Thence, continuing along said western right-of-way line, North 18°01'47" West 72.15 feet;

Thence, continuing along said western right-of-way line, along the arc of a tangent 175.00 foot radius curve to the right, through a central angle of 21°48'57", an arc distance of 66.64 feet and a chord distance of 66.23 feet that bears North 07°07'18" West;

Thence, continuing along said western right-of-way line, North 03°47'10" East 422.20 feet;

Thence, continuing along said western right-of-way line, along the arc of a tangent 20.00 foot radius curve to the left, through a central angle of 89°07'55", an arc distance of 31.11 feet and a chord distance of 28.07 feet that bears North 40°46'48" West to a point on said southern right-of-way line of Crestview Drive;

Thence, along said south right-of-way line, North 85°20'45" West 211.28 feet;

Thence, continuing along said southern right-of-way line, along the arc of a tangent 20.00 foot radius curve to the left, through a central angle of 90°02'34", an arc distance of 31.43 feet and a

chord distance of 28.29 feet that bears South 49°37'58" West to a point on the eastern right-of-way line of Fieldstream Way as shown on said map;

Thence, along said eastern right-of-way line, North 04°36'41" East 90.00 feet to said REAL POINT OF BEGINNING.

Together therewith all the Irrigation, Utility and Drainage Easements within Blocks 5 through 7, as shown on said map.

Also, together therewith the southerly 12.5 foot wide Irrigation, Utility and Drainage Easement within Lots 1 through 12, Block 8 and the northerly 12.5 foot wide Irrigation, Utility and Drainage Easement within Lots 13 through 34, Block 8, as shown on said map.

Also, together therewith the Utility Easement within Lot 13 through 34, Block 8, as shown on said map.

End of Description



Date: Monday, October 14, 2019
To: Honorable Mayor and City Council
From: Sean Standley, Code Enforcement Coordinator

ACTION ITEM

Request:

ACTION ITEM: Request to repeal and replace City Code 9-6-8, Parking Trucks, Trailers, Unused and Inoperative Vehicles.

Time Estimate:

The request will take approximately 2 minutes, additional time may be needed for questions and answers.

Background:

Current City Code for Parking Trucks, Trailers, Unused and Inoperative Vehicles is difficult to comprehend and does not allow for the parking of recreational vehicles or construction vehicles and trailers to be parked on City streets except for actively loading or unloading. Replacing CC 9-6-8 will allow for the parking of recreational vehicles for no longer than 24 hours on a City street and allow for construction vehicles and trailers to be parked on City streets while performing the work and within 100 feet of a lawful construction project. By replacing City Code 9-6-8 we have also cleaned up the verbiage to make it easier to comprehend.

Approval Process:

Should the council desire to adopt the ordinance, a special motion to waive the rule and place the ordinance on third and final reading by title only, will need to be approved. Following the reading of the title, the ordinance can be approved by a simple majority vote of the council.

Budget Impact:

There will be no impact to the city budget.

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

City Staff recommends repealing and replacing CC 9-6-8 to allow Recreational Vehicles to be parked on City streets no longer than 24 hours and the parking of construction vehicles within 100 feet of a lawful construction project.

Attachments:

1. Current CC 9-6-8
2. New 9-6-8
3. Ordinance 9-6-8

9-6-8: PARKING TRUCKS, TRAILERS, UNUSED AND INOPERATIVE VEHICLES:

No person shall park a motor truck of more than one and one-half (1 1/2) ton capacity or automobile with trailer attached except with the right hand side parallel with the curb and in moving such motor truck or automobile with trailer attached away from curb, it shall be moved forward, and no such motor truck or automobile with trailer attached shall be parked within four feet (4') of another car. No person shall park a motor vehicle of one and one-half (1 1/2) ton capacity or more, nor shall any person park a motor vehicle which has an overall length of more than twenty two feet (22'), nor shall any person park a trailer of more than one-half (1/2) ton capacity upon any street or alley, except for a street or alley located within a manufacturing district within the city, or except while engaged in the actual loading or unloading of passengers or property.

No unused, inoperative or abandoned vehicle shall be parked for a longer period than twenty four (24) hours on any street. (Ord. 3063, 3-3-2014)

9-6-8: PARKING TRUCKS, TRAILERS, UNUSED AND INOPERATIVE VEHICLES:

(A) No person shall park the following on any street or alley, except as outlined in paragraph (B):

- (1) A motor vehicle of one and one-half (1 ½) ton capacity or more.
- (2) A vehicle which has an overall length of more than twenty-two feet (22').
- (3) A trailer of more than one-half (1/2) ton capacity.

(B) Exceptions: Paragraph (A) shall not apply when:

- (1) in the Manufacturing District.
- (2) the person is engaged in the actual loading or unloading of passengers or property.
- (3) the person is engaged in an ongoing, lawful construction project, where such construction project is conducted under a valid City of Twin Falls permit and such trailer or vehicle is parked within one hundred feet (100') of such construction.

(C) No unused, inoperative, abandoned vehicle or recreational vehicle shall be parked for more than twenty-four (24) hours on any street.

:

ORDINANCE NO. 2019-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE BY REPEALING AND REPLACING §9-6-8, CLARIFYING WHAT CONSTITUTES A PARKING VIOLATION AND PROVIDING FOR EXCEPTIONS.

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

Section 1: That Twin Falls City Code Section 9-6-8: PARKING TRUCKS, TRAILERS, UNUSED AND INOPERATIVE VEHICLES is repealed and replaced by a New Section 9-6-8, clarifying what constitutes a parking violation and providing for exceptions, as follows:

“9-6-8: PARKING TRUCKS, TRAILERS, UNUSED AND INOPERATIVE VEHICLES:

(A) No person shall park the following on any street or alley, except as outlined in paragraph (B):

- (1) A motor vehicle of one and one-half (1 ½) ton capacity or more, or
- (2) A vehicle which has an overall length of more than twenty-two feet (22’), or
- (3) A trailer of more than one-half (1/2) ton capacity.

(B) Exceptions: Paragraph (A) shall not apply when:

- (1) in the Manufacturing District, or
- (2) the person is engaged in the actual loading or unloading of passengers or property, or
- (3) the person is engaged in an ongoing, lawful construction project, where such construction project is conducted under a valid City of Twin Falls permit and such trailer or vehicle is parked within one hundred feet (100’) of such construction.

(C) No unused, inoperative, abandoned vehicle or recreational vehicle shall be parked for more than twenty-four (24) hours on any street.”

PASSED BY THE CITY COUNCIL, _____.

SIGNED BY THE MAYOR, _____.

MAYOR

ATTEST:

DEPUTY CITY CLERK

PUBLISHED: _____



Date: Monday, October 14, 2019
To: Honorable Mayor and City Council
From: Mitch Humble, Deputy City Manager

ACTION ITEM

Request:

ACTION ITEM: Request to consider and act on a resolution declaring the City's intent to dispose of real property and setting a date for a public hearing.

Time Estimate:

The staff presentation will take about 5 minutes. Additional time may be needed for discussion and to answer questions.

Background:

In 1999, The City purchased a half share of the property located at 303 4th Ave East, Twin Falls Townsite Block 47, Lot 9. See the attached aerial photo location map. The party that we bought our share from only owned the half share. The other half share has since been purchased by members of the Stephenson family. This lot contains a small parking lot that the City intended to use as overflow parking for the City Council Chambers, located a block away at 305 3rd Ave East. The Stephensons own the small office building across the street from the parking lot, in between the former Council Chambers building and the parking lot.

Users of the Council Chambers building never really used the parking lot very much, as there was much more convenient parking on the streets nearby and at the former City Hall site. Since the Council Chambers have been moved into our new City Hall on Main Ave East, the City's use of this parking lot has almost entirely disappeared. Currently, the parking lot represents a maintenance and parking enforcement burden for the City with no real advantage at all.

The Stephensons have reached out to me to discuss our combined ownership of the lot. They have an interest in owning the lot outright, rather than sharing ownership with the City. There may, or may not be others interested in acquiring our one half share of the lot as well. In discussing the issue with City staff, we feel like selling our share of the parking lot would also be beneficial by reducing our costs for maintenance and parking enforcement.

The City has a specific process to go through in order to dispose of surplus property. That process involves adoption of a resolution declaring the property surplus and the city's intent to dispose of it, a public hearing on the disposition proposal, a public auction, and the Council's awarding the sale to the winner of the auction. This request tonight is to adopt the resolution declaring the city's intent and setting a date for the public hearing. The resolution has been prepared and is attached for your consideration.

Approval Process:

In order to dispose of real property, the City must first adopt a resolution declaring the City's intent to do

so. That resolution also establishes a date for a public hearing regarding the proposed disposition of real property. Following the public hearing, the Council can initiate the auction of the property. A resolution has been prepared and is attached for your review. The resolution sets a public hearing date of Tuesday, November 12, 2019 at 6:00. A simple majority vote of the Council is needed to adopt the attached resolution.

Budget Impact:

Regulatory Impact:

Adoption of the resolution will declare the City's intent to dispose of real property and set a date for a public hearing.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the City Council adopt the attached resolution as presented.

Attachments:

1. Location Map
2. Resolution of Intention To Dispose of Real Property - 303 4th Ave East



Subject Property
- 303 4th Ave East

Idaho St East

4th Ave East

Former City
Council Chambers
- 305 3rd Ave East

Police Station -
321 2nd Ave East



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO,
DECLARING THE INTENTION OF THE CITY TO DISPOSE OF REAL PROPERTY,
AND SETTING A DATE FOR A PUBLIC HEARING.

WHEREAS, The City of Twin Falls owns an undivided one-half interest in 303 4th Avenue East, also described as Lot 9, Block 47, of the Twin Falls Townsite subdivision, Twin Falls County, Idaho, which is not needed for the City's public purposes; and

WHEREAS, The City of Twin Falls had used the property for overflow parking needs for the City Council Chambers located at 305 3rd Ave East; and

WHEREAS, The City has relocated the Council Chambers to 203 Main Ave East, so the subject property is not being used for overflow parking and is no longer needed for the City's public purposes; and

WHEREAS, a neighboring property owner also owns the other one-half interest in the subject property; and

WHEREAS, The parking lot on the subject property serves the neighboring property owner; and

WHEREAS, The neighboring property has expressed a desire to acquire the City's one-half interest in the subject property; and

WHEREAS, The subject property has no value of to the City.

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

Section 1: That the City of Twin Falls hereby declares its intention to dispose of that parcel of real property, legally described below, by way of public auction, pursuant to Idaho Code § 50-1403(1).

303 4th Avenue East, also described as: Lot 9, Block 47, of the Twin Falls Townsite subdivision, Twin Falls County, Idaho

Section 2: That the City Council will conduct a public hearing on the disposition on Tuesday, November 12, 2019, at 6:00 PM in Council Chambers, 203 Main Avenue East, Twin Falls, Idaho.

Section 3: That this Resolution of Intention be published in the Times News at least 14 days before the public hearing date.

PASSED BY THE CITY COUNCIL
SIGNED BY THE MAYOR

, 2019.
, 2019.

Mayor Shawn Barigar

ATTEST:

Deputy City Clerk

PUBLISH:



Date: Monday, October 14, 2019
To: Honorable Mayor and City Council
From: Jonathan Spendlove, Planning and Zoning Director

ACTION ITEM

Request:

ACTION ITEM: Request for a Zoning District Change from R-4 to C-1 on property located at 890 Washington Street South c/o Colby Ricks on behalf of Oasis Stop N Go LLC (PZ19-0105)

Time Estimate:

10 to 15 minutes between staff and the applicant presentation.

Background:

N/A

Approval Process:

A public hearing shall be held before the Commission for a recommendation to City Council. After receiving the recommendation, the Council may amend the zoning district and the zoning map, amend with recommendations, or deny the request.

Budget Impact:

NA

Regulatory Impact:

If approved Zoning District Change will remove current zone's development entitlements and they will be replaced with the proposed zone's development entitlements. In this case it will remove the R-4 uses and the C-1 Zoning District Land Uses will be allowed.

History:

Property records indicate there was a neighborhood market on the property in 1961 it then burned down in 1975. Ord. 2012 likely rezoned the property to its current zoning district in 1981. The property with the current Oasis Stop 'N Go was redeveloped in 1978 to include the fuel station.

Analysis:

This is a request to rezone property located at 890 Washington Street South. Currently the Oasis Stop 'N Go operates a fuel station on a lot that is zoned C-1. Future expansion plans of the station would require the property located north and west be rezoned from R-4 to C-1 in order to be usable for that business.

The Comprehensive Plan indicates this intersection may be appropriate for Mixed Use.

Conclusion:

On September 24th 2019, the Planning and Zoning Commission voted 8-1 recommending approval of this item.

The City Council is tasked with making a final decision on this item. You may approve the item as requested; approve the item with modifications, deny the item, or table the item in order to seek additional information.

Attachments:

1. PZ19-0105 ZDC Staff Report - CC
2. 1 - Vicinity
3. 2 - Narrative
4. 3 - Rezone Exhibit
5. 4 - Proposed Site
6. 5 - Photos
7. 09-24-19 PZ Minutes - Portion Only



Comprehensive Staff Report

To: Planning & Zoning Commission

Presenter: Jonathan Spendlove

Request: A decision from City Council for a **Zoning District Change** from R-4 to C-1 on property located at 890 Washington Street South.

Application: PZ19-0105

Applicant & Representative:

Oasis Stop 'N Go

c/o Colby Ricks

935 Shoshone St. N

Twin Falls, ID 83301

208.736.8050

colby@lrallc.com

Public Hearing: October 14th, 2019

Analysis

This is a request to rezone property located at 890 Washington Street South. Currently the Oasis Stop 'N Go operates a fuel station on a lot that is zoned C-1. Future expansion plans of the station require that the property located north and west of the property be rezoned from R-4 to C-1.

Approval Process

A public hearing shall be held before the Commission for a recommendation to City Council. After receiving the recommendation, the Council may amend the zoning district and the zoning map, amend with recommendations, or deny the request.

History

Property records indicate there was a neighborhood market on the R-4 property in 1961 it then burned down in 1975. Ord. 2012 likely rezoned the property to the equivalent of R-4 at that time. The property with the Oasis Stop 'N Go was redeveloped in 1978 to include the fuel station.

Comprehensive Plan Compliance

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Mixed Use" This request meets this designation or other comprehensive plan guidelines by allowing the expansion of a retail use along a two arterial roadways. Therefore, staff has determined this request complies with the 2016 comprehensive plan.

Applicable Regulations or Codes

Per City Code 10-7-20: Public Hearing Notice Requirements: The applicant must follow all public notice requirements per state and city regulations.

Per city code 10-14-1 thru 8: Any application for a zoning district change shall follow the procedures outline in these sections. The commission shall ensure any favorable recommendations are in accordance with the objectives and goals of the adopted Comprehensive Plan.

item with modifications, deny the item, or table the item in order to seek additional information.

Attachments

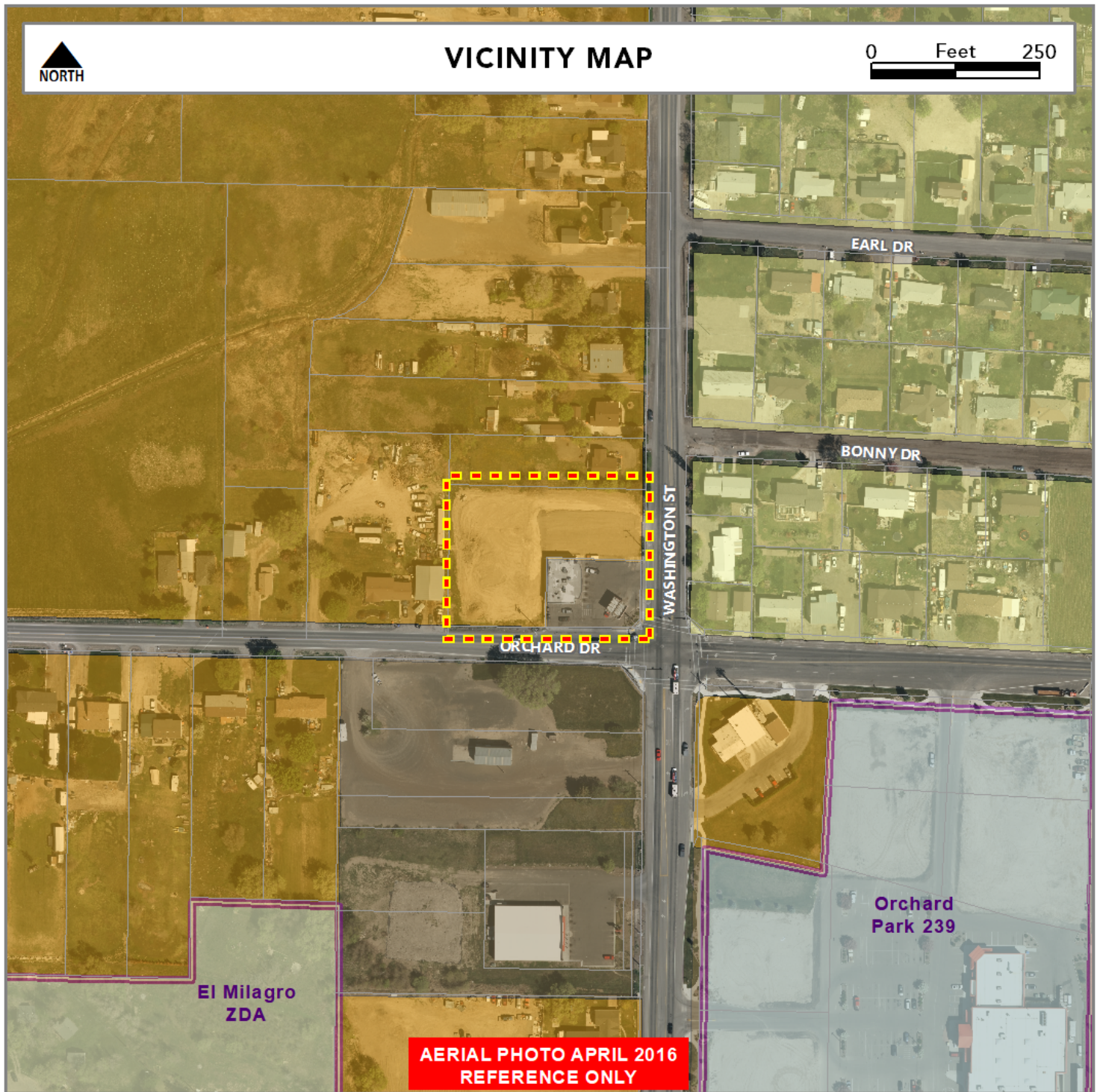
1. Vicinity Map
2. Narrative
3. Rezone Exhibit
4. Elevations
5. Photos

Conclusion

On September 24th 2019, the Planning and Zoning Commission voted 8-1 recommending approval of this item.

The City Council is tasked with making a final decision on this item. You may approve the item as requested; approve the

Public Hearing: October 14th, 2019



	PUD		R-2
	C-1		R-4
	OS		

Current Zoning: R-4

Comprehensive Plan: Mixed Use

Existing Land Use: Vacant

Proposed Land Use: Fuel Station

Surrounding Zoning Designations & Land Use(s)

North: R-4; Residential

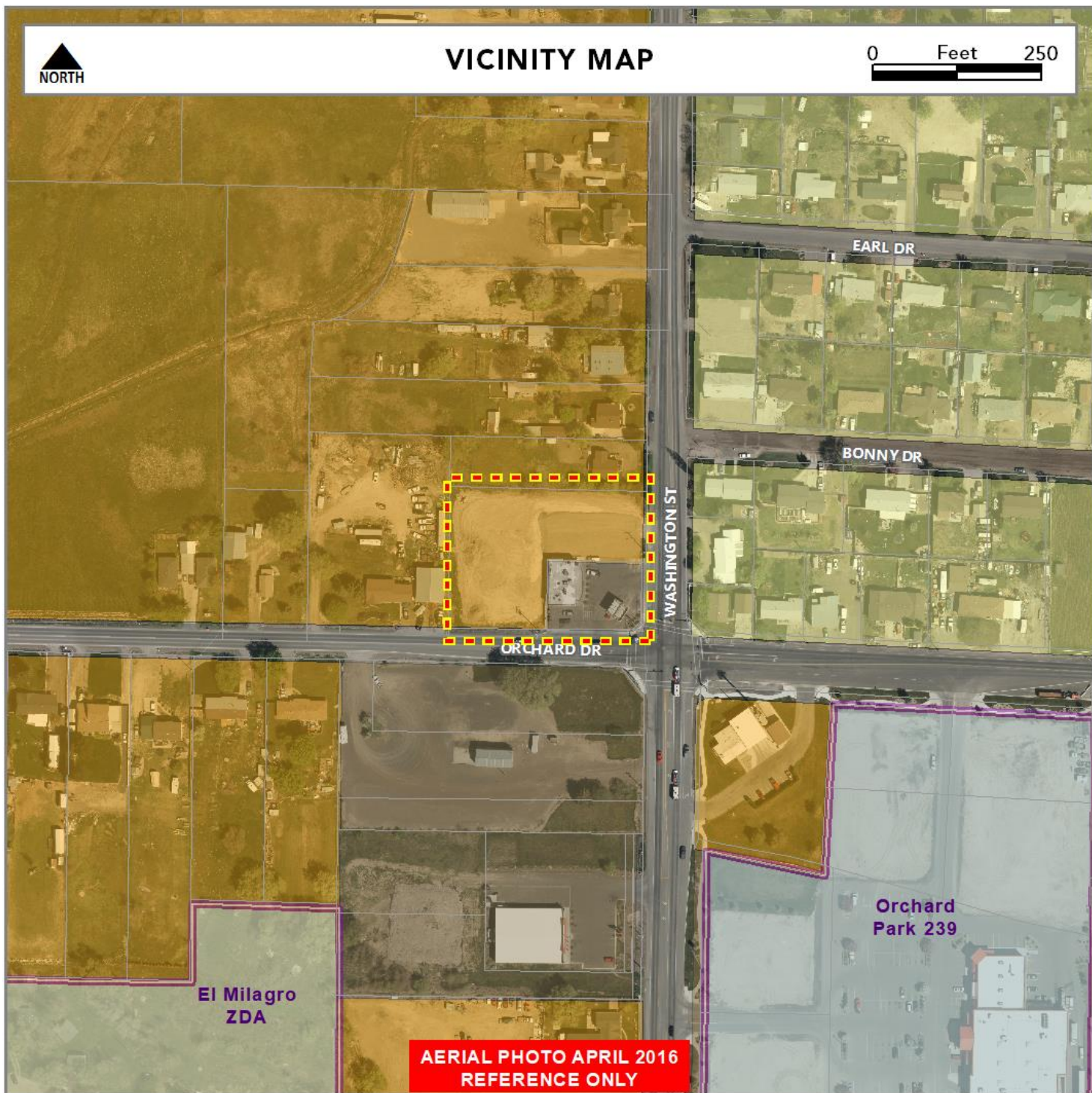
East: Washington St. S; R-2; Residential

South: Orchard Dr. W.; C-1; Commercial

West: R-4; Residential

Applicable Regulations

10-4-10, 10-7-20, 10-14



- | | | | |
|--|-----|---|-----|
|  | PUD |  | R-2 |
|  | C-1 |  | R-4 |
|  | OS | | |

Current Zoning: R-4

Comprehensive Plan: Mixed Use

Existing Land Use: Vacant

Proposed Land Use: Fuel Station

Surrounding Zoning Designations & Land Use(s)

North: R-4; Residential

East: Washington St. S; R-2; Residential

South: Orchard Dr. W.; C-1; Commercial

West: R-4; Residential

Applicable Regulations

10-4-10, 10-7-20, 10-14



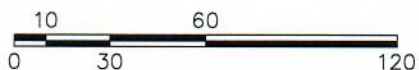
935 Shoshone St. North
Twin Falls, ID 83301
208.736.8050

REZONE NARRATIVE

August 2, 2019

PROJECT: Oasis Stop N Go #9

4.
 - a. Oasis stop N Go is proposing a zoning change to rezone the R-4 property to C-1 to allow a new convenience store and associated site work to be constructed. The proposed design will allow a larger store, additional pumps, additional parking, better traffic flow, and new sidewalks and landscaping be provided.
 - b.
 - i. The proposed zoning complies with the Comprehensive Plan. The Comprehensive Plan indicated the intersections of Washington Street S. and Orchard St. as mixed use. Mixed use includes retail, restaurants, office space, and others. It recommends an anchor store such as grocery store, civic, or entertainment uses. Wide sidewalks and landscaping are strongly encouraged and will be provided.
 - ii. A convenience store is compatible with the surrounding area and meets the intent of a mixed use zone. The area includes housing, grocery store, and retail stores.
 - iii. The intended use is for a convenience store. The existing C-store will be removed and a new store constructed on the larger lot.



SCALE: 1" = 60'

20 21

2465.42'

WASHINGTON ST. SOUTH

±1.38 ACRES

REAL POINT
OF BEGINNING

N0°36'00"E 211.40'

S88°37'00"E 292.05'

L2

S0°36'00"W 101.40'

N88°37'00"W 7.00'

S48°35'09"W 17.45'

S0°36'00"W 93.14'

20
29

2310.46'

L1

N88°37'00"W 145.05'

S0°36'00"W 5.00'

325.05'

ORCHARD DR. WEST

BASIS OF BEARING

N88°37'00"W 2635.51'

20 21
29 28

236.40'

N0°36'00"E 2701.82'

LINE TABLE

LINE	BEARING	LENGTH
L1	N0°36'00"E	25.00
L2	S88°37'00"E	33.00



P:\Jacksn 890 Washington Twin Falls 18-252\dwg\18252 Bndy Exhibit.dwg 8/13/2019 6:33:43 PM



IDAHO
SURVEY
GROUP, LLC

9955 W. EMERALD ST.
BOISE, IDAHO 83704
(208) 846-8570

EXHIBIT DRAWING FOR
JACKSON'S - WASHINGTON STREET

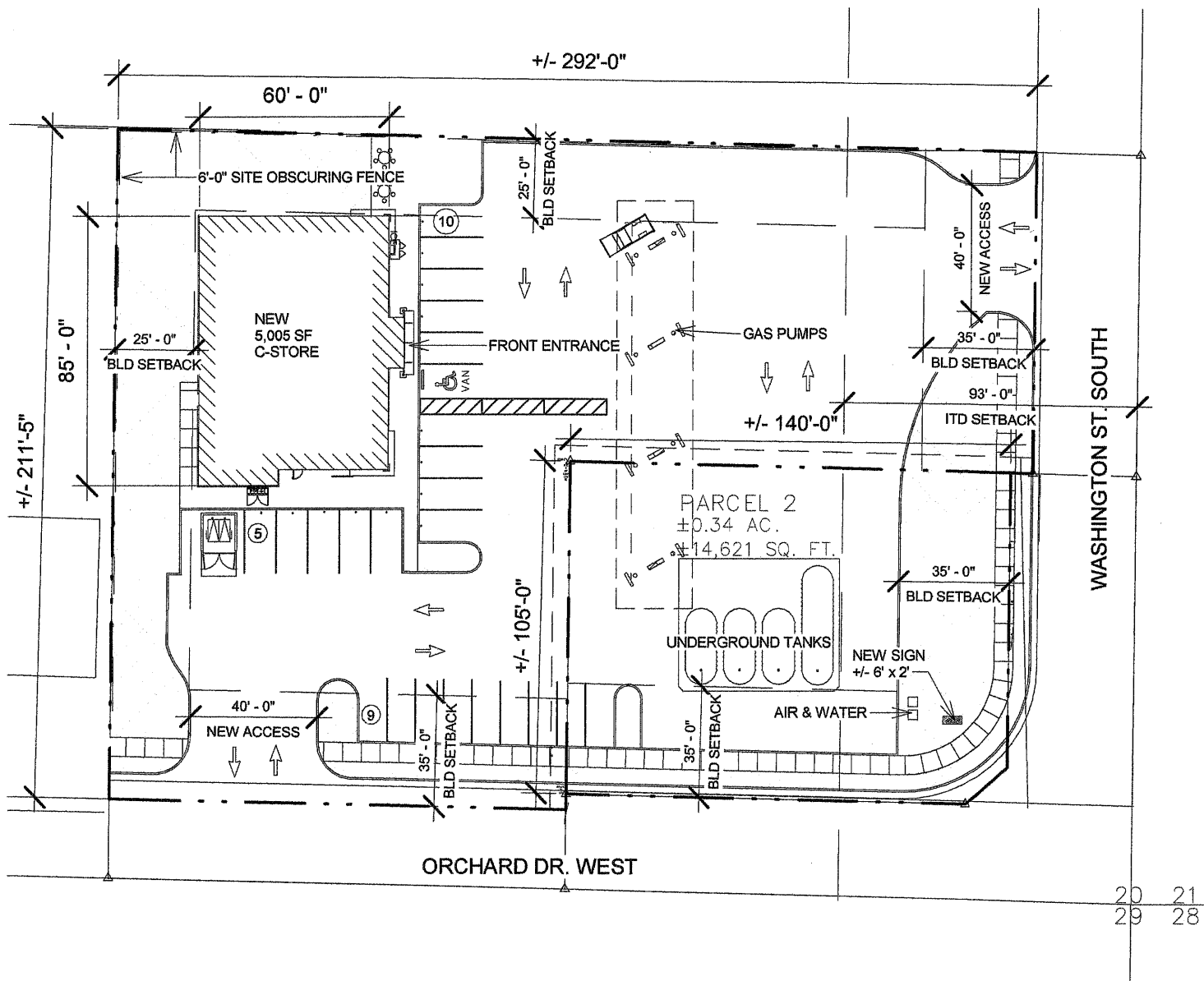
LOCATED IN THE SE 1/4 OF THE SE 1/4 OF SECTION 20, T.10S., R.17E., B.M.,
CITY OF TWIN FALLS, TWIN FALLS COUNTY, IDAHO

JOB NO.
XX-XXX

SHEET NO.
1

DWG. DATE
8/13/2019

Not a part of PZ19-0105 Approval



ZONING
EXISTING ZONING: C-1 & R-4
PROPOSED ZONING: C-1
ZONING OF ADJACENT PROPERTIES: C-1, R-2, R-4

PARKING
PARKING 1 SPACE PER 250 SQ FT OF GROSS FLOOR AREA
5005/250 = 20
20 SPACES REQUIRED
24 SPACES PROVIDED

LANDSCAPING
10% OF TOTAL PARKING AREA OR 3% TOTAL LAND AREA
WHICHEVER IS GREATER REQUIRED
PARKING AREA = 4,740 SF
4,740 x .10 = 474 SF
TOTAL LAND AREA = 60,186 SF
60,186 x .03 = 1,806 SF
1,806 SF REQUIRED
12,034 SF PROVIDED

Not a part of PZ19-0105 Approval

Laughlin Ricks Architecture
architecture/planning

935 Shoshone Street North * Twin Falls, Idaho 83301
(208) 736-8050 Fax: (208) 733-0950

OWNER DANIEL L WILLIE
1017 S 1150 E
EDEN, ID 83325
PH: (208) 280-4147
EMAIL: dwillie@travelersoasis.com

ADDRESS

890 WASHINGTON ST. S.
TWIN FALLS, ID 83301
&
VACANT LOT

COMMERCIAL SITE PLAN

Drawn by	Author	Z0-1
Checked by	Checker	
Scale		1" = 50'-0"



NE Corner Looking SE



NW Corner Looking SE

applicant has a chance to have a closing statement and address concerns.

- Commissioner Hansen stated the applicant stated there will be minimal traffic/noise impact, and is a part time business. He also stated that ATF would not allow the business if Mr. Corsini is not following regulations and that Planning and Zoning Commission can only vote on the Home Occupation request.
- Commissioner Perez asked if shooting is allowed in city limits.
- PZ Director Spendlove stated shooting is not allowed in city limits.
- Commissioner Bolton stated she appreciates the neighbors' concerns.

Motion:

Commissioner Kelley made a motion to approve the request for a Special Use Permit to allow a Home Occupation on property located at 1110 Highview Lane c/o Daniel Corsini. (PZ19-0104). Commissioner Musser seconded the motion.

Unanimously approved

- b) Request for a recommendation to City Council for a Zoning District Change from R-4 to C-1 on property located at 890 Washington Street South c/o Colby Ricks on behalf of Oasis Stop N Go LLC. (PZ19-0105)

Staff Presentation:

PZ Director Spendlove presented the request for a recommendation to City Council for a Zoning District Change from R-4 to C-1 on property located at 890 Washington Street South c/o Colby Ricks on behalf of Oasis Stop N Go LLC. (PZ19-0105)

A public hearing shall be held before the Commission for a recommendation to City Council. After receiving the recommendation, the Council may amend the zoning district and the zoning map, amend with recommendations, or deny the request.

Property records indicate there was a neighborhood market on the property in 1961 it then burned down in 1975. Ord. 2012 likely rezoned the property to its current zoning district in 1981. The property with the current Oasis Stop 'N Go was redeveloped in 1978 to include the fuel station.

This is a request to rezone property located at 890 Washington Street South. Currently the Oasis Stop 'N Go operates a fuel station on a lot that is zoned C-1. Future expansion plans of the station would require the property located north and west be rezoned from R-4 to C-1 in order to be usable for that business. This request meets the comprehensive plan designation as Mixed Use.

The Commission is tasked with making a recommendation to the City Council. You may recommend approval as requested; recommend a modification, or recommend denial.

Applicant Presentation:

Colby Ricks, representing applicant, presented the request for a recommendation to City Council for a Zoning District Change from R-4 to C-1 for the property located at 890 Washington Street South. He stated the owner would like to build to 5000 sq. ft. He stated the site will be redeveloped with landscape and sidewalk improvements which would help access points being pushed back from intersection. He stated there will be a benefit to have the building farther away from street. The land was purchased 7-8 years ago by Oasis. He stated he believes this change will help improve land values in the area. The change will help with the flow of traffic. The plan is to have four (4) gas pumps, and acknowledged there may be an increase in traffic. He stated he does not believe there will be a big impact to area with the approach being moved back. He stated they will comply by the site improvements imposed by the city. He stated the site lighting will meet dark sky requirements of the

city.

PZ/Questions & Comments:

- Commissioner Bolton asked if this is a lighted, managed intersection.
- Mr. Ricks stated this intersection is a managed, lighted intersection.

Public Hearing: Opened

- Citizen Jim Barrett stated his concerns with the project.
- Citizen Debbie Wildman, neighbor, stated her concern of the rezone of R4 to C1. She would like to see a restriction on the lighting and is concerned with size of property and noise pollution.
- PZ Director Spendlove stated there is an additional application for an SUP for a future meeting, with a new public hearing. The rezone request is a separate process. Contact Planning and Zoning office for inquiries.

Applicant closing statement:

Applicant Troy Willey, Oasis Stop N Go, stated he has heard the concerns and assured he will be a good neighbor and takes concerns seriously and will address issues.

Public Hearing: Closed

Discussions Followed:

- Commissioner Bolton asked staff for the zoning of area around property.
- PZ Director Spendlove demonstrated surrounding zoning on map.
- Commissioner Kelley asked how long has the corner been zoned C1. He asked if there was a commercial entity prior to the Oasis.
- PZ Director Spendlove stated he believes it was zoned C1 in 1981 and was reaffirmed with Comprehensive Ordinance 2012.
- Commissioner Musser asked if the SUP coming forward would be allowed in the R4 zone.
- PZ Director Spendlove stated the gas station is not allowed in the R4 zone.
- Commissioner Perez asked for comment on the potential bus issue.
- PZ Director Spendlove stated he has no comment on property being looked at for bus lines.
- Commissioner Kelley stated historically that corner has been C1 and the surrounding property has been vacant for a long time. He no issue with the rezone request.
- Chairperson Titus agreed and hears the citizens' concerns, but believes the request goes with the area. The new gas station and site improvements will help to beautify area. She stated the rezoning of the corner makes sense.
- Commissioner Bolton is encouraged with applicants closing statement regarding working with the neighbors.
- Commissioner Detweiler agreed. He does not see the area being used for R4. This change will lift up neighborhood with new facility and asset to neighborhood.
- Commissioner Perez agreed as the current corner is not going to change from C1, she does not have issue with the surrounding property being rezoned.

Motion

Commissioner Hawkins made a motion to approve request for a recommendation to City Council for a Zoning District Change from R-4 to C-1 on property located at 890 Washington Street South c/o Colby Ricks on behalf of Oasis Stop N Go LLC. (PZ19-0105).

Commissioner Detweiler seconded the motion.

Motion approved by a vote of 8-1



Date: Monday, October 14, 2019
To: Planning and Zoning Commission
From: Planning and Zoning Department

ACTION ITEM

Request:

ACTION ITEM: Request for a Special Use Permit for Additional Height to allow a seventy-five foot (75') tall mixed use building on property located at 160 Main Avenue South c/o OneSixty, LLC. (PZ19-0085)

Time Estimate:

Ten (10) minutes for Staff and Applicant presentation; Ten (10) minutes for Commission questions, discussion, deliberation, and decision.

Background:

The Planning & Zoning Commission voted to recommend approval of this request for additional height on July 23rd 2019. The City Council approved the height request on August 19th, 2019. However, due to improper notification of the request, the previous approval is invalid and the request must go through the public hearing process again.

Approval Process:

A request for additional height follows the public hearing process for zoning map amendments as described in subsection 10-14-5(B) and section 10-14-7 of City Code.

The Planning & Zoning Commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The Commission shall then transmit its recommendation to City Council.

After receiving the recommendation, the City Council shall conduct a public hearing, and make a final decision on the request.

Budget Impact:

NA

Regulatory Impact:

NA

History:

The existing primary building on the subject property was built in 1908. Per the Engineering Department the existing building is approximately thirty-three (33) feet high.

The existing building is considered historic in nature due to the businesses and entities that conducted business within its walls over the years (Mercantile, County Court House, etc.).

However, the building is not located within the Downtown Historic District. Therefore, the property is not required by code to adhere to the Historic Design Guidelines and Standards.

The building most recently housed the Idaho Youth Ranch, and is currently vacant.

Analysis:

This is a request for a special use permit for Additional Height to allow a seventy-five foot (75') tall mixed use building on property located at 160 Main Avenue South. The subject property is located within the C-B (Commercial Business) Zoning District and P-1 Parking Overlay.

The applicant is seeking approval to construct a new six (6) story, seventy-five (75) foot tall mixed-use building. The future building is proposed with a mix of Retail/Office/Residential type uses. The drawing depicts building finishes of Glass, Metal, Concrete, and other common rock/stone like materials.

At seventy-five (75) feet, this building would be the tallest structure in the vicinity and will create shadows along Main Street, on adjacent buildings and potentially stretching into the Plaza.

As this is the first building of this size within the vicinity, it will change the skyline of downtown. It will create new challenges and experiences for the residents and visitors to the area. As the growth of the City progresses, similar buildings have the potential to become more commonplace.

Staff has conducted a visual survey of the surrounding public parking lots. The findings of that report are found as an attachment to this report.

Conclusion:

During the September 24th meeting, the Planning and Zoning Commission recommended approval by a vote of 9-0.

City Council may approve as requested, approve with modifications, table for additional information, or deny the request.

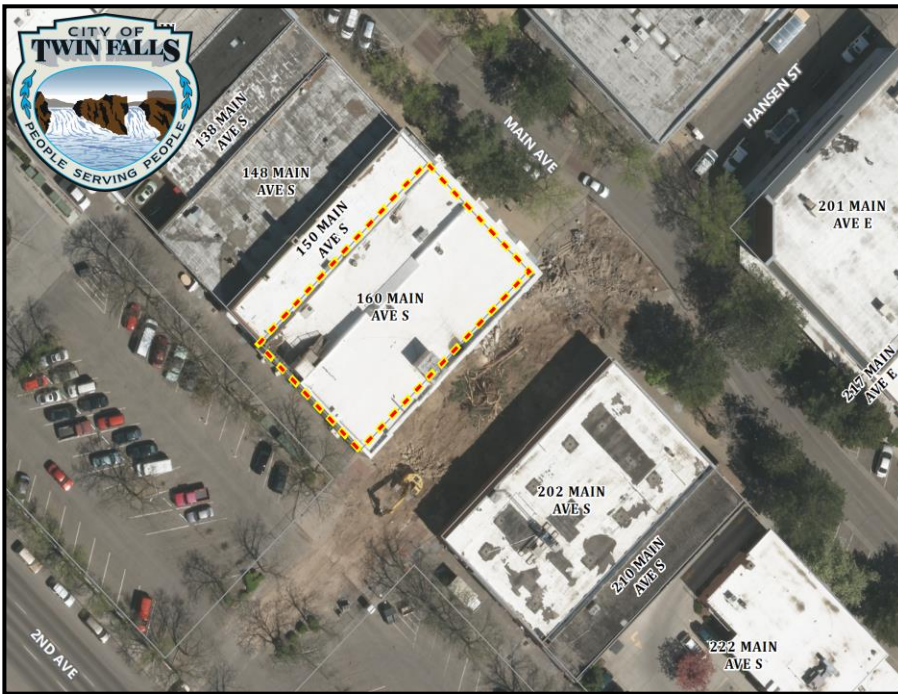
If the Council chooses to approve this request as presented, then staff recommends the following conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.
2. Subject to continued compliance with the application materials and drawings submitted by the applicant.
3. Subject to mechanical, service, or other structural equipment extending no more than ten (10) feet above the height of the building.

Attachments:

1. Staff Report PZ19-0085 CITY COUNCIL 10.14.19
2. 1 - Vicinity Map
3. 2 - Narrative

4. 3 - Area Map
5. 4 - Elevations
6. 5 - PZ19-0085 Staff Height Perspective Exhibit
7. 6 - Parking Utilization Report
8. 7 - Garin Evans Letter



Comprehensive Staff Report

To: City Council

Presenter: Brock Cherry, City Planner

Request: Request for a **Special Use Permit** for **Additional Height** to allow a seventy-five foot (75') tall mixed use building on property located at 160 Main Avenue South.

Application: PZ19-0085

Applicant & Representative:

OneSixty, LLC

PO Box 2871

Ketchum, ID 83340

208-471-4940

tyler@summitcreekcapital.com

Public Hearing: October 14th 2019

Analysis

This is a request for a special use permit for Additional Height to allow a seventy-five foot (75') tall mixed use building on property located at 160 Main Avenue South. The subject property is located within the C-B (Commercial Business) Zoning District and P-1 Parking Overlay.

The Planning & Zoning Commission voted to recommend approval of this request for additional height on July 23rd 2019. The City Council approved this height request on August 19th 2019. However, due to required property owners not being notified the previous approval is invalid and the request must again receive approval.

The applicant is seeking approval to construct a new six (6) story, seventy-five (75) foot tall mixed-use building. The future building is proposed with a mix of Retail/Office/Residential type uses. The drawing depicts building finishes of Glass, Metal, Concrete, and other common rock/stone like materials.

At seventy-five (75) feet, this building would be the tallest structure in the vicinity and will create shadows along Main Street, on adjacent buildings and potentially stretching into the Plaza.

As this is the first building of this size within the vicinity, it will change the skyline of downtown. It will create new challenges and experiences for the residents and visitors to the area. As the growth of the City progresses, similar buildings have the potential to become more commonplace.

Staff has conducted a visual survey of the surrounding public parking lots. The findings of that report are found as an attachment to this report (Attachment 6).

Approval Process

A request for additional height follows the public hearing process for zoning map amendments as described in subsection 10-14-5(B) and section 10-14-7 of City Code.

The Planning & Zoning Commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The Commission shall then transmit its recommendation to City Council.

After receiving the recommendation, the City Council shall conduct a public hearing, and make a final decision on the request.

History

The existing primary building on the subject property was built in 1908. Per the Engineering Department the existing building is approximately thirty-three (33) feet high.

The existing building is considered historic in nature due to the businesses and entities that conducted business within its walls over the years (*Mercantile, County Court House, etc.*). However, the building is not located within the Downtown Historic District. Therefore, the property is not required by code to adhere to the Historic Design Guidelines and Standards.

The building most recently housed the Idaho Youth Ranch, and is currently vacant.

Applicable Regulations or Codes

Per City Code 10-7-3, The council may allow greater than standard building heights with or without extra setback requirements, by following certain public hearing requirements.

Per City Code 10-10-12, No off-street parking is required within the P1 district as designated for outright permitted uses.

Public Hearing: October 14th 2019

Comprehensive Plan Compliance

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Downtown" This request meets this designation and other comprehensive plan guidelines by encouraging development and infill, while also providing downtown housing options.

The 2009 Master Transportation plan identifies the surrounding 2nd Avenues as arterial roadways and the immediate Main and Hanson Streets as a local streets. Staff has determined that the adjacent roadways are sufficient to accommodate the proposed use.

Therefore, staff has determined this request follows the City's comprehensive plans.

Potential Impacts

The applicant and Staff do not anticipate detrimental impacts beyond reasonable levels. However, Staff does anticipate specific impacts such as

- The proposed building will be the tallest building downtown and significantly change the current downtown skyline.
- Due to the height of the building there will a significant increase in the amount of shaded area in proximity to the building.

- Due to both the commercial and residential uses which will occupy the building there will be an increase in pedestrian traffic.
- There will be an increase in vehicle traffic to and around the proposed building. However, Staff determines that the current transportation and public parking infrastructure in the 2-3 block area will be more than adequate to accommodate the patrons of the proposed building.

Conclusion

The Planning & Zoning Commission recommended approval of the request by a vote 9-0. City Council may approve as requested, approve with modifications, table for additional information, or deny the request.

If the Council chooses to approve this request as presented, then staff recommends the following conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.
2. Subject to continued compliance with the

application materials and drawings submitted by the applicant.

3. Subject to mechanical, service, or other structural equipment extending no more than ten (10) feet above the height of the building.

Attachments

1. Vicinity Map
2. Narrative
3. Area Map
4. Elevations
5. Staff Height Perspective Exhibit
6. Parking Utilization Report
7. Garin Evans Letter of Support

VICINITY MAP

0 Feet 200



-  P1 Overlay
-  P3 Overlay
-  C-B
-  O-T

Current Zoning: C-B

Comprehensive Plan:
Downtown

Surrounding Zoning Designations & Land Use(s)

North: C-B, Office

South: C-B, Retail

Existing Land Use: Vacant
Building

Proposed Land Use: Mixed Use
Building with Additional Height

East: C-B, Downtown Commons

West: C-B, Parking Lot

Applicable Regulations

10-7-3, 10-10-12

Additional Height Application
OneSixty, LLC
160 Main Avenue South, Twin Falls, ID
Written Statement

OneSixty, LLC is seeking permission to build a 75' tall mixed-use building at 160 Main Avenue South on property currently owned by the Twin Falls Urban Renewal Agency. This height would be to allow for a ground floor of commercial/retail space, a second floor of commercial/office space, and four floors of residential, for-lease units. The additional floors and units of residential would provide more downtown housing at a slightly reduced cost per unit, increasing the financial viability of the proposed project. As this project is located downtown, the developers of OneSixty feel that the height is appropriate for the location and will add to the character of downtown in a positive way. The additional residential units will bring more residents to the downtown area to serve businesses and contribute to the vitality of the downtown community.

OneSixty

Project Design:

160 Main Avenue South, Twin Falls, Idaho





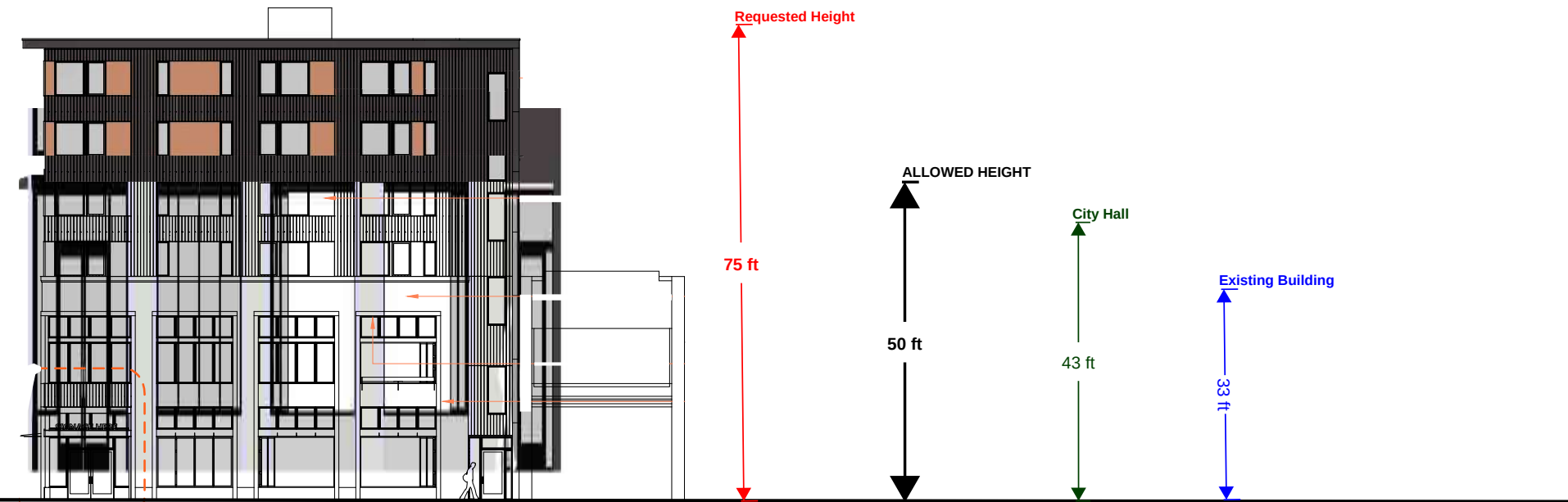
Twin Falls Mixed Use- RFP ELEVATIONS

SCALE: 1/16" = 1'-0"



PZ19-0085, Staff Exhibit #5 - Height Perspective Exhibit

NORTH ELEVATION



PZ19-0085, Staff Exhibit #5 - Height Perspective Exhibit

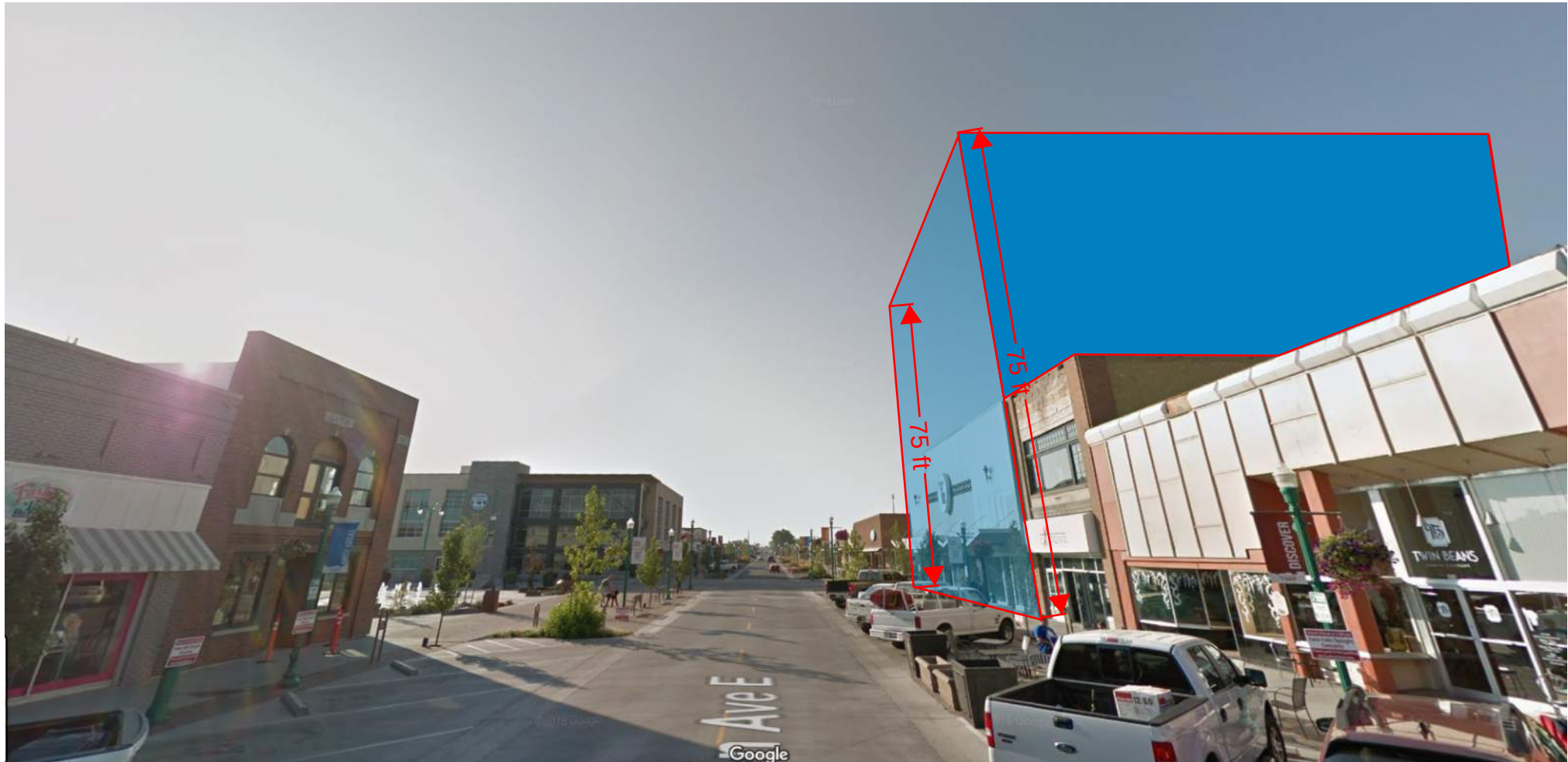
"Traveling westward on Hansen"



All MEASUREMENTS ARE APPROXIMATE

PZ19-0085, Staff Exhibit #5 - Height Perspective Exhibit

"Traveling southward on Maine Avenue East"



ALL MEASUREMENTS ARE APPROXIMATE

PZ19-0085, Staff Exhibit #5 - Height Perspective Exhibit

"Traveling Eastward on Hansen"



All MEASUREMENTS ARE APPROXIMATE

PZ19-0085, Staff Exhibit #5 - Height Perspective Exhibit

"Traveling Northward on Main Avenue East"



ALL MEASUREMENTS ARE APPROXIMATE

Parking Utilization Report:
Shoshone to Jerome Between 2nd
Avenues

DATA SUMMARY: City of Twin Falls Staff has recorded parking space utilization from Shoshone to Jerome between the 2nd Avenues (see item #1 of the report). The data collected consist of different days and times.

8/26/2019, Monday at 9:30 AM

Twin Beans (45)	25 (56% Usage)
CB/St. Vincent (124)	47 (38% Usage)
City Hall (55)	32 (58% Usage)
Commons (59)	31 (53% Usage)
Main Ave (100)	35 (35% Usage)
Total (383)	170 (44% Usage)

8/28/2019, Wednesday at 2:00 PM

Twin Beans (45)	26 (58% Usage)
CB/St. Vincent (124)	47 (38% Usage)
City Hall (55)	41 (75% Usage)
Commons (59)	37 (63% Usage)
Main Ave (100)	60 (60% Usage)
Total (383)	211 (55% Usage)

8/30/2019, Friday at 12:00 PM

Twin Beans (45)	31 (69% Usage)
CB/St. Vincent (124)	38 (31% Usage)
City Hall (55)	27 (49% Usage)
Commons (59)	44 (75% Usage)
Main Ave (100)	46 (46% Usage)
Total (383)	186 (49% Usage)

9/03/2019, Tuesday at 3:00 PM

Twin Beans (45)	23 (51% Usage)
CB/St. Vincent (124)	46 (37% Usage)
City Hall (55)	36 (65% Usage)
Commons (59)	39 (66% Usage)
Main Ave (100)	42 (42% Usage)
Total (383)	186 (49% Usage)

9/05/2019, Thursday at 11:00 AM

Twin Beans (45)	27 (60% Usage)
CB/St. Vincent (124)	46 (37% Usage)
City Hall (55)	35 (64% Usage)
Commons (59)	32 (54% Usage)
Main Ave (100)	48 (48% Usage)
Total (383)	188 (49% Usage)

9/09/2019, Monday at 5:30 PM

Twin Beans (45)	7 (16% Usage)
CB/St. Vincent (124)	21 (17% Usage)
City Hall (55)	9 (16% Usage)
Commons (59)	23 (39% Usage)
Main Ave (100)	39 (39% Usage)
Total (383)	99 (26% Usage)

9/10/2019, Tuesday at 12:30 PM

Twin Beans (45)	23 (51% Usage)
CB/St. Vincent (124)	51 (41% Usage)
City Hall (55)	33 (60% Usage)
Commons (59)	42 (71% Usage)
Main Ave (100)	55 (55% Usage)
Total (383)	204 (53% Usage)

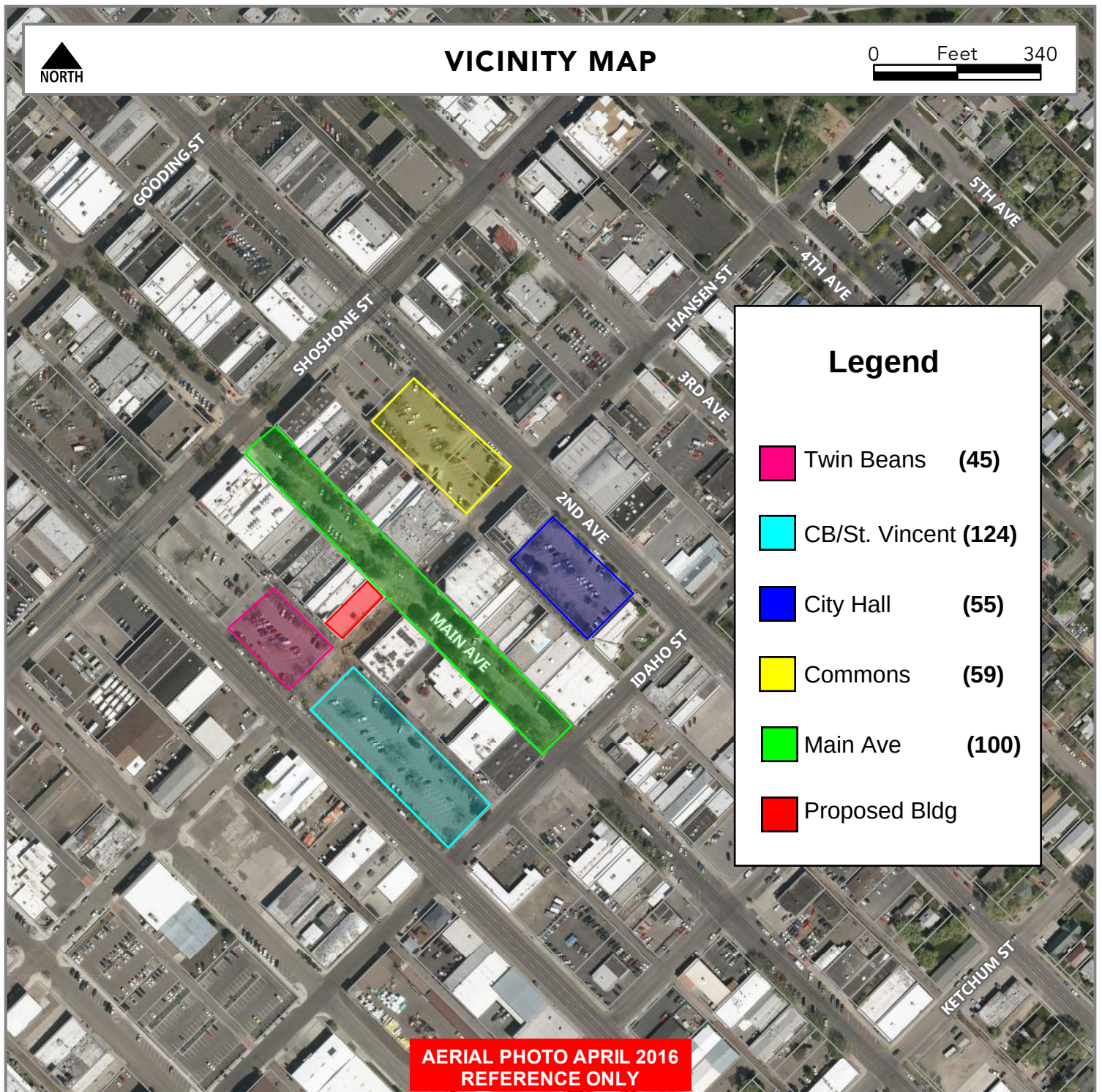
9/12/2019, Thursday at 2:00 PM

Twin Beans (45)	21 (47% Usage)
CB/St. Vincent (124)	43 (35% Usage)
City Hall (55)	32 (58% Usage)
Commons (59)	33 (56% Usage)
Main Ave (100)	40 (40% Usage)
Total (383)	169 (44% Usage)

Conclusion: Over the duration of eight (8) distinct times and days the parking availability from Shoshone to Jerome between the 2nd Avenues was highest at 55% and lowest at 26%. The total average usage was 46%.

REPORT AVERAGE USAGE

Twin Beans (45)	23 (51% Usage)
CB/St. Vincent (124)	42 (34% Usage)
City Hall (55)	31 (56% Usage)
Commons (59)	35 (59% Usage)
Main Ave (100)	46 (46% Usage)
Total (383)	177 (46% Usage)



ITEM #1

September 20, 2019

Planning and Zoning Commission, City of Twin Falls

203 Main Avenue East

P.O. Box 1907

Twin Falls, Idaho 83301-1907

RE: PZ19-0085 Special Use Permit for 75' Tall Building

I am in support of this development and believe it will continue to drive revitalization in the downtown area without detracting from historic characteristics that we all find so appealing.

There is one question that I would like to hear discussion on. The proposed renderings do not show what the Northwest exterior would look like. Will there be egress windows for the residential units for the top four floors along the Northwest side? If so, might the adjacent property with a common wall located at 150 Main Ave S. be negatively impacted in that it would never be able to build to the same height if so desired? Would potential future construction at 150 Main Ave S. block egress (and view)?

Garin Evans
138 Walnut St,
Twin Falls, ID 83301
(208) 220-2627