

CHAPTER 1

PURPOSE AND SCOPE

SECTION:

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8-1-1: **SHORT TITLE:** This Title shall be known and may be cited and referred to as the Twin Falls County Zoning Code.

8-1-2: **PURPOSE:** This Title is enacted for the purpose of promoting the public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of lands; to control the density of population; to prevent undue traffic congestion and to facilitate adequate and economical provisions for public improvements, all in accordance with a comprehensive plan for the desirable future physical development of Twin Falls County; and to provide a method of administration and to prescribe penalties for the violations of provisions hereafter described, all as authorized by the legislature and constitution of the state.

8-1-3: **SCOPE AND CONTENT:** This Zoning Code is effective within the unincorporated portions of Twin Falls County. To determine which portions of this Zoning Code apply in an area of city impact within Twin Falls County, please see Title 10. This Zoning Code incorporates, as part of its terms, the Twin Falls County zoning maps which are adopted and signed by the Board of County Commissioners and filed in the office of the Twin Falls County Recorder. For the purpose of administration and enforcement, the zoning maps in the office of the Twin Falls County Community Development Services Department shall be considered as official zoning maps. Any and all amendments to the official zoning maps shall also be made on the zoning maps in the office of the Twin Falls County Community Development Services Department at the time the amendments are filed with the County Recorder.

8-1-4: **PRESERVATION OF PRIVATE PROPERTY RIGHTS:**

- A. This Title shall be interpreted in its various particulars to equally protect each citizen from the undue encroachment on his or her private property by their neighbors' use of their private property to the end that each citizen shall have the maximum use of his or her property without placing undue burden upon that of his or her neighbors.
- B. In the administration of this Title, every person shall be secure in their person, house, papers and effects, and no administrator, agent or employee of the County shall enter upon, investigate or search any of the premises of any citizen without the consent of such citizen or an order issued by a court of proper jurisdiction.
- C. Every citizen of Twin Falls County shall, at all times, have the right to appear in person or by his or her agent before the Twin Falls County Planning and Zoning Commission ("Commission") or Twin Falls County Board of Commissioners ("Board"), as the case may be, in the proper order of business, and in conformance with this Title, to propose or object to a proposal before the Commission or Board and to appeal any decision of the Community Development Services Director or Commission to the Board pursuant to the procedures contained in this Title.
- D. Enforcement of this Title shall apply similarly and equally to each person and each property in similar circumstances, and shall not be enforced to discriminate between one individual or group as compared to all others, similarly situated.

8-1-5: **CONFLICT WITH OTHER LAWS:** In their interpretation and application, the provisions of this Title shall be held to be minimum requirements. The provisions of this Title shall control where this Title imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, or resolutions.

8-1-6: **AMENDMENTS:** This Zoning Code, including the map, may be amended as described in Chapter 9.

8-1-7: **SEVERABILITY:** If any term or section of this Zoning Code is held to be illegal, invalid, unconstitutional, or unenforceable, that finding shall not undermine the validity of the remaining portions of the ordinances, which are severable and shall remain valid.

CHAPTER 2

DEFINITIONS

SECTION:

8-2-1: Construction of Words

8-2-2: Definitions

8-2-1: **CONSTRUCTION OF WORDS:** For the purpose of this Title, the following words shall be interpreted as stated:

- A. Calculation of Acreage: At times, this Title refers to a specific number of acres of land that are required for a particular purpose. If the actual acreage is within plus or minus five (5) percent of the stated required acreage, the land shall be considered to comply with the acreage requirement.
- B. Gendered Language: Masculine terms include the feminine and vice versa.
- C. Person: The word "person" shall include any corporation, firm, partnership, or other form of association.
- D. Shall and Must: The words "shall" and "must" are always mandatory.
- E. Tenses: Words in the present tense include the future and the future includes the present; the singular number includes the plural and the plural the singular.

8-2-2: **DEFINITIONS:**

ACCESSORY BUILDING:

A secondary building, the use of which is incidental but similar to that of the main building and which is located on the same plot and is an allowed use for that particular zone in which it is located.

ACCESSORY 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.

ACCESSORY USE: The use of land or structure(s) for a purpose subordinate or incidental to the primary purpose of the premises. An accessory use is customarily connected with, and reasonably related to, the principal building or use of the land.

ADMINISTRATOR: See Community Development Services Director.

AFFECTED PERSON: One having a bona fide interest in real property which may be adversely affected by:

(i) The approval, denial or failure to act upon an application for a subdivision, variance, special use permit and such other similar applications required or authorized pursuant to this Title;

(ii) The approval of an ordinance first establishing a zoning district upon annexation or the approval or denial of an application to change the zoning district applicable to specific parcels or sites pursuant to section 67-6511, Idaho Code; or

(iii) An approval or denial of an application for conditional rezoning pursuant to section 67-6511A, Idaho Code.

AGRICULTURAL BUILDING: Any building or structure qualifying under group U occupancy (agricultural buildings) as defined by the latest edition of the International Building Code as adopted by Twin Falls County, with the following additional requirements:

A. That the building or structure is not a place of human habitation;

B. That the building or structure is not used by the public; and

C. That the building or structure is not a place of employment where agricultural products are processed, treated, or packaged including, but not limited to, milking barns, free stall barns, or other like structures.

D. The following do not qualify as agricultural buildings: any building or structure qualifying under Assembly Group A occupancy of section 303 or Business Group B occupancy of section 304 of the latest edition of the International Building Code as adopted by Twin Falls County.

AGRICULTURAL LAND: A tract of land used exclusively for agricultural purposes (*see* AGRICULTURE). In the Agricultural Zone, agricultural land must contain not less than forty (40) acres (plus or minus five (5) percent) including canal and railroad rights of way. In the Range Preservation Zone, agricultural land must contain not less than one hundred sixty (160) acres (plus or minus five (5) percent) including canal and railroad rights of way.

AGRICULTURAL RUNOFF WASTEWATER: Water diverted for irrigation but not applied to crops, or runoff of irrigation tail water from the cropland as a result of irrigation.

AGRICULTURE: Tilling of soil, horticulture, floriculture, forestry, fisheries, viticulture, raising crops, livestock, farming, dairying and animal husbandry including all uses customarily accessory and incidental thereto; but excluding slaughterhouses, fertilizer works, boneyards, and commercial feedlots. Incidental retailing of goods on the premises of goods and products raised on the premises shall also be considered as being within the definition of agriculture.

AGRITOURISM: An accessory use carried out on an active farm or ranch of forty (40) acres or more that allows members of the general public, for recreational or educational purposes, to view or enjoy agricultural activities including farming, ranching, guided and self-guided tours, farm museums, farm animal petting zoos, short term farm festivals, corn mazes, "harvest-your-own" events, hayrides, and/or horseback riding.

AIRCRAFT: Any device that is used for flight in the air with the exception of an unmanned device that weighs less than fifty-five (55) pounds.

AIRPORT: Any area of land or water that has been set aside, designated, classified, and duly established by jurisdictional authorities which may be used for any or all of the following purposes: aircraft terminals for people, mail, or freight; airport traffic control; weather stations; aircraft storage and repair; tie down areas; storage of fuel or oil and other aircraft supplies and parts; approach zones, landing strips, taxiways, clear zones, hangars, and offices; and such other facilities, buildings, or structures.

ALLEY: Any public space or thoroughfare which has been dedicated or deeded to the public for public use and which provides a secondary public means of access to abutting properties.

ALTERNATIVE SUPPORT STRUCTURE: Clock towers, steeples, silos, light poles, water towers, buildings or similar structures that may support telecommunication facilities.

ANIMAL CLINIC OR VETERINARY OFFICE: Any building or portion thereof designed or used for the care or treatment of cats, dogs, or other animals in which veterinary service including clipping, bathing, boarding, and other services are rendered to dogs, cats, and other small animals and domestic pets. Small animal hospital or veterinary hospital is the same as a small animal or veterinary clinic, except that an animal hospital has a licensed veterinarian on the premises.

ANIMAL FEEDING OPERATION (AFO): A small animal feeding operation or large animal feeding operation (*See* “SMALL ANIMAL FEEDING OPERATION” and “LARGE ANIMAL FEEDING OPERATION”).

ANIMAL UNIT RESTRICTIONS: Restrictions placed on animal densities in each zone district. *See* Chapter 8, Article A of this Title.

ANIMAL UNIT(S): A term used to establish an equivalence for various species of livestock. *See* Chapter 8, Article A of this Title for specific animal unit restrictions and equivalences.

ANTENNA: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include devices having active elements extending in any direction, and directional beam-type arrays having elements

carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

ANTENNA,
BUILDING-MOUNTED:

Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building.

ANTENNA,
GROUND-MOUNTED:

Any antenna with its base placed directly on the ground.

APARTMENT HOUSE OR
MULTI-FAMILY USE:

Any building or portion thereof which contains three (3) or more dwelling units including residential condominiums.

AQUACULTURE:

The cultivation of aquatic organisms such as fish, crustaceans, mollusks, algae, and/or aquatic plants.

AQUIFER REMEDIATION-
RELATED WELLS:

Wells used to prevent, control, or remediate aquifer pollution, including, but not limited to, Superfund sites.

AREA, BUILDABLE:

The space within the setback lines remaining on a lot after the minimum open space requirements of this Title have been complied with.

AREA OF CITY IMPACT:

Land surrounding a city where the city is anticipated to grow in the future. The area of city impact is agreed upon by the city and county in accordance with Idaho Code § 67-6526.

AREA OF SHALLOW
FLOODING:

Designated as AO or AH zone on the flood insurance rate map (FIRM). AO zones have base flood depths that range from one (1) to three (3) feet above the natural ground; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow. AH indicates ponding, and is shown with standard base flood elevations.

**AREA OF SPECIAL
FLOOD HAZARD:**

An area having special flood, mudflow, or flood-related erosion hazards and shown on a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM). Designation on maps includes the letters A or V.

**AUTOMOBILE WRECKING
YARD:**

Any area, lot, land, or parcel; excluding farm equipment on a farm and excluding completely enclosed buildings; whereon more than two (2) motor vehicles that lack current registration and/or are inoperable or dismantled are standing for more than thirty (30) days; or on which such used motor vehicles, or parts thereof, are dismantled or stored. For the purposes of this definition, the term “inoperable” means the motor vehicle cannot move under its own power or does not meet the minimum legal requirements necessary for the motor vehicle to be operated in a safe and lawful manner upon the roads and highways in the state of Idaho as set forth in the motor vehicle laws of the state of Idaho.

BARN:

A building for the housing of farm animals, milking of livestock, and/or the storage of farm equipment, machinery, products, or feed.

BASE FLOOD:

A flood having a one (1) percent chance of being equaled or exceeded in any given year, also referred to as a “100-year flood.” Designated on flood insurance rate maps by the letters A or V.

**BASE FLOOD ELEVATION
(BFE):**

The elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is depicted on the FIRM to the nearest foot and in the FIS to the nearest 0.1 foot.

BASEMENT:

Any area of the building having its floor subgrade (below ground level) on all sides.

BED AND BREAKFAST:	An owner-occupied residence resulting from the conversion of a one-family dwelling, used for providing overnight accommodations and a morning meal to not more than ten guests for a fee, and containing not more than five bedrooms for such guests.
BOARD:	The Board of County Commissioners of Twin Falls County, Idaho.
BOARDING HOUSE:	A lodging house or boarding house or portion thereof, other than a hotel, where lodging and/or meals are provided for more than five (5) persons for compensation. Rest homes and homes for the aged are not included in this definition.
BUFFER:	A portion of property generally situated near or along the property line in which no development may occur, but which may contain fences, berms or vegetative barriers necessary to insulate adjoining land from activities occurring on the property.
BUILDING:	Any structure having a roof supported by columns or walls and intended for the shelter, support, housing, or enclosure of any individual, animal, process, equipment, goods, use, or materials of any kind.
BUILDING HEIGHT:	The vertical distance from grade to the highest point of the coping of a flat roof, or to the deck of a mansard roof, or to the average height of the highest gable of a pitched or hip roof.
BUILDING LINE:	A line established by law or agreement and usually parallel to a property line beyond which a building or structure may not extend.
BUILDING, MAIN:	A building, other than an accessory building, for which the use thereof is authorized by this Title for the zone or district in which it is located.
BUILDING, NONCONFORMING:	Any building which does not conform to the requirements of this Title.
BUILDING SITE:	The ground area of a building or group of buildings, together with all open spaces, as required by this Title.

BUSINESS:	The purchase, sale, exchange, or other transaction involving the handling or disposition of any article, substance, or commodity for profit or livelihood; or the ownership or management of office buildings, offices, recreation, or amusement enterprises; or the maintenance and use of offices, professions, or trades rendering services.
CABIN:	A small one-story dwelling usually of simple construction containing three (3) or fewer rooms used for sleeping.
CAMOUFLAGED TOWER:	Any telecommunication tower that, due to design or appearance, entirely hides, obscures, or conceals the presence of the tower and antennas.
CAMPGROUND:	Land made available to persons for camping; whether by tent, trailer, camper, recreational vehicle, or similar device; and including the outdoor recreational facilities located on the real property. "Campground" does not include mobile/manufactured home parks.
CANYON FLOOR:	That area between the mean high-water mark and where the final slope is greater than thirty (30) percent.
CANYON LANDS:	The canyon rim and floor extending from the mean high-water mark to the outermost rim setback.
CANYON RIM:	The canyon rim is the point below which the final slope of County canyons exceeds thirty percent (30%) for a distance of ten (10) or more feet. The "final slope," as the term is used here, excludes minor breaks in the canyon wall which have a slope of less than thirty percent (30%), but are: a) inaccessible from existing streets, and/or b) less than one hundred feet (100') in width. There may be multiple rims meeting this definition. The location of the rim shall be determined before any excavation or grading preparatory to development occurs.
CARRIER:	Any company, corporation, firm or individual who provides or supplies wireless telecommunication service. For the purpose of this chapter, provider shall have the same meaning as carrier.
CARPORT:	A roofed structure entirely open on two (2) or more sides.

CLUB OR LODGE:	The social use of a building or of any premises by a nonprofit association, where such use is restricted to enrolled members and their guests.
COLLECTION POND, TEMPORARY:	Intended for the temporary impoundment of surface water runoff.
COLOCATION:	Locating telecommunications facilities from more than one provider on a single tower or other structure.
COMMERCIAL FEEDLOT; STOCKYARD:	See Chapter 8, Article A of this Title.
COMMERCIAL SLAUGHTER AND MEATPACKING FACILITIES:	Includes the: a) slaughtering, b) meat canning, c) curing, d) smoking, e) salting, f) packing, g) rendering, h) freezing, or other similar processing in which meat products are so prepared for sale to the public and where the inspection of meat, meat byproducts, and meat food products is maintained.
COMMISSION:	The Planning and Zoning Commission of the County of Twin Falls.
COMMUNITY DEVELOPMENT SERVICES DIRECTOR:	The official appointed by the Board of County Commissioners to assist the Planning and Zoning Commission, administer the Twin Falls County Zoning Code, and oversee the Community Development Services Department (formerly known as the Planning and Zoning Department). Community Development Services Director is synonymous with “Administrator” and “Director” and includes the employees and agents authorized by the Director to act on his or her behalf.
COMMUNITY WELLHEAD:	The upper terminal of a well, including adapters, ports, seals, valves, and other attachments.

COMPREHENSIVE PLAN:	A plan, or part thereof, which has been adopted by the Board of County Commissioners for the purpose of building development in the County including, but not limited to, a plan or plans of land use, streets, parks, and playgrounds, public buildings, off street parking, neighborhood conservation, and similar plans.
CONDITIONAL USE:	A use which is not allowed unless a conditional use permit has been granted after a determination that the use (with conditions) is not in conflict with the Comprehensive Plan or requirements of this Title. A conditional use is also known as a special use.
CONDITIONAL USE LAND DIVISION:	A one-time division of a second, infill parcel from a conforming parcel for the purpose of erecting a single-family dwelling on the infill parcel. The process requires a conditional use permit.
CO-OP:	An agricultural cooperative or farm which stores and/or processes the agricultural commodities raised by a different farm or more than one farm.
CORRAL:	A fenced enclosure where livestock are confined, stabled, fed, or maintained and where crops, vegetation, forage growth or postharvest residues are not sustained in the normal growing season over more than ten (10) percent of the enclosure. See Chapter 8, Article A of this Title.
CRITICAL FACILITY:	A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.
CROSSWALK:	A right of way dedicated to public use which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
CUL-DE-SAC OR DEAD-END STREET:	A short street having one end open to traffic and being terminated by a vehicle turnaround.
DAY:	Unless otherwise stated, “day” means a calendar day.

DAYCARE:	Care and supervision provided for compensation during part of a twenty-four (24) hour day for a child or children not related by blood, marriage, or legal guardianship to the person or persons providing the care, in a place other than the child's or children's own home or homes.
DEVELOPMENT:	Any manmade change to improved or unimproved real estate including, but not limited to, the construction of buildings, structures, or accessory structures; or the construction of additions or substantial improvements to buildings, structures, or accessory structures; the placement of mobile homes; mining, dredging, filling, grading, paving, excavation, or drilling operations; and the deposition or extraction of materials specifically including the construction of dikes, berms and levees. The term "development" does not include the operation, cleaning, maintenance, or repair of any ditch, canal, lateral, drain, diversion structure, or other irrigation or drainage works that is performed or authorized by the owner thereof pursuant to lawful rights and obligations.
DEVELOPMENT AGREEMENT:	An agreement between Twin Falls County and a developer which sets out the manner in which real property will be improved.
DOUBLE FRONTAGE LOT:	A lot fronting on two (2) nonintersecting streets.
DUPLEX:	A building designed for, or used by, two (2) families or housekeeping units.
DWELLING:	A building, or portion thereof, containing one dwelling unit, and which complies with the structural requirements of the adopted building code. The term "dwelling" does not include any travel trailer, "motel," "hotel" or "boarding house" as defined herein.
DWELLING, MULTIPLE-FAMILY:	A building, or portion thereof, containing three (3) or more dwelling units.
DWELLING, SINGLE-FAMILY:	A building designed for use and occupancy by no more than one family.

DWELLING, TWO-FAMILY: A detached building designed for use, and occupied exclusively by, two (2) families living independently of each other, known also as a duplex.

DWELLING UNIT: A suite of two (2) or more habitable rooms providing complete living facilities for one family including permanent provisions for living, sleeping, eating, cooking, and sanitation.

EASEMENT: A right of use falling short of ownership, and usually for a certain stated purpose.

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

ELEVATION CERTIFICATE: The official FEMA form used to track development, provide elevation information necessary to ensure compliance with community floodplain management, and determine the proper insurance premium rate.

EMERGENCY/25-YEAR PONDS: Designed as a 25-year, 24-hour storm event lagoon system to retain normal precipitation, moisture or snow runoff.

ERECT: Construct, alter, move, or repair.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which 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 either final site grading or the pouring of concrete pads is completed before the effective date of the adopted floodplain management regulations.

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 manufactured 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.

FACILITY:	Refers to any place that is built, installed, or established to serve a particular purpose.
FAIRGROUNDS:	An area used as an entertainment site for festivals or carnivals including buildings or structures.
FAMILY:	An individual or two (2) or more persons related by blood, marriage, or adoption; or a group of not more than five (5) persons who need not be related by blood, marriage, or adoption living together in a dwelling unit.
FARM LABOR DWELLING UNIT:	Dwelling unit(s) for farm laborers employed full-time in connection with the agricultural use of the land.
FEEDLOTS; AGRICULTURAL:	See Chapter 8, Article A of this Title.
FLOOD INSURANCE RATE MAP (FIRM):	The official map on which the federal government has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
FLOOD INSURANCE STUDY (FIS):	The official report provided by the federal government that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.
FLOOD OR FLOODING:	A general and temporary condition of partial or complete inundation of normally dry land areas from: <ul style="list-style-type: none"> A. The overflow of inland or tidal waters and/or B. The unusual and rapid accumulation of runoff of surface waters from any source.
FLOODPLAIN:	Any land area susceptible to being inundated by floodwaters from any source.
FLOOD PROTECTION ELEVATION (FPE):	An elevation that corresponds to the elevation of the one (1) percent chance annual flood (base flood), plus any increase in flood elevation due to floodway encroachment, plus one

(1) foot of freeboard. Therefore, the flood protection elevation for Twin Falls County is equal to BFE plus allowed floodway elevation plus one (1) foot freeboard.

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 more than one (1) foot.

GARAGE: A building, or portion thereof, in which a motor vehicle containing flammable or combustible liquids or gas in its tank is stored, repaired, or kept.

GOVERNING BODY: The Board of County Commissioners of Twin Falls County.

GRADE (ADJACENT GROUND ELEVATION): The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

GROUP HOME: A group residence for unrelated people with complex medical or other needs. No conditional use permits or other additional permits (beyond those required for a dwelling) are required if the group home meets the following requirements: eight (8) or fewer unrelated persons with disabilities or elderly persons reside in and are supervised at the group residence in connection with their disability or age-related infirmity and in which two (2) or fewer staff reside in the dwelling at any one time.

GUEST: A person, other than a member of a family, hiring or occupying a room for living or sleeping purposes.

GUYED TOWER: A telecommunications tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

HAZARDOUS WASTE DISPOSAL FACILITY: A hazardous waste treatment, storage, or disposal facility which receives hazardous material as described in part 40 chapter 260.1 of the Code of Federal Regulations.

HAZARDOUS WASTE OR MATERIAL:

Any substance designated as a hazardous or toxic substance defined by title 40 part 261.3 of the Code of Federal Regulations; or any material or substance designated as a hazardous or toxic substance by the State of Idaho, acting through the Division of Environmental Quality or any successor agency; or any waste or material which, because of its quantity, concentration, physical, chemical or infectious characteristics, may:

A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

B. Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed.

HEALTH DEPARTMENT:

State of Idaho Department of Health and Welfare or South Central Public Health District.

HEIGHT, TELECOMMUNICATIONS TOWER:

The distance measured from the original grade at the base of the tower to the highest point of the tower. This measurement excludes any attached antennas, protection devices (e.g., lightning rods) and lighting.

HOME, NURSING:

A building, whether operated for profit or not, the purpose of which is to provide skilled nursing care and related medical services for more than eight (8) individuals suffering from illness, disease, injury, deformity or requiring care because of old age. Also known as a "rest home."

HOME OCCUPATION:

Any gainful operation, profession, or craft, which is located in a dwelling place and wherein the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes; which occupation is carried on only by the immediate members of the family residing within the dwelling; and for which: a) the use does not change the character of the dwelling, b) not more than one-fourth (1/4) of the area of one floor of said dwelling is used for such use, c) no external alterations or construction features not customary in dwellings is involved, and d) no external indication of said home occupation is present except for a sign as provided in this Title.

HOSPITAL:	An institution where ill or injured human beings are offered treatment of a type recognized by state law such as medicine, surgery, osteopathy, and the like.
HOTEL:	Any building containing six (6) or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied for sleeping purposes by guests.
HOUSE, BOARDING:	A building, other than a hotel or restaurant, where meals are provided for compensation to three (3) or more persons who are not members of the householder's family.
HOUSE OF WORSHIP:	A church, temple, meeting house, mosque, or other nonresidential building used primarily for religious services or religious study.
IMPOUNDMENT:	A hollow structure with sloping or curving sides typically used for holding water or other liquid.
IMPROVEMENT:	A change in the physical characteristics of the land and/or a facility which adds to the general usability of the land.
INDUSTRIAL:	Relating to industry (manufacturing, processing, and/or testing of goods and materials).
INFILL:	Building in areas consisting of outcrops and poor ground that cannot be farmed.
INJECTION:	The subsurface emplacement of fluids.
JUNKYARD:	<i>See "SALVAGE YARD."</i>
KENNEL:	A premises where five (5) or more dogs over six (6) months of age are kept for commercial purposes including breeding, boarding, buying, selling, renting, exhibiting, or training.
LAND USE PLAN:	A general plan adopted and maintained by the County which shows the most appropriate use of land within the County (said Land Use Plan to be included in and made part of the Comprehensive Plan).

LARGE ANIMAL FEEDING
OPERATION (AFO):

A lot or facility (other than an aquatic animal production facility) where one thousand (1,000) or more animal units have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period excluding any portion of time in which the animals are stabled, confined, fed, or maintained at a lot or facility where crops, vegetation, forage growth, or postharvest residues are sustained during the normal growing season. Two or more operations which are under common ownership that stable or confine and feed or maintain animals are considered to be a single animal feeding operation if they adjoin each other (including if only separated by a right-of-way or public road) or if they use a common area or system for the disposal of wastes. Included as part of an animal feeding operation are all barns, stalls, corrals, feed stalls, feed storage areas, waste lagoons, storm runoff containment areas, waste storage areas, and truck/motor vehicle parking areas used in conjunction with the operation.

LATTICE TOWER:

A telecommunication tower that consists of vertical and horizontal supports and crossed metal braces.

LIGHTNING ROD:

A grounded metallic rod designed exclusively to protect a structure from lightning. A lightning rod is not included in a measurement of a structure's height.

LIVESTOCK CONFINEMENT
OPERATION (LCO):

Any lot, corral, or facility:

- A. Where livestock are confined and maintained for a total of one hundred eighty (180) days or more in any twelve (12) month period; and
- B. Where crops, vegetation, forage, growth or postharvest residues are not sustained in the normal growing season over more than ten (10) percent of the enclosure; and
- C. Where the number of animal units per acre exceeds the animal density restriction for that zone.

LODGING HOUSE:

See "HOUSE, BOARDING."

LOT:

A lot, tract, or parcel of land that is described by reference to a recorded plat or by metes and bounds.

LOT, CORNER:	A lot abutting upon two (2) or more streets at their intersection.
LOT, INTERIOR:	A lot, other than a corner lot, with frontage on only one street other than an alley.
LOT LINE:	A line bounding the lot described in the title to the property.
LOT, THROUGH:	A lot having frontage on two (2) streets which are parallel or nearly so.
LOUNGE:	<i>See</i> "TAVERN OR LOUNGE."
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 this chapter, provided there are adequate flood ventilation openings.
MANUFACTURED BUILDING:	Any building or building component, other than a mobile home or manufactured home, which is constructed according to standards contained in the Uniform Building Code, as adopted or any amendments thereto, which is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.
MANUFACTURED HOME:	A structure, constructed according to HUD/FHA manufactured home construction and safety standards, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The terms "manufactured home" does not include a "recreational vehicle."

MANUFACTURED/MOBILE
HOME PARK:

A parcel (or contiguous parcels) of land divided into two (2) or more lots for placement of manufactured homes and/or mobile homes as dwellings.

MAPS, ZONE:

The official map or maps of Twin Falls County which are incorporated into this Title and which designate zones and/or districts.

MAY:

The term "may," when used in association with usages, implies a use other than an allowed use. In no way does it indicate an approval or a permit, but rather a usage that might be considered.

MOBILE HOME:

A prefabricated structure, not including a recreational or travel trailer, built prior to June of 1976, that may or may not meet the structural requirements of a dwelling as provided in the International Building Code and that:

A. Has over one thousand (1,000) square feet of interior area; and

B. Was designed for long term occupancy and contains sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities, and plumbing and electrical connections for attachment to outside systems; and

C. Was designed to be transported after fabrication on its own wheels; and

D. Arrived at the site where it is to be occupied as a complete dwelling ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connection to facilities, and the like.

MONOPOLE:

A telecommunication tower of a single pole design.

MOTEL:

A building or group of two (2) or more detached, semidetached, or attached buildings containing guest rooms which are rented by the day, include automobile parking space, and are designed, intended to be used for, or are used primarily for the accommodation of transient automobile travelers. This definition includes cabins, tourist courts, motor courts, motor lodges, and the like.

MOTORSPORTS FACILITY:

Any motorsports track, course, or other property upon which racing or timed events are conducted with motor vehicles with a minimum of two (2) wheels.

MOTOR VEHICLE:	Any vehicle operating with at least two (2) wheels which is, or is designed to be, self-propelled or is designed or used for transporting persons or property. Motor vehicle does not include a vehicle moved solely by human power, an electric personal assistive mobility device, or a motorized wheelchair.
NAVIGABLE STREAM OR LAKE:	As designated on the United States Geological Survey (USGS) map and/or the Twin Falls County Zone Map.
NEW CONSTRUCTION:	Structures for which the "start of construction" commenced on or after the effective date hereof.
NEW MANUFACTURED HOME PARK OR SUBDIVISION:	A manufactured home park or subdivision for which 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 either final site grading or the pouring of concrete pads is completed on or after the effective date of adopted floodplain management regulations.
NONCONFORMING BUILDING:	A building, structure, or portion thereof which conformed to building and zoning regulations at the time it was built or otherwise affixed, but does not currently conform to the building code and/or regulations of this Title for the zone or district in which such building is situated.
NONCONFORMING USE:	A use of a premises which conformed to zoning regulations at the time it was originally established, but does not currently conform to the regulations of this Title for the zone or district in which such nonconforming use is located. Nonconforming uses are also known as "grandfathered uses."

NUISANCE:	With regard to agricultural operations, a nuisance includes flies, odors, animal noises, tractor operations, discharges, or other operations that may be found to be annoying, unpleasant, or obnoxious. Nothing in this definition or Title, however, shall be construed to limit the protections provided for agricultural activities in chapter 45, title 22 of the Idaho Code, also known as the Right to Farm Act.
NUISANCE WAIVER:	A form signed by applicants for zoning or building permits that waives any nuisance claim(s) they may have against existing agricultural operations including livestock confinement operations.
OCCUPANCY, CHANGE OF:	Any change in the character or use of a building or premises, not including change of tenants, proprietors, or occupants.
OFF-PREMISES SIGN (BILLBOARD):	A sign advertising a business, a person, an activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site.
OFF-STREET PARKING:	An area adjoining a building providing for the parking of automobiles which does not include a public street but has convenient access to it.
ON-PREMISES SIGN:	A sign advertising a business, a person, an activity, goods, products, or services located on the site where the sign is installed.
OPERATION:	When a facility is used regularly as an integral part of an active system of telecommunications (other than nominal use), the facility shall be deemed in operation.
OWNER:	The individual, firm, association, syndicate, partnership, or corporation with legal or rightful title.
PARCEL:	A unit of land in the ownership of one person and constituting a portion of a separate tract of land.
PARK, MOBILE HOME:	Any area, tract, plot or site of land developed, located and maintained for dwelling purposes on a permanent or semi-permanent basis.

PARK, TRAVEL TRAILER:	<i>See</i> RV PARK.
PARKING AREA OR LOT (PUBLIC):	An open area, other than a street or public way, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.
PARKING AREA (PRIVATE):	An open area, other than a street or public way, designed, arranged, and made available for the storage of private passenger automobiles of occupants of the building or buildings for which the parking area is developed and is necessary and accessory.
PARKING SPACE:	A usable space within a public or private parking area or a building of not less than one hundred eighty (180) square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of motor vehicles.
PASTURE:	An enclosed parcel of land where grass and fodder are grown for the grazing of domestic livestock.
PEDESTRIAN WAY:	A strip of land dedicated to the public use for foot traffic only.
PEN:	A small enclosure under one hundred twenty (120) square feet for the confinement of animals.
PERSON:	An individual or firm, corporation, partnership, or other form of association.
PLANNED UNIT DEVELOPMENT (“PUD”):	A planned unit development (“PUD”) provides for an appropriate use of land that is unique in its physical characteristics or where there are other circumstances warranting special methods of development. In a PUD, a variety of residential, commercial, industrial, and/or other land uses are provided for under single ownership or control. PUDs are intended to permit a degree of flexibility and diversification in the use of land which will provide a

development as good or better in function and relationship to the area as the traditional lot-by-lot development. PUDs have a substantially different character from other principal and conditional usages, and specific and additional standards and exceptions are required. Planned unit developments may be allowed in zones where they are listed as conditional uses.

PLANNING COMMISSION: The County of Twin Falls, Idaho Planning Commission (also known as the Planning and Zoning Commission).

PLAT: The drawing, map, or plan of a subdivision, cemetery, townsite, or other tract of land, or a re-platting of such, including certifications, descriptions, and approvals.

PLATFORM: A support system that may be used to connect antennas and antenna arrays to telecommunication towers or alternative support structures.

PLATTED SUBDIVISION: The result of division of an original lot, tract, or parcel of land into more than three (3) parts for the purpose of transfer of ownership or development. "Platted Subdivision" does not include any of the following:

1. An adjustment of lot lines which does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements, and does not increase the original number of lots;
2. An allocation of land as set forth in the settlement of an estate of a decedent;
3. A court order, judgment, or decree for the distribution of property;
4. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code;
5. Widening of existing streets to conform to a comprehensive plan;
6. The acquisition of street rights of way by a public agency in conformance with the comprehensive plan;
7. Land divided into parcels all of which are forty (40) or more acres in the Agricultural Zone (A) or one hundred sixty (160) or more acres in the Range Preservation Zone (RP) (plus or minus five (5) percent); or
8. One conditional-use division of land from an agricultural unit forty (40) or more plus or minus five (5) percent in the

Agricultural Zone (A) or one hundred sixty (160) or more acres plus or minus five (5) percent in the Range Preservation Zone (RP) for a dwelling.

PLOT: A parcel of land consisting of one or more lots or portions thereof, which is described by reference to a recorded plat or by metes and bounds.

PREBUILT HOME: *See* “MANUFACTURED BUILDING.”

PRINCIPAL USE: The main use of land or a building as distinguished from a subordinate, accessory, conditional, or other use.

PROPERTY: A lot or plot including all buildings and improvements thereon.

PROPERTY LINE: A recorded boundary of a plot.

PUBLIC: Operated by a government entity.

PUBLIC SEWAGE SYSTEM: A sewage system which is owned and operated by a local government authority or by local utility company adequately controlled by a governmental authority.

PUBLIC WATER SYSTEM: A system that provides the public with piped water for human consumption and has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes:

A. Any collection, treatment, storage, and distribution facilities under control of the operator of such system, and used primarily in connection with such system; and

B. Any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system.

RACING EVENT: Any time, speed, or distance competition using motor vehicles, whether or not conducted under the auspices of a recognized sanctioning body. Racing events shall be deemed to include any practice sessions, time trials, qualification rounds, or any other similar activity.

RECREATIONAL VEHICLE
("RV"):

A vehicle which:

- A. Is on a single chassis;
- B. Measures four hundred (400) square feet or less; and
- C. Was designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RECREATIONAL VEHICLE
PARK:

See definition of RV Park.

REPAIR:

The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The word "repair" or "repairs" shall not apply to any change in a structure such as would be required by additions to, or remodeling of, such structure.

RESIDENCE COURT:

A group of one-story buildings connected or detached facing directly on a street or a common court which opens into a street.

RESIDENTIAL USE:

A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, and multiple dwellings, but not including hotels, boarding and lodging houses, trailers, camp cars, or travel trailers.

REST HOME:

See "HOME, NURSING."

RESTAURANT:

Any land, building, or part thereof, other than a boarding house, where meals are provided for compensation including, among others, a cafe, cafeteria, coffee shop, lunchroom, tearoom, or dining room.

RODEO:

An area used as an entertainment site for an exhibition and/or competition of the skills of cowboys.

ROOMING HOUSE:

See "BOARDING HOUSE."

RV

See "RECREATIONAL VEHICLE."

RV PARK:

A parcel of land in which two (2) or more campsites are designated primarily for temporary occupancy by

recreational vehicles for travel, recreational, or vacation uses. Such parks may include sites for tent camping as well, also referred to as campgrounds.

SALVAGE YARD:

A place where scrap, waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled or stored; including auto wrecking yards, house wrecking yards, used lumberyards, and places or yards for storage of salvaged structural materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations conducted on the premises.

SANITARY LANDFILL:

A solid waste disposal operation where the wastes are spread on land in thin layers, compacted to the smallest practical volume, and covered with cover material once each day of operation in order to safeguard against environmental pollution, nuisances, and health hazards.

SATELLITE DISH:

A device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia-shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs (satellite television receive-only) and satellite microwave antennas.

SCHOOL:

An institution conducting regular academic instruction at elementary, secondary, and/or college levels. The minimum lot area must be ten (10) acres.

SERVICE:

Providing, attaching, or hooking up to any building, mobile home, or other structure any line or pipe which is intended to provide any of the following services: telephone, gas, electricity, water, or sewage disposal.

SERVICE STATION:

A building or portion thereof and land used for the supply of fuel, oil, and minor accessories for motor vehicles at retail direct to the customer and for making minor emergency repairs.

SETBACK:	The minimum distance which a structure or other feature must be from another place.
SHALL:	Is mandatory.
SHED, MACHINE:	A structure, usually of large size, used to shelter farm equipment and machinery.
SIGN:	Any structure or natural object including an elevated flat surface, a tree, a rock, the ground, or any other object or part thereof or device attached thereto or represented thereon which shall be used to attract attention, or which shall display or include any letter, word, number, logo, picture, model, banner, pennant, insignia, device, or representation used as, or which is in the nature of, an announcement, direction, or advertisement.
SINGLE-FAMILY DWELLING:	A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A mobile home or manufactured home is considered a single-family dwelling if it meets the requirements of this Title and has a HUD certification label or mobile home rehabilitation certificate as described in Idaho Code Title 44, Chapter 25.
SITE ADVISORY TEAM:	A CAFO site advisory team as defined in Idaho Code's Local Land Use Planning Act.
SMALL ANIMAL FEEDING OPERATION (Small AFO):	A lot or facility (other than an aquatic animal production facility) where one hundred (100) to nine hundred ninety-nine (999) animal units have been, are, or will be stabled or confined and fed or maintained for a total of one hundred eighty (180) days or more in any twelve (12) month period excluding any portion of time in which the animals are stabled, confined, fed, or maintained at a lot or facility where crops, vegetation, forage growth, or postharvest residues are sustained during the normal growing season. Two or more operations that stable or confine and feed or maintain animals which are under common ownership are considered to be a single animal feeding operation if they adjoin each other (including if only separated by a right-of-way or public

road) or if they use a common area or system for the disposal of wastes. Included as part of an animal feeding operation are all barns, stalls, corrals, feed stalls, feed storage areas, waste lagoons, storm runoff containment areas, waste storage areas, and truck/motor vehicle parking areas used in conjunction with the operation.

SPITE STRIP: A strip of land located within or adjacent to a subdivision or lot which allows the owner or developer to prevent access to a dedicated street or other public facility.

SPECIAL USE: *See* “CONDITIONAL USE.”

STABLE, PRIVATE: A detached accessory building or structure for the keeping of one or more horses or cows owned and used by the occupant of the premises and not for remuneration, hire, or sale.

STABLE, RIDING: A building or structure used or designed for the boarding or care of riding horses for remuneration, hire, or sale.

START OF CONSTRUCTION: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred 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.

STORM WATER RUNOFF:	Water discharged as a result of rain, snow, or other precipitation.
STORY:	That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.
STREET:	The public right of way which provides vehicular and pedestrian access to adjacent properties. The term street includes also the terms thoroughfare, parkway, thruway, road, avenue, boulevard, land, place, and other such terms.
STREET, ARTERIAL:	A street used primarily for through traffic.
STREET, LOCAL ROADS:	Any dedicated street serving as the principal means of access to property which has not been designated as a state or federal highway, major collector, or minor collector.
STREET, MAJOR COLLECTOR:	The highways of the County which have been designated as major collectors by the highway district having jurisdiction.
STREET, MAJOR HIGHWAY:	The highways of the County which have been designated as state or federal highways.
STREET, MARGINAL ACCESS:	A minor street parallel to and adjacent to a major street providing access to abutting properties and protection from through traffic.
STREET, MINOR COLLECTOR:	The highways of the County which have been designated as minor collectors by the highway district having jurisdiction.
STREET PLUG:	An area of land not intended for a building lot and not to be dedicated to the public, lying between the end of a dedicated street or alley and the boundary of the subdivision.
STREET, RESIDENTIAL:	A street intended to be used exclusively for access to abutting properties.
STRUCTURE:	Anything constructed or erected which requires permanent location above or below the ground or is attached to something having a permanent location on the ground including signs, billboards, walled and roofed buildings, and gas or liquid storage tanks.

SUBDIVIDER: Any individual, firm, or group who undertakes the subdividing of a lot, tract, or parcel of land for the purpose of transfer of ownership or development and including changes in street or lot lines.

SUBDIVISION: *See* "PLATTED SUBDIVISION."

SUBDIVISION, MOBILE HOME OR MANUFACTURED HOME: A parcel or tract of land of at least one acre in size developed as a Planned Unit Development for the purpose of creating both single ownership and common interest in real property for the placement of mobile home units. The development must be compatible with existing development in the area.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to the before damaged condition would equal or exceed fifty (50) percent of the market value (as established by the County Assessor's records) of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value (as established by the County Assessor's records) of the structure either:

- A. Before the improvement or repair is started; or
- B. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

SURVEYOR: The County shall choose and require a surveyor, legally qualified to perform land surveying in Idaho, to sufficiently check the plat and computations thereon to determine that the requirements herein are met, and said surveyor shall certify such compliance on the plat. For performing such service, the County shall collect from the subdivider an appropriate fee as set by the County Commission.

SYNERGY: A mutually-advantageous combined action. Animal feeding operations demonstrate synergy if they adjoin each other or if they are located near each other and use a common area or system for the disposal of wastes.

TAVERN OR LOUNGE: A building where alcoholic beverages are sold for consumption on the premises, not including restaurants when the principal business is serving food.

TELECOMMUNICATIONS FACILITY: A facility, site, or location that contains one or more antennas, telecommunication towers, alternative support structures, satellite dish antennas, other similar communication devices, and support equipment, which is used for transmitting, receiving, or relaying telecommunications signals.

TELECOMMUNICATION FACILITY, CO-LOCATED: A telecommunication facility comprised of a single telecommunication tower or building supporting multiple antennas, dishes, or similar devices owned or used by more than one public or private entity.

TELECOMMUNICATION SUPPORT FACILITY: The telecommunication equipment buildings and equipment cabinets.

TELECOMMUNICATIONS TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including camouflaged towers, lattice towers, guyed towers, or monopole towers. This includes radio and television transmission towers, microwave towers, and common carrier towers.

TEMPORARY SIGN: A sign that is displayed for a maximum of ten (10) consecutive days, no more than three (3) times per year.

TIME OF TRAVEL (TOT): The calculated length of time required for a contaminant to move in groundwater to a well.

UNDERGROUND

INJECTION WELL:

Any excavation or artificial opening into the ground which meets the following three (3) criteria:

- A. It is a bored, drilled or dug hole, or a driven mineshaft, or a driver well point; and
- B. It is deeper than its largest straight-line surface dimension; and
- C. It is used for or intended to be used for injection.

UNINCORPORATED

TERRITORY:

All of the territory within the boundaries of Twin Falls County, Idaho, which lies outside of incorporated cities and villages.

USE:

The purpose for which land or a building thereon is designed, arranged or intended or for which it is occupied, maintained or leased.

USE, ACCESSORY:

See "ACCESSORY USE."

USE, CONDITIONAL:

See "CONDITIONAL USE."

USE, PRINCIPAL:

See "PRINCIPAL USE."

UTILITY:

Any public or private corporation or company which supplies the public or a group of individuals with the following commodity, service, or both: telephone, gas, electricity, water, and/or sewage disposal.

UTILITY POLE MOUNTED

ANTENNA:

An antenna attached, without regard to mounting, to or upon an existing or replacement electric transmission or distribution pole, streetlight, traffic signal, athletic field light, utility support structure or other similar structure approved by the Twin Falls County Community Development Services Department.

VARIANCE:

A modification of the bulk and placement requirements of this Title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height

of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and a showing that the variance is not in conflict with the public interest.

WASTE LAGOON:

An open impoundment with earthen or concrete embankments for the purpose of runoff collection for the purpose of settling or temporary storage of the following forms of livestock wastes: semisolid, slurry, and/or liquid.

WATER DEPENDENT:

A structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

WELLHEAD PROTECTION
OVERLAY DISTRICT IA:

A minimum fixed radius extending no less than fifty feet (50') radially from the wellhead supplying potable water to the public water supplies.

WELLHEAD PROTECTION
OVERLAY DISTRICT IB:

A three (3) year time of travel (TOT) as defined in this Section.

WELLHEAD PROTECTION
OVERLAY DISTRICT II:

A six (6) year time of travel (TOT) as defined in this Section.

WELLHEAD PROTECTION
OVERLAY DISTRICT III:

A ten (10) year time of travel (TOT) as defined in this Section.

**WELLHEAD PROTECTION
OVERLAY DISTRICT (WPO):**

A land use designation on the land use map, or a zoning designation on a zoning map, that modifies the basic underlying designation in some specific manner. The Wellhead Protection Overlay District will also appear in the hazardous component of the Comprehensive Plan. A map will define specific area districts centering around wells supplying drinking water to a public water system. The map is delineated using one of the following methods:

- Calculated fixed radius,
 - Arbitrary fixed radius,
 - Simplified variable shapes,
 - Semi-analytical and analytical methods,
 - Hydrogeologic mapping, or
 - Numerical modeling;
- and follows the guidelines established in the Idaho Wellhead Protection Plan.

YARD:

The open, unoccupied space on the lot between the property or lot lines and the front, rear or side wall of a building.

YARD, FRONT:

The yard across the full width of the lot or plot which faces the street and extends from the front building line of the building to the front property line. All buildings shall comply with the highway district regulations regarding front yard setbacks for major and minor collectors as designated on the official County highway map.

YARD, REAR:

The yard across the full width of the lot or plot opposite the front yard, extending from the rear building line of the building to the rear property line.

YARD, SIDE:

The yard between the side building line of the building and the adjacent side property line and extending from the front yard to the rear yard.

ZONING MAP:

The zoning map or maps of Twin Falls County, Idaho, incorporated into this Title designating zoning districts together with all amendments subsequently adopted.

ZONING OFFICIAL:

The Community Development Services Director or an authorized representative of the same.

ZONING PERMITS AND
CERTIFICATES:

A. Zoning Compliance: A building permit, once issued, serves as a zoning permit.

B. Occupancy Certificate: A document authorizing the occupancy and use of completed buildings, structures, or premises and the proposed use thereof for the purpose of ensuring compliance with the provisions of this Title and other county codes and regulations.

C. Notice of Noncompliance: A document issued by the Community Development Services Director or a code enforcement officer indicating that a use or structure is nonconforming to the district regulations or is not in conformity with other conditions or requirements of this Title.

DRAFT

CHAPTER 3
ADMINISTRATION

SECTION:

- 8-3-1: Community Development Services Department
- 8-3-2: Planning and Zoning Commission
- 8-3-3: Board of County Commissioners
- 8-3-4: Pre-Application Conference
- 8-3-5: Application
- 8-3-6: Review of Applications for Completeness
- 8-3-7: Administrative Permits
- 8-3-8: Notice of Hearing
- 8-3-9: Hearing
- 8-3-10: Appeal
- 8-3-11: Taking Analysis
- 8-3-12: Request for Reconsideration
- 8-3-13: Mediation

8-3-1: COMMUNITY DEVELOPMENT SERVICES DEPARTMENT:

- A. Appointment: The Community Development Services Department, formerly known as the Planning and Zoning Department, has been created by the Board of County Commissioners (“Board”). The Board appoints a Community Development Services Director to head that office. “Community Development Services Director” is synonymous with “Director” and “Administrator” and includes the employees and agents authorized to act on behalf of the Community Development Services Director. “Planning and Zoning Department” is synonymous with “Community Development Services Department.”
- B. Duties: The Community Development Services Director shall be the administrative official of the Planning and Zoning Commission (“Commission”) and shall administer the provisions of the Zoning Code. In addition, the Community Development Services Director shall:
 - 1. Prepare application guidelines, forms, policies, and administrative procedures for the Community Development Services Department and for administration of the Twin Falls County Code.
 - 2. Determine what supplemental materials shall accompany an application and determine whether an application is complete.
 - 3. Collect fees as set by the Board.
 - 4. Receive and examine applications for building permits, sign permits, zoning approval letters, and temporary use permits.

5. Administer a building code enforcement program and/or arrange for the County to contract with a public or private entity to administer the building code enforcement program as allowed by Idaho Code § 39-4116.
6. Conduct such investigations of buildings, structures, and uses of land as are necessary to determine compliance with the terms of this Title.
7. Approve, deny, or approve with conditions applications for building permits, sign permits, zoning approval letters, temporary use permits, and other permits that are within the discretion of the Director.
8. Revoke permits for violating this Title. The Director may revoke permits that were within the authority of the Director to approve if a property a permit was obtained by faulty information, the property is in violation of this Title, or the use for which the approval was granted has ceased to exist. Prior to revoking a permit, the Director shall notify the permit-holder in writing of violation(s) and shall provide the permit-holder at least thirty (30) days to correct the violation(s) or provide a satisfactory explanation.
9. When possible, advise potential applicants about necessary steps to get projects approved.
10. If an application for a permit does not comply with this Title and approval is within the discretion of the Community Development Services Director, then the Director shall deny the application and may recommend other alternatives to the applicant.
11. Receive, file, and transmit to the Commission and/or the Board all complete applications, petitions, and other communications on which the Commission and/or Board is authorized to act.
12. Authorize such public hearings as are necessary to comply with the requirements and objectives of this Title.
13. Provide reports about each item on the agenda for the use of the Commission or Board.
14. Serve as an advisor to the Commission and Board making recommendations on matters concerning rezoning, variances, conditional use permits, planned unit developments, subdivisions, zoning, ordinances, and comprehensive planning.
15. Act as Secretary to the Commission and, as such, record accurate minutes of the proceedings of the Commission.
16. Investigate violations of this Code, demand the abatement of violations of this code, refer violations to the Sheriff's Office and/or Prosecuting Attorney, and/or aid in the prosecution of such violations.
17. Interpret ambiguous provisions of this Zoning Code, conditions or other terms set by the Planning and Zoning Commission, or other documents necessary to the issuance of building or zoning permits.
18. Maintain permanent records of all inspections, applications, and determinations made involving applications for permits or certificates, inspection of buildings and structures, and use of lands to ensure continuous compliance with the terms of this Code.
19. Perform any other such duties and responsibilities as may be assigned by the Board, as are provided for in this Code, or as are reasonably necessary to the proper execution of the Director's enumerated duties.

- C. Appeals: Interpretations and final decisions of the Director may be appealed to the Board within fifteen (15) days.

8-3-2: PLANNING AND ZONING COMMISSION:

- A. Purpose: The Planning and Zoning Commission (“Commission”) was created by the authority of Idaho Code and ordinance of the Board of County Commissioners (“Board”) to exercise planning and zoning tasks delegated to the Commission by the Board.
- B. Appointment, Terms of Office: The Planning and Zoning Commission for Twin Falls County as established will consists of seven (7) members. The Board shall appoint Commission members and fill vacancies. The term of office for each member is three (3) years and members may be appointed to a second term, but may not serve more than two (2) consecutive terms. Members who have served two (2) consecutive terms may be eligible to serve again after a period of one (1) year. Vacancies occurring otherwise than through the expiration of terms shall be filled by the Board. Members may be removed for cause by a majority vote of the Board.
- C. Duties and Responsibilities: The Planning and Zoning Commission is responsible to perform the duties set forth in the Local Land Use Planning Act and Twin Falls County Code in Twin Falls County including:
 1. Conduct hearings regarding comprehensive planning, conditional use permits, preliminary plats, proposed changes to zoning ordinances, variances, and other applications requiring the Commission’s decision or recommendation.
 2. Approve, approve with conditions, or deny conditional use permits, preliminary plats, variances, and other such applications requiring Commission approval.
 3. Revoke conditional use permits, variances, or other approvals (collectively, “approvals”) that were previously approved by the Planning and Zoning Commission if the Commission finds an approval was obtained by faulty information, the property is in violation of this Title, or the use for which the approval was granted has ceased to exist. Prior to revoking an approval, the Commission shall conduct a hearing.
 4. Make recommendations to the Board regarding changes to zone boundaries, changes to the zoning map, land subdivisions, planned unit developments, and other matters for which the Board requires or has requested the Commission’s recommendation.
 5. Initiate or review and make recommendation on proposed amendments to Twin Falls County Code and conduct periodic reviews of all land use and development ordinances.
 6. Initiate or review and make recommendations on proposed amendments to the Comprehensive Plan and conduct a periodic review of the Comprehensive Plan.
 7. Provide for citizen meetings, hearings, surveys, or other methods to obtain advice on issues of land use, land use plans, or land use ordinances and processes as necessary, or when required by Twin Falls County Code or Idaho Code.
 8. To conduct studies pertaining to land use in Twin Falls County.

9. Perform additional duties as may be assigned by the Board of County Commissioners.
- D. Expenditures. Any expenditures of the Commission shall be within amounts appropriated and set aside by the Board, and such expenditures shall only be made for the purposes of the Commission. Within such limits, the Commission is authorized to employ such employees and technical advisers as are deemed necessary for its work.
- E. Organization:
1. Offices: The Commission will have a Chair and Vice-Chair. The Commission may create and fill any other offices that it may deem necessary.
 2. Selection of Officers: The Commission selects a Chair and Vice-Chair annually at the initial meeting in the calendar year, for a term of one (1) year. In the event that the Chair and Vice-Chair are absent or unable to fulfill their duties, the members of the Commission may appoint a member to act in the place of the Chair.
 3. Duties of Chair: The Chair is the head of the Commission. The Chair shall preside at and conduct meetings and hearings by calling meetings to order; conducting debates; calling recesses; and entertaining motions for approval of minutes, findings, written decisions, adjournment, and other Commission business. When authorized by the Commission, the Chair may sign documents on behalf of the Commission. The Chair only votes in the event of a tie.
 4. Duties of Vice-Chair: Fulfills the duties of the Chair in his or her absence.
 5. Appointment of Secretary: The Community Development Services Director will act as a non-voting, non-member Secretary to the Commission. The Secretary's duties will be to record accurate minutes of the proceedings and any such other duties as may be assigned.
 6. Other Offices and Committees: The Commission may create and fill any other office(s) that it may deem necessary. The Commission may establish subcommittees, advisors, etc., to assist in carrying out the responsibilities of the Commission.
 7. Nominations for Offices: Any member may be nominated, a member may nominate himself or herself for an office, and a member may only make one nomination at a time. The Chair does not step down during nominations.
- F. Open Meeting Law: All Commission meetings shall be open to the public. The Commission and any officers, committees, subcommittees, or advisory committees to the Commission must comply with the Idaho Open Meeting Law and maintain records of their activities as required by law.
- G. Conduct of Meetings.
1. Timing of meetings: The Commission shall fix its place of meeting and shall conduct at least one regular meeting each month. If no issues over which the Commission has jurisdiction are pending on its calendar, a meeting may be canceled provided, however, that in any event, one regular meeting shall be held for each month for not less than nine (9) months in each year. Other meetings of the Commission shall be held at the call of the Chair and at such other times as the Commission may determine.
 2. Continuance: The action of the Commission at any meeting may be continued to the next regular meeting without further notice being given. All meetings and records of the Commission shall conform to the Open Meeting Law and Public Records Law. Meeting

schedules and other aspects of Commission activities shall comply with Twin Falls County Code and state law.

3. Quorum: A majority of the appointed members of the Commission shall be necessary to constitute a quorum of any meeting of the Commission, and a quorum must first be established to convene the meeting. Quorum refers to the number of members present, not to the number voting. After the quorum is established, neither recusals nor abstentions from voting will nullify the quorum.

4. Abstentions: A member may abstain from voting. Abstentions do not count in tallying the vote. The abstention of a member does not affect the quorum.

5. Recusal: A member may recuse himself or herself. On recusal, the member does not participate in discussion or action on the item. The nonparticipation of a member does not affect the quorum.

6. Order of Business: The order of Commission business at meetings shall be: election of officers (when necessary); business items including, but not limited to, approval of minutes and written decisions; tabled items; and hearing items.

7. Discussion: Prior to the making of a motion, the Commission may discuss the merits of the application including, but not limited to, decisional criteria in the ordinance, the written record (i.e. application and submittals, reports and studies, and written comments), public and agency recommendations, applicant representations, and relevant testimony.

8. Motions: To make a motion, a member will seek recognition of the Chair, the Chair will recognize the member, who then makes a motion to approve, deny, or make a recommendation as the process may dictate, and the Chair then will entertain a second of the motion. If there is no second, the motion dies and is withdrawn from consideration. If seconded, the Chair will state the motion, ask for any further discussion and then call for a vote.

9. Amendments and Secondary Motions: members may suggest modifications to the motion, and the moving member may accept the modifications or withdraw the motion.

10. Voting: The concurring vote of a majority of the Commission present shall be necessary to sustain a finding, determination, recommendation or decision. The approval of minutes, election of officers, general business, and agenda items may be by voice vote or roll call vote. Voting may only take place when a quorum is present. Mail-in, telephone, or proxy voting is not allowed.

11. Tabling: An item of business may be tabled to a date certain at the discretion of the Commission by majority vote. An item may not be tabled more than three (3) times, after which the Commission will take appropriate action.

H. Conflict of Interest: Commission members shall be subject to all applicable conflict of interest provisions of Idaho state law. A member of the Commission shall not participate in any proceeding or action when the person or their employer, business partner, business associate, or any person related by affinity or consanguinity within the second (2nd) degree, has an economic interest in the procedure or action. Any actual or potential interest in any

proceeding or legally significant *ex parte* contact should be disclosed at, or before, any meeting at which the action is being heard or considered. Any such disclosure shall be noted in the minutes.

- I. Records: The Commission shall keep minutes of its proceedings, shall keep records of its examinations, findings, recommendations and all other official actions. The records herein referred to shall be a public record.
- J. Powers: The Commission shall have all the powers which are now or may hereafter be given it by the general laws of the State of Idaho and ordinances of the County.
- K. Recommendations and Decisions in Writing: The Commission shall make its recommendations to the Board and its decisions in writing. A report of all business conducted by the Commission shall be forwarded to the Board in the form of minutes of all regular business meetings and hearings. In matters involving a hearing, the review of plats, or applications where a finding, determination, decision, or recommendation has been made on a subject which has been a matter of contest, the Commission shall file a written report with the Clerk of the Board within a reasonable time after the conclusion of such matter. The Commission's report shall provide a reasoned statement that explains the criteria and standards applied, references factual information contained in the record, and cites applicable provisions of the Twin Falls County Code.
- L. Appeals: Final decisions of the Commission may be appealed to the Board of County Commissioners within fifteen (15) days.

8-3-3: **BOARD OF COUNTY COMMISSIONERS:**

- A. Responsibilities of Board: The Board of County Commissioners ("Board") has the exclusive authority, under Idaho Code, to make the following decisions in the unincorporated areas of Twin Falls County:
 - 1. Adopt, amend, or repeal the Comprehensive Plan.
 - 2. Adopt ordinances.
 - 3. Establish zones, rezone property, and change zone boundaries.
 - 4. Finally approve land subdivisions.
 - 5. Regulate siting of large confined animal feeding operations.
- B. Appellate Capacity: An applicant or affected person in a Twin Falls County land use matter may timely appeal an interpretation or final decision of the Director or Commission to the Board.

8-3-4: **PRE-APPLICATION CONFERENCE:**

- A. Purpose: At the early planning stages of a proposed development, an applicant may confer with the Director to determine whether a proposal is consistent with the Comprehensive Plan and ordinances governing land development; review application materials; consider

the full impact and consequences of the proposal; discuss alternate plans or methods of development; formulate modifications that may be necessary; and discuss possible requirements including the need to further consult with any city, county, special purpose district, state, or other public or private agency affected by the proposed development. Meeting before an application is submitted can clarify the application process and may prevent wasted time and expense for an applicant.

- B. **Participation Optional:** An applicant is not required to attend a pre-application conference. An applicant may choose to schedule a pre-application conference with the Director prior to submission of an application. The Director may determine it is necessary for a Twin Falls County surveyor or building official to attend the pre-application conference(s). The Director or applicant may request additional pre-application conferences.
- C. **Conclusions Not Final:** No final decisions are made by the Director at the pre-application conference. Any conclusions derived at, or from, the pre-application conference shall not be deemed binding on either the developer or the County and, as they are not final, may not be appealed to the Board.

8-3-5: **APPLICATION:**

- A. **Form:** An applicant shall submit to the Community Development Services Department a completed application on a form approved by the Director.
- B. **Additional Materials Required:** Additional materials may be required depending on the type of application. Some examples of additional materials that may be required are: a plat or other map, architectural and site development plans, an impact study, opinion letters from interested agencies, and any other information the Director deems necessary.
- C. **Fee:** To be considered complete, an application must be accompanied by a fee as set by the Board.

8-3-6: **REVIEW OF APPLICATIONS FOR COMPLETENESS:** When an application is received, the Director will review it for completeness. If the Director determines the application is incomplete, the Director will promptly notify the applicant of the deficiencies in writing. If the applicant remedies the deficiencies within thirty (30) days, the application will be considered complete and will proceed to the decision-making stage. If the application is not complete and the applicant submits proof of good cause why an extension of thirty (30) days should be provided, the Director may grant the applicant an extension of thirty (30) additional days to complete the application. If the applicant fails to remedy the deficiencies within thirty (30) calendar days of the notice and an extension has not been granted, the application will automatically be deemed denied.

8-3-7: **ADMINISTRATIVE PERMITS:**

- A. Types of Permits: The Director is the decision-maker who approves, denies, or approves with conditions applications for matters including: a permit for a structure or use allowed in the applicable zone, permits for telecommunication towers no more than one hundred twenty-five feet tall, applications regarding small animal feeding operations, and other matters as required by the Board of County Commissioners or set out in this Title.
- B. Criteria: In deciding whether to approve, deny, or approve with conditions, the Director shall consider whether the proposed use or structure meets the requirement of this Title, Idaho Code, and any other applicable requirements of law.
- C. Written Decision: Within a reasonable period of time, the Director's written decision will be sent to the Applicant and any affected persons who have requested notice of the decision in writing. If an application is approved with conditions or denied, the decision should explain the reason(s) the application did not qualify for approval as submitted. If a decision has not been rendered within sixty (60) days of the application, the application is deemed denied.
- D. Appeal: An applicant or other affected person may appeal a decision or interpretation of the Director to the Board of County Commissioners. Appeals must be filed within fifteen (15) days of the decision.

8-3-8: NOTICE OF HEARING:

- A. When Required: When matters to be heard in front of the Planning and Zoning Commission or Board of County Commissioners require hearings, notice of the hearing(s) shall be sent in conformity with this Section.
- B. Notice to Agencies: At least fifteen (15) days prior to the public hearing, the Director shall send notice of development applications to applicable agencies, as determined by the Director. Some hearings that require notice to agencies are:
 - 1. Comprehensive plan amendments and applications for zoning ordinance amendments: The Director shall send a summary of petitions for comprehensive plan amendments and applications for zoning ordinance amendments to applicable agencies and political subdivisions as referenced in Idaho Code § 67-6509(a).
 - 2. Area of impact: Notice regarding land use applications for property within an area of city impact shall be sent to the applicable city. The city may provide, prior to or at the hearing, a recommendation to Twin Falls County on such application, citing the applicable adopted Comprehensive Plan policies, goals, objectives or provisions applicable to such recommendation. Alternatively, a city official may make comments at the hearing. Any recommendation from a city shall not be binding or controlling on the County, but shall be treated as evidence in the hearing record, and be given due consideration.
- C. Notice to Public:
 - 1. Legal Notice: At least fifteen (15) days prior to the public hearing, the Director shall publish a notice of the time and place of the hearing and a summary of the application in the official newspaper of general circulation in the county.

2. **Site Notice:** At least seven (7) days prior to the public hearing, the applicant shall post a notice on all the external boundaries of the property which is the subject of the application. The notice shall consist of signage rented from the Community Development Services Department or other signage that complies with the current posting requirements as set by the Director. Placement of the signage shall also be in compliance with the current requirements as set by the Director. The current site notice signage requirements are available from the Community Development Services Department.
3. **Radius Notice:** At least fifteen (15) days prior to the public hearing, the Director shall send a notice of the time and place of the hearing and a summary of the application to property owners or purchasers of record (as listed in the current records of Twin Falls County) owning property within three hundred feet (300') of the external boundaries of the property upon which the application is being considered. If the application concerns an animal feeding operation, notice shall be sent to property owners within one (1) mile of the external boundaries of the property. The Director may determine that notices shall be sent to property owners or purchasers of record whose properties are farther than the listed minimum radius.
4. **Alternate Forms of Notice:** When notice is required of two hundred (200) or more property owners or purchasers of record, the Director may authorize an alternate form of notice as follows:
 - a. In lieu of mailed notice, one additional notice of the time and place of the hearing and summary of the proposal shall be published in a newspaper of general circulation within the County, not less than seven (7) days prior to the hearing; and
 - b. At least seven (7) days prior to the hearing, the applicant shall post a hearing notice on the property following the signposting requirements of this section.

8-3-9: **HEARING:** The purpose of this Section is to provide the procedure by which the Planning and Zoning Commission or Board of County Commissioners shall conduct hearings in land use matters.

- A. **Conduct of Hearing:** Hearings before the Commission or Board shall be conducted in general conformance with the following procedure:
 1. **Sworn Testimony:** The Board or the Commission may require any person who will testify at a hearing to be sworn in before testifying.
 2. **Time limitation:** The Board or the Commission may place a time limit on oral presentations and testimony. If there will be a time limitation, the limitation shall be announced at the beginning of the hearing. Witnesses may supplement their verbal testimony with written testimony.
 3. **Hearings Recorded:** Hearings must be recorded as transcribable verbatim records.
 4. **Clarification Questions:** The Board or the Commission may ask clarifying questions to any person at any time during the hearing before the record is closed.
 5. **Order of Hearing:** Hearings shall typically be conducted in the following order. The Commission or Board may permit deviations from the typical order so as

long as applicants and affected persons are allowed a reasonable opportunity to present and rebut evidence.

- a. Overview of The Application: Hearings shall commence with an overview from staff and the staff's submission of a written report to the Commission or Board.
 - b. Applicant/Appellant Presentation of Application: The applicant/appellant presents his or her application and shall be allowed an opportunity to present testimony, documents, and other evidence which supports the application or appeal.
 - c. Public Testimony: The Board or the Commission shall take comments from affected persons. Those providing public testimony shall be provided an opportunity to present oral and/or written testimony, documents, or other evidence. In its discretion, the Commission or Board may alternate between those supporting and those opposing a particular application.
 - d. Applicant/Appellant Rebuttal: The applicant/appellant shall be allowed the opportunity for rebuttal. Such rebuttal shall be limited to responding to testimony, documents, or other evidence provided during the public testimony.
 - e. Closing of the Record: The following shall automatically become part of the record: staff report, documents, and comments; documents submitted by the applicant/appellant and the public; and all arguments, comments, and testimony presented at the hearing. At the conclusion of the hearing, the Commission or Board shall close the record unless the Board or the Commission determines, in its discretion, additional evidence is required.
 - f. Additional Evidence Required: If the Commission or Board determines additional evidence is required, it may close the record with the exception of allowing the submission of specifically requested information, leave the entire record open for the submission of additional evidence to a date certain at which time it will automatically be closed without further action of the Commission or Board, or continue the hearing to a date certain for the purpose of receiving additional evidence and conducting such further proceedings as may, in its discretion, be advisable.
 - g. Deliberation: After all evidence has been received and the Board or the Commission takes the matter under advisement, no further comments or testimony may be taken from the applicant/appellant, staff, or the public. At that point, the Board or Commission will deliberate toward a decision or recommendation based on the record. Deliberation is subject to Idaho Open Meeting Law.
6. Decision:
- a. Timing: After deliberating, the Board or the Commission may immediately render a decision or recommendation complying with applicable law or may continue the matter to a date and time certain for further deliberation and decision or recommendation. If no written decision has been rendered within sixty (60) days, the application is deemed denied.

- b. Contents of Decision or Recommendation: The Commission or Board shall provide the applicant, and any other affected person who has requested a copy, written findings of fact and conclusions of law in accord with Idaho Code sections 67-6519 and 67-6535 stating the reasons for the decision or recommendation. The decision will contain a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles, and factual information contained in the record. The Commission or Board may require conditions of approval that it deems necessary to protect the public health, safety, and welfare and/or to prevent undue adverse impacts on surrounding properties. Conditions of approval, if any, shall be attached to the written decision.

B. When Further Hearing Required: A further public hearing is required in the following circumstances.

- 1. When the Commission has issued a recommendation on a matter which is within the discretion of the Board of County Commissioners, the matter must proceed to hearing in front of the Board for a final decision.
- 2. When the Board makes a material change to a Comprehensive Plan amendment application or zoning ordinance amendment application, further notice and hearing shall be provided.

C. When Resolution or Ordinance Required: Following the approval of a Comprehensive Plan amendment, the Board shall adopt a resolution or ordinance adopting the amendment to the Comprehensive Plan. Following the approval of a zoning ordinance amendment, the Board shall adopt an ordinance and, within thirty (30) days, publish a summary of the ordinance in the official newspaper of general circulation in the County.

8-3-10: APPEAL:

- A. Who May Appeal: Applicants and affected persons¹ aggrieved by a final decision, interpretation, or action of the Community Services Director or the Planning and Zoning Commission may appeal the matter to the Board of County Commissioners.
- B. Timing: An appeal shall be filed with the Director within fifteen (15) days after the date of the denial or written decision, or it shall not be accepted.
- C. Fee: An appeal shall be accompanied by the required fee as set by the Board.

¹ As used in this section, "Affected persons" shall be limited to those persons entitled to Radius Notice pursuant to TFCC 8-3-8-C-3.

- D. Notice of Hearing: Notice for appeal hearings in front of the Board shall be made in the same manner as notice for other hearings as set forth in 8-3-8.
- F. Prior Record Considered: The Board may consider the entire record from the prior decision including any applications, testimony, documents, letters, evidence, argument, findings, orders, requirements, permits, decisions, determinations, and/or conditions.
- E. De Novo Hearing: An appeal in front of the Board is a de novo hearing, meaning “anew” or “from the beginning.” The Board is not limited to only the evidence and arguments that were previously in front of the Director or Commission. Instead, the appellant and affected persons may present arguments and evidence that are new and/or that were previously offered. The Board will accept evidence and arguments as it does in other hearings as set forth in 8-3-9.
- F. Decision:
 - 1. Timing: After deliberating, the Board may immediately render a decision or recommendation complying with applicable law or may continue the matter to a date and time certain for further deliberation and decision or recommendation. If no written decision has been rendered within sixty (60) days, the appeal is deemed denied.
 - 2. Contents of Written Decision: The Board may affirm, reverse, or modify, in whole or in part, the order, requirement, permit, decision, or determination appealed from, or make or substitute any additional conditions that in its deliberations it may find warranted. The Board may require conditions of approval that it deems necessary to protect the public health, safety, and welfare and/or to prevent undue adverse impacts on surrounding properties. Conditions of approval, if any, shall be attached to the written decision. The Board shall provide the appellant, and any other affected person who has requested a copy, written findings of fact and conclusions of law in accord with Idaho Code sections 67-6519 and 67-6535 stating the reasons for the decision.

8-3-11: **TAKING ANALYSIS:** Under Idaho Code § 67-8003, a private property owner has twenty-eight (28) days after a final decision to file a request for a regulatory taking analysis with the clerk or secretary of the agency whose action is questioned. A regulatory taking analysis is an evaluation of whether a regulatory or administrative action results in an unconstitutional taking of private property. Applicants are not required to file a request for a regulatory taking analysis, and a decision to file or not file such a request does not prevent the private property owner from seeking legal or equitable relief.

8-3-12: **REQUEST FOR RECONSIDERATION:**

- A. Every applicant or affected person seeking judicial review of the Board's final decision must first submit with the Director an application for reconsideration of the Board's decision, specifying deficiencies in the decision within fifteen (15) days of the date of the decision, along with the applicable fee. The deficiencies identified must be based on the record and not based on information that is not part of the record.
- B. The Board will consider the reconsideration motion as scheduled on an open business meeting agenda and determine whether to grant or deny the request. If the Board grants reconsideration in whole or in part, a hearing before the Board will be scheduled to

address the specific deficiencies identified by the applicant or affected person and to allow affected persons an opportunity to be heard.

- C. Notice of the public hearing on the reconsideration, identifying the specific deficiencies alleged in the reconsideration request, will be provided as follows, including
 1. Notice to Agencies and Political Subdivisions: At least fifteen (15) days prior to the public hearing, the Director shall send notice to all political subdivisions providing services with the planning jurisdiction, including school districts and the manager or person in charge of the local public airport
 2. Legal Notice: At least fifteen (15) days prior to the public hearing, the Director shall publish a notice of the time and place in the official newspaper or paper of general circulation in the county.
 3. Radius Notice: Will be provided in the same manner as originally provided on the application if radius notice was originally required.
 4. Public Service Announcement: The Director shall issue a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement.
- D. Timing: If the Board grants the request to hold a hearing on the reconsideration, it must be held within sixty (60) days of receipt of the request for reconsideration. If the Board fails to timely decide, the request for reconsideration is deemed denied.
- E. Decision: Following the hearing on the reconsideration, the Board may affirm, reverse, or modify its prior decision and shall provide a written decision to the applicant and the affected person(s).

8-3-13: **MEDIATION:**

- A. Who May Request: Mediation may be requested by an applicant or an affected person.
- B. Timing: Mediation may be requested after a final decision has been made. Mediation must be requested within fifteen (15) days of the final decision.
- C. Mediation is Optional: Failure to request mediation does not prevent a party from appealing a matter or seeking other relief.
- D. Request to Mediate: The person requesting mediation shall apply with the Director.
- C. Participation: An applicant or affected person may decline to participate in mediation.
- D. Selection of Mediator: The Board of County Commissioners shall select the mediator. Mediators may be land use professionals not employed by Twin Falls County, judges or retired judges, attorneys designated by the Idaho Supreme Court as mediators, or other individuals qualified to mediate in land use matters.
- D. Compensation of Mediator: The Board shall compensate the mediator for the first meeting among the interested parties. Further compensation shall be agreed upon by the parties or the mediation will cease.

- F. Notice: The person who requests mediation shall provide notice to the applicant (unless the applicant is the requester) and all other affected persons who were entitled to notice in any prior stage of the matter.
- G. Open Meeting: The Idaho Open Meeting Law applies to all mediation sessions.
- E. Topics at First Session: At the first mediation among the interested parties, the parties shall endeavor to decide the following.
1. Whether they desire to mediate the matter.
 2. What topics will be mediated.
 3. Who shall compensate the mediator for further sessions.
 4. The timing and agenda of the next mediation meeting.
- E. Tolling of Time: During mediation, any time limitation relevant to the application shall be tolled. Such tolling shall cease when the applicant or any other affected person, after having participated in at least one (1) mediation session, states in writing that no further participation is desired and notifies the other parties, or upon notice of a request to mediate wherein no mediation session is scheduled for twenty-eight (28) days from the date of such request.
- F. Not Part of Record: The mediation process shall not be a part of the official record regarding the application.
- G. Hearing Required Before Agreement Reached: Any resolution of differences through mediation must be the subject of another public hearing before the decision-making body.

CHAPTER 4

ENFORCEMENT

SECTION:

- 8-4-1: Conformity Required
- 8-4-2: Interference with Investigation or Enforcement
- 8-4-3: Notification of Prosecuting Attorney
- 8-4-4: Means of Enforcement
- 8-4-5: Penalties

8-4-1: CONFORMITY REQUIRED: Land, structures, and premises in any zone or district shall be used only in accordance with the regulations established for that zone or district except as otherwise provided in this Zoning Code. It is unlawful to use any structure, building, or property within the County in violation of this Title.

8-4-2: INTERFERENCE WITH INVESTIGATION OR ENFORCEMENT: It shall be unlawful to interfere with any law enforcement officer, health protection officer, Community Development Services employee, weed control personnel, fire district personnel, or any other person in the performance of their duties connected with the enforcement or investigation of any possible violation of this Title. Such interference shall include, but not be limited to, removal of notices posted on a property prior to the notices having been left in place for one hundred twenty (120) hours. Interference with investigation or enforcement of this Title shall be punished as a general misdemeanor with the maximum penalty as set forth in Idaho Code § 18-113.

8-4-3: NOTIFICATION, ACTION OF PROSECUTING ATTORNEY: Whenever the Community Development Services Director shall determine that a violation has occurred, he or she may submit a written report of such violation to the Prosecuting Attorney and recommend action that should be taken.

8-4-4: MEANS OF ENFORCEMENT: If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure or land is occupied or used in violation of any of the provisions of this Zoning Code or any amendment hereto, the County may pursue any one or more of the following actions or any other lawful action:

- A. Seek voluntary compliance.
- B. Revoke Permits: Violation of any terms or conditions of an approval, an administratively-issued permit, a conditional use permit, a variance, or any other requirements of this Title is a violation of this code and may subject such permit or certificate to revocation. Revocation of any such permit may be made by the approving entity as provided in Chapter 3.

C. Abate a Nuisance: Any violation of any conditions of approval, an administratively issued permit, a conditional use permit, a variance, or any other requirements of the Zoning Code is a public nuisance. Instead of, or in addition to, any other criminal or civil enforcement measure authorized by this Code, a nuisance may be enjoined or restrained by the County as other nuisances are abated under authority of applicable state law.

1. Immediate threat: In cases where a nuisance is occurring which constitutes an immediate and emergent threat to public health, public safety, public welfare, or the environment, the County may summarily abate the condition without prior notice.

2. Notice of Abatement: Notice of such abatement, including the reason for it, shall be given to the owner and person responsible for the nuisance as soon as reasonably possible after the abatement.

3. Costs of Abatement: Costs shall be charged to the owner or person responsible for the nuisance as provided by law. The expenses of abatement and abatement proceedings, including any expenses arising from contractors hired by the County to perform the abatement and any investigatory costs, shall be charged to the owner or person responsible for the nuisance. The expenses and costs may attach as a lien upon the subject property, if unpaid.

D. Seek Legal or Equitable Relief: Pursue a civil action to enforce compliance with the terms of this Title or to enjoin, restrain, correct, or abate any violation of the terms of this Title or to prevent any illegal act, conduct, business, or use in or about such premises.

E. Issue an infraction citation.

F. Pursue criminal prosecution.

8-4-5: PENALTIES: Except when a different penalty is specified herein, violations of any of the provisions of any Chapter of this Title shall be punishable as follows:

A. For a first violation, the violator will be deemed guilty of an infraction and shall pay the fixed penalty of one hundred dollars (\$100.00) per day that the violation continues.

B. For a second violation within two (2) years, the violator will be deemed guilty of a second offense infraction and shall pay the fixed penalty of two hundred dollars (\$200.00) per day that the violation continues.

C. For a third violation within two (2) years, the violator will be deemed guilty of a misdemeanor and may be fined up to one thousand dollars (\$1,000.00) and may be jailed for up to six (6) months.

D. A citation may be issued in person by an officer of the County or authorized designee; or may be mailed by certified mail, return receipt requested, to the occupant and the owner of record if the occupant is not the owner of record. The citation shall include the date(s) of the violation, the location of the property, and reference to the section(s) of this Title violated.

E. Each day of a continuing violation may be assessed as a separate violation.

CHAPTER 5

REGULATIONS APPLICABLE IN ALL ZONES

SECTION:

- 8-5-1: Conformity Required
- 8-5-2: Accessory Buildings
- 8-5-3: Agricultural Exemption
- 8-5-4: Aircraft Landing Areas
- 8-5-5: Building Regulations
- 8-5-6: Concessions at Public Parks
- 8-5-7: Dwellings
- 8-5-8: Eave Projection
- 8-5-9: Lot Requirements
- 8-5-10: Off-Street Parking
- 8-5-11: Permit/Certificate Required
- 8-5-12: Roadways and Curbs
- 8-5-13: Sale Prohibited
- 8-5-14: Swimming Pools
- 8-5-15: Temporary RV Parking
- 8-5-16: Utilities or Occupancy Without Permit
- 8-5-17: Waste
- 8-5-18: Yard Requirements
- 8-5-19: Penalties

8-5-1: **CONFORMITY REQUIRED:**

- A. Use Regulated: No use of real property shall be made nor structure or buildings erected, constructed, reconstructed, altered, occupied, or used within the County in any zone or district except as specifically authorized in this Title.
- B. Structures Shall Conform: Buildings and premises in any zone or district shall hereafter be used only in accordance with the regulations herein established and the regulations established for the applicable zone or district. No structure shall hereafter be erected, constructed, relocated, or structurally altered to have a greater height, proportion of coverage, or smaller yard or open space about it than permissible under the limitations set forth herein and for the zone or district in which such structure is located.

- C. **Conformity to Requirements of Zone:** Within each of the zones and districts, the height, number of stories, and the size of buildings and structures; the percentage of lot that may be occupied; the size of yards, courts, and other open spaces; the density of population; the types of structures and uses that are allowed; and the location and use of buildings, structures and land for trade, industry, residence or other purposes are hereby regulated and restricted as set forth in this Title.

8-5-2: ACCESSORY BUILDINGS:

- A. Accessory uses and buildings are secondary buildings/uses to a main structure/use (see definitions in Chapter 2). Examples include private garages, signs, off-street loading areas and parking spaces, fences, greenhouses, swimming pools, and storage spaces.
- B. **Detached:** An accessory building shall be detached from the principal building.
- C. **Yard and Courts:** An accessory building shall be placed as to meet all yard and court requirements for a principal building including height and other dimensions.
- D. **Distance:** The distance of such buildings from other separate buildings or structures on the same lot shall be at least six (6) feet except that a breezeway, at least six (6) feet in length, may connect an accessory building with a principal building.
- E. **Located Behind Principal Building:** No building accessory to a main building shall occupy the portion of any lot in front of the main building except for a residential garage which is integral with the dwelling by architectural design.
- F. **Depth:** Where a corner lot adjoins in the rear, either directly or across the alley, a lot located in any residential zone, no part of an accessory building located in a rear yard within twenty five feet (25') of the common lot line or center of the alley shall be nearer the side lot line than the least depth of the front yard existing or required along such side street for a building on such accessory building project into the side or front yard required for the principal building to which it is accessory.
- G. **Coverage:** Combined coverage of the property by the primary and accessory buildings shall not exceed thirty five percent (35%). Underground shelters or storage shall not count as coverage of the property.

8-5-3: AGRICULTURAL EXEMPTION: While qualifying agricultural buildings are exempt from building codes under Idaho Code § 39-4116(5), an application must first be submitted to Community Development Services to ensure the agricultural exemption applies and that the proposed building complies with road setbacks and utility easements. The agricultural building shall not be constructed until approval is granted.

8-5-4: **AIRCRAFT LANDING AREAS:** Except for in an emergency, the landing or taking off of aircraft is prohibited except for at an airport, airstrip, or landing pad authorized by the Federal Aviation Administration or Idaho law.

8-5-5: **BUILDING REGULATIONS:** No building shall hereafter be erected, constructed, relocated, or structurally altered to have a greater height, proportion of coverage or smaller yards or open spaces about it than permissible under the limitations set forth in this Title for the zone or district in which such buildings are located.

8-5-6: **CONCESSIONS AT PUBLIC PARKS:** Concessions such as amusement services, recreational buildings, equipment rentals, and refreshment sales shall be allowed at a public park or playground only when approved by the County Commissioners.

8-5-7: **DWELLINGS:**

- A. Conversion of Building to Dwelling or Multi-Family Dwelling: The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be allowed only within a zone in which a new building or similar occupancy would be allowed under this Title. A building permit(s) must be obtained before construction and the resulting occupancy must comply with the requirements governing new construction in the applicable zone.
- B. Accessory Dwellings: No building on the same lot as a dwelling shall be built or converted to be used for residential purposes.
- C. Dwelling Sanitation: All residential dwelling units shall have provided sewage disposal facilities and domestic facilities which meet the approval of the South Central Public Health District.
- D. Applications for Dwelling Permits: Applicants for dwelling permits shall file with the Community Development Services Director the following documents:
 - 1. The standard application as adopted by the Community Development Services Department.
 - 2. An impact study and environmental analysis if required by specific site conditions as determined by the Community Development Services Director.
 - 3. A site plan and map of the parcel drawn to scale showing the proposed dwelling site, other buildings, well and septic, road access, easements, etc.
 - 4. Proof of ownership of the land.
 - 5. Written approval of the South Central Public Health District for a subsurface disposal system (if connection to public water and sewer is not available).
 - 6. Legal description of the property on which the proposed dwelling site will be built.

7. Other information needed as determined by the Director.

E. Mobile/Manufactured Homes as Single-Family Dwellings:

1. Mobile/Manufactured Homes may be used as single-family dwellings in areas where other single-family dwellings are allowed.

2. The use of mobile homes and/or manufactured homes as single-family dwellings requires the acceptance and approval of an application by the Community Development Services Department.

3. Mobile/manufactured homes shall comply with the following requirements:

a. The mobile home/manufactured home shall be located on a parcel of land of the minimum lot size or larger in area for a single-family home in the applicable zone. The lot shall comply with all area and yard requirements for a single-family dwelling in the same zone.

b. The unit shall include skirting and the skirting shall extend to the ground and be of similar material as the home or as provided for conventional homes under the Uniform Building Code.

c. The footing and foundation shall conform to the manufacturer's specifications.

d. The minimum width of the home shall be twelve (12) feet with a minimum square footage of one thousand (1,000) square feet.

e. Modifications may be made for additions, garages, carports, decks, steps, or accessory use buildings. All modifications shall be constructed in accordance with the requirements of the Uniform Building Code as adopted by Twin Falls County.

f. The home shall have a nonmetallic, wood, shake, or asphalt shingle roof with a minimum slope of sixteen (16) degrees (2:12), and a minimum eave of six (6) inches attached to the perimeter of the roof.

g. The home shall have horizontal aluminum, simulated wood, or wood siding.

h. The home shall be permanently affixed upon a foundation having an anchoring system totally concealed under the structure and based on the recommendation of the manufacturer.

i. The home shall bear the HUD acceptance label as authorized by the Idaho Department of Labor unless it complies with all of the following: it was manufactured before June of 1976; it complies with Idaho Code, chapter 25, title 44; and it has a compliance certificate.

j. All highway district, fire district or department, Idaho Department of Water Resources, Sheriff, post office, Idaho Fish and Game, South Central Public Health District, and/or Twin Falls Canal Company approvals must be secured.

8-5-8: EAVE PROJECTION:

- A. Principal Buildings: Eaves projecting from main buildings shall not be closer than thirty (30) inches to a side or rear property line.
- B. Accessory Buildings: Eaves projecting from accessory use buildings shall not be closer than twelve (12) inches to a side or rear property line.

8-5-9: LOT REQUIREMENTS:

- A. Space Not Shared Between Lots: No yard, open space, or off-street parking space or loading space existing or hereafter provided for a building or use and necessary to meet or partially meet the requirements of this Title shall be considered as all or part of the yard, open space, off-street parking space or loading space required for any other building or upon any other lot.
- B. Lots Size Not Reduced: No lot held under one ownership at the effective date hereof shall be reduced in dimension or area in relation to any building thereon so as to be smaller than required by this Title, and if already less, the dimension or area of such lot shall not be further reduced.
- C. Clear View of Intersecting Streets: No obstruction in excess of three feet in height from the road surface shall be placed on any corner lot within a triangular area formed by the highway right-of-way lines and the line connecting them at points forty-five feet (45') from the intersection of the highway right-of-way lines.

8-5-10: **OFF-STREET PARKING:**

A. Purpose: The intent of this Section is to encourage the parking of vehicles off the public streets and highways so as to improve safety, reduce congestion, facilitate street maintenance, and improve traffic circulation.

B. Off-Street Parking Required:

At the time of the erection of any building, or at the time any main building is enlarged or increased in capacity, minimum off-street parking spaces of nine (9) feet by twenty (20) feet each shall be created with adequate provision for ingress and egress from the street to each parking space by standard size automobiles as described in the following table. The number of employees listed refers to the number of employees on-duty at any one time at that location.

Type of Use	Minimum Number of Off-Street Parking Spaces for Employees	Minimum Number of Off-Street Parking Spaces For Customers
Grocery stores, drugstores, bakeries and similar retail establishments	1 for each 2 employees	3 square feet of parking lot area for each square foot of building
Barbershops/Beauty Shops	1 for each employee	2 for each chair
Collection offices	1 for each employee	2 spaces
Gift and flower shops	1 for each employee	1 for each 125 square feet of sales area
Professional offices	1 for each employee	2 for each professional person located in the building
Real estate offices	1 for each employee	2 for each professional person

		located in the building
Restaurants	1 for each employee	1 for each 4 seats or 30" of seating capacity
Drive-ins	1 for each employee	12 spaces
Plant nurseries where goods are sold on-premises	1 for each employee	10 spaces
Mortuaries		1 space for each 4 seats or each 80" of benches in the chapel or auditorium, plus 1 space for each employee resident on the premises, plus 1 space for each 2 employees not resident on the premises
Dwellings		2 spaces for each dwelling unit
Hotels/Motels		Not less than the number of spaces equaling 60% of the number of rooms to be occupied by tenants or guests
Lodge halls, clubhouses, institutions for philanthropic and charitable purposes		Spaces equal to not less than 20% of the total membership
Churches		1 space for each 4 seats or each 80" of benches, plus 1 space for each church official

		resident of the premises, plus spaces equal in number to 50% of the number of employees
Industrial		A minimum of 1 off-street parking space for each 2 employees

- C. Other Uses: Off-street parking space for uses not mentioned shall be determined by the Planning and Zoning Commission.
- D. Combined Parking Areas: Parking space for two (2) or more buildings as required in this Chapter may be combined into one lot and may be located on a lot adjacent to the building, provided the number of parking spaces is at least equal to the total numbers required when computed separately.
- E. Off-Street Truck-Loading Space: Off-street space for loading and unloading shall be provided on the same lot as every building used for manufacturing, storage, warehousing, goods display, retail sales, grocery sales or distribution, hotel, hospital, mortuary, laundry, dry-cleaning, or other uses similarly involving the loading or unloading of vehicles or receipt or distribution of material or merchandise. Such space, unless otherwise adequately provided, shall include a minimum of ten (10) feet by twenty (20) feet of loading space with a minimum fourteen (14) feet height clearance, for every twenty thousand (20,000) square feet of floor space in the building or fraction thereof.

8-5-11: PERMIT/CERTIFICATE REQUIRED:

- A. No Permits/Certificates Until Compliant: No building permit may be lawfully issued, nor may an occupancy certificate be granted, until the Community Development Services Director has given authorization indicating all requirements of this code, all conditions of approval, and any other specific project-related requirements have been met.
- B. Permit Required: No person, firm, or corporation shall construct, erect, move, or repair a building or structure unless they first obtain a permit from the Twin Falls County Community Development Services Department. If no structures are involved, no use shall be commenced except for agricultural use until the proper certificate has been issued by the Community Development Services Director.

- C. Existing Permits: The enactment of this Title shall not terminate or otherwise affect rights, variances, and permits acquired or authorized for work that is actively in progress under the provisions of any ordinance hereby repealed. Where a building permit has been issued for the construction of a building or structure, and for an authorized use and occupancy thereof in accordance with the law prior to the effective date hereof, said building or structure may be completed in conformance with the approved plans and on the basis for which the said building permit has been issued, provided construction of said building or structure is commenced within one hundred eighty (180) days of the effective date of the building permit and diligently performed to completion.
- D. Compliance with Codes and Conditions: No building and/or zoning permit may be lawfully issued, nor may an occupancy certificate or approval letter be granted, until the Community Development Services Director, Planning and Zoning Commission, and/or Board of County Commissioners has given authorization indicating all requirements of this Code, all conditions of approval, and any other specific project-related requirements have been met.
- F. Approved Form: Application for such permits shall be on a form approved by the Director. The applicant shall furnish all information indicated upon the application form.
- G. Additional Information Needed: The applicant shall set forth the type of such construction, alteration or change, and the Community Development Services Director may, where conditions make it advisable to require it, require the applicant to submit a plan with the application showing such work as is to be done.
- H. Invalid certificates: Any certificates secured in violation of state or federal law shall be invalid. A certificate shall be invalid upon violation by the applicant of any of the conditions of the certificate.
- I. Approval of Agencies: No certificate or permit will be issued without the written approval of the relevant agencies as determined by the Community Development Services Director. Those may include the local highway district, local fire district or department, the Idaho Department of Water Resources, the Twin Falls County Sheriff, the United States Post Office, Idaho Fish and Game, South Central Public Health District, and/or Twin Falls Canal Company.
- J. Occupancy Certificate: Upon completion of a project and prior to occupancy of the premises, as specified in the adopted building code, the applicant shall secure an occupancy certificate. Said certificate shall be issued by the Community Development Services Director after all conditions specified have been met and approvals required on the building permit have been secured.

K. Permits Not Transferrable: Permits are not transferrable to a different owner or a different property.

8-5-12: **ROADWAYS AND CURBS:**

Roadways and Curbs: access to all property and buildings shall be in accordance with the policies and regulation of the highway districts in which the property is located.

8-5-13: **SALE PROHIBITED:**

A. No person shall offer for sale or lease any space needed to meet the width, yard, area, coverage, parking, or other requirements of this Title apart from such lot or building unless other space so complying is provided.

B. No person shall dispose of, or offer for sale, any subdivided lot until the plat thereof has been duly approved and acknowledged by the Board of County Commissioners and recorded.

8-5-14: **SWIMMING POOLS:**

Swimming pools not completely enclosed within a building having solid walls shall be set back at least five feet (5') from the property lines and shall be completely surrounded by a fence or wall having a height of at least five feet (5'). There shall be no opening larger than thirty-six (36) square inches except for gates which shall be equipped with self-closing and self-latching devices.

8-5-15: **TEMPORARY RV PARKING:**

No occupied recreational vehicle shall be placed on any lot for more than ninety (90) days within any calendar year.

8-5-16: **UTILITIES OR OCCUPANCY WITHOUT PERMIT:**

A. Utilities Without Permit: It shall be unlawful for a person to provide any utility service to any building, mobile home, or other structure until the utility company has been furnished with a copy of the building permit which has been issued for such building, mobile home, or other structure.

B. Occupancy Without Permit: It is illegal for any person to occupy or any landlord, dealer, installer, salesperson, contractor or any other such person to allow any home to be occupied without first obtaining an occupancy permit from the Twin Falls County Community Development Services Department.

8-5-17: **WASTE:**

- A. Where a public sewer or community sewerage system and treatment plan approved by the South Central Public Health District is reasonably available for a lot, the sewage disposal system of each lot shall be connected thereto.
- B. No person shall install or use domestic or sewage disposal facilities until the same has been approved by the South Central Public Health District.

8-5-18: **YARD REQUIREMENTS:**

- A. No yard, open spaces or off-street parking space or loading space existing or provided hereafter about any building shall be reduced below the minimum requirements hereinafter set forth for such open space, parking space, or loading space, or further reduced if already less than said minimum requirements.
- B. No dimensions of areas, yards, or off-street parking areas existing on or after the effective date of this Title shall be reduced below the minimum requirements of this Title.

8-5-19: **PENALTIES:** A violation of any section or subsection of this Chapter is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

CHAPTER 6

ZONES

- 8-6-1: Purpose
- 8-6-2: Maps Adopted
- 8-6-3: Boundaries of Zones

8-6-1: PURPOSE: In order to accomplish more fully the objectives and purposes of this Title, Twin Falls County is divided into zones which shall be known by the following names and/or abbreviations:

A	Agricultural Zone
C	Commercial Zone
I	Industrial Zone
RP	Range Preservation Zone (formerly known as the Agricultural Range Preservation Zone or ARP)
RR	Rural Residential Zone

8-6-2: MAPS ADOPTED:
 Zoning Map: The location and boundaries of each of the zones are shown on the official Zoning Map(s) of Twin Falls County, Idaho, and all boundaries, notations and other data shown thereon are incorporated by reference into this Title as if fully described herein.

The Zoning Map(s) shall be identified by the signature of the Chair of the Board, attested by the Clerk, and shall bear the following words:

I hereby certify that this is the Official Zone Map of Twin Falls County, which was adopted by the Board of County Commissioners on this _____ day of _____.

- 8-6-4: BOUNDARIES OF ZONES:** Where uncertainty exists with respect to the boundaries of zones, the following rules shall apply:
- A. Zone Boundaries: When indicated boundaries of the Zone Map are approximate street or land survey lines, said street or land survey lines shall be construed to be the zone boundaries.
 - B. Natural Features: Where the indicated boundaries are approximate canal, natural streams or watercourses, or other clearly defined natural features, the center line of said canal, natural stream, watercourse or natural feature shall be construed to be the zone boundary.
 - C. Absence of Feature or Measurement: In the absence of any street, land survey, canal, natural stream, watercourse or other natural feature or measurement as forming the

boundaries of any zone, the scale or measurement shown on the Map shall be used to determine the zone boundary lines.

- D. Classification of Vacated Streets or Alleys: Whenever a street or alley is vacated, and that street has not been given a zone classification, the land of the vacated street shall have the same zone classification as the land adjacent to or abutting the vacated street land on the same side of the center line of the former street and owned by the rightful owner of the vacated street.
- E. Disincorporation or Errors in Legal Description: In every case where small parcels of territory have not been specifically included within a zone or district through errors in legal description, or where territory becomes a part of the unincorporated area of Twin Falls County by the disincorporation of any city, such territory shall automatically retain its existing use classification until otherwise classified but not to exceed a period of six (6) months following discovery.
- F. Conflicting Provisions, Map and Text: In case of conflict between the text and the Maps of this Title, the Maps shall prevail. In case of a conflict between the provisions of the various sections of the text of this Title, the most stringent provision shall prevail.
- G. Other Uncertainty: Where other uncertainty exists, the Community Development Services Director shall interpret the Map.

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CHAPTER 6

ZONES

ARTICLE A. AGRICULTURAL ZONE (A)

SECTION:

- 8-6A-1: Purpose
- 8-6A-2: Principal Allowed Uses
- 8-6A-3: Conditional Uses
- 8-6A-4: Lot Requirements
- 8-6A-5: Accessory Use Buildings
- 8-6A-6: Penalties

8-6A-1: **PURPOSE:** The purpose of the Agricultural Zone is to protect the agricultural character and base of Twin Falls County and allow for limited residential development consistent with the rural environment by identifying and delineating prime and poor croplands to determine suitability for land uses. Toward this end, the creation of dwelling sites for residential use shall only be encouraged on the least fertile soils for agricultural uses and in areas where basic services, such as public street access and fire protection, exist. Allowed residential density is one dwelling per forty (40) acres. The requirements of this Title shall not be construed so as to deprive the owner of agricultural land of the full and complete use of said land for the production of any agricultural products. In the Agricultural Zone, "agricultural land" is defined as a tract of land containing not less than forty (40) acres (plus or minus five (5) percent) including canal and railroad rights of way used exclusively for agricultural purposes.

8-6A-2: **PRINCIPAL ALLOWED USES:** Allowed uses shall be subject to compliance with all other provisions of this Title. The principal allowed uses in the Agricultural Zone are:

- A. Accessory buildings with a total footprint of three thousand (3,000) or fewer square feet.
- B. Agriculture: The full and complete use of agricultural land for production of any agricultural product in compliance with Idaho Code § 67-6529.
- C. Agricultural buildings.
- D. Agritourism.
- E. Dwelling: One single-family dwelling for every forty (40) acres (plus or minus five (5) percent) or more of contiguous land held under a single ownership.
- F. Farm labor dwelling units for any occupant(s) employed full-time in connection with the agricultural use of the land. Proof of full-time employment with said operation shall be provided to the Director upon request.
- G. Private stables.
- H. Public utility buildings and facilities.
- I. Roadside stands: Roadside stands or temporary structures used for the sale of farm products raised on the premises, including signs advertising the sale of such products. Such structures shall be located a minimum distance of twenty feet (20') from the highway right of way line and provide not less than five (5) off-street parking spaces adjacent thereto.

- J. Small animal feeding operations.
- K. Solar panels with a combined nameplate capacity of twenty or fewer kilowatts.
- L. Wind turbine: A single wind turbine with a nameplate capacity of twenty (20) or fewer kilowatts.

8-6A-3: **CONDITIONAL USES:** A conditional use permit allowing one or more of the following uses may be granted by the Commission after an application is submitted and a determination of compliance with Chapter 10 and other relevant chapters of this Title is made. The use of the land must be determined to be appropriate at the proposed location and to not have an unreasonable adverse effect upon adjoining land. Special or additional sanitation facilities, landscaping, developed recreation facilities, reduced density, level of maintenance standards, parking, etc., may be required as conditions of the approval.

- A. Accessory buildings and structures with a total footprint of greater than three thousand (3,000) square feet.
- C. Agricultural support business/operation: Sprinkler or pipe sales, tractor repairs, welding shops, co-op crop storage facilities (such as beans, grain, or potatoes), veterinary clinics, and similar businesses that are necessary for the support of agriculture.
- D. Aircraft landing areas.
- E. Bed and breakfasts.
- F. Cemeteries, mausoleums, and crematories.
- G. Commercial stables.
- H. Conditional use land division (a one-time division of land from a conforming forty (40) acre parcel for a single-family dwelling provided that the parcel under consideration for a single-family dwelling meets the "infill" definition: it consists of outcrops and poor ground that cannot be farmed).
- I. Daycares.
- J. Electrical substations.
- K. Fairgrounds and rodeo grounds.
- L. Gravel, sand, and clay pits.
- M. Greenhouses or nurseries.
- N. Group homes.
- O. Home occupations.
- P. Houses of worship, monasteries, parish halls, and parsonages.
- Q. Kennels.
- R. Large animal feeding operations.
- S. Mines, oil wells, and gas wells.
- T. Parking lots and accessory structures in connection with allowed or existing uses.
- U. Public parks, public recreation grounds, and public recreation buildings.
- V. Power generation projects (other than a single wind turbine with a nameplate capacity of twenty or fewer kilowatts or solar panels with a combined nameplate capacity of twenty or fewer kilowatts) including wind, digesters, solar, hydro, geothermal, coal, natural gas, etc.
- W. Railroad tracks, spurs, switches and facilities.
- X. Signs.
- Y. Temporary living quarters.

- Z. Telecommunications facilities, radio towers, telephone towers, television transmission towers.
- AA. Waste and wastewater treatment systems, water reservoirs, and facilities.

8-6A-4: **LOT REQUIREMENTS:**

- A. Compliance with Health Regulations: Each lot shall meet health standards as determined by the South Central Public Health District.
- B. Placement of facilities: All non-agricultural buildings and facilities shall be laid out, to the greatest extent feasible, in accordance with the following:
 - 1. To maximize the usable area remaining for agricultural use, non-agricultural buildings and facilities shall be placed in areas determined to be infill, unsuitable for growing crops, and on the least fertile soil for agricultural uses as those soils are identified in the soil conservation service maps.
 - 2. For buildings/facilities that are designed to regularly be occupied by people, the building/facility should be on the most suitable soils for subsurface septic disposal as ascertained by the South Central Public Health District.
 - 3. Building shall be placed in areas where basic services appropriate to the type of facility, such as public street access and fire protection, exist.
 - 4. In locations where adequate water resources exist to meet domestic needs as well as irrigation needs for the entire parcel of land.
 - 5. In locations that are least likely to conflict with surrounding agricultural activities.
 - 6. In compliance with any wellhead protection districts.
 - 7. With adequate roads for emergency vehicle access as approved by the applicable fire and highway districts.
- C. Nuisance Waivers: Applicants for zoning or building permits for residences shall specifically waive any nuisance claims they may have against agricultural operations existing at the time said owners or occupants construct their homes, including claims against livestock confinement operations. See the Community Development Services Director for a nuisance waiver form. The nuisance waiver must be completed and recorded prior to issuance of the zoning or building permit.
- D. Setbacks of Agricultural Operations and AFOs: Single-family homes built subsequent to the date of adoption hereof will not affect expansion of, or setbacks of, any existing agricultural operation or animal feeding operation if located within the defined setbacks of said operation.
- E. One Acre Minimum: The lot area per dwelling unit and for all principal uses in this zone shall be the area expressly allowed or, if not set out, the area shall not be less than one acre. The site shall be shown to have sufficient space to comply with the Health Department standards and to allow for future construction of a replacement sewage disposal system.

- F. Lot Frontage: The minimum lot width shall not be less than eighty (80) feet. The minimum street frontage shall be sixty (60) feet except in the case of lots abutting a cul-de-sac in which case the minimum frontage shall be thirty (30) feet. Any other reduction in lot frontage must be approved by the Planning and Zoning Commission. The minimum street frontage shall not apply to those parcels or lots that are serviced by private driveways.
- G. Lot Depth: No requirement.
- H. Yards:
- a. Front: A minimum front yard depth of thirty (30) feet shall be provided for all buildings, except where a building exceeds a height of thirty-five (35) feet, the front yard shall be increased one (1) foot in depth for each five (5) feet of height exceeding thirty-five (35) feet.
 - b. Side: A minimum side yard of seven (7) feet shall be provided on each side of the main building located on an interior lot, except where a building exceeds a height of thirty-five (35) feet, the side yard shall be increased one foot for each five feet of the height exceeding thirty-five feet. The side street yard of a building located on a corner lot shall not be less than twenty-five (25) feet.
 - c. Rear: A minimum rear yard depth of thirty (30) feet shall be provided for all buildings, except where a building exceeds a height of thirty-five (35) feet, the rear yard shall be increased one (1) foot in depth for each five (5) feet of height exceeding thirty-five (35) feet.
 - d. Yard Space for One Building Only: No required or other open space around the existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this Title shall be considered as providing a yard or open space for any other building, nor shall any yard or any other required open space on an adjoining lot be considered as providing the yard or open space whereon a building is to be created or established.
 - e. Effect of Official Map: Wherever a front yard is required for facing on a street for which no official map has been recorded in the office of the County Recorder, the depth of such front yard shall be measured from the map street line as shown on the Official Map or from the existing street right-of-way line, whichever is the greater distance.

8-6A-5: ACCESSORY USE BUILDINGS:

- A. Detached: An accessory use building must be detached from the principal building.
- B. Limitation on coverage: The principal building and accessory buildings together shall not occupy more than thirty-five (35) percent of the total lot area.
- C. Location: Accessory buildings shall not be located closer than five (5) feet to a side or rear property line of an interior yard.

- D. Height: The height of accessory buildings shall not exceed twenty-five (25) feet.
- E. Yard and Courts: An accessory building shall be placed as to meet all yard and court requirements for principal buildings including height and other dimensions.
- F. Square Footage: The building size is restricted to a maximum of three thousand (3,000) square feet. A conditional use permit shall be required for any construction proposed over the maximum square footage.

8-6A-6: **PENALTIES:** A violation of any section or subsection of this Article is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

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CHAPTER 6

ZONES

ARTICLE B. COMMERCIAL ZONE (C)

SECTION:

- 8-6B-1: Purpose
- 8-6B-2: Principal Allowed Uses
- 8-6B-3: Conditional Uses
- 8-6B-4: Restrictions
- 8-6B-5: Lot Requirements
- 8-6B-6: Accessory Use Buildings
- 8-6B-7: Penalties

8-6B-1: **PURPOSE:** The purpose of this Zone is to provide locations for businesses to fill the need for retail sales, professional offices, travel-related services, and local commercial services throughout the County. Additionally, light industrial uses shall be grouped together when feasible and be designed in such a way as to be unobtrusive and not detrimental to surrounding property owners. The Commercial Zone encourages the development of shopping centers in urban areas of the County and near major highways and arterials to cater to the needs of residents and those traveling through the County.

8-6B-2: **PRINCIPAL ALLOWED USES:**

- A. Automotive and truck-related businesses, including trucks, recreational vehicles, and trailers; and provided that storage of disabled and partly-dismantled items shall be within a completely enclosed building:
 - 1. Body work.
 - 2. Parts.
 - 3. Rental.
 - 4. Sales.
 - 5. Service.
 - 6. Upholstery.
- B. Care facilities:
 - 1. Assisted living.
 - 2. Daycare for children or adults.
 - 3. Nursing homes.

- C. Communication facilities, provided that towers are limited to thirty-five feet in height.
- D. Cultural:
 - 1. Houses of worship.
 - 2. Mortuaries and funeral homes.
 - 3. Museums.
 - 4. Schools.
 - 5. Wedding chapels.
- E. Entertainment:
 - 1. Event centers.
 - 2. Movie theaters.
 - 3. Nightclubs.
 - 4. Skating rinks.
 - 5. Sports facilities.
 - 6. Swimming pools.
- F. Food service:
 - 1. Bakeries.
 - 2. Bars.
 - 3. Candy stores.
 - 4. Coffee shops.
 - 5. Delis.
 - 6. Drive-through restaurants.
 - 7. Grocery stores.
 - 8. Liquor stores.
 - 9. Restaurants.
- G. Governmental buildings and parks.
- H. Lodging: Hotels and motels, RV parks and/or campgrounds.
- I. Medical and veterinary facilities:
 - 1. Dental offices or clinics.
 - 2. Medical offices or clinics.
 - 3. Pharmacy.
 - 4. Veterinary clinics.
- J. Retail sales:
 - 1. Appliances.
 - 2. Bookstores.
 - 3. Building materials.
 - 4. Clothing stores.
 - 5. Drugstores.
 - 6. Computer and software.
 - 7. Electronics.

8. Farm equipment, materials, seeds, or supply.
9. Floral shops.
10. Fueling stations.
11. Garden supply.
12. Hardware.
13. Hobby shops.
14. Home furnishings and accessories.
15. Jewelry stores.
16. Lumber yards.
17. Manufactured home sales.
18. Nurseries.
19. Office supplies.
20. Pawnshops.
21. Tool stores.
22. Toy stores.

K. Services:

1. Aesthetician.
2. Car wash.
3. Clothing and shoe repair.
4. Computer repair.
5. Dry cleaning.
6. Electrical, plumbing, and HVAC services (provided that storage of all equipment and materials shall be within a completely enclosed building).
7. Financial institutions.
8. Hair salons and barber shops.
9. Laundry.
10. Nail salons.
11. Office space.
12. Professional services.
13. Repair of jewelry, appliances, engines, and other items provided that all equipment, items, and materials shall be within a completely-enclosed building.
14. Self-storage units, RV storage.
15. Tattoo parlor.

L. Power Generation Projects:

1. A single wind turbine with a nameplate capacity of twenty or fewer kilowatts.
2. Solar panels with a combined nameplate capacity of twenty or fewer kilowatts.

M. Utilities.

8-6B-3: **CONDITIONAL USES:** A conditional use permit allowing one or more of the following uses may be granted by the Commission after an application is submitted and a determination of compliance with Chapter 10 and other relevant chapters of this Title is made. The use of the land must be determined to be appropriate at the proposed location and to not have an

unreasonable adverse effect upon adjoining land. Special or additional sanitation facilities, landscaping, developed recreation facilities, reduced density, level of maintenance standards, parking, etc., may be required as conditions of the approval.

- A. Auction establishments.
- B. Broadcasting towers over thirty-five (35) feet in height.
- C. Construction yards.
- D. Dog kennels.
- E. Light assembly plants, light manufacturing, packaging, bottling, and distribution plants.
- F. Off-premises signs.
- G. Planned unit developments.
- H. Power generation projects (other than a single wind turbine with a nameplate capacity of twenty or fewer kilowatts or solar panels with a combined nameplate capacity of twenty or fewer kilowatts).
- I. Salvage yards and auto-wrecking yards.
- J. Transit or trucking terminals.
- K. Wholesale businesses.

8-6B-4: **RESTRICTIONS:**

- A. In this Commercial Zone (C), no buildings or premises not customarily incidental to the allowed uses, as herein noted, shall be used, nor shall any building, structure or land usage be hereafter erected or altered, unless otherwise provided in this Article.
- B. Storm Water Runoff: Provisions for the on-site detention of storm water runoff shall be made to withstand a twenty-five (25) year storm event using standard engineering practice and in compliance with all local, State and Federal requirements.
- C. Driveways: All driveways entering and exiting the property shall be curbed and conform to current highway district standards.
- D. Outside Storage: All outside storage or waste areas in this Zone shall be totally enclosed.

8-6B-5: **LOT REQUIREMENTS:**

- A. Lot Area:

1. Individual Water and Sewer: The lot area shall be sufficient to permit proper location, installation and operation of necessary water supply and sewage disposal systems in accordance with the Idaho Department of Health Standards for Subsurface Sewage Disposal Systems. One (1) acre is the minimum lot area where such systems are needed.
 2. Residential Uses: The lot requirements of the Rural Residential Zone shall apply.
- B. Lot Frontage: For all uses, the minimum lot width shall be eighty (80) feet.
- C. Setbacks:
1. Front: a minimum setback distance of fifty (50) feet from the highway right of way to the wall of any structure upon the property shall be required.
 2. Minimum Distance: A minimum distance of ten (10) feet shall be required between the highway right of way and any area to be used for the display of any items for sale or trade. Parking is also prohibited in this area. This area may be used for landscaping purposes which will not interfere with sighting requirements which allow for the safe egress or ingress to the property.
 3. Rear: A minimum rear yard depth of five (5) feet shall be provided for all buildings.
 4. Side: A minimum side yard depth of ten (10) feet shall be provided for all buildings. A building may share a common wall provided that it conforms to applicable building and fire codes.
 5. Multi-Frontage Lots: The above front yard requirement shall apply to all frontages.
 6. Effect of Official Map: Wherever a front yard is required for facing on a street for which no official map has been recorded in the office of the County Recorder, the depth of such front yard shall be measured from the map street line as shown on the Official Map or from the existing street right-of-way line, whichever is the greater distance.

8-6B-6: **ACCESSORY USE BUILDINGS:** Accessory use buildings are limited to a height of thirty-five (35) feet and shall comply with the other requirements of this Article.

8-6B-7: **PENALTIES:** A violation of any section or subsection of this Article is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

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CHAPTER 6

ZONES

ARTICLE C. INDUSTRIAL ZONE (I)

SECTION:

- 8-6C-1: Purpose
- 8-6C-2: Principal Allowed Uses
- 8-6C-3: Conditional Uses
- 8-6C-4: Restrictions
- 8-6C-5: Lot Requirements
- 8-6C-6: Accessory Use Buildings
- 8-6C-7: Penalties

8-6C-1: **PURPOSE:** The Industrial Zone (I) was established to provide appropriate locations for industrial and landfill activity compatible with the Comprehensive Plan and this Title. There is a need for, and it is in the public interest to provide for, a location for industrial and landfill activities that is substantially free from retail and residential uses.

8-6C-2: **PRINCIPAL ALLOWED USES:**

- A. Manufacturing of electronics, computers, automotive supplies, or tools.
- B. Power generation: a single wind turbine with a nameplate capacity of twenty or fewer kilowatts or solar panels with a combined nameplate capacity of twenty or fewer kilowatts
- C. Processing of foods including dairy, confections, fruits, vegetables, and grains.
- D. Production of clothing, textiles, cosmetics, ceramics, and similar products.
- E. Utility and service installations, including repair and storage facilities.
- F. Warehouses.

8-6C-3: **CONDITIONAL USES:**

- A. A conditional use permit allowing one or more of the following uses may be granted by the Commission after an application is submitted and a determination of compliance with Chapter 10 and other relevant chapters of this Title is made. The use of the land must be determined to be appropriate at the proposed location and to not have an unreasonable

adverse effect upon adjoining land. Conditions requiring special or additional sanitation facilities, landscaping, developed recreation facilities, reduced density, level of maintenance standards, parking, etc., may be required as conditions of the approval.

1. Acid manufacturing, pharmaceuticals, or chemical processing.
2. Asphalt, lime, gypsum manufacturing.
3. Mixing plants, concrete, or other odor-free plants.
4. Power generation projects (other than a single wind turbine with a nameplate capacity of twenty or fewer kilowatts or solar panels with a combined nameplate capacity of twenty or fewer kilowatts).
5. Publicly-owned refuse dumps, sanitary landfills, or transfer facilities.
6. Recycling centers and facilities.
7. Salvage yards and auto-wrecking yards with sight-obscuring fences.
8. Stockyards, slaughterhouses.
9. Telecommunications facilities.

8-6C-4: RESTRICTIONS:

- A. In this Industrial Zone (I), no buildings or premises not customarily incidental to the allowed uses, as herein noted, shall be used, nor shall any building, structure or land usage be hereafter erected or altered, unless otherwise provided in this Article.
- B. Provisions for the on-site detention of storm water runoff shall be made to withstand a twenty-five (25) year storm event using standard engineering practice and in compliance with all local, state and federal requirements.
- C. All driveways entering and exiting a property in this zone shall be curbed and conform to current highway district standards.

8-6C-5: LOT REQUIREMENTS:

- A. Lot Area: The lot area for all uses dependent on individual water supply and sewage disposal systems shall be sufficient to permit proper location, installation and operation of such systems in accordance with the Idaho Department of Health Standards for Subsurface Sewage Disposal Systems. No lot or parcel created shall be less than one (1) acre.
- B. Lot Frontage: For all uses the minimum lot width shall be eighty (80) feet.
- C. Setbacks:
 1. Front: A minimum setback distance of fifty (50) feet from the highway right of way to the wall of any structure upon the property shall be required.
 2. Minimum Distance: A minimum distance of ten (10) feet shall be required between the highway/road right-of-way. Parking is also prohibited in this area. This area

may be used for landscaping purposes which will not interfere with sighting requirements which allow for the safe egress or ingress to the property.

3. Rear: A minimum rear yard depth of five (5) feet shall be provided for all buildings.
4. Side: A minimum side yard depth of ten (10) feet shall be provided for all buildings.
5. Multi-Frontage Lots: The above front yard requirement shall apply to all frontages.
6. Effect of Official Map: Wherever a front yard is required for facing on a street for which no official map has been recorded in the office of the County Recorder, the depth of such front yard shall be measured from the map street line as shown on the Official Highway District Map or from the existing street right-of-way line, whichever is the greater distance.

8-6C-6: ACCESSORY USE BUILDINGS:

- A. Accessory use buildings shall comply with the requirements of this Article.
- B. Height: The height of accessory buildings shall not exceed thirty five (35) feet.

8-6C-7: PENALTIES: A violation of any section or subsection of this Article is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

CHAPTER 6
ZONES
ARTICLE D. RANGE PRESERVATION ZONE (RP)

SECTION:

- 8-6D-1: Purpose
- 8-6D-2: Principal Allowed Uses
- 8-6D-3: Conditional Uses
- 8-6D-4: Lot Requirements
- 8-6D-5: Accessory Use Buildings
- 8-6D-6: Penalties

8-6D-1: **PURPOSE:** The purpose of the Range Preservation Zone is to protect the non-irrigated, high desert areas of Twin Falls County by preserving both good and marginally productive lands in large and contiguous areas and by allowing for agricultural uses. The Range Preservation Zone was formerly known as the Agricultural Range Preservation Zone (ARP). Any Zoning maps or other County documents that contain the terms “Agricultural Range Preservation Zone” or “ARP” refer to the Range Preservation Zone. Allowed residential density is one dwelling unit per one hundred sixty (160) acres. Conditional use permits may be granted for uses set forth in this Article. The requirements of this Article shall be construed so as to allow the owner of agricultural land in the RP Zone the full and complete use of said land for the production of any agricultural products. In the Range Preservation Zone, "agricultural land" is defined as a tract of land containing not less than one hundred sixty (160) acres (plus or minus five (5) percent) including canal and railroad rights-of-way used exclusively for agricultural purposes.

8-6D-2: **PRINCIPAL ALLOWED USES:** Allowed uses shall be subject to all other requirements of this Title.

- A. Accessory buildings with a combined footprint of less than or equal to four thousand (4,000) square feet.
- B. Agriculture: The full and complete use of agricultural land for production of any agricultural product in compliance with Idaho Code § 67-6529.
- C. Agricultural buildings.
- D. Agritourism.
- E. Aquaculture farms.

- F. Dwelling: One single-family dwelling for every one hundred sixty (160) acres (plus or minus five (5) percent) or more of contiguous land held under a single ownership.
- G. Farm labor dwelling units for any occupant(s) employed full-time in connection with the agricultural use of the land. Proof of full-time employment with said operation shall be provided to the Director upon request.
- H. Solar panels with a combined nameplate capacity of twenty or fewer kilowatts.
- I. Stockyards and small animal feeding operations.
- J. Wind turbine: a single wind turbine with a nameplate capacity of twenty or fewer kilowatts.

8-6D-3: **CONDITIONAL USES:** A conditional use permit allowing one or more of the following uses may be granted by the Commission after an application is submitted and a determination of compliance with Chapter 10 and other relevant chapters of this Title is made. The use of the land must be determined to be appropriate at the proposed location and to not have an unreasonable adverse effect upon adjoining land. Conditions requiring special or additional sanitation facilities, landscaping, developed recreation facilities, reduced density, level of maintenance standards, parking, etc., may be required as conditions of the approval.

- A. Accessory buildings with a total footprint of greater than four thousand (4,000) square feet.
- B. Agricultural support business/operation: Sprinkler or pipe sales, tractor repairs, welding shops, co-op crop storage facilities (such as beans, grain, or potatoes), and similar businesses that are necessary for the support of agriculture.
- C. Aircraft landing fields or airports.
- D. Animal clinics, animal hospitals, veterinary offices, veterinary clinics.
- E. Bed and breakfasts.
- F. Commercial packing facilities.
- G. Conditional use land division (a one-time division of land from a conforming one hundred sixty (160) acre parcel for a single-family dwelling).
- H. Daycares.
- I. Gravel pits, rock quarries, sand and clay cinder pits, soil sources.

- J. Greenhouses and nurseries.
- K. Gun ranges.
- L. Home occupations.
- M. Hunting lodges.
- N. Large animal feeding operations.
- O. Power generation projects (other than a single wind turbine with a nameplate capacity of twenty or fewer kilowatts or solar panels with a combined nameplate capacity of twenty or fewer kilowatts).
- P. Radio and television towers, telecommunication facilities.
- Q. Sanitary landfills.
- R. Wastewater treatment systems.

8-6D-4: **LOT REQUIREMENTS:**

- A. Compliance with Health Regulations: Each lot shall meet health standards as determined by the South Central Public Health District.
- B. Placement of facilities: All non-agricultural buildings and facilities shall be laid out, to the greatest extent feasible, in accordance with the following:
 1. To maximize the usable area remaining for agricultural use, non-agricultural buildings and facilities shall be placed in areas determined to be infill, unsuitable for growing crops, and on the least fertile soil for agricultural uses as those soils are identified in the soil conservation service maps.
 2. For buildings/facilities that are designed to regularly be occupied by people, the building/facility should be on the most suitable soils for subsurface septic disposal as ascertained by the South Central Public Health District.
 3. Building shall be placed in areas where basic services appropriate to the type of facility, such as public street access and fire protection, exist.
 4. In locations where adequate water resources exist to meet domestic needs as well as irrigation needs for the entire parcel of land.
 5. In locations that are least likely to conflict with surrounding agricultural activities.
 6. In compliance with any wellhead protection districts.

7. With adequate roads for emergency vehicle access as approved by the applicable fire and highway districts.
 - C. Nuisance Waivers: Applicants for zoning or building permits for residences shall specifically waive any nuisance claims they may have against agricultural operations existing at the time said owners or occupants construct their homes, including claims against livestock confinement operations. See the Community Development Services Director for a nuisance waiver form. The nuisance waiver must be completed and recorded prior to issuance of the zoning or building permit.
 - D. Setbacks of Agricultural Operations and AFOs: Single-family homes built subsequent to the date of adoption hereof will not affect expansion of, or setbacks of, any existing agricultural operation or animal feeding operation if located within the defined setbacks of said operation.
 - E. One Acre Minimum: The lot area per dwelling unit and for all principal uses in this zone shall be the area expressly allowed or, if not set out, the area shall not be less than one acre. The site shall be shown to have sufficient space to comply with the Health Department standards and to allow for future construction of a replacement sewage disposal system.
 - F. Lot Frontage: In all cases the minimum lot width shall not be less than eighty (80) feet. The minimum street frontage shall be sixty (60) feet except in the case of lots abutting a cul-de-sac in which case the minimum frontage shall be thirty (30) feet. Any other reduction in lot frontage must be approved by the Planning and Zoning Commission. The minimum street frontage shall not apply to those parcels or lots that are serviced by private driveways.
 - G. Lot Depth: No requirement.
- D. Yards:
- f. Front: A minimum front yard depth of thirty (30) feet shall be provided for all buildings, except where a building exceeds a height of thirty-five (35) feet, the front yard shall be increased one (1) foot in depth for each five (5) feet of height exceeding thirty-five (35) feet.
 - g. Side: A minimum side yard of seven (7) feet shall be provided on each side of the main building located on an interior lot, except where a building exceeds a height of thirty-five (35) feet, the side yard shall be increased one foot for each five feet of the height exceeding thirty-five feet. The side street yard of a building located on a corner lot shall not be less than twenty-five (25) feet.

- h. Rear: A minimum rear yard depth of thirty (30) feet shall be provided for all buildings, except where a building exceeds a height of thirty-five (35) feet, the rear yard shall be increased one (1) foot in depth for each five (5) feet of height exceeding thirty-five (35) feet.
- i. Yard Space for One Building Only: No required or other open space around the existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this Title shall be considered as providing a yard or open space for any other building, nor shall any yard or any other required open space on an adjoining lot be considered as providing the yard or open space whereon a building is to be created or established.
- j. Effect of Official Map: Wherever a front yard is required for facing on a street for which no official map has been recorded in the office of the County Recorder, the depth of such front yard shall be measured from the map street line as shown on the Official Map or from the existing street right-of-way line, whichever is the greater distance.

8-6D-5: **ACCESSORY USE BUILDINGS:**

- G. Detached: An accessory use building must be detached from the principal building.
- H. Limitation on coverage: The principal building and accessory buildings together shall not occupy more than thirty-five (35) percent of the total lot area.
- I. Location: Accessory buildings shall not be located closer than five (5) feet to a side or rear property line of an interior yard.
- J. Height: The height of accessory buildings shall not exceed twenty-five (25) feet.

8-6D-6: **PENALTIES:** A violation of any section or subsection of this Article is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

CHAPTER 6

ZONES

ARTICLE E. RURAL RESIDENTIAL ZONE (RR)

SECTION:

- 8-6E-1: Purpose
- 8-6E-2: Principal Allowed Uses
- 8-6E-3: Conditional Uses
- 8-6E-4: Lot Requirements
- 8-6E-5: Accessory Use Buildings
- 8-6E-6: Existing Townsite Plats
- 8-6E-7: Penalties

8-6E-1: **PURPOSE:** The Rural Residential Zone is intended primarily for single-family residential development. Density shall not exceed one dwelling per acre. Planned unit developments are encouraged, but are not required.

8-6E-2: **PRINCIPAL ALLOWED USES:**

- A. Accessory buildings with a footprint of two thousand, four hundred (2,400) square feet or less.
- B. Agriculture: The full and complete use of agricultural land for production of any agricultural product in compliance with Idaho Code § 67-6529.
- C. Agricultural buildings.
- D. Farm labor dwelling units for any occupant(s) employed full time in connection with the agricultural use of the land. Proof of full-time employment with said operation shall be provided to the zoning administrator upon request.
- E. Parking lots in connection with allowed uses or structures for this zone.
- F. Platted subdivisions.
- G. Public parks, public recreation grounds and buildings, public community centers, and public swimming pools.
- H. Roadside stands or temporary structures used for the sale of farm products raised on the premises, including signs advertising the sale of such products. Such structures shall be

located a minimum distance of twenty feet (20') from the highway right of way line and provide not less than five (5) off-street parking spaces adjacent thereto.

- I. Single-family dwelling units.
- J. Solar panels with a combined nameplate capacity of twenty or fewer kilowatts.
- K. Water reservoirs and facilities.
- L. Wind turbine: A single wind turbine with a nameplate capacity of twenty (20) or fewer kilowatts.

8-6E-3: **CONDITIONAL USES:** A conditional use permit allowing one or more of the following uses may be granted by the Commission after an application is submitted and a determination of compliance with Chapter 10 and other relevant chapters of this Title is made. The use of the land must be determined to be appropriate at the proposed location and to not have an unreasonable adverse effect upon adjoining land. Special or additional sanitation facilities, landscaping, developed recreation facilities, reduced density, level of maintenance standards, parking, etc., may be required as conditions of the approval.

- A. Accessory buildings with a total footprint of greater than two thousand, four hundred (2,400) square feet.
- B. Daycares.
- C. Home occupations.
- D. Houses of worship, monasteries, parish halls, and parsonages.
- E. Mobile/manufactured home parks.
- F. Planned unit developments.
- G. Private noncommercial recreation areas including country clubs, racquet clubs, and golf courses.
- H. Schools and private education buildings having curriculum similar to that ordinarily given in public schools and colleges with a minimum lot size of ten (10) acres (plus or minus five (5) percent).
- I. Telecommunications facilities.

8-6E-4: **LOT REQUIREMENTS:**

- A. Compliance with Health Regulations: Each lot shall meet health standards as determined by the South Central Public Health District.

B. Lot Area:

1. Water Supply and Sewage Disposal: The lot area per dwelling unit and for all uses in the RR Zone that are dependent on individual water supply and sewage disposal systems shall be sufficient to permit proper location, installation, and operation of such systems plus future replacement systems in accordance with Idaho Department of Health and Welfare standards for subsurface sewage disposal systems; and shall not be less than one acre. In platted subdivisions, there may be variations of up to plus or minus five (5) percent from the one (1) acre minimum lot size for inclusion of rights of way and easements at Health Department discretion.
2. Minimum Lot Area: The minimum lot area per dwelling unit and for all other uses served by any public or private sanitary sewer and water supply system is nine thousand (9,000) square feet.
3. Connection to Community Services Required: A developer of a subdivision or planned unit development located within one-half ($\frac{1}{2}$) mile of the incorporated limits of a municipality shall be required to connect to that municipality's services (water and sanitary sewer) provided that the municipality is willing to allow connection to its services.

B. Lot Frontage: The minimum lot width shall not be less than eighty (80) feet. The minimum street frontage shall be sixty (60) feet except in the case of lots abutting a cul-de-sac in which case the minimum frontage shall be thirty (30) feet. Any other reduction in lot frontage must be approved by the Planning and Zoning Commission.

C. Yards: Residential and other uses:

1. Front: A minimum front yard depth of thirty (30) feet shall be provided for all buildings except where a building exceeds a height of thirty-five (35) feet, the front yard shall be increased one (1) foot in depth for each five (5) feet of height exceeding thirty-five (35) feet.
2. Side: A minimum side yard depth of seven (7) feet shall be provided on each side of the main building located on an interior lot except where a building exceeds a height of thirty-five (35) feet; the side yard shall be increased one (1) foot for each five (5) feet of height exceeding thirty-five (35) feet. The side street yard of a building located on a corner lot shall not be less than twenty-five (25) feet.
3. Rear: A minimum rear yard depth of thirty (30) feet shall be provided for all buildings except where a building exceeds a height of thirty-five (35) feet, the rear yard shall be increased one (1) foot in depth for each five (5) feet of height exceeding thirty-five (35) feet.
4. Double Frontage Lots: Buildings on lots having frontage at intersecting streets need not have a rear yard greater than the required side yard of the zone if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets. Not structure may extend beyond the building line established by the front yard requirements of the area. Locations of lots with frontage on more than two streets shall require decision of the Commission.

5. Yard Space for One Building Only: No required or other open space around the existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this Title shall be considered as providing a yard or open space for any other building nor shall any yard or any other required open space on an adjoining lot be considered as providing the yard or open space whereon a building is to be created or established.
6. Clear View of Intersecting Streets: No obstruction to view in excess of three feet in height from the road surface shall be placed on any corner lot within a triangular area formed by the highway right-of-way lines and the line connecting them at points forty-five feet from the intersection of the highway right-of-way lines.
7. Effect of Official Map: Wherever a front yard is required for facing on a street for which no official map has been recorded in the office of the County Recorder, the depth of such front yard shall be measured from the map street line as shown on the Official Map or from the existing street right-of-way line, whichever is the greater distance.

8-6E-5: ACCESSORY USE BUILDINGS:

- A. Detached: An accessory use building must be detached from the principal building.
- B. Limitation on coverage: The principal building and accessory buildings together shall not occupy more than thirty-five (35) percent of the total lot area.
- C. Location: Accessory buildings shall not be located closer than five (5) feet to a side or rear property line of an interior yard.
- D. Height: The height of accessory buildings shall not exceed twenty-five (25) feet.
- E. Yard and Courts: An accessory building shall be placed as to meet all yard and court requirements for principal buildings including height and other dimensions.
- F. Square Footage: The building size is restricted to a footprint of a maximum of two thousand four hundred (2,400) square feet. A conditional use permit shall be required for any construction proposed over the maximum square footage.

8-6E-6: EXISTING TOWNSITE PLATS:

- A. Purpose: This Section is designed to provide minimum lot size for existing townsite plats for development serviced by a public water system and/or waste treatment system; to address existing nonconforming lots; to safeguard life or limb, health, property, and public welfare. This section only applies to existing townsite plats.
- B. Minimum Lot Area: Minimum lot area shall be twelve thousand five hundred (12,500) square feet when serviced by a public water system and nine thousand (9,000) square feet when serviced by a public water system and a wastewater system. A public water system

is defined in IDAPA 58.01.08 as a water system that supplies water to at least twenty-five (25) people or has at least fifteen (15) service connections.

- C. Lot Frontage: The minimum lot width shall not be less than one hundred (100) feet.
- D. Lot Depth: The minimum lot depth shall not be less than one hundred (100) feet.
- E. Yard Requirements:
 - 1. Front: A minimum yard depth of thirty (30) feet shall be maintained for all structures.
 - 2. Side: A minimum side yard depth of seven (7) feet for the main structure located on an interior lot shall be maintained. The side street yard of all structures located on a double frontage lot shall not be less than twenty (20) feet.
 - 3. Rear: A minimum yard depth of thirty (30) feet for the main structure and accessory use structures located less than six (6) feet from the main structure shall be maintained.
 - 4. Accessory Use Structures on Single Frontage Lots: Accessory use structures on single frontage lots shall have a minimum side and rear yard depth of seven (7) feet. The side street yard of all structures located on a double frontage lot shall not be less than twenty (20) feet.
- F. Accessory Use Structures: Accessory use structures may be constructed in the rear yard area, provided that the area of such structures combined with the area of the main structure shall not occupy more than thirty five (35) percent of the total lot area or infringe upon the sanitary sewer system including the replacement drain field area.

8-6E-7: **PENALTIES:** A violation of any section or subsection of this Article is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

CHAPTER 6

ZONES

ARTICLE E. RURAL RESIDENTIAL ZONE (RR)

SECTION:

- 8-6E-1: Purpose
- 8-6E-2: Principal Allowed Uses
- 8-6E-3: Conditional Uses
- 8-6E-4: Lot Requirements
- 8-6E-5: Accessory Use Buildings
- 8-6E-6: Existing Townsite Plats
- 8-6E-7: Penalties

8-6E-1: **PURPOSE:** The Rural Residential Zone is intended primarily for single-family residential development. Density shall not exceed one dwelling per acre. Planned unit developments are encouraged, but are not required.

8-6E-2: **PRINCIPAL ALLOWED USES:**

- M. Accessory buildings with a footprint of two thousand, four hundred (2,400) square feet or less.
- N. Agriculture: The full and complete use of agricultural land for production of any agricultural product in compliance with Idaho Code § 67-6529.
- O. Agricultural buildings.
- P. Farm labor dwelling units for any occupant(s) employed full time in connection with the agricultural use of the land. Proof of full-time employment with said operation shall be provided to the zoning administrator upon request.
- Q. Parking lots in connection with allowed uses or structures for this zone.
- R. Platted subdivisions.
- S. Public parks, public recreation grounds and buildings, public community centers, and public swimming pools.

- T. Roadside stands or temporary structures used for the sale of farm products raised on the premises, including signs advertising the sale of such products. Such structures shall be located a minimum distance of twenty feet (20') from the highway right of way line and provide not less than five (5) off-street parking spaces adjacent thereto.
- U. Single-family dwelling units.
- V. Solar panels with a combined nameplate capacity of twenty or fewer kilowatts.
- W. Water reservoirs and facilities.
- X. Wind turbine: A single wind turbine with a nameplate capacity of twenty (20) or fewer kilowatts.

8-6E-3: **CONDITIONAL USES:** A conditional use permit allowing one or more of the following uses may be granted by the Commission after an application is submitted and a determination of compliance with Chapter 10 and other relevant chapters of this Title is made. The use of the land must be determined to be appropriate at the proposed location and to not have an unreasonable adverse effect upon adjoining land. Special or additional sanitation facilities, landscaping, developed recreation facilities, reduced density, level of maintenance standards, parking, etc., may be required as conditions of the approval.

- F. Accessory buildings with a total footprint of greater than two thousand, four hundred (2,400) square feet.
- G. Daycares.
- H. Home occupations.
- I. Houses of worship, monasteries, parish halls, and parsonages.
- J. Mobile/manufactured home parks.
- F. Planned unit developments.
- G. Private noncommercial recreation areas including country clubs, racquet clubs, and golf courses.
- H. Schools and private education buildings having curriculum similar to that ordinarily given in public schools and colleges with a minimum lot size of ten (10) acres (plus or minus five (5) percent).
- I. Telecommunications facilities.

8-6E-4: **LOT REQUIREMENTS:**

- A. Compliance with Health Regulations: Each lot shall meet health standards as determined by the South Central Public Health District.
- B. Lot Area:
8. Water Supply and Sewage Disposal: The lot area per dwelling unit and for all uses in the RR Zone that are dependent on individual water supply and sewage disposal systems shall be sufficient to permit proper location, installation, and operation of such systems plus future replacement systems in accordance with Idaho Department of Health and Welfare standards for subsurface sewage disposal systems; and shall not be less than one acre. In platted subdivisions, there may be variations of up to plus or minus five (5) percent from the one (1) acre minimum lot size for inclusion of rights of way and easements at Health Department discretion.
 9. Minimum Lot Area: The minimum lot area per dwelling unit and for all other uses served by any public or private sanitary sewer and water supply system is nine thousand (9,000) square feet.
 10. Connection to Community Services Required: A developer of a subdivision or planned unit development located within one-half ($1/2$) mile of the incorporated limits of a municipality shall be required to connect to that municipality's services (water and sanitary sewer) provided that the municipality is willing to allow connection to its services.
- D. Lot Frontage: The minimum lot width shall not be less than eighty (80) feet. The minimum street frontage shall be sixty (60) feet except in the case of lots abutting a cul-de-sac in which case the minimum frontage shall be thirty (30) feet. Any other reduction in lot frontage must be approved by the Planning and Zoning Commission.
- E. Yards: Residential and other uses:
1. Front: A minimum front yard depth of thirty (30) feet shall be provided for all buildings except where a building exceeds a height of thirty-five (35) feet, the front yard shall be increased one (1) foot in depth for each five (5) feet of height exceeding thirty-five (35) feet.
 2. Side: A minimum side yard depth of seven (7) feet shall be provided on each side of the main building located on an interior lot except where a building exceeds a height of thirty-five (35) feet; the side yard shall be increased one (1) foot for each five (5) feet of height exceeding thirty-five (35) feet. The side street yard of a building located on a corner lot shall not be less than twenty-five (25) feet.
 3. Rear: A minimum rear yard depth of thirty (30) feet shall be provided for all buildings except where a building exceeds a height of thirty-five (35) feet, the rear yard shall be increased one (1) foot in depth for each five (5) feet of height exceeding thirty-five (35) feet.
 4. Double Frontage Lots: Buildings on lots having frontage at intersecting streets need not have a rear yard greater than the required side yard of the zone if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets. Not structure may extend beyond the building line established by the front yard requirements of

the area. Locations of lots with frontage on more than two streets shall require decision of the Commission.

5. **Yard Space for One Building Only:** No required or other open space around the existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this Title shall be considered as providing a yard or open space for any other building nor shall any yard or any other required open space on an adjoining lot be considered as providing the yard or open space whereon a building is to be created or established.
6. **Clear View of Intersecting Streets:** No obstruction to view in excess of three feet in height from the road surface shall be placed on any corner lot within a triangular area formed by the highway right-of-way lines and the line connecting them at points forty-five feet from the intersection of the highway right-of-way lines.
7. **Effect of Official Map:** Wherever a front yard is required for facing on a street for which no official map has been recorded in the office of the County Recorder, the depth of such front yard shall be measured from the map street line as shown on the Official Map or from the existing street right-of-way line, whichever is the greater distance.

8-6E-5: ACCESSORY USE BUILDINGS:

- G. **Detached:** An accessory use building must be detached from the principal building.
- H. **Limitation on coverage:** The principal building and accessory buildings together shall not occupy more than thirty-five (35) percent of the total lot area.
- I. **Location:** Accessory buildings shall not be located closer than five (5) feet to a side or rear property line of an interior yard.
- J. **Height:** The height of accessory buildings shall not exceed twenty-five (25) feet.
- K. **Yard and Courts:** An accessory building shall be placed as to meet all yard and court requirements for principal buildings including height and other dimensions.
- L. **Square Footage:** The building size is restricted to a footprint of a maximum of two thousand four hundred (2,400) square feet. A conditional use permit shall be required for any construction proposed over the maximum square footage.

8-6E-6: EXISTING TOWNSITE PLATS:

- G. **Purpose:** This Section is designed to provide minimum lot size for existing townsite plats for development serviced by a public water system and/or waste treatment system; to address existing nonconforming lots; to safeguard life or limb, health, property, and public welfare. This section only applies to existing townsite plats.
- H. **Minimum Lot Area:** Minimum lot area shall be twelve thousand five hundred (12,500) square feet when serviced by a public water system and nine thousand (9,000) square feet

when serviced by a public water system and a wastewater system. A public water system is defined in IDAPA 58.01.08 as a water system that supplies water to at least twenty-five (25) people or has at least fifteen (15) service connections.

- I. Lot Frontage: The minimum lot width shall not be less than one hundred (100) feet.
- J. Lot Depth: The minimum lot depth shall not be less than one hundred (100) feet.
- K. Yard Requirements:
 - 1. Front: A minimum yard depth of thirty (30) feet shall be maintained for all structures.
 - 2. Side: A minimum side yard depth of seven (7) feet for the main structure located on an interior lot shall be maintained. The side street yard of all structures located on a double frontage lot shall not be less than twenty (20) feet.
 - 3. Rear: A minimum yard depth of thirty (30) feet for the main structure and accessory use structures located less than six (6) feet from the main structure shall be maintained.
 - 4. Accessory Use Structures on Single Frontage Lots: Accessory use structures on single frontage lots shall have a minimum side and rear yard depth of seven (7) feet. The side street yard of all structures located on a double frontage lot shall not be less than twenty (20) feet.
- L. Accessory Use Structures: Accessory use structures may be constructed in the rear yard area, provided that the area of such structures combined with the area of the main structure shall not occupy more than thirty five (35) percent of the total lot area or infringe upon the sanitary sewer system including the replacement drain field area.

8-6E-7: **PENALTIES:** A violation of any section or subsection of this Article is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

CHAPTER 7

OVERLAY DISTRICTS

- 8-7-1: Purpose
- 8-7-2: Maps Adopted
- 8-7-3: Boundaries of Overlay Districts

8-7-1: **PURPOSE:** In addition to the zones discussed in Chapter 6, many areas of the County are also regulated by overlay districts. Each overlay district was designed to address a specific issue (such as protecting canyon rims or guarding against flooding). Twin Falls County has the following overlay districts which shall be known by the following names and/or abbreviations:

AP	Airport Overlay District
CR	Canyon Rim Overlay District
OR	Outdoor Recreation Overlay District
SFHA	Special Flood Hazard Area
WPO	Wellhead Protection Overlay District

8-7-3: **MAPS ADOPTED:**

Zoning Map: The location and boundaries of each of the overlay districts are shown on the official Zoning Map(s) of Twin Falls County, Idaho, and all boundaries, notations and other data shown thereon are incorporated by reference into this Title as if fully described herein.

The Zoning Map(s) shall be identified by the signature of the Chair of the Board, attested by the Clerk, and shall bear the following words:

I hereby certify that this is the Official Zone Map of Twin Falls County, which was adopted by the Board of County Commissioners on this ____ day of _____.

The maps herein adopted for the regulation of Special Flood Hazard Areas are developed by the Federal Emergency Management Area and include flood insurance rate maps (“FIRM”) and flood hazard boundary maps (FHBM).

8-7-4: **BOUNDARIES OF OVERLAY DISTRICTS:** Where uncertainty exists with respect to the boundaries of an overlay district, the following rules shall apply:

- H. Overlay District Boundaries: When indicated boundaries of the Official Map are approximate street or land survey lines, said street or land survey lines shall be construed to be the overlay district boundaries.
- I. Natural Features: Where the indicated boundaries are approximate canal, natural streams or watercourses, or other clearly defined natural features, the center line of said canal,

natural stream, watercourse or natural feature shall be construed to be the overlay district boundary.

- J. Absence of Feature or Measurement: In the absence of any street, land survey, canal, natural stream, watercourse or other natural feature or measurement as forming the boundaries of any overlay district, the scale or measurement shown on the Map shall be used to determine the overlay district boundary lines.
- K. Classification of Vacated Streets or Alleys: Whenever a street or alley is vacated, and that street has not been given a overlay district classification, the land of the vacated street shall have the same overlay district classification as the land adjacent to or abutting the vacated street land on the same side of the center line of the former street and owned by the rightful owner of the vacated street.
- L. Disincorporation or Errors in Legal Description: In every case where small parcels of territory have not been specifically included within a overlay district or district through errors in legal description, or where territory becomes a part of the unincorporated area of Twin Falls County by the disincorporation of any city, such territory shall automatically retain its existing use classification until otherwise classified but not to exceed a period of six (6) months following discovery.
- M. Conflicting Provisions, Map and Text: In case of conflict between the text and the Maps of this Title, the Maps shall prevail. In case of a conflict between the provisions of the various sections of the text of this Title, the most stringent provision shall prevail.
- N. Other Uncertainty: Where other uncertainty exists, the Community Development Services Director shall interpret the Map.

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CHAPTER 7

OVERLAY DISTRICTS

ARTICLE A. AIRPORT OVERLAY DISTRICT (AP)

SECTION:

8-7A-1: Purpose

8-7A-2: Principal Allowed Uses

8-7A-3: Conditional Uses

8-7A-4: Restrictions

8-7A-5: Penalties

8-7A-1: **PURPOSE:** The Airport Overlay District (AP) was created to ensure airspace around airports in Twin Falls County is not encroached upon. The restrictions in the AP Overlay District were designed to promote flight safety and the safety of uses on the ground. Required horizontal and vertical spacing is based on Federal Aviation Administration recommendations. Electromagnetic restrictions are provided to prevent disorientation of electronic aviation aids. Light, glare, and smoke requirements are intended to prevent a pilot's loss of visual contact with ground, structures, or other obstructions. This zone is applied in conjunction with underlying zone(s), but should the requirements of the existing zone and the Airport Overlay District conflict, the more restrictive requirements will control.

8-7A-2: **PRINCIPAL ALLOWED USES:**

- M. Accessory use buildings.
- N. Agriculture: The full and complete use of agricultural land for production of any agricultural product in compliance with Idaho Code § 67-6529.
- O. Agricultural buildings.
- P. Airports if approved by the Board of County Commissioners.
- Q. Animal feeding operations.
- R. Commercial uses at the airport and on the airport grounds if approved by the Board of County Commissioners.

- S. Dude ranches.
- T. Farm labor dwelling units for any occupant(s) employed full-time in connection with the agricultural use of the land. Proof of full-time employment with said operation shall be provided to the Director upon request.
- U. Parks and golf courses, public parks, public recreation grounds, and public buildings.
- J. Roadside stands or temporary structures used for the sale of farm products raised on the premises, including on-premises signs. Such structures shall be located a minimum distance of twenty (20) feet from the highway right of way line and provide not less than five (5) off-street parking spaces adjacent thereto.
- K. Single-family dwellings.
- L. Stables: private or riding.
- M. Water reservoirs and facilities.

8-7A-3: **CONDITIONAL USES:** A conditional use permit allowing one or more of the following uses may be granted by the Commission after an application is submitted and a determination of compliance with Chapter 10 and other relevant chapters of this Title is made. The use of the land must be determined to be appropriate at the proposed location and to not have an unreasonable adverse effect upon adjoining land. Conditions requiring special or additional sanitation facilities, landscaping, developed recreation facilities, reduced density, level of maintenance standards, parking, etc., may be required as conditions of the approval.

- A. Cemeteries.
- B. Daycares.
- C. Gravel, sand, and clay pits.
- E. Home occupations.
- D. Kennels.
- E. On-premises signs.

8-7A-4: **RESTRICTIONS:**

- A. Lighting:

1. Any pulsating, flashing, rotating, oscillating, or other type of lighting commonly used as an attention-getting device is prohibited.
 2. Floodlights, spotlights, or other lighting device(s) shall be so arranged or shielded as to not cast illumination in an upward direction above an imaginary line extended from the light source parallel to the grounds.
- B. Glare: Glare-producing building materials shall not be allowed on any structure or any portion of the property.
- C. Electromagnetic Radiation: No use may be made of land which results in electromagnetic radiation which may interfere with radio communication between aircraft, radio communication between aircraft and airport, or established radio navigation aids.
- D. Smoke: No use may be made of land which emits smoke, dust, or any visible fumes or vapors into the atmosphere.
- E. Building Height Limitations: The maximum building height shall be thirty-five (35) feet provided, however, the Community Development Services Director may authorize additional height for structures as provided in Code of Federal Regulations Title 14 Part 77.

8-6A-6: **PENALTIES:** A violation of any section or subsection of this Article is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

CHAPTER 7

OVERLAY DISTRICTS

ARTICLE B. CANYON RIM OVERLAY (CR)

SECTION:

- 8-7B-1: Purpose
- 8-7B-2: Principal Allowed, Accessory, and Conditional Uses
- 8-7B-3: Alteration of Natural Landscaping
- 8-7B-4: Height Limits
- 8-7B-5: Setbacks from Canyon
- 8-7B-6: Waiver of Liability
- 8-7B-7: Penalties

8-7B-1: **PURPOSE:**

- A. Purpose: The Canyon Rim Overlay District was designed to preserve and protect the canyon lands in Twin Falls County. The aesthetic qualities and diversity of the resources within the canyons have given them regional and national significance. The two main priorities of this overlay district are to retain the natural condition of the canyon lands and to protect the public from hazards.
- B. Applicability: The Canyon Rim Overlay District applies to canyon lands, which are the canyon rim and floor extending from the mean high-water mark to the outermost rim setback. The canyon rim is the point below which the final slope of County canyons exceeds thirty (30) percent for a distance of ten (10) or more feet. The “final slope,” as the term is used here, excludes minor breaks in the canyon wall which have a slope of less than thirty (30) percent, but are: a) inaccessible from existing streets, and/or b) less than one hundred (100) feet in width. There may be multiple rims meeting this definition. The location of the rim shall be determined before any excavation or grading preparatory to development occurs. The canyon floor is that area between the mean high-water mark and where the final slope is greater than thirty (30) percent.

8-7B-2: **PRINCIPAL ALLOWED, ACCESSORY, AND CONDITIONAL USES:** All principal allowed, accessory, and conditional uses allowed in the underlying zoning district are allowed in the Canyon Rim Overlay District to the extent that such uses are consistent with the requirements of the underlying zone and this Article.

8-7B-3: **ALTERATION OF THE NATURAL LANDSCAPING:** Dumping of material along canyon rims or into canyons is prohibited.

8-7B-4: **HEIGHT LIMITS:** The maximum allowable structure height within the Canyon Rim Overlay District shall be thirty-five (35) feet for any structure (measured from the existing natural grade of the property).

8-7B-5: **SETBACKS FROM CANYON:**

- A. Starting Point for Measurement: The measurement will begin at the structural wall of the structure closest to the canyon rim.
- B. Determination of Canyon Rim: Due to the unique features of canyons, multiple canyon rims may meet the definition of “canyon rim.” Therefore, the location of the canyon rim for purposes of the setback requirements of the Canyon Rim Overlay District shall be determined before any lesser setback is approved or any development occurs including, but not limited to, excavation or grading on a lot. A property owner shall consult with the Community Services Director to determine the location of the canyon rim on or near the lot for purposes of development and/or the lesser setback. If there is a question about the exact location of the rim, the Community Services Director may make the determination or may require the applicant to retain a licensed Idaho engineer to make the determination.
- C. 50 Feet from Canyon Rim: No dwelling, accessory building, or other structure shall be constructed or placed within fifty (50) feet of a canyon rim located in Twin Falls County.
- D. 50 to 100 Feet from Canyon Rim: No dwelling, accessory building, or other structure shall be constructed or placed between fifty (50) and one hundred (100) feet of a canyon rim unless the applicant has submitted a satisfactory application to the Community Development Services Director. A satisfactory application shall include a site plan drawn to scale showing the parcel boundaries, canyon rim, proposed setback, existing and proposed structure location, well, septic tank and drain field, driveways, drain tiles, tunnels, and watercourses or drainage ways across or adjacent to the parcel. The application shall also include a geo-technical evaluation prepared by an engineer licensed in the state of Idaho. If other information is required by the Community Development Services Director due to particular characteristics of the site, the additional information shall be supplied with the application. If the proposed design is in conformity with this Title and the recommendations of the geo-technical evaluation, the Director may approve placement of structures between fifty (50) and one hundred feet (100) of a canyon rim in accordance with the procedure set forth in 8-3-6 and 8-3-7.

8-7B-6: **WAIVER OF LIABILITY:** Building near a canyon rim may present inherent risks and, by regulating setbacks and/or granting permits, Twin Falls County assumes no liability for those risks. By submitting an application for a building setback between fifty (50) and one hundred (100) feet of a canyon rim, an owner has assumed liability for any risks and consented to waiving any liability that Twin Falls County may otherwise have incurred. The owner shall record

a waiver of liability for Twin Falls County in conjunction with the approval of an application for a building setback between fifty (50) and one hundred (100) feet of a canyon rim. A notarized signature is required and the form shall be recorded with the deed at the County Recorder's office within thirty (30) days of approval.

8-7B-7: **PENALTIES:** A violation of any section or subsection of this Article is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

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CHAPTER 7

OVERLAY DISTRICTS

ARTICLE C. OUTDOOR RECREATION OVERLAY (OR)

- 8-7C-1: Purpose
- 8-7C-2: Conditional Uses
- 8-7C-3: Penalties

8-7C-1: **PURPOSE:** The Outdoor Recreation Overlay District covers areas in Twin Falls County that are currently used for recreational purposes and areas with great potential for recreational use. These areas offer unique opportunities for the citizens of Twin Falls County and tourists from across the nation. The principal allowed uses and lot requirements in the Outdoor Recreation Overlay District shall be the same as in the underlying zone.

8-7C-3: **CONDITIONAL USES:** Applicants may apply for conditional use permits for uses listed as conditional uses in the underlying zone. Additionally, a conditional use permit allowing one or more of the following uses may be granted by the Commission after an application is submitted and a determination of compliance with Chapter 10 and other relevant chapters of this Title is made. The use of the land must be determined to be appropriate at the proposed location and to not have an unreasonable adverse effect upon adjoining land. Conditions requiring special or additional sanitation facilities, landscaping, developed recreation facilities, reduced density, level of maintenance standards, parking, etc., may be required as conditions of the approval.

- A. Energy Production: Energy production facilities including substations, compressor stations, and other related facilities.
- B. Fisheries.
- C. Recreational Equipment: Rental of non-motorized recreational equipment including bicycles, kayaks, etc.
- D. Recreational Uses: Uses of a recreational nature including sleeping accommodations, dude ranches, commercial summer cottages, hunting or fishing cabins, RV parks, campgrounds, parks, playgrounds, and other services that support recreational uses.

- E. Water and Utilities: Water pumping plants, reservoirs, wells, pipelines, public utility buildings, and related structures and/or facilities.
- F. Similar Uses: Conditional use permits for other uses that are similar to the above-listed conditional uses, that are compatible with the underlying zone and the Outdoor Recreation Overlay District, and that comply with the requirements of this Title may be approved by the Commission.

8-6A-4: **PENALTIES:** A violation of any section or subsection of this Article is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

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CHAPTER 7

OVERLAY DISTRICTS

ARTICLE D. SPECIAL FLOOD HAZARD AREAS (SFHA)

- 8-7D-1: Purpose
- 8-7D-2: Definitions
- 8-7D-3: Location of Special Flood Hazard Areas, Applicability
- 8-7D-4: Regulations in Special Flood Hazard Areas
- 8-7D-5: Designation of Local Administrator, Duties of Local Administrator
- 8-7D-6: Development Permits
- 8-7D-7: Change of Flood Zone Designation
- 8-7D-8: Penalties

8-7D-1: **PURPOSE:** These regulations were enacted to protect the Special Flood Hazard Areas (SFHAs) of Twin Falls County. These areas are subject to periodic inundation which may result in: loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety, and general welfare. Protecting Special Flood Hazard Areas with the regulations in this section also enables residents of Twin Falls County to purchase flood insurance from the National Flood Insurance Program.

8-7D-2: **DEFINITIONS:**

AREA OF SHALLOW
FLOODING:

Designated as AO or AH zone on the flood insurance rate map (FIRM). AO zones have base flood depths that range from one to three feet (3') above the natural ground; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow; AH indicates ponding, and is shown with standard base flood elevations.

AREA OF SPECIAL
FLOOD HAZARD:

An area having special flood, mudflow, or flood-related erosion hazards and shown on a Flood Hazard Boundary Map

(FHBM) or a Flood Insurance Rate Map (FIRM). Designation on maps always includes the letters A or V.

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year also referred to as the "100-year flood". Designated on flood insurance rate maps by the letters A or V.

BASE FLOOD ELEVATION (BFE): The elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is depicted on the FIRM to the nearest foot and in the FIS to the nearest 0.1 foot.

CRITICAL FACILITY: A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

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

ELEVATION CERTIFICATE: The official FEMA form used to track development, provide elevation information necessary to ensure compliance with community floodplain management, and determine the proper insurance premium rate.

FLOOD INSURANCE RATE MAP (FIRM): The official map on which the federal government has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS): The official report provided by the federal government that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:
A. The overflow of inland or tidal waters and/or

B. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOODPLAIN: Any land area susceptible to being inundated by floodwaters from any source.

FLOOD PROTECTION ELEVATION (FPE): An elevation that corresponds to the elevation of the one percent (1%) chance annual flood (base flood), plus any increase in flood elevation due to floodway encroachment, plus one foot (1') of freeboard. Therefore, the flood protection elevation for Twin Falls County is equal to BFE plus allowed floodway elevation plus one foot (1') freeboard.

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 more than one foot (1').

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 this chapter, provided there are adequate flood ventilation openings.

NAVIGABLE STREAM OR LAKE: As designated on the United States geological survey (USGS) map and/or the Twin Falls County zoning map.

8-7D-3: LOCATION OF SPECIAL FLOOD HAZARD AREAS, APPLICABILITY:

A. A Special Flood Hazard Area is an area having special flood, mudflow, or flood-related erosion hazards. SFHAs are identified by the Federal Emergency Management Agency (FEMA) and depicted on FEMA's Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM).

B. The Special Flood Hazard Areas identified by the Federal Insurance and Mitigation Administration in a scientific and engineering report entitled "The Flood Insurance Study for Twin Falls County and Incorporated Areas," dated September 27, 2008, and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto, are hereby adopted by reference and declared to be the Special Flood Hazard Areas for purposes of this Title. The flood insurance study and the FIRM are on file at the Community Development Services Department for Twin Falls County. The most

current FEMA maps (FHBM and FIRM) shall be the basis for identifying Special Flood Hazard Areas until new maps are issued.

- C. The regulations in this Section apply to all Special Flood Hazard Areas in Twin Falls County.
- D. Compliance mandatory: No structure or land shall hereafter be constructed, located, extended, converted, or altered unless it fully complies with the terms of this Article and other applicable regulations.
- E. Abrogation and Greater Restrictions: This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section and another ordinance, statute, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. Interpretation: In the interpretation and application of this Chapter, all provisions shall be:
 - 1. Considered as minimum requirements;
 - 2. Liberally construed in favor of the governing body; and
 - 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- G. Warning and Disclaimer of Liability: The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Article does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damage. This Article shall not create liability on the part of Twin Falls County, any officer or employee thereof, or the Federal Insurance and Mitigation Administration for any flood damage that results from reliance on this Article or any administrative decision lawfully made hereunder.

8-7D-4: **REGULATIONS IN SPECIAL FLOOD HAZARD AREAS:** In order to reduce the risk of flood damage, the following are mandatory in Special Flood Hazard Areas:

- A. Permits: Permits from Twin Falls County and, when applicable, state and/or federal agencies are required prior to all proposed construction and development, including the placement of manufactured homes.
- B. Areas Without Elevation Data Available: Where elevation data is not available either through the flood insurance study, FIRM, or from another authoritative source; applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.
- C. Areas with Elevation Data Available and No Regulatory Floodway: In areas with Base Flood Elevations (BFEs) available and where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated 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 more than one (1) foot at any point within the community.

D. Construction Materials and Methods:

1. Flood-resistant materials: All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. Methods to minimize damage: All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Service facilities: Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. Anchoring: All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure
5. Water systems: All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
6. Wells: Water wells shall be located on high ground that is not in the floodway.
7. Sewage systems: 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 floodwaters.
8. Waste-disposal systems: On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them, during flooding.
9. Underground parking and storage: For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by an Idaho-licensed professional engineer or architect or meet or exceed the following criteria: A minimum of two openings having a total net area of not less than one (1) square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

E. Nonresidential Buildings: New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall:

1. Either have the lowest floor, including basement, elevated one (1) foot or more above the Base Flood Elevation; or, together with attendant utility and sanitary facilities, be designed so that the structure is water-tight (has 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 to one (1) foot above the BFE).
2. For non-residential structures intended to be water-tight to one (1) foot above the BFE, an Idaho-licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted

standards of practice for flood-proofing and provide a record of such certificates which include the specific elevation (in relation to mean sea level) that such structures are floodproofed to the County.

3. Within any AO zone, all new construction and substantial improvements of nonresidential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in the above paragraph (8.5.13(C)(5)(b)).

F. Residential Buildings:

1. Elevation of lowest floor: New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one (1) foot or more above the base flood elevation (BFE).
2. Crawl spaces: Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by an Idaho registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a. Crawl spaces in Special Flood Hazard Areas shall have openings that equalize the hydrostatic pressures by allowing the automatic entry and exit of floodwaters.
 - b. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - c. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. Foundation vent standards required by the IBC/IRC outside the floodplain may not meet this standard.
 - d. Below grade, crawl spaces are prohibited at sites where the velocity of floodwaters exceeds five (5) feet per second.
 - e. All building utility systems within the crawl space shall be elevated above Base Flood Elevation or be designed so that floodwaters cannot enter or accumulate within the system component during flood.
 - f. The interior of a crawl space below the Base Flood Elevation must not be more than two (2) feet below the lowest adjacent exterior grade (LAG) and the height of the below grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation must not exceed four (4) feet at any point.
 - g. Below grade crawl spaces constructed in accordance with the requirements listed in this subsection shall not be considered basements. However, applicants who construct buildings that have below grade crawl

4. Where Base Flood Elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less).
- J. Critical Facilities: For some activities and facilities, even a slight chance of flooding is too great a threat. Critical facilities include hospitals, fire stations, police stations, storage of critical records, and similar facilities. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.
 - K. AH Zone Drainage: Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.
 - L. Floodways: Because of increased hazard and erosion potential in floodways, encroachments (including fill, new construction, substantial improvements, and other development) shall not be permitted unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
- 8-7D-5: **DESIGNATION OF LOCAL ADMINISTRATOR, DUTIES OF LOCAL ADMINISTRATOR:**
- A. Designation: The Community Services Director is appointed as the Local Administrator (“Local Administrator”) to administer and implement the floodplain regulations of Twin Falls County.
 - B. Duties and Responsibilities: Duties and responsibilities of the Local Administrator shall include, but not be limited to:
 1. Review all development permits to determine that the permit requirements of this Chapter have been satisfied.
 2. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
 3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions are met.
 4. Obtain Base Flood Data: When Base Flood Elevation data or floodway data has not been provided in accordance with the provisions of this Article, the Local Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State or other source, in order to administer this Chapter.

5. **Maintain Information:** Where Base Flood Elevation data is provided through the flood insurance study, FIRM, or as required in this chapter, information shall be obtained and recorded for the actual (as built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structures contain basements. This information shall be recorded on a current FEMA elevation certificate. Flood proofing certifications will be maintained and available for public inspection.
6. Notify applicants for elevation variances that the issuance of a variance will result in increased flood insurance premium rates and that construction below the BFE will increase risks to life and property.
7. **Responsibilities Regarding Altered Watercourses:**
 - a. **Notification:** Prior to any alteration or relocation of a watercourse, the Local Administrator will notify adjacent communities and the department of water resources, and submit evidence of such notification to the Federal Insurance Administration.
 - b. **Maintenance:** The Local Administrator will require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
8. **Interpretation of FIRM Boundaries:** The Local Administrator shall make interpretations where needed as to the exact location of the boundaries of the Special Flood Hazard Areas.

8-7D-6: DEVELOPMENT PERMITS:

- A. **Development Permit Required:** A development permit shall be obtained from the Local Administrator before construction or development begins within any Special Flood Hazard Area. The permit shall be for all structures, including manufactured homes, and for all development including fill and other activities.
- B. **Application:** An application for a development permit shall be made on a form furnished by the County. The application may require, without limitation, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question including existing or proposed structures; fill; storage of materials; and drainage facilities. The following information is required:
 1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures recorded on a current elevation certificate.
 2. Elevation in relation to mean sea level to which any structure has been flood proofed.
 3. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet flood proofing criteria.
 4. A description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

8-7D-7: CHANGE OF FLOOD ZONE DESIGNATION: If a property owner believes their property was incorrectly identified as a Special Flood Hazard Area by the National Flood Insurance Program, they can apply to FEMA for a formal determination of the property's location and/or elevation relative to the SFHA. This is called a Letter of Map Amendment (LOMA) request.

If fill has been placed on property to raise the lowest adjacent grade of the structure at or above the Base Flood Elevation, an application to FEMA for a Letter of Map Revision- Based on Fill (LOMR-F). Requests for LOMAs or LOMR-Fs are not decided by Twin Falls County. If a LOMA or LOMR-F request is successful, the Local Administrator will recognize the revised Special Flood Hazard Area designation.

8-7D-8: **PENALTIES:** A violation of any section or subsection of this Article is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

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CHAPTER 7

OVERLAY DISTRICTS

ARTICLE E. WELLHEAD PROTECTION OVERLAY (WPO)

SECTION:

- 8-7E-1: Purpose
- 8-7E-2: Principal Allowed Uses, Accessory Uses, and Conditional Uses
- 8-7E-3: Prohibited Uses
- 8-7E-4: Notice of Proposed Action to Operator of Public or Community Water Supply
- 8-7E-5: Penalties

8-7E-1: **PURPOSE:**

- A. Purpose: The Wellhead Protection Overlay Districts were created to promote public health, safety, and general welfare; to minimize public and private losses due to contamination of the public water supply; and to formalize groundwater protection/pollution abatement and control procedures. Specific goals are to:
 - 1. Protect human life and health;
 - 2. Ensure that the public is provided with a sustainable, safe potable water supply;
 - 3. Minimize expenditure of public money for pollution remediation projects;
 - 4. Minimize regulations of land use; and
 - 5. Minimize business interruptions.
- B. Four Districts: To further the above objectives, four Wellhead Protection Overlay Districts have been established as follows:
 - 1A. Wellhead Protection Overlay District 1A consists of a minimum fixed radius extending no less than fifty (50) feet radially from wellheads supplying potable water to the public water supplies.
 - 1B. Wellhead Protection Overlay District 1B consists of the area around a well supplying drinking water to a public water system wherein a contaminant is calculated to move in the groundwater from a source of contamination to the well within three (3) years.
 - 2. Wellhead Protection Overlay District 2 consists of the area around a well supplying drinking water to a public water system wherein a contaminant is calculated to move in the groundwater from a source of contamination to the well within six (6) years.

3. Wellhead Protection Overlay District 3 consists of the area around a well supplying drinking water to a public water system wherein a contaminant is calculated to move in the groundwater from a source of contamination to the well within ten (10) years.

8-7E-2: **PRINCIPAL ALLOWED USES, ACCESSORY USES, AND CONDITIONAL USES:** The principal allowed, accessory, and conditional uses in the Wellhead Protection Overlay Districts are the same as those allowed in the base zones except that when this Article has different requirements from those listed for the underlying zone, the more restrictive provision controls.

8-7E-3: **PROHIBITED USES:** Regardless of what uses or facilities would otherwise be permitted in the underlying zones, certain uses and facilities are strictly prohibited in the Wellhead Protection Overlay Districts as follows:

- A. District 1A: All uses are prohibited within Wellhead Protection Overlay District 1A except that approved equipment necessary for the operation and maintenance of the public water supply is allowed including the following: wellhead facility buildings, water storage tanks, disinfection equipment, disinfection chemical storage, and landscaping.
- B. District 1B: The following uses or conditions are prohibited within Wellhead Protection Overlay District 1B:
 1. Hazardous waste disposal facilities.
 2. Injection wells.
 3. Landfills.
 4. Livestock confinement operations.
 5. Petroleum: Disposal of waste oil, oil filters, tires, and all other petroleum products.
 6. Salvage: Junk or salvage yards.
 7. Sanitary Systems: Existing sewer lines or sanitary systems shall not be closer than one hundred (100) feet from a wellhead, and new sanitary systems or sewer lines shall not be closer than one hundred fifty (150) feet from a wellhead.
 8. Septic: Existing septic tanks or drain fields shall not be closer than one hundred (100) feet from a wellhead, and new installation of septic tanks or drain fields shall not be closer than two hundred (200) feet away from the wellhead.
 9. Waste: All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer, or disposal of any hazardous solid or liquid material or waste having a potentially adverse impact on ground water.
 10. Land use activities posing a hazard or threat to existing ground water quality as determined by the Community Development Services Director during review of applications.
- C. District 2: The following uses or conditions are prohibited within Wellhead Protection Overlay District 2:

1. Hazardous waste disposal facilities.
 2. Injection wells except for the following:
 - a. Deep well injection (eighteen (18) feet or deeper in depth) of one or more of the following types:
 - i. Geothermal heat,
 - ii. Heat pump return, or
 - iii. Cooling water return.
 - b. Shallow well injection (shallower than eighteen (18) feet in depth) of one or more of the following:
 - i. Storm runoff,
 - ii. Agricultural runoff wastewater,
 - iii. Special drainage water,
 - iv. Aquifer recharge,
 - v. Aquifer remediation, or
 - vi. Septic systems (general).
 3. Landfills.
 4. Land use activities posing a hazard or threat to existing ground water quality as determined by the Community Development Services Director during review of applications.
- D. District 3: The following uses or conditions are prohibited within Wellhead Protection Overlay District 3:
1. Injection wells except for the following:
 - a. Deep well injection (eighteen (18) feet or deeper in depth) of one or more of the following types:
 - i. Geothermal heat,
 - ii. Heat pump return, or
 - iii. Cooling water return.
 - b. Shallow well injection (shallower than eighteen (18) feet in depth) of one or more of the following:
 - i. Storm runoff,
 - ii. Agricultural runoff wastewater,
 - iii. Special drainage water,
 - iv. Aquifer recharge,
 - v. Aquifer remediation, or

vi. Septic systems (general).

2. Land use activities posing a hazard or threat to existing ground water quality as determined by the Community Development Services Director during review of applications.

8-7E-4: **NOTICE OF PROPOSED ACTION TO OPERATOR OF PUBLIC OR COMMUNITY WATER SUPPLY:** Whenever there is a request which requires approval from the Commission for land lying within a Wellhead Protection Overlay District, written notice of the hearing shall be given to the entity operating the public or community water supply within that Overlay District. The Commission may require applicants to grant easements for monitoring wells if the Commission deems it appropriate for protection of the public water supply.

8-7E-5: **PENALTIES:** A violation of any section or subsection of this Article is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

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CHAPTER 8

SPECIFIC USE STANDARDS

8-8-1: Purpose

8-8-1: **PURPOSE:** Certain structures and uses in Twin Falls County are restricted to certain zones and have regulations specific to their type. The Articles in this Chapter set forth the requirements for those specific structures and uses.

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CHAPTER 8

SPECIFIC USE STANDARDS

ARTICLE A: ANIMAL FEEDING OPERATIONS

SECTION:

- 8-8A-1: Purpose
- 8-8A-2: Definitions
- 8-8A-3: Requirements for Small and Large AFOs
- 8-8A-4: Small and Large AFO Applications
- 8-8A-5: Administrative Permit Process for Small AFOs
- 8-8A-6: Conditional Use Permit Process for Large AFOs
- 8-8A-7: Nonconforming AFOs
- 8-8A-8: Building Permits and Certificates of Occupancy
- 8-8A-9: Penalties

8-8A-1: **PURPOSE:**

- A. The purpose of this Article is to provide regulations and standards for the siting of new and expanding animal feeding operations (AFOs) in Twin Falls County. Animal feeding operations include small animal feeding operations (operations with one hundred (100) to nine hundred ninety-nine (999) animal units) and large animal feeding operations (operations with one thousand (1,000) or more animal units). Facilities where fewer than one hundred (100) animal-units are fed are recognized as existing AFOs, but are considered non-regulated AFOs and are not regulated by this Article 8A. The regulations and standards contained herein are designed to protect and promote the public health, safety, and unity welfare of Twin Falls County and to encourage and promote proper location and development of new and expanding animal feeding operations.
- B. The zoning requirements established hereby are intended to:
 - 1. Minimize the detrimental effects of animal feeding operations through design and siting standards.
 - 2. Provide a process for applicants to obtain necessary permits for animal feeding operations and also protect the interests of the Twin Falls County citizens.
 - 3. Protect environmentally sensitive areas of Twin Falls County by regulating the location of animal feeding operations.
 - 4. Encourage the use of effective technologies for the design and operation of animal feeding operations.

8-8A-2: **DEFINITIONS:**

- A. Animal Equivalence Formula: To determine whether this Article applies, one must first determine how many animal units an operation has or will have. Multiply the number of animals by the correct animal equivalence factor to determine animal units.

<u>Animal Type</u>		<u>Equivalence Factor</u>
Dairy cattle		
Holsteins	Milking and dry cows	1.4
Jerseys	Milking and dry cows	1.0
Heifers	100 to 300 pounds	.2
	301 to 500 pounds	.4
	501 to 700 pounds	.6
	701 to 900 pounds	.8
	901 to 1,000 pounds	1.0
Beef cattle		
	100 to 300 pounds	.2
	301 to 500 pounds	.4
	501 to 700 pounds	.6
	701 to 900 pounds	.8
	901 to 1,000 pounds	1.0
Swine		
Boars	Each	.5
Sows	Each	.5
Pigs	55 pounds or more	.4
Pigs	Less than 55 pounds	.1
Sheep/lambs	Each	.1
Horses	Each	2.0
Chickens	Each	.033
Turkeys	Each	.18
Ducks	Each	.02

For species/types not specifically identified: 1,000 pounds of live body weight = 1.0 animal unit.

Example: If a proposed operation anticipates feeding 300 pigs weighing 55 pounds or more, the number of pigs (300) is multiplied by the animal equivalence factor of .4 for pigs weighing 55 pounds or more for a total of 120 animal units.

$300 \text{ (number of pigs)} \times .4 \text{ (animal equivalence factor)} = 120 \text{ (animal units)}$

In this example, if the operation meets the other requirements of Section 8-8A-3(B), it qualifies as a small animal feeding operation.

- B. Small Animal feeding operation (AFO): A lot or facility (other than an aquatic animal production facility) where one hundred (100) to nine hundred ninety-nine (999) animal units have been, are, or will be stabled or confined and fed or maintained for a total of one hundred eighty (180) days or more in any twelve (12) month period excluding any portion of time in which the animals are stabled, confined, fed, or maintained at a lot or facility where crops, vegetation, forage growth, or postharvest residues are sustained during the normal growing season. Two or more operations that stable or confine and feed or maintain animals which are under common ownership are considered to be a single animal feeding operation if they adjoin each other (including if only separated by a right-of-way or public road) or if they use a common area or system for the disposal of wastes. Included as part of an animal feeding operation are all barns, stalls, corrals, feed stalls, feed storage areas, waste lagoons, storm runoff containment areas, waste storage areas, and truck/motor vehicle parking areas used in conjunction with the operation.
- C. Large Animal Feeding Operation (AFO): A lot or facility (other than an aquatic animal production facility) where one thousand (1,000) or more animal units have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period excluding any portion of time in which the animals are stabled, confined, fed, or maintained at a lot or facility where crops, vegetation, forage growth, or postharvest residues are sustained during the normal growing season. Two or more operations that stable or confine and feed or maintain animals which are under common ownership are considered to be a single animal feeding operation if they adjoin each other (including if only separated by a right-of-way or public road) or if they use a common area or system for the disposal of wastes. Included as part of an animal feeding operation are all barns, stalls, corrals, feed stalls, feed storage areas, waste lagoons, storm runoff containment areas, waste storage areas, and truck/motor vehicle parking areas used in conjunction with the operation.

- D. Non-Regulated Animal Feeding Operation: A facility where animals are fed, but which does not meet the definition of a small AFO or large AFO. Non-Regulated AFOs are not regulated by this Article.
- E. Non-Conforming Animal Feeding Operation (AFO): A Non-Conforming AFO (or “Grandfathered AFO”) does not conform to the regulations in this Article, but was lawful at the time it came into existence and at the time this Article went into effect. *See* Chapter 12.

8-8A-3: **REQUIREMENTS FOR SMALL AND LARGE AFOS:**

- A. An administrative permit (for a small AFO) or conditional use permit (for a Large AFO) is required prior to:
 - 1. Commencing construction of a new AFO.
 - 2. Increasing animal units above authorized numbers for an existing animal feeding facility.
 - 3. Commencing construction of improvements to expand the capacity of an existing operation above authorized capacity.
 - 4. Constructing or modifying a significant component of an AFO, such as changing the location or capacity of a waste treatment system.
 - 5. Changing the type of animals at an AFO from one species to another (i.e. from cows to pigs).
 - 6. Repairing an existing AFO, which repair would result in a change of location, capacity, or increased loading of a significant component of an AFO.
- B. Setbacks:
 - 1. For new small AFOs, the following minimum setbacks are required:
 - a. One (1) mile from the Snake River Canyon Rim and Salmon Falls Canyon Rim.
 - b. Setbacks for lagoons, waste treatment, and land application of waste must be one-fourth (1/4) mile from residences and three hundred (300) feet from property lines and wells. Other facility setbacks must be three hundred (300) feet from residences and property lines. Land application setbacks, except near streams, can be reduced (with approval) through the use of drop-hose irrigation, non-aerosol, or other odor control technology methods.
 - c. One (1) mile from another AFO (including grandfathered AFOs, but not including non-regulated AFOs).
 - d. One-fourth (1/4) mile from a stream.
 - 2. For existing non-regulated AFOs and for small AFOS that are expanding their animal units and that will be/remain small AFOs, the following minimum setbacks are required:

- a. One (1) mile from the Snake River Canyon Rim and Salmon Falls Canyon Rim.
 - b. The operator's existing setbacks at the time of the original application. The existing setbacks may only be reduced if they comply with all the setback requirements for new small AFOs.
3. New and expanding large AFOs shall have the following minimum setbacks:
- a. One (1) mile from the Snake River Canyon Rim and Salmon Falls Canyon Rim.
 - b. Setbacks for lagoons, waste treatment, and land application of waste must be one-fourth (1/4) mile from residences and three hundred (300) feet from property lines and wells. Other facility setbacks must be three hundred (300) feet from residences and property lines. Land application setbacks, except near streams, can be reduced (with approval) through the use of drop-hose irrigation, non-aerosol, or other odor control technology methods. An additional setback of 0.5 feet from any residence is required for each animal unit.
 - c. Two (2) miles from another AFO (including grandfathered AFOs, but not including non-regulated AFOs). This setback may be reduced (with approval) if the applicant can demonstrate synergy with another nearby operation(s) through a common digester or other joint operations.
 - d. Facilities and land application of waste shall be setback one-fourth (1/4) mile from streams. Other setbacks from streams shall be one-half (1/2) mile.

8-8A-4: SMALL AND LARGE AFO APPLICATIONS:

- A. Applications must demonstrate:
1. **Buffers:** That effective buffers against material adverse environmental conditions on nearby lands will be/are installed and maintained.
 2. **Compliance with Code:** Compliance with all requirements of this Article and Zoning Code.
 3. **Compliance with Regulations:** Full compliance with any local and state regulations, including those concerning animal or human health.
 4. **Effects on Nearby Lands:** That the facility design and location will not unreasonably adversely affect the use and peaceful enjoyment of nearby lands for lawful purposes.
 5. **Lighting:** Evidence certified by a qualified or licensed professional that all outdoor lighting will be fully shielded and maintained to eliminate direct glare to properties outside the AFO and to keep direct lighting within the property boundaries. Direct glare is caused when the lamp can be seen in the fixture as opposed to being able to see the light from the fixture. The lighting system shall be designed using full cutoff - fully shielded fixtures which are designed to control the light distribution to eliminate direct glare and to ensure no light is emitted above an angle of eighty-five (85) degrees from a point directly below the fixture. No lighting fixtures shall be installed higher than thirty-five (35) feet.

6. Weather: That the site has taken into account prevailing weather conditions to minimize potential adverse effects on the residential or agricultural environment.
- B. An application shall not be deemed complete unless it contains the following:
1. Applicant Information: Name, address, email address, and telephone number of the applicant.
 2. Acreage: Total acreage and zoning district in which the operation will be located.
 3. Animal Unit Capacity: The animal unit capacity of the operation.
 4. Animals: The type of animals to be confined.
 5. Fee: The applicant shall submit with the application a fee in the amount set by the Twin Falls Board of County Commissioners.
 6. Legal Description: Legal description and address of proposed operation.
 7. Site Plan: A site plan certified as accurate by a registered surveyor or a civil engineer licensed in the state of Idaho shall be included. The site plan will be a minimum size of eighteen inches by twenty four inches (18" x 24") with a minimum scale of one inch equals one hundred feet (1" = 100'). The site plan shall show the following:
 - a. Buffers: Sound, sight, odor and other environmental buffers between the site and nearby lands.
 - b. Improvements (Existing): Dimensions, size and location of existing improvements, if any, including setbacks.
 - c. Improvements (Proposed): Dimensions, size, and location of proposed improvements, including, but not limited to, feed storage areas, confinement areas, waste storage areas, lagoons, treatment systems, truck/motor vehicle parking areas, etc.
 - d. Lighting: Outdoor lighting.
 - e. Setbacks: Compliance with setback requirements in this Article.
 - f. Stamp: Surveyor's or engineer's stamp and signature.
 - g. Streets: Public thoroughfares.
 - h. Topography: Topography at intervals of twenty (20) feet.
 - i. Traffic Access: Ingress, egress, and road widths to conform to uniform fire code twenty (20) foot minimum for emergency access.
 - j. Watercourses: Spring(s) and surface watercourse(s).
 - k. Wells: Existing and proposed wells.
 8. Waste Treatment: A written description of the waste treatment system, including site criteria for land where the wastewater will be stored and/or applied, submitted by a registered professional engineer.
 9. Letters: Letters from the relevant local agencies about the proposed operation including:
 - a. Canal company or water district.

- b. Fire protection district addressing its ability to provide fire protection services.
 - c. Local highway district approving ingress and egress points on the site plan and addressing the adequacy of public roads to serve the proposed facility.
10. Nutrient Plan: Preliminary nutrient management plan.
11. Summary of Operation: A characterization of proposed operation including estimated amount of water per animal unit required and any land application site(s) owned, leased, operated or contracted by the applicant, which land is part of the nutrient management plan. The following information shall be included:
- a. Hydrogeological factors: Hydrogeological factors from Idaho Department of Water Resources, Idaho State Department of Agriculture, and U.S. Geological Survey including: depth to first water yielding zone and first encountered water; direction of ground water movement and gradient; sources and estimates of recharge; seasonal variations in water level and recharge characteristics; susceptibility to contamination; and ground water/surface water relationships.
 - b. Precipitation: Annual precipitation as contained in the Idaho Waste Management Guidelines.
 - c. Soil: Soil characteristics from Natural Resources Conservation Service.
 - d. Water Quality: Water quality data from Idaho Department of Environmental Quality, Idaho State Department of Agriculture, and U.S. Geological Survey including: microorganisms (bacteria or single cell); nutrients including, but not limited to, nitrates and phosphorous; pharmaceuticals; and organic compounds.
 - e. Winds: Monthly prevailing winds information for a minimum of twelve (12) months.
 - f. Such other information as might be required by state or federal law or specifically requested by the site advisory team.
12. Vicinity Map: For small AFO applications, the minimum size of the vicinity map is eighteen (18) inches by twenty-four (24) inches with a minimum scale of one (1) inch equals one hundred (100) feet. For large AFO applications, the minimum size of the vicinity map is twenty-four (24) inches by thirty-six (36) inches with a minimum scale of one (1) inch equals one thousand (1,000) feet. The vicinity map (for either a small or a large AFO) shall include the following features within a one (1) mile radius of the proposed operation:
- a. Animal feeding operations.

- b. Areas for land application of solid and liquid waste.
 - c. Building locations and uses.
 - d. Existing monitoring or injection wells.
 - e. Flood zones or flood data for site and land application sites.
 - f. Irrigation canals and laterals.
 - g. Irrigation wells.
 - h. Private domestic wells.
 - i. Public water supply wells.
 - j. Rivers, streams, springs, reservoirs and wetlands.
 - k. Seep tunnels of record.
 - l. Sinkholes of record.
 - m. Topography at intervals of twenty (20) feet.
 - n. Waste storage facilities.
13. Water: Evidence that a valid water right exists or a copy of an application to appropriate water or an application to change the point of diversion, place, and/or nature of use of an existing water right that has been filed with the Idaho Department of Water Resources, which, if approved, would provide an adequate supply for the operation.
14. Any additional information required for the Site Advisory Team review.

8-8A-5: **PERMIT PROCESS FOR SMALL AFOS:**

- A. Administrative Permit Process: The process to obtain an administrative permit is outlined in 8-3-7.
- B. Additional Requirements: In addition to the standard steps to obtain an administrative permit, a small AFO application requires the following:
 - 1. Submittal to Site Advisory Team: After the Director deems an application complete, he or she will submit the application to the site advisory team. The site advisory team will be asked to review the application and will then submit a report to the County in accordance with state statutes or other applicable agreements or standards.
 - 2. Mitigation Reports: In response to the Site Advisory Team's report, the applicant may elect to submit mitigation reports to the Community Development Services

Department to explain what steps the applicant agrees to take to mitigate concerns raised by the site advisory team.

3. Notification: Notification to property owners shall include property owner(s) within one (1) mile of the proposed location. The notified property owners will then be given an opportunity to provide written comment.

8-8A-6: CONDITIONAL USE PERMIT PROCESS FOR LARGE AFOS:

- A. Conditional Use Permit Process: The process to obtain a conditional use permit is outlined in Chapter 10.
- B. Additional Requirements: In addition to the standard steps to obtain a conditional use permit, a large AFO application requires the following:
 1. Submittal to Site Advisory Team: After the Director deems an application complete, he or she will submit the application to the site advisory team. The site advisory team will be asked to review the application and will then submit a report to the County in accordance with state statutes or other applicable agreements or standards.
 2. Report Received Prior to Hearing: Once the County has received the site advisory team report, the matter may be set for hearing in front of the Planning and Zoning Commission.
 3. Mitigation Reports: In response to the site advisory team's report, the applicant may submit mitigation reports to the Planning and Zoning Commission to explain what steps the applicant agrees to take to mitigate concerns raised by the site advisory team. Mitigation Reports may be submitted before or at the hearing.
 4. Notification: Notification to property owners shall include property owner(s) within one (1) mile of the proposed location.
 5. Final approval of the siting of a large AFO must be approved by the Board of County Commissioners.

8-8A-7: NONCONFORMING AFOS:

- A. Nonconforming Operations: Nonconforming (“grandfathered”) small and large animal feeding operations shall be allowed to remain and operate if they meet the requirements for nonconforming uses in Chapter 12 and the following requirements:
1. Number of Animal Units: Existing nonconforming animal feeding operations that are operating at or under their current permitted number of animal units on file with the County may operate up to their permitted numbers, provided they are in compliance with the provisions of the previous County ordinances that were in effect when the permit was issued.
 2. Conversion to Conforming: A nonconforming animal feeding operation may be changed to a conforming animal feeding operation by meeting the requirements of this Article.
 3. Improvements: An existing nonconforming animal feeding operation may make improvements to corral(s), lagoon(s), storm runoff containment(s), barns, etc., provided that the general location of the facility is not changed, that setbacks will not be reduced, and that the number of animal units will not increase above those allowed by the prior ordinance requirements.
 4. Time to Obtain Permit: In 1998, all existing animal feeding operations which had not previously obtained a permit from the County were given an opportunity to submit a complete application for an operating permit from the County. Animal feeding operations which did not obtain a permit from the County at that time and do not currently have a permit shall not be recognized as having vested rights that are transferable to a subsequent owner or operator.
 5. Expansion of Existing Animal feeding operations: Existing, nonconforming animal feeding operations shall not increase in size or capacity beyond allowed numbers without first conforming to the requirements of this Article and obtaining a permit as provided by this Article. In areas where animal feeding operations are not allowed, existing operations shall not be eligible for expansion. A permit is required before any increase in animal units and/or construction takes place.

8-8A-8: **BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY:**

- A. Permit Prior to Construction: Building permit(s) are required before construction may commence on new or expanding AFO facilities.
- B. Time to Commence Construction: Construction of an AFO pursuant to a building permit issued by the County must be commenced within two (2) years of the date of the final decision approving a permit and diligently completed thereafter. Construction will be governed by applicable building regulations and the terms of the issued permit. Failure to commence or complete construction as required under this subsection shall void the AFO permit.

- C. Certificate Prior to Occupancy: Prior to the occupancy and/or use of expanded or new facilities by livestock, swine, poultry, or other animals; the owner shall obtain a certificate of occupancy. The owner shall document compliance with all provisions of this Article; compliance with conditions of approval established by the County and other public agencies; compliance with terms of the submitted application; and compliance with the representations on the submitted application, as modified. Upon completion and final inspection of the facilities authorized by the permit(s) and upon compliance with the provisions of this Article, the zoning official or building inspector shall issue a certificate of occupancy to the owner. The certificate shall certify that all facilities have been inspected and conform to the terms of the permit(s), that the facilities are in compliance with the provisions of Twin Falls County ordinances, and the owner is fully authorized to occupy and operate the AFO.

8-8A-9: **PENALTIES:** A violation of any section or subsection of this Article is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

CHAPTER 8

SPECIFIC USE STANDARDS

ARTICLE B: ENERGY PRODUCTION

SECTION:

- 8-8B-1: Purpose
- 8-8B-2: Small-Scale Wind Turbines
- 8-8B-3: Small-Scale Solar Panels
- 8-8B-4: Permit Process for Small-Scale Wind Turbine or Solar Panel Projects
- 8-8B-5: General Standards for Other Energy Projects
- 8-8B-6: Standards for Utility-Scale Wind Projects
- 8-8B-7: Standards for Utility-Scale Solar Projects
- 8-8B-8: Conditional Use Permit Process for Energy Projects
- 8-8B-9: Penalties

8-8B-1: PURPOSE:

- A. This Article establishes the regulations and siting criteria for new and expanding energy generation projects in the zones of Twin Falls County where such projects are allowed. The regulations contained herein are designed to protect and promote the public health, safety, and community welfare of Twin Falls County; to promote the proper location and development of such projects based on the effective use of local resources; and avoid unreasonable adverse impacts on the use and peaceful enjoyment of nearby lands for lawful purposes. Energy production projects are divided into two groups: Small-scale wind turbine and solar panel projects which produce a nameplate capacity of twenty (20) or fewer kilowatts total, and other energy projects. Other energy projects include utility-scale wind turbine projects (with a total nameplate capacity of over twenty (20) kilowatts); utility-scale solar panel projects (with a total nameplate capacity of over twenty (20) kilowatts); hydroelectric power generation; digesters; natural-gas powered turbines; geothermal energy production, oil wells; gas wells, coal-fired power plants; gas-fired electrical generational facilities; and other energy generation projects. Small-scale wind and solar projects require permits issued by the Community Development

Services Director. Other energy projects require conditional use permits issued by the Planning and Zoning Commission.

- B. The following are not considered energy production projects and no permit or conditional use permit is required for them: natural gas project pipelines, petroleum project pipelines, and electric transmission or distribution lines.

8-8B-2: SMALL-SCALE WIND TURBINES

- A. Small wind turbines (nameplate capacity of twenty (20) or fewer kilowatts) are an allowable accessory use in all zones, subject to the following:
 - 1. Automatic Over-Speed Controls: All installations shall be equipped with manual-electronic or mechanical and automatic over-speed controls to limit the blade rotation speed to within the design limits of the system.
 - 2. Blade Clearance: There shall be a minimum of twenty (20) feet between the ground and the lowest point of the rotor blade. No blades may extend over parking areas, driveways, or sidewalks.
 - 3. Height: Towers shall not exceed a total height of sixty (60) feet in the Rural Residential Zone or one hundred twenty-five (125) feet in all other zones (measuring from the natural ground level to the apex of the turbine blade).
 - 4. Interference Avoidance: No installations shall be in any location where their proximity would interfere with existing fixed broadcast, retransmission, or reception antenna. This includes interference with residential radio, television, wireless phone, or other personal communication system reception or in any location along the major axis of an existing microwave communication link where its operation is likely to produce electromagnetic interference in the link's operation.
 - 5. Lighting and Marking: Lighting and marking shall be in accordance with state and federal law.
 - 6. Noise: Noise shall not exceed fifty (50) decibels at the property boundary except for short intervals during events such as utility outages and severe windstorms.
 - 7. Number: Limit of one (1) unit per parcel.
 - 8. Rotor Diameter: The maximum rotor diameter (the cross-sectional dimension of the circle swept by the rotating blades) shall not exceed fifteen (15) feet.
 - 9. Security: The tower shall be designed to deter unauthorized access, with a minimum of twelve (12) feet from the ground to the bottom of the ladder or other access method.
 - 10. Setbacks:
 - a. Wind turbines shall be set back a distance equal to one hundred twenty-five (125) percent of the total height, measured from the natural ground level to the tip of the turbine blade at its apex, and the rotor swept area, from all property boundaries, overhead utility lines, and private or public roads or rights-of-

way.

- b. No part of the small wind turbine structure, including guywire anchors, may extend within ten (10) feet of the property boundaries.
11. Siting Permit: A siting permit must be obtained before installation commences (see application procedure below).
12. Wiring: All wiring from the towers shall be underground.

8-8B-3: SMALL-SCALE SOLAR PANELS:

A. Small solar panel systems (total nameplate capacity of twenty (20) or fewer kilowatts) are an allowable accessory use in all zones, subject to the following:

- 1. Appearance: Exposed hardware, supporting structures, frames, and piping shall be finished in non-reflective surfaces. Roof-mounted systems shall be compatible with the color scheme of the roof.
- 2. Coverage:
 - a. Ground-mounted systems are limited to four hundred (400) square feet.
 - b. Roof-mounted systems are limited in area only by what the structure will support.
- 3. Glare: Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties and/or roadways.
- 4. Height:
 - a. Roof-mounted systems: Shall not exceed a height of eight (8) inches from the rooftop. In no event shall the placement of the solar panels result in a greater total height (including building and panels) than is allowed in the zoning district which they are located for the principal building.
 - b. Ground-mounted systems: The maximum height shall be six (6) feet as measured from the average grade at the base of the pole to the highest edge of the system.
- 5. Locations and Setbacks:
 - c. No ground-mounted solar energy system may be located within the required front or side yard or on any utility, water, sewer, or other public easement.
 - d. All parts of any ground-mounted solar energy system shall be set back at least seven (7) feet from side and rear yard setbacks.

6. Permit: A siting permit must be obtained before installation commences.

7. Wiring: Where possible, all wiring from the solar energy unit shall be underground.

8-8B-4: PERMIT PROCESS FOR SMALL-SCALE WIND TURBINE OR SOLAR PANEL PROJECTS

A. Application Requirements: An applicant for a small-scale wind turbine or small-scale solar project shall submit an application, with applicable fee, to the Community Development Services Director (“Director”) on a form provided by the County. The application shall conform with the requirements of 8-3-5 and include the following:

1. Name, address, and email address of the applicant. If the applicant is not the property owner, the name, address, and email address of the property owner shall be supplied along with authorization that the applicant is an agent of the owner;
2. A legible plot plan drawn to scale showing:
 - a. Property lines and improvements located on the subject property including the location, dimensions, and types of existing major structures, including the septic tank and drain fields, canals, laterals, easements, etc.;
 - b. Location of the proposed wind or solar system describing where mounted and including (as applicable) towers, foundations, guy anchors, and/or associated equipment;
 - c. Demonstration of compliance with the maximum height requirement, measured from the natural ground level to the maximum height; and
 - d. The right-of-way of any public road this is contiguous with the property and any overhead utility lines;
3. Foundation and structure blueprints or drawings signed by an Idaho-licensed engineer;
4. Letters from agencies with jurisdiction (i.e. canal company, highway district, South Central Public Health District, fire district or department, Idaho Department of Water Resources, Sheriff, post office, Idaho Fish and Game, and/or Twin Falls Canal Company; and
5. For a wind turbine:
 - a. Compliance with required distance of one hundred twenty-five (125) percent of the total height of a wind turbine, measured from the natural ground level to the tip of the turbine blade at its apex, and the rotor swept area, from all inhabited structures off-site, overhead utility lines, and public roads or rights-of-way.
 - b. Wind turbine specifications including manufacturer and model, rotor diameter, tower height, and tower type (monopole, freestanding, or

guyed).

- c. Demonstration of compliance with Federal Aviation Administration (FAA) Regulations: Small wind turbines must comply with applicable FAA regulations, including any necessary approvals from installations close to airports; or

6. For a solar panel project:

- a. System specifications including: manufacturer and model, height, and type of panels being used; and

7. Any other relevant information requested by the Director.

- B. Notice and comment: In addition to the application steps described in 8-3-6 and 8-3-7, a notice and comment period is also required. The applicant shall provide notice of the application to properties within three hundred (300) feet of the project and those property owners will have a written comment period of 14 days.

8-8B-5: GENERAL STANDARDS FOR OTHER ENERGY PROJECTS: These following are required for approval of energy projects other than small-scale solar and small-scale wind projects:

A. Access and Parking: The applicant has secured, or can secure, all necessary access approvals from the applicable highway districts or the Idaho Transportation Department for access points for project roads and parking areas at the project site. The applicant agrees to implement adequate plans to:

1. Use existing roads for access to the extent practical and avoid construction of onsite roadways as much as possible.
2. Restore the natural grade and revegetate any temporary access roads, equipment staging areas, and field office sites used during construction of the energy project. The applicant must specify the type and amount of seed or plants used to revegetate the disturbed areas and a timeline to complete this work.
3. Construct and maintain access roads for all-weather use to assure adequate, safe, and efficient emergency vehicle and maintenance vehicle access to the site.

B. Commencement of Construction: All energy projects must receive a conditional use permit before commencing any construction or ground-disturbing activities on the project site.

C. Coordination and Documentation: The applicant shall provide the County with copies of all applications for state and federal permits and licenses at the time of submitting a County conditional use permit application, or within thirty (30) days after receiving notice of an

incomplete application. Upon the issuance of any state or federal permits or licenses, biological opinions, records of decision, memoranda of understanding, exemptions, variances, or other similar authorizations of approvals related to the proposed energy project, the applicant shall provide copies of these documents to the County.

D. Dust Control: The applicant agrees to construct all non-paved temporary or permanent on-site roads and staging areas using compacted base rock and gravel. During the site development and construction, the applicant must regularly water and/or treat roads and staging areas as necessary to minimize dust and wind erosion.

E. Erosion and Sediment Control: The applicant agrees to conduct all roadwork and other site development work in compliance with a National Pollutant Discharge Elimination System (NPDES) permit as required by U.S. Environmental Protection Agency regulations. The applicant must have an NPDES permit and an erosion and sediment control plan before beginning construction. The plan must include both general “best management practices” for erosion control during and after construction and permanent drainage and erosion control measure to prevent damage to local roads or adjacent areas and to minimize sediment run-off into waterways.

F. Fire Protection: The applicant agrees to implement fire protection measures for the construction and operation of the energy project that are acceptable to the County and other land management agencies adjacent to the proposed energy project, if any. For power generation projects, the applicant must have an approved fire prevention or protection plan in place with the County.

G. Fish, Wildlife, and Native Plant Protection: The proposed energy project will be designed, constructed, and operated without significant adverse impact to fish, wildlife and native plant resources, including fish and wildlife habitat, migratory routes, and state or federally-listed threatened or endangered fish, wildlife or plant species. The applicant agrees to implement monitoring and mitigation actions recommended by the Idaho Department of Fish and Game that the Commission determines appropriate.

H. Overlay Districts: If the site of the proposed energy project is within an area subject to an overlay district, the proposed use shall meet or exceed the applicable requirements of the overlay district.

I. Protected Lands: The proposed site of the energy project may not be located on federal or state protected lands or special resource areas unless the applicant provides documentation from the responsible federal or state management agency that either: the responsible management agency has reviewed the proposed facility, and the agency has authorized the facility developer to proceed; or the proposed facility is an accessory facility to an existing allowed use on the federal or state land, and the responsible management agency will permit a change or addition to the existing use.

J. Protection of Historical and Cultural Resources: Construction and operation of the proposed energy project shall not cause significant adverse impact to historical and cultural resources identified by the State Historic Preservation Office or identified in the Comprehensive Plan. The applicant agrees to implement a plan to preserve any previously undiscovered archeological, historical or cultural artifacts discovered during construction or operation of the energy project in compliance with applicable County, state, and federal Law.

K. Scenic Area Corridor: The proposed energy project shall not be located within a formally-designated scenic corridor. Scenic corridors include Federal or State scenic byways, scenic highways, scenic areas, and scenic waterways. If the proposed energy project is adjacent to a formally-designated scenic corridor, the applicant agrees to implement mitigation measures that would protect the resource values of the designated scenic corridor as a condition of approval. Such measures may include, but are not limited to, using colors that blend with the background, setting the development back from a right-of-way or stream corridor, using the natural topography to screen the energy project, and retaining or planting vegetation that would obscure the view of the energy project within the scenic corridor.

L. Signs: The applicant agrees not to erect billboards (off-premises signs) within the energy project site. The following on-premises signs are allowed:

1. Signs required for public or employee safety or otherwise required by law.
2. No more than two signs which comply with the requirements of Article 8I.
3. Other signs specifically approved in the conditional use permit.

M. Siting Review: Land use siting review is required for proposed electric generating projects, substations, compressor stations, and other energy projects the Director determines require land use siting review. The County is to be the lead coordinating agency in siting energy projects located in the County, unless preempted by state or federal law. The County will avoid duplicating the siting work of other governmental agencies to the extent the County standards or equivalent standards have been addressed by those agencies. During review of a proposed energy project, the County may adopt the reports and findings of other government agencies.

N. Termination and Decommissioning: As conditions of the permit, the applicant agrees to the following:

1. At the time of the application, the applicant shall submit a plan that ensures that the site will be restored to a useful, non-hazardous condition without significant delay when operations cease. The plan shall include the following:

- a. Removal of aboveground and underground equipment, structures, and foundations to a depth of at least three (3) feet below grade. Underground equipment, structures, and foundations need not be moved if they are at least three (3) feet below grade and do not constitute a hazard or interfere with agricultural use or other resource uses of the land.
 - b. Restoration of the surface grade and soil after removal of aboveground structures and equipment including removal of graveled areas and access roads.
 - c. Revegetation of restored soil areas with native seed mixes and plant species suitable to the area, consistent with the weed control plan.
 - d. For any part of the energy project on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates, or buildings in place and/or regarding restoration of agricultural crops or forest resource land.
 - e. The plan must provide for the protection of public health and safety and for protection of the environment and natural resources during site restoration.
 - f. The plan must include a schedule for completion of site restoration work.
2. Prior to the issuance of the conditional use permit, the landowner shall provide a performance bond to the County in the amount equal to one hundred (125) percent of the written cost estimate from an Idaho-licensed engineer to guarantee that the site will be restored as required.
 3. If the energy project ceases operation or construction on the project begins but is not completed in a reasonable period of time, the landowner shall restore the site according to a plan approved by the Commission.

O. Visual Impact: The applicant must reduce the visual impact of construction and operation of the proposed energy project to the extent practical by methods that may include, but are not limited to, the following:

1. Avoid state or federal scenic areas and significant visual resources listed in the Comprehensive Plan;
2. Build the energy project near the edge of contiguous timber areas or using the natural topography to obscure the project;

3. Use materials and colors that blend with the background unless otherwise required by the Federal Aviation Administration;
4. Retain or plant vegetation to obscure views of the energy project; and/or
5. Set the energy project back from the edge of public arterial rights-of-way and from the Snake River Canyon Rim.

P. Weed Control: The applicant agrees to implement a plan for weed control during construction and operation of the proposed energy project.

8-8B-6 STANDARDS FOR UTILITY-SCALE WIND PROJECTS:

A. In addition to meeting the other requirements in this Article, utility-grade wind projects (wind projects with a total nameplate capacity of more than twenty (20) kilowatts) must be designed to:

1. Reduce Visual Impact: To the extent practical, the proposed wind energy project must be designed to minimize visual impact by:

- a. Using underground electric collection lines (transmission lines that connect each turbine to a substation).
- b. Using turbine towers of uniform design, color and height.
- c. Using the minimum lighting necessary for safety and security purposes in addition to aviation warning lights required by federal or state law.
- d. Using appropriate techniques to prevent casting glare from the on-site area lighting.
- e. Using existing roads to provide access to the site or, if new roads are needed, minimizing the amount of land used for new roads and locating roads to reduce visual impact and other adverse environmental impacts, such as erosion.
- f. Using existing substations or, if new substations are needed, minimizing the number of new substations.

2. Protect Wildlife Resources: The proposed wind energy project must be designed to reduce the likelihood of significant adverse effects on wildlife and wildlife habitat. Measures to reduce significant impact may include, but are not limited to, the

following:

- a. Conducting biologically-appropriate baseline wildlife surveys in the areas affected by the proposed wind energy project to determine wildlife species present and patterns of habitat use.
 - b. Selecting turbine locations to reduce the likelihood of significant adverse impacts on wildlife based on expert analysis of baseline data.
 - c. Designing turbine towers to reduce horizontal surfaces for perching.
 - d. Designing turbine towers and pad-mounted transformers to avoid creation of artificial habitat or shelter for raptor prey.
 - e. Spreading gravel on turbine pad areas to minimize weeds and to avoid creation of habitat for raptor prey.
 - f. Using anti-perching protection devices on transmission line support structures and appropriate spacing of conductors.
 - g. Avoiding construction activities near raptor nesting locations during sensitive breeding periods and using appropriate no-construction buffers around known nest sites.
 - h. Developing a plan for post construction monitoring of the wind energy project site using appropriate survey protocols to measure the impact of the project on wildlife in the area.
3. Protect Public Safety: The proposed wind energy project must be designed and operated to protect public safety by measures that may include, but are not limited to, the following:
- a. Designing turbine blades so that, at the closest point, the sweep of the blades is at least twenty (20) feet above the tallest existing or foreseeable obstruction to blade movement.
 - b. Designing, constructing, and operating the facility to exclude the public from close proximity to turbine blades and electrical equipment.
 - c. Designing, constructing, and operating the facility to protect against structural failure of the turbine tower or blades that could endanger public safety.

- d. Restricting public access to the interior of tubular turbine towers by installing located access doors.
4. Required Setbacks: The proposed wind energy project has been designed so that all aboveground parts of the nearest wind turbine structure are set back from the property line by a distance that is at least one hundred twenty-five (125) percent of the height of the wind turbine structure, including the rotor-swept area, except when the wind energy project extends onto the abutting property.

8-8B-7: STANDARDS FOR UTILITY-SCALE SOLAR PROJECTS:

- A. In addition to meeting the other requirements in this Article, utility-grade solar projects (projects with a total nameplate capacity of greater than twenty (20) kilowatts) must be designed to:
- 1. Limit Ground Leveling: The proposed solar energy project has been designed and would be constructed so that ground leveling is limited to those areas needed for effective solar energy collection and so that the natural ground contour is preserved to the greatest extent practical.
 - 2. Protect Wildlife Resources: The proposed solar energy project has been designed to reduce the likelihood of significant adverse effects on wildlife and wildlife habitat. Measures to reduce significant impact may include, but are not limited to, the following:
 - a. Designing foundations and support structures for solar equipment to avoid creation of artificial habitat or shelter for raptor prey.
 - b. Controlling weeds to avoid the creation of artificial habitat suitable for raptor prey.
 - c. Using anti-perching protection devices on transmission line support structures and appropriate spacing of conductors.
 - d. Avoiding construction activities near raptor nesting locations during sensitive breeding periods and using appropriate construction buffers around known sites.
 - e. Using suitable methods such as co-location or sound-producing devices to discourage birds from entering areas of concentrated solar energy near solar-

thermal mirrors or other devices that concentrate solar radiation.

3. Prevent Misdirection of Solar Radiation: The proposed solar energy project has been designed, and would be operated, to prevent the misdirection of concentrated solar radiation onto nearby property, public roads, or other areas accessible to the public.
4. Promote Public Safety: The proposed solar energy project has been designed, and will be operated, to protect public safety, including development and implementation of a plan of operating procedures to prevent public access to hazardous areas.
5. Avoid Airport Proximity: The proposed solar energy project is not located adjacent to, or within, the control zone of any airport.
6. Carefully Select Cleaning Chemicals and Solvents: During operation of the proposed solar energy project, all chemicals or solvent used to clean photovoltaic panels or heliostats would be low in volatile organic compounds and the operator would use recyclable or biodegradable products to the extent possible.

8-8B-8: CONDITIONAL USE PERMIT PROCESS FOR ENERGY PROJECTS:

- A. An applicant for a conditional use permit for an energy project must follow the requirements of Chapter 10 and the remainder of this Title. In addition to the requirements set forth in Chapter 7, the application must include the following:
 1. A general description of the proposed energy project, including a legal description of the property on which the project would be located.
 2. Demonstration of compliance with the general standards for utility-scale energy production along with the standards for wind energy or solar energy, if applicable.
 3. Maps showing the physical features and land uses of the project area, both before and after construction of the proposed energy project. The applicant must provide a map or maps using a standard engineering scale on standard twenty-four (24) inch by thirty-six (36) inch paper showing sufficient detail to clearly define the proposal. Maps shall show:
 - a. The project area boundaries;
 - b. The location, height, and dimensions of all existing and proposed structures and fencing;

- c. The location, grades, and dimensions of all temporary and permanent on-site roads and access roads from the nearest public road;
 - d. State and federal resources, lands, and other protected areas near the project site;
 - e. Existing topography with contours at intervals that accurately depict the site, depending on the size and slope of the site;
 - f. Water bodies, waterways, canals, wetlands, and drainage channels;
 - g. The location of, and distances to, residences and other noise-sensitive properties that could be affected by noise generated by the proposed energy project; and
 - h. The location and distance to public or private airports or airstrips.
4. Copies of all baseline wildlife studies applicable to the project site.
 5. For wind and coal-fired power generation facilities, the direction of prevailing winds across the project area.
 6. A list of permits, approvals, or other actions that the applicant has requested or will request from other government agencies or from public or privately-owned utility companies serving the site.
 7. An explanation of all construction and other development associated with the proposed energy project, and how that construction and development complies with the requirements of this Title.
 8. A transportation plan showing how vehicles would access the site and describing the impacts of the proposed energy project on the local and regional road system during construction and operation.
 9. A revegetation plan for restoring areas temporarily disturbed during construction.
 10. A drainage and erosion control plan for construction and operation.
 11. A fire protection plan for construction and operation of the facility.

12. A plan to protect any archaeological, historical, or cultural sites or artifacts found at the site.
 13. A description of actions the applicant would take to restore the site to a useful, non-hazardous condition upon project termination.
 14. A detailed cost estimate for site restoration in current-year dollars, including an explanation of the basis for cost estimates and assumptions.
 15. Any other relevant information requested by the Community Development Services Director.
- B. Avoidance of Duplication: The applicant may incorporate by reference any information developed or submitted in any other application if the applicant submits a copy or summary of the referenced material, identifies the agency or proceeding to which it was submitted and the outcome of that proceeding, and explains the relevance of the information to the approval standards of this Article.
- C. Duration of Approval: The applicant must apply for, and receive, a building permit within two years from the date of final approval of the conditional use permit (or some other span of time if stated explicitly on the permit) or the conditional use permit expires automatically.

8-8B-9: **PENALTIES:** A violation of any section or subsection of this Article is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

CHAPTER 8
SPECIFIC USE STANDARDS
ARTICLE C: GASOLINE PUMPS

SECTION:

8-8C-1: Setbacks

8-8C-2: Penalties

8-8C-1: **GASOLINE PUMPS:** Gasoline pumps shall be set back not less than twenty (20) feet from any street line to which the pump island is at right angles and fifteen (15) feet from any street line to which the pump island is parallel and not less than twenty (20) feet from any residential zone boundary line. If the pump island is set on an angle on the property with respect to the street, it shall be so located that automobiles stopped for service will not extend over the property line. In no case shall gasoline pumps be set closer than fifteen (15) feet from any street line.

8-8C-2: **PENALTIES:** A violation of any section or subsection of this Article is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

CHAPTER 8
SPECIFIC USE STANDARDS
ARTICLE D: GRAVEL PITS

SECTION:

8-8D-1: Termination of Operation

8-8D-2: Penalties

8-8D-1: **TERMINATION OF OPERATION:** The landowner shall ensure that topsoil is used to recondition the area within one year of the termination of operation of a gravel pit. Also, within one year, the landowner shall ensure that all debris and waste material is removed from the premises of the former gravel pit and the banks of said pit shall be recontoured so as to encourage revegetation of the premises by artificially introduced plants or with natural vegetation.

8-8D-2: **PENALTIES:** A violation of any section or subsection of this Article is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

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CHAPTER 8

SPECIFIC USE STANDARDS

ARTICLE E: KENNELS

SECTION:

- 8-8E-1: Purpose
- 8-8E-2: Conditional Use Permit Required
- 8-8E-3: General Standards
- 8-8E-4: Penalties

8-8E-1: **PURPOSE:** This Article was designed to provide for the permitting and regulation of kennels to ensure that animals receive proper care, treatment, feeding, and watering; and to safeguard the public welfare.

8-8E-2: **CONDITIONAL USE PERMIT REQUIRED:**

- A. A conditional use permit is required for any lot or premises on which five (5) or more dogs over six (6) months of age are kept by the owner or occupant for commercial purposes including, but not limited to, boarding, breeding, buying, selling, renting, exhibiting, or training of such dogs.
- B. The application for a conditional use permit for a kennel shall be submitted on a form provided by the County, shall comply with Chapter 10, and shall include the following:
 - 1. Name, address, email address, and contact information of the applicant.
 - 2. Name, address, email address, and contact information of the applicant's representative (if any).
 - 3. Proof of ownership or lease on the property the use is to be located on.
 - 4. Site plan drawn to scale showing existing buildings, wells, septic, access, parking, and proposed improvements.
 - 5. Written description of the facility to include: number of animals, days and hours of operation, waste disposal, number of employees, anticipated number

of customers, etc.

6. Demonstration of compliance with the requirements of this Article.
7. Any other such information that may be determined necessary by the Community Development Services Director.
8. Fee as established by the resolution of the Board of County Commissioners.

8-8E-3: **GENERAL STANDARDS:**

The following are the minimum acceptable standards for kennels. The Commission may impose additional requirements depending on site-specific factors.

- A. **Size:** Animal rooms, cages, and runs shall be sized to provide adequate space for the sizes of animal to be housed. Animals shall be provided with an exercise yard or kennel run appropriate for their use for such periods as determined by the size, age, and condition of the animal.
- B. **Materials:** Rooms, cages, and/or runs shall be constructed of a nonporous material and be maintained in a sanitary condition. "Nonporous" means it does not permit the absorption of fluids and it may be readily disinfected.
- C. **General Conditions:** The rooms shall be properly screened to be insect and vermin-proof. Rooms shall be properly ventilated to prevent drafts and remove odors. Heating and cooling must be provided as reasonably required, with sufficient light (preferably natural) to allow observation of the animals.
- D. **Outdoor Facilities:** Outdoor facilities shall be provided with windbreaks, roofing, and shelter adequate to protect the animals from the weather. They shall be adequately drained, maintained in a sanitary manner, and a sanitary means of disposing of waste shall be provided.
- E. **Fencing:** Fencing shall be of sufficient height and design to prevent the escape of animals. Such fencing, unless otherwise authorized, shall be constructed of commercial chain link carried on solid posts set in concrete. Such construction shall meet manufacturer's recommended installation and construction recommendations.
- F. **Food and water:** All animals shall be supplied with sufficient food and fresh water as the animals require.
- G. **Inspections:** The owner must agree that Twin Falls County Animal Control officers or other County-authorized persons may enter all areas of kennel runs, yards, food storage, and auxiliary buildings at reasonable hours to inspect the premises for compliance and

take any action as may reasonable be necessary to enforce the provisions of this Article and Idaho laws pertaining to neglected or abused animals.

8-8E-4: **PENALTIES:** A violation of any section or subsection of this Article is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

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CHAPTER 8

SPECIFIC USE STANDARDS

ARTICLE F: MOBILE/MANUFACTURED HOME PARKS

SECTION:

8-8F-1: Mobile/Manufactured Home Parks

8-8F-2: Penalties

8-8F-1: **MOBILE/MANUFACTURED HOME PARKS:**

- A. CUP Required: No manufactured and/or mobile home park shall operate without a conditional use permit granted by the Planning and Zoning Commission (“Commission”). The process for obtaining a conditional use permit is detailed in Chapter 10.
- B. Application Requirements: In addition to the requirements for applications set forth in Chapter 10, applications require a timetable for development, preliminary plans, and specifications for the complete construction of the park.
- C. Sanitary Facilities: All sanitary facilities and the layout shall have the approval of the South Central Public Health District before the application is submitted to the Board.
- D. Final approval of the park requires the approval and signatures of the Board of County Commissioners on a plat map following the recommendation of the Commission.
- E. Parks shall provide the following:
 - 1. Setbacks around park: Each mobile/manufactured home park shall provide a twenty-five (25) foot wide landscaped strip around the perimeter of the park with screening to be placed within the twenty-five (25) foot wide strip. Where a park is bounded by an intersecting public street no wall, fence, or other structure shall be erected; and no hedge, shrub, tree, or growth exceeding three (3) feet above the street grade shall be maintained; within the triangular area formed by the intersecting property lines and a straight line joining said property line at points which are thirty (30) feet distant from the point of intersection, measured along said street lines.

2. Setbacks around mobile/manufactured home spaces:
 - a. Front Yards: Ten (10) feet from the park travel-way.
 - b. Side Yards: There shall not be less than twenty (20) feet between adjacent sides of mobile/manufactured homes or permanent accessory buildings.
 - c. Rear Yards: Five (5) feet (except no additional rear yard setback shall be required where adjacent to the 25-foot perimeter area).
3. Off-Street Parking: Two (2) vehicular parking spaces shall be provided on each mobile/manufactured home space.
4. Identification: One mobile and/or manufactured home park sign not exceeding eighteen (18) square feet in area. One nameplate or address sign for each home space of not more than one square foot in area.
5. Recreational Area: Each park shall provide a minimum of one hundred (100) square feet for each home space for developed and maintained recreational grounds for use by the occupants of said park.
6. Tenant Storage Space: Each mobile/manufactured home park shall provide not less than two hundred (200) square feet of substantially fenced storage space for each home space in the park. Such storage accommodations shall be so designed that they can be closed and locked and each storage accommodation shall be made available for reasonably convenient access from the mobile/manufactured home space it is intended to serve.
7. Landscaping: Setbacks and recreational areas shall be landscaped with lawn and shrubs and properly tended and maintained. Screening of the boundary lines of the mobile/manufactured home park shall consist of shrubs, which will within a reasonable time grow to a height of at least six (6) feet, or decorative fencing of wood or masonry at least six (6) feet in height. Screening shall be of such density that visibility through said screening is, or will be within a reasonable time, decreased by at least ninety (90) percent.
8. Lighting: All driveways and walkways will be hard surfaced and shall be lighted at night with adequate illumination.

F. Requirements for Permanent Structures: Carports, storage buildings, service buildings, and other structures shall be constructed in accordance with the requirements of the Uniform Building Code. No permanent additions of any kind shall be built onto, attached to, or become a part of any mobile/manufactured home. All mobile/manufactured homes, except those temporarily parked, shall be skirted with a material that is compatible in appearance with the construction of the home. The skirting may be in contact with the ground but shall not attach to the home.

- G. Performance Guarantee: The developer shall provide proof of one of the following:
1. Cash bond in the amount of the cost of paving the roads and any other improvements identified in the development agreement.

2. Surety bond in the amount of the cost of paving the roads and other improvements identified in the development agreement.
3. Letter of credit in the amount of the cost of paving the roads and other improvements identified in the development agreement.
4. Escrow reserve account acceptable to Planning and Zoning Commission.

H. **Timing of Pavement:** Upon completion of thirty (30) percent of the first phase of the project or within two (2) years from the start of construction, whichever occurs first, the roads must be paved for that phase of the project. Each phase thereafter must be completed in the same manner. If the developer fails to meet this condition, the bond or other security may be forfeited at the County's discretion.

I. **Development Agreement:** A development agreement must be provided to, and approved by, staff before the letter of approval is issued.

8-8F-2: **PENALTIES:** A violation of any section or subsection of this Article is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

CHAPTER 8

SPECIFIC USE STANDARDS

ARTICLE G: RV PARKS AND CAMPGROUNDS

SECTION:

- 8-8G-1: Requirements
- 8-8G-2: Application
- 8-8G-3: Penalties

8-8G-1: **REQUIREMENTS:**

A. General Operation and Maintenance Requirements:

1. Park Attendant: A park attendant shall be on-duty at all times within the park when in operation.
2. Service Building: There must be a service building (a structure which contains restroom facilities and may contain laundry facilities, a vending area, and other services for park occupants' use) in all RV parks and campgrounds. Service buildings shall have adequate heating facilities to maintain a temperature of seventy (70) degrees Fahrenheit during cold weather and to supply a minimum of three (3) gallons of hot water per hour per each temporary parking space during the time of peak demands. All rooms in service buildings shall be well-ventilated and openings shall be effectively screened.
3. Park Office: There must be a park office (the park attendant's office space) in all RV parks and campgrounds.
4. Registration Records: Registration records must be kept regarding the occupancy of all RV parks/campgrounds, and shall be made available to the County upon request. The registration form must be legible and contain the name, date, phone number, and permanent mailing address of the occupant.
5. Occupancy Permit: A County inspection and occupancy permit shall be required prior to the opening of any RV park and/or expansion.
6. Length of Stay: No RV park or campground tenant shall stay more than one hundred eight (180) days in a calendar year.
7. Sanitary Condition: Service buildings and park areas shall be maintained by the operator in a sanitary and serviceable manner at all times.

B. Park Size and Density Restrictions:

1. A minimum parcel of five (5) acres (plus or minus five (5) percent) shall be required for the development of RV parks and campgrounds.
2. Campsite Design Standards:
 - (a) In the location and spacing of campsites, there shall be a minimum of twelve (12) feet between RVs and/or structures.
 - (b) Campsites shall be clustered in such a manner as to provide no less than one point of water access for every ten (10) campsites, providing that such water access is no more than fifty (50) feet from any of the campsites it is intended to serve.
 - (c) All campsites shall be well-drained.
 - (d) Restroom facilities shall be located within three hundred fifty (350) feet of the furthest campsite. Handicapped access to restroom facilities is required.
3. The maximum allowed density is twenty-five (25) camp-sights or eighteen (18) RVs per acre.
4. Open Space: For campgrounds over five (5) acres, open space of ten (10) percent is required. Buffers are not included as open space.

C. Buffers, Screening, Lighting, and Setbacks:

1. Buffers: Parks shall have a fifty (50) foot buffer (a designated space where no structures, parking areas, campsites, or recreational equipment shall be constructed) along any property boundary adjacent to a public street right-of-way and a thirty (30) foot buffer along any property boundary abutting land on which the primary use is commercial, residential, or agricultural.
2. Setbacks: Structures shall be set back a minimum of two hundred (200) feet from any shorelines of waterways. Campsites shall have a setback from major arterials of a minimum of one hundred (100) feet.
3. Screening: A view screening shall be required along any property boundary adjacent to a public street right-of-way. Such screening shall be set back a minimum of twenty (20) feet from such rights-of-way.
4. Landscaping: Landscaping shall be consistent with a landscaping plan as approved by the reviewing authority (the Community Development Services Director or Planning and Zoning Commission).
5. Lighting: All outdoor lighting will be designed by a qualified professional and be fully shielded using full cutoff-shielded fixtures designed to control light distribution to eliminate direct glare. No lighting fixtures shall be installed higher than thirty-five (35) feet from the ground.

D. Traffic Circulation and Street Design:

1. Interior roads shall comply with County Code.

2. Interior roads connecting to public street rights-of-way shall be paved in accordance with County and highway district standards within one hundred (100) feet of such right-of-way and shall be maintained in such a manner as to not hinder emergency service vehicles and to meet ADA requirements.
3. The construction and surfacing of interior roads shall, at a minimum, conform to the following standards: road width shall be at least twenty (20) feet and the road base shall consist of at least eight (8) inches of compacted gravel unless the design engineer determines site conditions are such that it is necessary to require a higher standard.
4. For traffic safety, acceleration and deceleration lanes may be required at points of ingress and egress, in which case a typical radius of fifty-five (55) feet is required.
5. Interior roads connecting to public street rights-of-way, which are to accommodate vehicular traffic entering and leaving the facility at one location, shall be a minimum of twenty-four (24) feet wide within fifty (50) feet of the property boundary.
6. Interior roads shall be well drained.

E. Parking:

1. A minimum of one auto parking space shall be provided inside the area of each campsite.
2. One additional auto parking space shall be provided for each five (5) campsites, to be located elsewhere in the park. A minimum of nine (9) by twenty (20) feet shall be required for each additional parking space.
3. Additional parking spaces shall not be provided on interior roads.
4. Parking areas shall be constructed and surfaced as determined adequate by the design engineer.
5. Parking areas shall be well drained.

F. Water Supply/Sewage Disposal:

1. Water and sewer systems shall require the approval from local, state, and federal agencies and shall be sufficient to meet the qualitative and quantitative requirements of the South Central Public Health District.
2. Fire flow requirements must be met.
3. Unless all campsites are connected to an approved sewer system, a sanitary waste station shall be provided. The sanitary waste station shall be designed and constructed to include the following:
 - (a) Easy ingress and egress from a service road for camping vehicles and located not less than fifty (50) feet from a campsite.
 - (b) Connection to the sewer system by a trapped four (4) inch sewer pipe and vented not more than ten (10) feet downstream from the trap by a four (4) inch vent adequately supported and extending at least eight (8) feet above the ground surface.

- (c) The sewage inlet shall be surrounded by a curbed concrete apron or trough of at least three (3) feet by three (3) feet, sloped to the inlet, and provided with a suitable hinged cover milled to fit tight.
- (d) A means for flushing the immediate area and a camping vehicle holding tank shall be provided at each sanitary waste station. It shall consist of a properly-supported water riser pipe, terminating two (2) feet above the ground with three-fourths (3/4) inch valve outlet and attached hose. The water outlet shall be protected against back-siphon and backflow by an approved vacuum breaker installation.

G. Minimum Restroom Requirements: Restrooms shall be provided as listed in this table.

Campsite s	Toilets		Urinals	Sinks		Showers	
	M	F		M	F	M	F
1-25	2	4	2	2	2	1	1
26-50	4	6	2	3	3	2	2
51-100	6	8	4	4	4	4	4
101-150	8	14	6	6	6	6	6
151-200	10	16	6	8	8	8	8

Fully-serviced campsites may justify a reduction in the required number of toilets, urinals, sinks, and/or showers. Any reduction is in the sound discretion of the Community Development Services Director or Planning and Zoning Commission. However, all developments with fifty-one (51) or more sites must comply with the requirements governing fifty-one (51) or more sites.

H. Refuse Disposal:

1. No campsite shall be located in excess of one hundred (100) feet from any refuse container.
2. Such containers shall be made of a heavy and durable material and shall have lids.
3. Refuse containers shall be stored on platforms which are elevated at least six (6) inches from the ground and are well-drained.
4. Such containers shall have a holding capacity of not less than thirty (30) gallons.
5. At least one (1) two-yard standard dumpster shall be located near a facility entrance for convenient pick-up. More than one (1) dumpster may be required, depending on the number of sites to be served and the number of weekly pick-ups.

- I. Numbering: Campsites shall be well-marked and numbered.
- J. Accessory Uses:
 - 1. Accessory uses are allowed if they are primarily for the use and enjoyment of park tenants.
 - 2. Accessory uses shall be placed no closer than one hundred fifty (150) feet from any exterior park boundary.
 - 3. Interior all-weather pathways shall be provided to accessory areas.
- K. Building Standards: All structures in an RV Park/campground shall be permanent structures and meet International Building Code requirements.
- L. External Structures: external structures are not allowed to be attached to RVs.
- M. Expansions: An expansion of an existing campground must meet new requirements. If the expansion is in excess of fifty (50) percent of the total area, the complete campground must be brought up to current standards.
- N. Operation Requirements: No RV park or campground shall operate unless all improvements are installed and a letter of completion has been provided to the County by an Idaho-licensed engineer.

8-8G-2: **APPLICATION:**

- A. Required Information: Applications shall contain the following information:
 - 9. Three (3) copies of drawings to an engineering scale showing:
 - (a) The area and dimensions of the subject parcel.
 - (b) Topography at intervals of twenty (20) feet.
 - (c) Number, location, design, and layout of all RV/campsites.
 - (d) Layout of interior roads and parking areas.
 - (e) Location and size of all structures to be included in the park.
 - (f) Type and placement of screening.
 - (g) Buffer zones.
 - (h) Landscaping.
 - (i) Placement of refuse containers and waste disposal sites.
 - (j) Plan for park lighting.
 - 10. Three (3) copies of the detailed specifications for the following:
 - (a) Water supply system.

- (b) Sewage disposal system.
 - (c) Drainage plan.
 - (d) Construction and design features of interior roads, parking areas, and buildings.
11. In zones where RV parks or campgrounds are listed as a conditional use, a conditional use application is required.
 12. Area map showing the subject property in relation to adjacent parcels of land.
 13. Description of drainage and storm water runoff retention areas.
 14. Current deed for property.
 15. Lease agreement, if applicable.
 16. Traffic study by an Idaho-certified engineer.
 17. For areas within a floodplain, the applicant must obtain appropriate permits and a hydrology study, prepared by an Idaho-licensed engineer, that determines the preliminary and post-development rates of runoff using a one hundred (100) year storm.
 18. Other information as determined necessary by Community Development Services and/or the Planning and Zoning Commission.

B. Evaluation of applications:

1. In zones where RV Parks or campgrounds are a principal allowed use, applications will be evaluated by the Community Development Services Director as set forth in 8-3-7.
2. In zones where RV Parks are a conditional use, applications will be evaluated by the Planning and Zoning Commission as set forth in Chapter 10.
3. In addition to the other requirements (such as those specified for conditional use permits, if applicable) for the approval of a permit for an RV park or campground, the following requirements apply:
 - (a) The proposed development will not result in the obstruction, of or unreasonable interference with, existing traffic patterns in the area.
 - (b) The proposed development will not generate congested or undue RV traffic through residential areas.
 - (c) The proposed development will cause minimal disturbance to the natural environment surrounding waterfront and shoreline areas.

8-8G-3: **PENALTIES:** A violation of any section or subsection of this Article is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

CHAPTER 8
SPECIFIC USE STANDARDS
ARTICLE H: SALVAGE YARDS

SECTION :

- 8-8H-1: Sight-Obscuring Fence
- 8-8H-2: Penalties

8-8H-1: **SIGHT-OBSCURING FENCE:** The landowner shall ensure that all auto-wrecking or salvage yards shall be surrounded by a sight-obscuring fence at least eight (8) feet in height. The fence shall be constructed parallel to, and at least ten (10) feet back from, the right-of-way of any public street or highway. Said fence shall be constructed along the entire premises devoted to such auto wrecking or salvage yard.

8-8H-2: **PENALTIES:** A violation of any section or subsection of this Article is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

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CHAPTER 8
SPECIFIC USE STANDARDS
ARTICLE I: SIGNS

SECTION :

- 8-8I-1: Purpose
- 8-8I-2: Sign Requirements
- 8-8I-3: Zone-Specific Sign Requirements
- 8-8I-4: How to Measure Signs
- 8-8I-5: Time Limitation on Permits
- 8-8I-6: Penalties

8-8I-1: **PURPOSE:** The purpose of this Article is to regulate the number, type, location, physical dimensions, and design of signs within Twin Falls County in order to protect the public interest and achieve community objectives as follows:

- A. To balance public and private objectives by allowing adequate signage.
- B. To promote the free flow of traffic and protect pedestrians and motorists from injury and property damage which may be caused by cluttered, distracting, and illegible signage.
- C. To prevent property damage and personal injury resulting from signs which are improperly constructed or poorly maintained.
- D. To promote the use of signs which are well designed, of appropriate scale, and integrated with the surrounding buildings and landscape in order to meet the community's desire for quality development.

8-8I-2: **SIGN REQUIREMENTS:**

- A. Exempt from Requirements: All signs must comply with the requirements of this Chapter unless they are:
 - 1. Erected or maintained by a governmental entity; or
 - 2. Not visible beyond the boundaries of the property upon which they are located.
- B. In Good Repair: All signs and sign structures, conforming and nonconforming, shall be structurally sound and maintained in good order, repair, and appearance at all times as not to constitute a danger, hazard, or visual blight.
- C. Compliance with Building Codes: All signs shall be erected in accordance with the adopted building code and this Chapter.
- D. Permit Required: A sign permit is required before constructing, erecting, remodeling, increasing the level of illumination of, or enlarging a sign unless one of the following applies:
 - 1. The sign is a temporary sign.
 - 2. The sign is three (3) square feet or smaller and the property does not exceed the maximum number of signs allowed.
- E. Off-Premises Signs Prohibited: Except in the Commercial Zone, off-premises signs (billboards) are prohibited.

- F. Intersections: No sign shall be located within the sight triangle of a street intersection.
- G. Entrance/Exit: No sign shall be located within the entrance or exit of a site and/or property.
- H. Pedestrians: Signs shall not be located in a manner which interferes with pedestrian travel or poses a hazard to pedestrians.
- I. Public Property: Signs shall not be located within, on, or projecting over any public street, right-of-way, or other public property.
- J. Roof: No sign shall be erected on or above the roof of a building.
- K. Traffic: No sign shall be erected in a way which is likely to, or does: interfere with traffic, confuse drivers, or otherwise presents a traffic hazard.
- L. Sound: No sign shall emit sound unless it is a drive-up menu board.
- M. Flashing Illumination: No sign shall have intermittent or flashing illumination.
- N. Awning: No sign shall be mounted on an awning unless it is painted directly on the face of the awning.
- O. Suspended Sign: No suspended sign shall extend below the bottom edge of a fascia board or mansard roof.

8-8I-3: **ZONE-SPECIFIC SIGN REQUIREMENTS:**

- A. Agricultural and Range Preservation Zones:
 1. Freestanding signs shall not exceed a height of eight (8) feet.
 2. Wall signs shall not exceed the roofline of a structure.
 3. The base of any freestanding sign shall have an aggregate width of at least fifty (50) percent of the width of the sign.
 4. Wall signs shall not project more than two (2) feet from the building.
 5. Farm or Ranch Signs: A farm or ranch is allowed three (3) signs not to exceed a maximum sign area of thirty-two (32) square feet on parcels up to twenty (20) acres, or three (3) signs not to exceed a maximum of sixty-four (64) square feet for parcels over twenty (20) acres. In addition to the above, a farm or ranch may have one barn sign not to exceed one hundred twenty-eight (128) square feet.
 6. Off-premises signs are prohibited.
- B. Rural Residential Zone:
 1. Residence signs: one (1) sign not to exceed a total area of three (3) square feet shall be allowed.
 2. Farm or Ranch signs: Three (3) signs not to exceed a maximum sign area of thirty-two (32) square feet on parcels up to twenty (20) acres, and sixty-four (64) square feet for parcels over twenty (20) acres, are permitted.
 3. Multiple residence development, mobile home park, and subdivision entrance signs: a maximum of two (2) signs with an aggregate area of twenty-four (24) square feet shall be permitted at each main entrance.
 4. Off-premises signs are prohibited.

- C. Commercial and Industrial Zoning Districts:
1. Wall signs: The following regulations apply to wall signs.
 - a. Wall signs are allowed only on the exterior elevation of the space occupied by the business.
 - b. The sign area for each business shall not exceed three hundred (300) square feet along the street frontage on which the sign is displayed.
 2. Freestanding signs: One (1) freestanding sign shall be allowed per property, with the following exception for multiple street frontages.
 - a. One (1) sign may be allowed for each street if the frontage adjacent to the site is at least three hundred-thirty (330) feet.
 - b. Two (2) signs may be allowed for each street if the frontage adjacent to the site is at least eight hundred (800) feet. The minimum distance between two signs on the same street frontage shall be three hundred thirty (330) feet.
 - c. The sign shall not exceed a height of thirty-five (35) feet as measured from crown of road.
 - d. The base shall have an aggregate width of at least fifty (50) percent the width of the sign.
 - e. The sign area shall not exceed ninety-six (96) square feet.
 3. Canopy Signs:
 - a. One (1) canopy for each separate occupancy or separate entrance not to exceed eight (8) square feet in sign area is allowed. Canopy signs must have a minimum clearance of nine (9) feet from sidewalk.
 - b. One (1) canopy or electric awning sign, not to exceed fifteen (15) percent of the area of the building elevation on which the sign is installed, is permitted.
 - c. Canopy signs and electric awning signs shall not exceed twenty (20) percent of the square footage of the wall area upon which they are installed. The combination of wall signs, canopy signs and electric awning signs shall not exceed the allowable square footage for the wall upon which they are placed.
 - d. Canopy signs must be attached directly to or painted on the face of the canopy band and shall not project more than twelve (12) inches from the canopy.

4. Mural Signs: Art painted directly on the exterior of a building or a backing that is affixed to the building and is sanctioned by the property owner is allowed. Murals are not allowed on the exterior wall containing the main entrance to the building, and shall be considered part of the total square footage of signage allowed by code.
5. Off-premises Signs: Off-premises signs (billboards) are prohibited in the Industrial Zone. In the Commercial Zone, off-premises signs may be permitted. They must comply with the following requirements:
 - a. Where intersections are more than five hundred (500) feet apart, no off-premises sign will be allowed within one hundred (100) feet from the right-of-way line of the intersecting road unless buildings or structures control cross vision, then advertising displays may be allowed up to and on top of the intervening structures.
 - b. The space between the newly erected, placed, constructed, or altered off-premises sign and any existing off-premises sign shall not be less than one-quarter mile, one thousand three hundred twenty (1,320) feet.
 - c. No part of such sign structures shall be erected closer than ten (10) feet from any state or local highway district right-of-way.
 - d. If no building is located within one hundred (100) feet of the off-premises sign, the sign structure shall be set back in accordance with the setback requirements of the Commercial Zone, but shall not be less than ten (10) feet behind state and/or local highway district right-of-way.
 - e. Notwithstanding any other provision in this section, no off-premises sign shall be erected, placed, constructed, or altered within the County which has an area exceeding one thousand (1,000) square feet, or a height exceeding thirty-five (35) feet as measured from the crown of the road.
 - f. The off-premises sign's structure, not including the sign copy, shall be compatible with the color, reflectivity, and other qualities of its surrounding environment.
 - g. No off-premises sign shall have more than one (1) support column.
 - h. Access ladders to maintenance platforms shall be constructed or maintained in such a position as not to project beyond a visual envelope established by structural elements or projections of the

sign face and trim to the ground as viewed from a place parallel to the face of the sign.

- i. Other than support columns, maintenance walkways, embellishments, ends, cross bracings, tops or bottoms, parallel or v-shaped signs; no back braces, torque arms, stringers, panel attachments, or similar structural elements or accessories shall be exposed. If such elements or accessories are not covered by a sign face, screening of such elements or accessories shall be colored similarly to the remaining portions of the sign back.

8-8I-5:

HOW TO MEASURE SIGNS:

A.

Sign area shall be measured as follows:

1. Background included: When sign copy is mounted or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign, the area of the sign shall be measured to include the sum of the smallest rectangles that will enclose both the sign copy and the background.
2. Background not included: When sign copy is mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or other structure that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign, the area of the sign shall be measured as a sum of the smallest rectangles that will enclose each word and each graphic in the total sign.
3. Multi-face signs: the sign area is the sum of the areas of the faces.

B. Sign height shall be measured as follows:

1. Freestanding signs: Height shall be measured as the vertical distance from the top of the highest element of the sign or sign structure to the crown of the roadway. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height.
2. Wall, fascia, mansard, and parapet-mounted signs: Height shall be measured as the vertical distance to the top of the sign or sign structure from the base of the wall on which the sign is located.

8-8I-6:

TIME LIMITATION ON PERMITS:

A.

Approval of a sign permit by the Director shall be void after ninety (90) days if:

1. The sign has not been installed within that ninety (90) day period;
or
2. The sign does not comply with the approved plan.

- B. Extension: The Director may, upon written request by the applicant showing good cause for the delay, grant an extension of the approval period for an additional period of thirty (30) days.

8-8I-7: **PENALTIES:** A violation of any section or subsection of this Article is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

DRAFT

CHAPTER 8

SPECIFIC USE STANDARDS

ARTICLE J: TELECOMMUNICATIONS FACILITIES

SECTION:

- 8-8J-1: Purpose
- 8-8J-2: Exempt from County Review
- 8-8J-3: Locations Where Limited or Prohibited
- 8-8J-4: Requirements for Telecommunications Facilities
- 8-8J-5: Telecommunications Facilities Requiring Administrative Permits
(No more than 125 Feet Tall or Colocation)
- 8-8J-6: Telecommunications Facilities Requiring Conditional Use Permits
(Over 125 Feet Tall)
- 8-8J-7: Information Report Required
- 8-8J-8: Security for Removal
- 8-8J-9: Modification of Existing Telecommunications Towers
- 8-8J-10: Revocation
- 8-8J-11: Non-Operational Facilities
- 8-8J-12: Penalties

8-8J-1: **PURPOSE:** The purpose of this Article is to provide a set of standards for the development and installation of telecommunications towers, antennas, and related facilities. The regulations contained herein are designed to protect and promote the public health, safety, and community welfare of Twin Falls County; and to encourage managed development of telecommunications infrastructure; while not unduly restricting the development of needed telecommunications facilities. These regulations were designed to accomplish the following:

- A. Minimize adverse visual effects of telecommunication towers, antennas, and related facilities through design and siting standards.
- B. Maintain and ensure that a nondiscriminatory, competitive, and broad range of telecommunications services and high-quality telecommunications infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community.

- C. Provide a process for obtaining necessary permits for telecommunications facilities while at the same time protecting the interests of the Twin Falls County citizens.
- D. Protect environmentally sensitive areas of Twin Falls County by regulating the location, design and operation of telecommunication facilities.
- E. Encourage the use of alternative support structures, colocation of new antennas on existing telecommunication towers, camouflaged towers, and construction of towers with the ability to locate more than one provider.

8-8J-2: EXEMPT FROM COUNTY REVIEW:

The following are not considered telecommunications facilities and are allowed. There is no County permit or approval process needed:

- A. Accessory Use Antennas: The use of all television antennas, satellite dishes, and receive-only antennas; provided that the primary use of the property is not as a telecommunications facility, that the highest point of the antenna is no higher than thirty (30) feet from the ground, and that the antenna use is accessory to the primary use of the property.
- B. Amateur Radio: Any antenna and its supporting towers, poles, and masts that is owned and/or operated by a federally-licensed amateur radio operator, is used for noncommercial purposes, and is no higher than thirty (30) feet from the ground.
- C. Residential satellite dishes or antennas: Any satellite dish or antenna that is used exclusively for private, residential use.
- D. Preemption: Satellite dishes/antennas whose regulation is preempted by Idaho statutes or federal law.
- E. Temporary Mobile Services: Mobile services providing public information coverage of news events of a temporary or emergency nature.
- F. Freestanding Antennas: Freestanding antennas (ground-mounted antennas not supported on, or attached to, a building) and their supporting towers, poles, or masts and their equipment buildings one hundred twenty (120) square feet or less in size may be installed without a zoning permit when the overall height of the antennas and their supporting structures do not exceed a height of twenty (20) feet above the original grade at the site of the installation.

- G. Building, Tower or Structure-Mounted Antennas: Antennas installed on, or attached to, any existing building (building-mounted antenna), an existing telecommunication tower, or alternative support structure and their equipment buildings one hundred twenty (120) square feet or less in size, when the height of the antenna and its supporting tower, pole, or mast is twenty (20) feet or less above the highest part of the building or alternative support structure to which it is attached. Antennas installed on, or attached to, any existing building, an existing telecommunication tower, or alternative support structure and their equipment buildings.
- H. Utility Pole-Mounted Antennas: Utility pole-mounted antennas if the height of the antenna is twenty (20) feet or less above the highest part of the utility pole.

8-8J-3: LOCATIONS WHERE LIMITED OR PROHIBITED:

- A. Limited by FCC Regulations: Telecommunications facilities are limited or prohibited by the Federal Communications Commission in certain areas.
- B. Limited by FAA Regulations: Telecommunications facilities may be allowed in the following areas subject to the provisions of this Title, Federal Aviation Administration (FAA) regulations, and other applicable state and federal regulations:
 - 1. Within a two (2) mile radius of heliports.
 - 2. Within a one (1) mile radius of private airport runway(s).
 - 3. Within a three (3) mile radius of public use airport runway(s).
- C. Areas Where Telecommunication Facilities are Not Allowed:
 - 1. Historic sites, as defined by state and/or federal regulation.
 - 2. Critical species habitats, as defined by state and/or federal regulation.
 - 3. Wetlands, as defined by state and/or federal regulation.
 - 4. Floodplains, as defined by state and/or federal regulation.

8-8J-4: REQUIREMENTS FOR TELECOMMUNICATIONS FACILITIES:

- A. Structural, Design, and Environmental Standards: All telecommunication facilities shall be designed to blend into the surrounding environment to the greatest extent feasible. To this end, all of the following measures shall be implemented:
 - 1. Comply with Federal Regulations: All telecommunication facilities shall comply at all times with all Federal Communications Commission (FCC) rules, regulations, and standards. To that end, no telecommunication facility or combination of facilities shall produce, at any time, power densities in any inhabited area that exceed the FCC-adopted standard for human exposure, as amended, or any more restrictive standard subsequently adopted or promulgated by the federal government. All telecommunication towers and antennas shall meet or exceed the standards and regulations in place at the time of the issuance of the

permit (including, without limitation, the requirements of the Federal Aviation Administration (FAA), the Idaho Division of Aeronautics, the Occupational Safety and Health Administration (OSHA), and the FCC).

2. **Non-Flammable Material:** Telecommunication towers shall be constructed out of metal or other nonflammable material, unless a different material is specifically permitted.
3. **Self-Supporting:** All ground-mounted telecommunication towers shall be self-supporting monopoles or lattice towers except where satisfactory evidence is submitted that a guyed tower is required.
4. **Close to Ground:** Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function.
5. **Non-Reflective Materials:** Telecommunication support facilities (e.g., equipment rooms, utilities, and equipment enclosures) shall be constructed out of non-reflective materials (visible exterior surfaces only).
6. **Height Limit for Support Facilities:** Telecommunication support facilities shall be no taller than fifteen (15) feet in height, measured from the original grade at the base of the facility to the top of the structure.
7. **Minimize Visibility:** Telecommunication support facilities shall be designed to blend with existing architecture in the area or shall be screened from sight by mature landscaping, and shall be located or designed to minimize their visibility.
8. **Building Code:** Telecommunications towers, facilities, and antennas shall be designed and constructed in accordance with the International Building Code, and all applicable state and federal regulations.
9. **Height of Antenna Platform:** The maximum height of an antenna platform located on a rooftop shall be twenty (20) feet above the roof.
10. **Non-Interference with SCADA:** Telecommunications facilities shall not interfere with, or obstruct, existing or proposed public safety, fire protection, or supervisory control and data acquisition (SCADA) operation telecommunication facilities. The applicant shall correct any actual interference and/or obstruction.

B. **Measuring Height:** The height of a telecommunication tower shall be measured from the original grade at the base of said tower to the highest part of the tower itself. A lightning rod is not included in the measurement of the height of the tower. In the case of building-

mounted towers, the height of the tower includes the height of the portion of the building on which it is mounted. In the case of "crankup" or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised.

- C. Lighting: Telecommunication towers shall not be artificially lighted unless required by the FAA or other applicable regulatory authority.

- D. Colocation: All tower owners shall make available unused space for colocation of other telecommunication facilities including space for those entities providing similar, competing services. Colocation is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service. All colocated and multiple-user telecommunication support facilities shall be designed for compatible joining to facilitate site sharing.

- E. Site Development, Roads and Parking:
 - 1. A leased parcel intended for the location of new telecommunication tower(s) and equipment building(s) shall maintain a minimum parcel size of two thousand five hundred (2,500) square feet.
 - 2. A parcel owned by the telecommunication carrier and/or provider and intended for the location of new telecommunication tower(s) and equipment building(s) shall meet the minimum size requirement of this Article.
 - 3. All sites must be served by a minimum twenty-five (25) foot wide easement with a turnaround. All sites shall use existing access points and roads whenever possible. The applicable highway district or road jurisdiction shall approve the access point to the site.

- F. Vegetation Protection and Facility Screening:
 - 1. All telecommunications facilities shall be installed in such a manner so as to minimize disturbance to existing native vegetation and shall include suitable mature landscaping to screen the facility, where necessary. For purposes of this section, "mature landscaping" shall mean trees, shrubs or other vegetation of a size that will provide the appropriate level of visual screening immediately upon installation.
 - 2. Upon project completion, the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping.

3. Facility structures and equipment, including supporting structures, shall be located, designed and screened to blend with the existing natural or built surroundings, so as to reduce visual impacts.

G. Fire Prevention: All telecommunication facilities shall be designed and operated in accordance with all applicable codes regarding fire prevention.

H. Noise and Traffic: All telecommunication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end, all the following measures shall be implemented for telecommunication facilities:

1. Noise producing construction activities shall only take place Monday through Saturday on non-holidays between the hours of six o'clock (6:00) a.m. and six o'clock (6:00) p.m., except in times of emergency repair.
2. Backup generators shall only be operated during power outages and for testing and maintenance purposes.

I. Separation Requirements:

1. Minimum Separation: Minimum separation between telecommunication towers (by tower type):

<u>Proposed Tower Types</u>	<u>Lattice</u>	<u>Guyed</u>	<u>Monopole - 85 Feet in Height or Greater</u>
Lattice	1,500 feet	1,500 feet	750 feet
Guyed	1,500 feet	1,500 feet	750 feet
Monopole - 85 feet in height or greater	750 feet	750 feet	750 feet

2. Exceptions:

- a. Two (2) or three (3) towers may be located within one hundred (100) feet of each other if the Commission specifically allows the same in

the conditional use permit.

- b. Camouflaged towers are exempt from the separation between tower requirements listed above.

J. Setbacks Requirements:

1. All setbacks shall be measured from the base of the tower or structure.
2. Setbacks from Residential Buildings: All new towers shall be set back from all habitable residential buildings (except those located on the subject parcel) a minimum of a distance equal to one hundred twenty-five (125) percent of the height of the tower.
3. Setbacks from Historic Sites and Districts: All new towers shall be set back a distance equal to one hundred twenty-five (125) percent of the height of the tower from all historic sites and districts.
4. Setbacks from Property Lines: All new towers shall be set back a minimum of fifty (50) feet from all property lines. This requirement does not apply to the boundary of the leased parcel unless the leased parcel boundary is also a property line.
5. Setback from the Ordinary High Water Mark (OHWM): All new towers shall be set back a minimum of seventy-five (75) feet from the OHWM of a navigable stream and a minimum of one hundred twenty-five (125) percent of the tower height from the OHWM of a navigable lake.
6. Guy Wire Anchor Setback: All guy wire anchors shall be at least twenty-five (25) feet from all property lines.
7. Power Poles Exempt: Power poles are exempt from setback requirements.

8-8J-4: **TELECOMMUNICATIONS FACILITIES REQUIRING ADMINISTRATIVE PERMITS (NO MORE THAN 125 FEET TALL OR COLOCATION):**

- A. 125 Feet or Less: Locating and constructing a telecommunication facility or a new alternative support structure, including the buildings or other supporting equipment used in connection with said facility, one hundred twenty-five (125) feet or less in height shall require approval by the Community Development Services Director (“Director”) as set forth in 8-3-7.

- B. Colocation: Proposed colocation on facilities previously approved by the Commission will be approved administratively by the Community Development Services Director provided that the applicant complies with the provisions of this Article.

8-8J-5: TELECOMMUNICATIONS FACILITIES REQUIRING CONDITIONAL USE PERMITS (OVER 125 FEET TALL):

- A. Constructing a telecommunications facility or a new alternative support structure over one hundred twenty-five (125) feet in height, including the buildings or other supporting equipment used in connection with said facility, shall require a conditional use permit.
- B. Application: The property owner shall submit an application on a form supplied by the County to the Community Development Services Department. The application shall meet the requirements of Chapter 10 and include the following:
 1. Original signature of landowner (if the telecommunications facility is located in an easement or pursuant to a ground lease, the beneficiaries of the easement or ground lease and underlying property owner must also sign to authorize the application).
 2. The identity of the carrier, provider, applicant/landowner, and service provider and their legal status.
 3. The name, address, email address, and telephone number of the applicant and any officer, agent, and/or employee responsible for the accuracy of the application.
 4. A plat of survey showing the parcel boundaries, tower, facilities, location, access, landscaping and fencing.
 5. A copy of the deed to the property which includes the legal description.
 6. In the case of a leased site, a lease agreement or binding lease memorandum which shows on its face that the lease does not preclude the tower owner from entering into leases on the tower with other provider(s) and the legal description and amount of property leased.
 7. A description of the telecommunications services that the applicant offers or provides to persons, firms, businesses, or institutions.

8. Federal Communications Commission (FCC) license numbers and registration numbers, if applicable.
9. Copies of any finding of no significant impact (FONSI) statements from the FCC or environmental impact study (EIS), if applicable.
10. An alternatives analysis prepared by the applicant or on behalf of the applicant by its designated technical representative which identifies all reasonable, technically feasible alternative locations and/or facilities which could provide the proposed telecommunication service. The purpose of the alternatives analysis is to present alternative strategies which could minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the County. The analysis shall address justification for proposed height, alternative sites, potential for colocation and potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. The County may require independent verification of this analysis at the applicant's expense; the consultant will be chosen by Community Development Services from a list mutually agreed upon by the County and the applicant. Approval of the project is subject to the review and approval of the Planning and Zoning Commission.
11. Plans indicating security measures (e.g., access, fencing, lighting, etc.).
12. A tabular and map inventory of all of the applicant's existing telecommunications towers that are located within Twin Falls County and including all of the applicant's existing towers within one thousand five hundred (1,500) feet of the County boundary; this information need not be resubmitted if already on file with the Community Development Services Department. The inventory shall specify the location, height, type, and design of each of the applicant's existing telecommunication towers, and the ability of the tower or antenna structure to accommodate additional colocation antennas.
13. A report prepared by an engineer licensed by the state of Idaho certifying the structural design of the tower and its ability to accommodate additional antennas.
14. Proof of liability coverage.
15. Such other information as the Planning and Zoning Commission may require.
16. Proof that the airport operator and airport property owner(s) within the areas limiting telecommunications facilities have been notified of the application.

17. Speculative tower builders shall provide proof of a carrier willing to locate on the proposed facility.

C. Technical Review: The Community Development Services Department, upon direction of the Twin Falls County Planning and Zoning Commission, shall employ on behalf of the County an independent technical expert to review materials submitted. The consultant will be chosen from a list mutually agreed upon by the County and the applicant. The applicant shall pay all the costs of said review. The payment to the County shall be due upon receipt of the invoice. All fees and charges accumulated for the technical review must be paid in full prior to the issuance of the conditional use permit.

D. Submittals Required Following the Conditional Use Approval: After a conditional use permit has been approved by the Planning and Zoning Commission, the applicant shall submit the following before the conditional use permit will be issued:

1. Copies of the determination of no hazard from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings and other agencies, if applicable.
2. Copies of any environmental assessment (EA) reports on Form 600 or Form 854 submitted to the Federal Communications Commission (FCC), if applicable.
3. Copies of any filings submitted to the FCC shall be submitted within thirty (30) days of filing, subject to the review of the Director.
4. Proof of bond as security for removal as described in 8-8E-8.

8-8J-7: **INFORMATION REPORT REQUIRED:**

A. Purpose: The purpose of the information report is to provide the County with accurate and current information concerning telecommunications tower owners and providers who offer or provide telecommunications services within the County, to assist the County in enforcement of this Chapter, and to assist the County in monitoring compliance with conditional use permits.

B. One-Time Information Reports for Towers Not Capable of Colocation: The owners of all existing and new towers which are not physically able to collocate shall file a one-time telecommunications facility information report with the Community Development Services Department on or before January 31, 2024, or the first January 31 after the tower is constructed, whichever comes first. The report shall be accompanied by a fee as determined by the Board of County Commissioners and shall contain the following

information: the tower owner name(s), address(es), email address(es), phone number(s), contact person(s), location(s) of facilities, tower height, current occupancy (if applicable), and documents that show the tower is structurally incapable of colocation. If a tower owner has previously filed a complete one-time telecommunications facility information report for a tower, he or she is not required to file another one.

C. Biennial Reports for Towers Capable of Supporting Colocation:

1. Owner's Annual Report: All telecommunications tower owners of any new or existing telecommunication tower which is structurally able to support colocation shall submit a telecommunications facility biennial information report every two years, on or before January 31 of the first year after the tower is constructed and every two years thereafter, to the Community Development Services Department. The biennial report shall include the tower owner name(s), address(es), email address(es), phone number(s), contact person(s), location(s) of facilities, annual report fee, and proof of bond as security for removal. The tower owner shall supply the tower height and current occupancy (if applicable). This information shall be submitted to the County and shall become evidence of compliance.
2. Provider's Biennial Report: All telecommunications providers providing service on any new or existing towers shall submit a telecommunications facility biennial information report every two years, on or before January 31 of the first year after their location on the tower and every two years thereafter, to the Community Development Services Department. The biennial report shall include the provider's name(s), address(es), email address(es), phone number(s), contact person(s), location(s) of facilities, and biennial report fee.

8-8J-8: SECURITY FOR REMOVAL:

- A. Removal Required: A telecommunications facility shall be removed once it is no longer in use and not a functional part of providing telecommunications service. The telecommunications tower owner shall remove such facility and restore the site to its original condition or a condition approved by the Community Development Services Department. This restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the telecommunications facility down to five (5) feet below the surface. After a telecommunications facility is no longer in operation, the tower owner shall have ninety (90) days to effect removal and restoration unless weather prohibits such efforts, in which case the ninety days may be extended by the length of time of the prohibitive weather if the owner supplies satisfactory proof of the prohibitive weather to the Director.
- B. Security for Removal: The telecommunications tower owner shall provide to Twin Falls County, prior to the issuance of the Conditional Use Permit or the issuance of a zoning permit, a performance bond in the amount of the greater of twenty thousand dollars (\$20,000.00) or a bond equal to a written estimate from a qualified tower removal

contractor to guarantee that the telecommunications facility will be removed when no longer in operation. Twin Falls County shall be named as obligee in the bond and must approve the bonding company.

- C. **New Bond After Transfer of Ownership:** A purchaser or other new owner(s) of a property with a telecommunications facility shall, within six months of taking ownership of the facility, provide to Twin Falls County a performance bond in the amount of the greater of twenty thousand dollars (\$20,000.00) or a bond equal to a written estimate from a qualified tower removal contractor to guarantee that the telecommunications facility will be removed when no longer in operation. Twin Falls County shall be named as obligee in the bond and must approve the bonding company.

8-8J-9: **MODIFICATIONS OF EXISTING TELECOMMUNICATION TOWERS:**

- A. **Routine Maintenance:** Routine maintenance and repair of telecommunications facilities is allowed.
- B. **Moving, Reconstructing, or Increasing Height:** Existing telecommunication towers and facilities may be added to, moved, or replaced upon approval of the Community Development Services Department. An existing tower may be increased in height a maximum of fifty (50) feet up to a total maximum height of one hundred twenty-five (125) feet, relocated, and/or reconstructed within fifty (50) feet of its existing location to accommodate colocation or for other reasons subject to approval and meeting all the other sections of this Chapter except Sections 8-8E-4 and 8-8E-5.

8-8J-10: **REVOCATION:** Grounds for revocation of a telecommunications facility permit include the following:

- A. The owner of such site, service provider and/or tower owner fails to comply with the requirements of this Title.
- B. The permittee has failed to comply with the conditions of approval imposed.
- C. The facility has not been properly maintained.
- D. Informational reports have not been submitted to the County as required.
- E. Ownership of the underlying property has changed and either a new conditional use permit has not been secured or the owner has not secured a new bond in compliance with this Article.

8-8J-11: **NON-OPERATIONAL FACILITIES:**

- A. **Abandonment:** Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Time may be extended upon review and approval of the Community Development Services Department if the tower owner demonstrates a good faith effort to secure new tenants.
- C. **Notification to County of Non-Operation:** The recipient of a conditional use permit for a telecommunications facility under this Article shall notify the Community Development Services Department when the facility is no longer in operation. Written notice shall be provided no later than thirty (30) days after operation ceases.
- D. **Removal of Equipment:** The owner of such antenna or tower shall remove said antenna and/or tower, including all supporting equipment and building(s), within ninety (90) days of receipt of notice from the Community Development Services Department notifying the owner of such abandonment.
- E. **Order of Removal:** If removal to the satisfaction of the Community Development Services Department does not occur within said ninety (90) days, the Twin Falls County Board of County Commissioners may order removal using the established bond. The County may salvage said antenna or tower and all supporting equipment and building(s). If there are two (2) or more users of a single tower, then this provision shall not become effective until all operations of the tower cease.

8-8J-12: **PENALTIES:** A violation of any section or subsection of this Article is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

CHAPTER 9

AMENDMENTS TO COMPREHENSIVE PLAN, ZONE MAP, OR ZONING CODE

SECTION:

- 8-9-1: Purpose
- 8-9-2: Who May Initiate
- 8-9-3: Application
- 8-9-4: Notice and Publication Prior to Hearings
- 8-9-5: Hearings and Decision
- 8-9-9: Resubmittal

8-9-1: **PURPOSE:** The purpose of this Chapter is to provide standards and regulations for amendments to the zone or district boundaries, the official zone map, ordinances regarding zones, this Title (the Zoning Code), and/or the Comprehensive Plan in accordance with Idaho Code §§ 67-6509 and 67-6511.

8-9-2: **WHO MAY INITIATE:** Any change of zone or district boundaries, the official Zone Map, this Title (the Zoning Code), and/or the Comprehensive Plan may be initiated by the recommendation of the Planning and Zoning Commission (“Commission”), by resolution of the Board of County Commissioners (“Board”), or by application of one or more property owners or holders of valid options to purchase property. When the application is initiated by a property owner or holder of a valid option to purchase the property, the procedure set forth herein shall be followed. The Commission or the Board may enlarge or modify such an application.

8-9-3: **APPLICATION:**

A. Application Required: Every person seeking a change of zone or district, change to the official Zone Map, amendment of this Title, or amendment of the Comprehensive Plan shall file with the Community Services Director (“Director”) an application upon a form(s) prescribed by the Planning and Zoning Commission, and accompanying the application(s) shall be a filing fee in an amount set by the Board of County Commissioners.

B. Application Contents: Each application shall include the following:

1. A map showing the lots and parcels of land within three hundred (300) feet of the exterior boundaries thereof together with the list of the names and addresses of

the last known owners of each lot or parcel, insofar as they are of public record. However, if two hundred (200) or more property owners or purchasers of record are located within three hundred (300) feet of the exterior boundaries of the proposed change, a list of their names and addresses is not required.

2. All information, plans, and maps to scale and other data necessary to assure full presentation of pertinent facts and to assist in making a determination in harmony with the objectives of this Title.
3. Any relevant information requested by the Director, Planning and Zoning Commission, and/or Board of County Commissioners.

8-9-4: **NOTICE AND PUBLICATION PRIOR TO HEARINGS:**

A. Notice by Mail:

1. The applicant is responsible to provide written notice of the hearings by mail to property owners or purchasers of record within the land being considered and within three hundred (300) feet of the external boundaries of the land being considered and any other area that may be impacted by the proposed change as determined by the Commission. Notice shall be provided at least fifteen (15) days prior to each scheduled hearing. This notice is not required if two hundred (200) or more people need to be notified.
2. The applicant is responsible to provide written notice of a hearing by mail to all political subdivisions providing services within the zone/district including school districts and the manager of the airport at least fifteen (15) days prior to a scheduled hearing.

B. Notice by Publication: The applicant is responsible to ensure notice of a hearing is published in the official newspaper or paper of general jurisdiction within the County at least fifteen (15) days prior to the hearing. If notice by mail to property owners and purchasers of record is not required because there are two hundred (200) or more property owners/purchasers of record, publication on at least three (3) separate days is required, the first of those days must be not less than fifteen (15) days prior to the hearing and the final publication of such notice must not less than seven (7) days before the date set for such hearing.

C. Notice by Posting: The applicant is responsible to ensure notice of a hearing is posted on all external boundaries of the premises not less than seven (7) days prior to the hearing.

8-9-5: **HEARINGS AND DECISION:**

A. Hearing in Front of Commission: The Commission will hold at least one public hearing (using the procedure set forth in 8-3-9) and give public notice on every application, and the enlargement, expansion and amplification thereof by the Commission, for a change, modification or reclassification of property, zoning district or land use classification.

B. Multiple Amendments Requested: When an applicant is asking for more than one amendment and the proposed amendments are related (for example, an application for a zone boundary change, amendment to the zoning map to reflect that boundary change, and amendment to the comprehensive plan to enable that boundary change), the requests will be heard together.

C. Factors for Commission Consideration: Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts. After considering the Comprehensive Plan and other evidence gathered through the public hearing process, the Commission may recommend approval of the proposed amendment if it is reasonably necessary, is in the interest of the public, and is in harmony with the objectives and purposes of the Zoning Code and Comprehensive Plan. The Commission may also recommend rejection or amendment of the proposal.

D. Hearing in Front of Board: Following a recommendation of the Commission, the matter will be set in front of the Board for a hearing with the same notice and procedures as the hearing in front of the Commission. Notice of the Board's hearing shall also include the recommendation of the Planning and Zoning Commission. The Board shall analyze proposed changes to zoning ordinances using the standards set forth in the Comprehensive Plan. If the Board makes a material change in the recommendation by the Commission, further notice and hearing shall be provided before the final decision is made.

E. Decision of Board: The Board will adopt, reject, remand, or amend the proposed amendment in writing within a reasonable time after the hearing in front of the Board. The Board's decision will contain a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles, and factual information contained in the record.

F. Resolution or Ordinance: Following the approval of a Comprehensive Plan amendment, the Board shall adopt a resolution or ordinance adopting the amendment to the Comprehensive Plan. Following the approval of a zoning ordinance amendment, the Board shall adopt an ordinance and, within thirty (30) days, publish a summary of the ordinance in the official newspaper of general circulation in the County.

8-9-6: **RESUBMITTAL:**

No application for the change or reclassification of any property, zoning district, or land use classification, which has been denied by the Board shall be resubmitted in either the same or substantially the same form, with reference to substantially the same premises or the same purpose, within one year from the date of final action thereon.

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CHAPTER 10

CONDITIONAL USE PERMITS

SECTION:

- 8-10-1: Purpose
- 8-10-2: Conditions Appropriate for Regulation
- 8-10-3: Restrictions
- 8-10-4: Application
- 8-10-5: Notice and Hearing
- 8-10-6: Modification or Extension

8-10-1: **PURPOSE:** The Planning and Zoning Commission considers whether to issue conditional use permits (CUPs) for uses that are largely suitable for the respective zone, but possess characteristics that require review. When reviewing a CUP application, the Commission determines whether a proposed use can be made compatible with the area for which the application is made or whether the proposed use, even with special conditions, will not be allowed because it presents an unreasonable risk of one or more of the following: damage, devaluation, hazard, nuisance, or other serious detriment to persons or property in the vicinity.

8-10-2: **CONDITIONS APPROPRIATE FOR REGULATION:**

- A. Architectural Design Elements: It is not the intent of this chapter to restrict or specify the particular architectural design proposed or to specify the exterior detail or design, color, or materials proposed by the applicant, except if such detail is so unusual that it would affect the general compatibility of the development with its surroundings.

- B. Conditions for Approval: The Commission may make approval of a permit contingent upon acceptance and observance of specified conditions including, but not limited to, the following matters:
 - 1. Adverse Impacts: Minimizing adverse impacts on other development.
 - 2. Guarantees: Guarantees as to compliance with the terms of the approval.
 - 3. Landscaping: Open spaces, buffer strips, walls, fences, concealing hedges, landscaping, and lighting.
 - 4. Location: Designating the exact location and nature of development.
 - 5. Maintenance: Assuring that development is maintained properly.

6. Mitigation: Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within Twin Falls County.
7. Noise: Performance characteristics related to the emission of noise, vibration, and other potentially dangerous or objectionable elements.
8. Plans: Conformity to approved plans and specifications.
9. Public Facilities: Requiring the provision for on-site or off-site public facilities or services.
10. Restrictions: Requiring more restrictive standards than those generally required in this Title.
11. Signs: Outdoor advertising including the number, location, color, size, height, lighting, and landscaping of outdoor signs and structures as related to creation of traffic hazards and appearance in harmony with surrounding development and community objectives.
12. Streets: Street dedications and public improvements on property frontages.
13. Time of Day: Limits on time of day for the conducting of specified activities.
14. Timing: Controlling the sequence, duration, and timing of development.
15. Traffic: Volume of traffic generated, requirements for off-street parking, vehicular movements within the site, and points of vehicular ingress and egress.

8-10-3: **RESTRICTIONS:**

- A. Owner of Record: Only a property owner of record may apply for, or be issued, a conditional use permit.
- B. Non-Transferrable from Applicant: A conditional use permit shall not be sold, leased, or otherwise transferred.
- C. Non-Transferrable from Property: A conditional use permit shall not be transferred from one property to another.
- D. Time to Commence Operations or Record: Any person or entity successful in obtaining a conditional use permit shall commence operations within one (1) year. Electrical, telephone, pipeline providers, and other utilities successful in obtaining a conditional use permit shall commence operations within ten (10) years. A conditional use land division shall be recorded with the County Recorder within one year. Noncompliance with the applicable time limitation renders a permit null and void.
- E. No Use Until Conditions Met: No occupancy of any part of the site or facilities shall occur until conditions set forth in the conditional use permit have been complied with.
- F. Application Resubmittal: An application for a conditional use permit which has been denied (for any reason other than incompleteness) may not be resubmitted in either the same or substantially the same form or with reference to substantially the same premises for the same purpose in less than six (6) months from the date of final action thereon.

- G. Penalties: A violation of any portion of this section is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

8-10-4: **APPLICATION:**

- A. Application required: Every person seeking a conditional use permit shall submit an application upon a form prescribed by the Community Development Services Director.
- B. Content of Application: All applications for conditional use permits shall be accompanied by appropriate architectural and site development plans to scale which shall show building location; landscaping; prominent existing trees; ground treatment; fences; off-street parking and circulation; location and size of adjacent streets; north arrow and property lines; drawings of the major exterior elevations showing exterior building treatment; existing grade; and proposed new grades. Required landscaping plans shall be approved prior to occupancy of the building. Such plans shall be submitted prior to issuance of sign permits.
- C. Impact study: Each application for a conditional use permit shall include an impact study. An impact study shall include a study of the potential impact upon the following factors as well as any other relevant factors as determined by the Community Services Director:
1. Air quality.
 2. Drainage.
 3. Fire protection and firebreaks.
 4. Geological impact.
 5. Grading of slopes.
 6. Police protection.
 7. Public easements.
 8. Recreation.
 9. Sewerage facilities.
 10. Schools.
 11. Solid waste.
 12. Transportation.
 13. Utilities.
 14. Vegetation.
 15. Water quality.
 16. Water sources.
 17. Wildlife.

- D. Fee required. The applicant shall pay, at the time of filing said application, a filing fee as set by the Board of County Commissioners and posted in the Community Development Services Department.
- E. Review for completeness: When an application is received, the Director will review it for completeness as set forth in 8-3-6.

8-10-5: NOTICE AND HEARING:

- A. Notice: Notice of the hearing shall be published, posted, and mailed according to the requirements in 8-3-8.
- B. Hearing: The hearing shall take place in front of the Planning and Zoning Commission as set forth in 8-3-9.
- C. Criteria: In addition to the consideration set forth elsewhere in this Title, the Commission may consider any of the following factors:
 1. Whether the location of the proposed use is compatible with other land uses in the general neighborhood.
 2. Whether the proposed use places an undue burden on existing transportation and service facilities in the vicinity.
 3. Whether political subdivisions, including school districts, are able to provide services for the proposed use.
 4. Whether the proposed use is in conflict with the Comprehensive Plan.
 5. Whether the site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls, and fences, parking, loading, landscaping, and such other features as are required by this Title.
 6. Whether the site will be served by streets of sufficient capacity to carry the traffic generated by the proposed use.
 7. Whether the proposed use, including any conditions required by the Planning and Zoning Commission, will unreasonably adversely affect other property in the vicinity.
 8. Whether the proposed use necessitates higher standards of site development than listed specifically in this Title in order for the proposed use to be compatible with other property uses in the vicinity. If such determination is made, the Commission may specify all such standards so determined to be necessary conditions to the conditional use and/or building permit.

8-10-6: MODIFICATION OR EXTENSION: Upon request of the holder of a conditional use permit, the Commission may hold a hearing to consider modifying or extending

the term, conditions, and limitations of said permit in accordance with the requirements of this Title.

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CHAPTER 11

DIVISION OF LAND

SECTION:

- 8-11-1: Platted Subdivisions
- 8-11-2: Planned Unit Developments
- 8-11-3: Other Allowed Land Divisions
- 8-11-4: Land Divided Prior to November 8, 1979
- 8-11-5: Plat and Subdivision Vacation

8-11-1: **PLATTED SUBDIVISIONS:**

- A. “Subdivision” is synonymous with “platted subdivision” and is the result of division of an original lot, tract, or parcel of land into more than three (3) parts for the purpose of transfer of ownership or development. Any platted subdivision must comply with this Title and the requirements of applicable water/canal companies. Residential platted subdivisions are not allowed in the Range Preservation, Agricultural, Airport, Commercial, or Industrial zones. Residential platted subdivisions may be allowed in the Rural Residential Zone.
- B. Excluded from Definition of Platted Subdivision: “Platted Subdivision” does not include any of the following:
 - 1. An adjustment of lot lines which does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements, and does not increase the original number of lots;
 - 2. An allocation of land as set forth in the settlement of an estate of a decedent;
 - 3. A court order, judgment, or decree for the distribution of property;
 - 4. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code;
 - 5. Widening of existing streets to conform to a comprehensive plan;
 - 6. The acquisition of street rights of way by a public agency in conformance with the comprehensive plan;
 - 7. Land divided into parcels all of which are forty (40) or more acres in the Agricultural Zone (A) or one hundred sixty (160) or more acres in the Range Preservation Zone (RP) (plus or minus five percent (5%)); or
 - 8. One conditional-use division of land from an agricultural unit forty (40) or more plus or minus five percent (5%) in the Agricultural Zone (A) or one hundred sixty (160) or more acres plus or minus five percent (5%) in the Range Preservation Zone (RP) for a dwelling.

- C. Proximity to Animal Feeding Operations: Residential subdivisions shall be located at least one thousand, three hundred twenty (1,320) feet or one-fourth (1/4) mile from the closest inside edge of the retaining wall of an existing Animal Feeding Operation's waste lagoon and at least four hundred (400) feet from the outside edge of an Animal Feeding Operation's corrals. Operations with more than one thousand (1,000) animal units must have an additional setback of 0.5 feet per animal unit for the number of animal units over one thousand (1,000).
- D. Lot Size: Platted subdivisions require a minimum one (1) acre lot size unless otherwise provided by Twin Falls County Code.
- E. Plats Required: Platted subdivisions require plats that conform with this Chapter.
1. Definition: A plat is a drawing, map, or plan of a subdivision, cemetery, townsite, or other tract of land, or a re-platting of such, including certifications, descriptions, and approvals.
 2. Compliance with Idaho Code: All plats offered for record in Twin Falls County shall comply with Idaho Code § 50-1304. As such, they shall meet the following requirements:
 - a. Plats must be upon stable base drafting film with a minimum base thickness of 0.003 inches. The image thereon shall be by a photographic process or a process by which a copy is produced using an ink jet or digital scanning and reproduction machine with black opaque drafting film ink or fused toner that will ensure archival permanence. The copy and image thereon shall be waterproof, tear resistant, flexible, and capable of withstanding repeated handling, as well as providing archival permanence. If ink or toner is used, the surface shall be coated with a suitable substance to assure permanent legibility. Plats shall be eighteen (18) inches by twenty-seven (27) inches in size, with a three and one-half (3 1/2) inch margin at the left end for binding and a one-half (1/2) inch margin on all other edges. No part of the drawing or certificates shall encroach upon the margins. Signatures shall be in reproducible black ink. The sheet or sheets which contain the drawing or diagram representing the survey of the subdivision shall be drawn at a scale suitable to ensure the clarity of all lines, bearings and dimensions. In the event that any subdivision is of such magnitude that the drawing or diagram cannot be placed on a single sheet, serially numbered sheets shall be prepared and match lines shall be indicated on the drawing or diagram with appropriate references to other sheets. The required dedications, acknowledgments and certifications shall appear on any of the serially numbered sheets.
 - b. The plat shall show:
 - (i) the streets and alleys, with widths and courses clearly shown;
 - (ii) each street named;
 - (iii) all lots numbered consecutively in each block, and each block lettered or numbered, provided however, in a platted cemetery, that each block, section, district or division and each burial lot shall be designated by number or letter or name;

- (iv) each and all lengths of the boundaries of each lot shall be shown, provided however, in a platted cemetery, that lengths of the boundaries of each burial lot may be shown by appropriate legend;
 - (v) the exterior boundaries shown by distance and bearing;
 - (vi) descriptions of survey monuments;
 - (vii) point of beginning with ties to at least two (2) public land survey corner monuments in one (1) or more of the sections containing the subdivision, or in lieu of public land survey corner monuments, to two (2) monuments recognized by the county surveyor; and also, if required by the city or county governing bodies, give coordinates based on the Idaho coordinate system;
 - (viii) the easements;
 - (ix) basis of bearings, bearing and length of lines, graphic scale of plat and north arrow;
 - (x) subdivision name; and
 - (xi) narrative as described in Idaho Code § 55-1906.
3. When coordinates in the Idaho coordinate system are shown on a plat, the plat must show the national spatial reference system monuments and their coordinates used as the basis of the survey; the zone; the datum and adjustment; and the combined adjustment factor and the convergence angle and the location where they were computed.
 4. Unplatted Lots: No person shall dispose of or offer for sale any lots until the plat thereof has been duly approved and acknowledged by the Board of County Commissioners and recorded.
 5. No Permits Without Required Plats: No permits shall be issued by any administrative officer of the County for the construction of any building, or other improvement requiring a permit, upon any land for which a plat is required by law unless and until the requirements hereof have been complied with.

F. Application Procedure:

1. Preapplication: The purpose of the preapplication procedure is to afford the subdivider an opportunity to avail him or herself of the advice and assistance of the Community Development Director before incurring the expense of exhaustive surveys and calculations. Thorough analysis of problems at this stage may expedite approval of the preliminary and final plats. The subdivider shall submit to the Director a drawing of the area to be subdivided. The drawing shall note outside dimensions of the property; proposed lot sizes; location and width of streets, alleys, and easement strips for utilities; and other information he or she may have.
2. Preliminary Plat: The purpose of the preliminary plat is to present an early study of the proposed subdivision to the Planning Commission to receive its approval or recommendations for revision before drafting a final plat for approval. The subdivider shall submit to the Planning Commission a preliminary plat together with improvement plans and other supplementary material. The preliminary

plat shall be prepared by an Idaho-licensed engineer or registered land surveyor and shall include:

- a. The dimensions and layout of roads and streets and land surface drainage with approval by the designated representative of the highway district having jurisdiction over the premises proposed to be subdivided.
- b. Approval of plans and specifications of proposed water and sewage facilities by the South Central Public Health District.
- c. Written approval of the canal company or district.
- d. A vicinity map which shows all pertinent information to scale, including the relationship to the nearest major streets in the area
- e. A detail map showing all pertinent information to scale including:
 - i. Name of the subdivision: this name must not duplicate or resemble the name of another subdivision in Twin Falls County and shall be approved by the Community Development Services Department; and
 - ii. Date, north point, and scale drawing; and
 - iii. Location of the subdivision by section, township, and range; and
 - iv. Names, addresses, email addresses, and telephone numbers of the owners, subdivider, and designer of the subdivision; and
 - v. Existing Boundaries: Boundary lines of the tract, distances, and approximate acreage enclosed; and
 - vi. Existing Streets and Rights of Way: Location, name, present width, and type of surfacing of all streets, alleys, and rights of way including walks, curbs, gutters, and culverts on and abutting the tract; and
 - vii. Existing Easements: Approximate width, location, and purpose of all existing easements on and abutting the tract; and
 - viii. Existing Utilities and Sewers: Utilities on and abutting the tract; location and size of sanitary and storm water design plan; and
 - ix. Existing Watercourses: Watercourses on or abutting the property showing the location and direction of flow; and
 - x. Existing uses of the property, including the location and use of all existing structures to remain on the property after platting; and
 - xi. Zoning: Zoning on and adjacent to the tract; and
 - xii. Proposed Streets: Location, names, grid addressing, and right-of-way widths of proposed streets. Location of official plan lines of projected streets or highways as shown on the Official Master Plan of the County; and
 - xiii. Proposed Easements: Location, width and purpose of all proposed easements; and
 - xiv. Lots: Approximate dimensions of all proposed lots, proposed lot and block numbers; and
 - xv. Proposed Uses: Proposed uses of the property including sites of any multi-family dwellings, shopping centers, houses of worship, industry, parks, and/or playgrounds or other public or semipublic uses; and

- xvi. Proposed Improvements: Statement of the subdivision improvements proposed to be made or installed including sidewalks, curbs, gutters, street improvements, sewer drains, paved roads, and the time such improvements are to be made and completed; and
 - xvii. Sewage Disposal: Proposed method of sewage disposal; and
 - xviii. Written Statement: If some of the foregoing information may not be shown practicably on the maps, it may be shown in separate statement(s) accompanying the preliminary plat.
3. Conditional Approval:
- a. Submission: Two (2) copies of the preliminary plat and supplementary material specified shall be submitted at the time of the application.
 - b. Conditional Approval: Following review of the preliminary plat and supplemental material, as submitted or modified, the Planning Commission shall express any approval of the plat as conditional approval and state the conditions in the written decision.
 - c. Limitation of Approval: Conditional approval of a preliminary plat shall not constitute approval of the final plat for record. Rather, it shall be a guide to the preparation of the final plat which will be submitted for approval of the Planning Commission and Board of County commissioners.
4. Final Plat:
- a. Timing: The final plat shall be recorded within one year following the conditional approval given on the preliminary plat, and shall incorporate the recommendations made by the Commission. No plat shall be recorded unless and until it has been approved by the Board of County Commissioners. If the subdivider wishes to proceed with the subdivision of the land after the expiration of the one year period, they shall resubmit the preliminary plat to the Planning Commission and make any revisions considered necessary to meet changed conditions.
 - b. Partial Development: If desired by the subdivider, the final plat may constitute only that portion of the approved preliminary plat which the developer proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of this Title.
 - c. Information Required: The final plat shall be prepared by a registered professional engineer or registered land surveyor and meet all the requirements of Idaho Code § 50-1304. Additionally, it shall include the following information:
 - i. Name and Location of Subdivision: Name of the subdivision, the acreage enclosed, and the location of the subdivision by section, township and range; and
 - ii. North Point and Scale: North point and scale of drawing; and
 - iii. Boundary Line: Boundary line of the tract, bearings and distances; and the distances and bearings to the closest land division corner, i.e., section corner or quarter corner; and

- iv. Curve Dimensions: All curves shall be circular arcs and shall be described by the degree of curvature, central angle, length and bearing of the long chord, length and bearing of the tangents; and
- v. Streets and Alleys: The location, name, width and curve dimensions of each street and alley or other public right of way; and
- vi. Easements: Location and width; and
- vii. Existing Utilities: Type, use, location, and size; and
- viii. Map: A location or vicinity map showing the relationship to the near surrounding area and the major existing streets of the surrounding and adjacent area; and
- ix. Lot Lines: All lot lines with dimensions in feet and hundredths and with bearings and angles to the nearest thirty- seconds of arc.
- x. Blocks: Blocks shall be numbered consecutively throughout the tract and lots throughout each block.
- xi. Monuments: A certificate which meets the approval of the County surveyor and which was signed by the project's surveyor or engineer certifying that the following points and corners and monuments have been set on the tract:
Center line intersections and points of curvature and tangency of all street center lines shall be marked with a three-fourths inch (3/4") diameter iron rod, or standard brass cap, set in concrete not less than six inches (6") square at the top and not less than ten inches (10") square at the bottom. The concrete block shall be at least twenty four inches (24") in vertical height. The iron rod shall be a minimum of twenty four inches (24") long, extending one inch (1") above the top of the concrete block. The top of the monument shall have a minimum natural ground cover of one foot (1'). Block corners and major boundary corners shall be five-eighths inch (5/8") diameter iron rods at least thirty inches (30") in length. Lot corners shall be one-half inch (1/2") diameter steel rods at least twenty four inches (24") in length.
- xii. Computation: A copy of the closed traverse computations which shall be sufficiently complete to show that all boundaries of lots, blocks and the entire subdivision close to an accuracy of not less than one part in four thousand (1/4000).

5. Requirements for Acceptable Plats:

- a. Street Layout: The street layout of each subdivision within one mile of a city limit shall be based on the sections of the master plan adopted or proposed for the city and shall be considered in relation to existing and planned streets, to topographic conditions, to public convenience and safety, and shall have an appropriated relation to the proposed uses of the land to be served by such streets. Where such is not shown on the master plan the arrangement of streets in a subdivision shall either: provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or conform to a plan for the neighborhood

- approved or adopted by the Board of County Commissioners to meet a particular situation where topography or other conditions make continuance or conformance to existing streets impractical.
- b. Intersections Along Arterial Streets: Intersections of residential and collector streets with arterial streets and highways shall, insofar as practicable, be widely spaced along the arterial streets and be limited in the number of intersections to the minimum necessary for reasonable convenient access between arterial streets and local neighborhood areas.
 - c. Future Extension of Streets: Where a subdivision adjoins unsubdivided land, streets which, in the opinion of the Board of County Commissioners, should be continued in the event of a subdivision of the adjoining land will be required to be provided to the boundary lines of the tract.
 - d. Partial Development: Where the plat to be subdivided contains only part of the tract owned by the subdivider, a master plan with a tentative future street system for the unsubdivided portion is required.
 - e. Acreage Tract: Where a tract of land is subdivided into larger parcels, the arrangement of lots and streets shall be so as to permit a resubdivision into smaller lots in conformity with the street and lot requirements specified in these regulations. Building setback lines shall be established in order to preserve future rights of way.
 - f. Frontage on Arterial Streets: Where a subdivision abuts or contains an existing or proposed arterial street, the Board of County Commissioners may require frontage streets, reverse frontage lots with a minimum depth of one hundred fifty feet (150'), screen planting contained in a nonaccess reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
 - g. Street Names: Street names shall reflect the County's street grid. No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Planning Commission and Board of County Commissioners and shall conform to the street grid and pattern established herein and for the Official County Map.
 - h. Spite strips: Reserved strips or street plugs controlling the access to public ways will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights or both, and in no case unless the control and disposal of the land comprising such strips is placed definitely within the jurisdiction of the County under conditions approved by the Board of County Commissioners.
 - i. Minimum Right-of-Way Widths: Street right-of-way width shall match highway district standards.
 - j. Conformity Required: All streets, roads, cul-de-sacs, etc., to be dedicated to a highway district shall conform to the standards set forth in the Highway Standards and Development Procedures for the highway districts of Twin Falls County, Idaho 1994 Edition or latest version, or the standards required by the municipality into which it is to be incorporated.

- k. Intersections: A horizontal intersection angle of ninety degrees (90°) is preferred, and seventy five degrees (75°) is the minimum. Adequate sight distances for vehicular traffic at street intersections is required.
- l. Curves: When connecting street lines deflect from each other at any one point by more than ten degrees (10°), they shall be connected by a curve with a radius adequate to ensure traffic safety and proper street construction and appearance.
- m. Blocks: The lengths, widths and shapes of blocks shall be designed with due regard to providing adequate building site suitable to the special needs of the type of use contemplated; needs for convenient access, circulation, control and safety of street traffic; and the limitations and opportunities of topography.
- n. Minimum lot dimensions: Lot dimensions shall in all cases conform to the minimum requirements of the applicable zone.
- o. Deed Covenants: Deed covenants shall prohibit construction of permanent structures on easements and proposed rights of way and shall conform to setback requirements for the zone.
- p. Lot Side Lines: The side lines of lots shall run at right angles to the street on which the lots face, as far as is practicable, or on curved street shall be radial to the curve as far as practicable.
- q. Double Frontage and Reverse-Frontage Lots: Double frontage and reverse-frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- r. Lots Subject to Resubdivision: In subdividing tracts which at some future time are likely to be resubdivided, the location of lot lines and other details of the ayout shall be such that resubdivision may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of buildings within future street locations shall be made a matter of record if the Board of County Commissioners considers it necessary.
- s. Property Lines at Intersections: Property lines at intersections shall be rounded with a minimum radius of ten feet (10').
- t. Easements for Utility Lines: Easements for sewer, water, gas, electric, telephone, drainage, irrigation or other public utilities shall be required. Easements for utility lines shall be a minimum of fifteen feet (15') in width, and centered on rear or side lot lines.
- u. Watercourses: Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided an easement of such width adequate to carry the water and to construct and maintain the water way.
- v. Pedestrianways: Pedestrianways with a minimum width of ten feet (10') shall be provided where such walkways are essential for public convenience.

- w. Alleys Required: Alleys shall be provided in the Commercial and Industrial zones unless Board of County Commissioner-approved access to other off-street parking and loading facilities is made.
 - x. Alley intersections: Alley intersections and sharp changes in alignment shall be avoided; but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
 - y. Dead-end Alleys: Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities as determined by the Board of County Commissioners.
 - z. Sewage System: The method and extent of sewage disposal shall meet the standards of, and be approved by, the South Central Public Health District. In a subdivision within a reasonable distance to an existing sanitary system, the subdivider may be required to make connection thereto.
 - aa. Land Surface Drainage: Grading shall be done and structures shall be provided by the subdivider as are deemed essential by the County to provide adequate storm water drainage.
 - bb. Water Stock: All district or canal company water stock for land included in the subdivision shall be placed in trust to any approved association acting as trustee.
 - cc. Irrigation Facilities and Drainage Systems, Natural Streams, and Drainageways: All subdivisions shall comply with canal company or district requirements relating to irrigation facilities and drainage systems, natural streams, and drainageways, as may be established for subdivisions. If irrigation rights are to be acquired or maintained for the development, a properly functioning distribution system shall be installed.
6. Procedure for Filing Final Plat:
- a. Submission: The proposed final plat shall be submitted to the Community Development Services Department for the County surveyor's review. The plat will then be forwarded to the Planning and Zoning Commission for approval. Subdivision verification fees in an amount set by the Board of County Commissioners are required.
 - b. Planning Commission Approval: The Planning Commission shall check the final plat with the conditionally approved preliminary plat for conformity with recommended revisions. If approved, the plat shall be forwarded to the Board of County Commissioners for final approval.
7. Digital Copies of Surveys and Plats: Any surveyor, engineer, firm, company or individual filing a survey, subdivision final plat, conveyance final plat, or Planned Unit Development final plat shall supply a digital copy to the Twin Falls County Assessor's Office as part of the standard requirements for filing. All digital files shall be accompanied by a transmittal letter or metadata text file. All digital files shall include descriptions of the data and layer schematics. All line work should be topologically clean. Lines must be continuous and have bearings and distances that match the dimensions shown on the recorded document and boundaries must be geometrically closed. The digital file(s) shall include any data reasonably requested, be on a medium compatible with the hardware and software used by

the Twin Falls County Assessor, and otherwise comply with all other reasonable requirements set forth by the Twin Falls County Assessor. Failure to supply an appropriate digital copy may result in the submission not being filed or recorded.

8. Responsibility for Improvements:

- a. Engineering: The subdivider shall be responsible for all engineering work. The County Engineer shall review the engineering work presented by the subdivider.
- b. Streets; Alleys: The subdivider shall be responsible for the construction of streets and alleys. Where the subdivision is being considered for annexation, the streets and alleys shall be improved at the expense of the subdivider in accordance with the current policy standards established by the city council and adopted by the Board of County Commissioners.
- c. Streets Meeting Highway District Standards: All streets that are an integral part of the subdivision must be improved at the expense of the subdivider in accordance with the current policy and standards established by the highway district. Said streets, upon completion of said improvement may be accepted for maintenance by the highway district.
- d. Performance Bond: In lieu of these requirements, the subdivider may deposit with the County Clerk a performance bond or other security agreed upon by the County equal to the highway district's estimated cost of such improvements as a guarantee that within two (2) years or after seventy five percent (75%) of the lots are sold in any one block or street whichever occurs first, improvements required by the County shall be installed. If within two (2) years or after seventy five percent (75%) of the lots have been sold, the work has not been completed, the bond or other security may be forfeited at the County's discretion and the improvements constructed by the County. If the work has been completed to the satisfaction of the county, the bond or other security shall be released.
- e. Water Mains: When water mains are constructed in subdivisions within one-half (1/2) mile of a city limit, the subdivider shall be responsible for the expense of construction. Sewers must conform to State standards. Where the subdivision is being considered for annexation, the sewers and drains shall comply with city standards.
- f. Sewers and Drains: When sewers and drains are constructed in subdivisions within one-half (1/2) mile of a city limit, the subdivider shall be responsible for the expense of construction. Sewers must conform to State standards. Where the subdivision is being considered for annexation the sewers and drains shall comply with city standards.
- g. Traffic Controls, Streetlights, Signs: Traffic control signals, streetlights, street name signs, and traffic control signs shall be furnished and installed at the expense of the subdivider. Where the subdivision is being considered for annexation, the above items shall conform to the city standards. Grid addressing shall be assigned by the developer and delivered to the Community Development Services Department.

9. Performance Guarantee: The developer shall provide proof of one of the following in a manner acceptable to the Planning and Zoning Commission:
 - a. Cash bond in the amount of the cost of paving the roads and any other improvements identified in the development agreement; or
 - b. Surety bond in the amount of the cost of paving the roads and other improvements identified in the development agreement; or
 - c. Letter of credit in the amount of the cost of paving the roads and other improvements identified in the development agreement; or
 - d. Escrow reserve account.
10. Roads Paved When 30% Complete or After One Year: Upon completion of thirty percent (30%) of the first phase of the project or within one year from the start of construction, the roads must be paved for that phase of the project. Each phase thereafter must be completed in the same manner.
11. Development Agreement: A development agreement must be provided and approved by staff before the letter of approval is issued.
12. Extensions: In the event of extraordinary circumstances, an extension of time may be requested for the completion of infrastructure in platted subdivisions beyond the original completion date. The request shall be in writing, along with supporting documents. It shall include a reason for the request, an updated cost estimate for improvements, an updated development agreement, a performance guarantee for the cost of improvements dated to match the extended date requested, and any other information as may be determined necessary to process the request. The Community Development Services Office which will then review the request and, upon determining the request is complete, it will be forwarded to the Board of County Commissioners for consideration and action. The Board may either approve, deny, or approve the request with conditions or modifications. Extensions are limited to two (2) years. In the event an additional extension is needed, it may be requested in the same manner as listed above. Under no circumstances shall more than four (4) extensions be granted.

8-11-2: **PLANNED UNIT DEVELOPMENTS:**

- A. Definition: A Planned Unit Development (PUD) provides for an appropriate use of land that is unique in its physical characteristics or where there are other circumstances warranting special methods of development. In a PUD, a variety of residential, commercial, industrial, and other land uses are provided for under single ownership or control. PUDs are intended to permit a degree of flexibility and diversification in the use of land which will provide a development as good or better in function and relationship to the area as the traditional lot-by-lot development. PUDs have a substantially different character from other principal and conditional usages, and specific and additional standards and exceptions are required. Planned Unit Developments may be allowed in zones where they are listed as conditional uses.

- B. When Allowed: A proposed PUD may be approved if the Planning and Zoning Commission and/or Board of County Commissioners find(s) the following:
1. The site design conforms to the topography and natural landscape features of the property and shows consideration for the location and function of land uses and structures.
 2. The development is compatible with existing and planned allowed uses and would not cause damage, hazard, or unreasonable nuisance to persons or property in the vicinity.
 3. The internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive influence upon the activities and functions contained within the development.
 4. Community facilities such as park, recreational, and open space areas are functionally related to all dwelling units and are easily accessible via pedestrian and/or bicycle pathways. Any common usable open space provided shall be directly accessible to the lots that have been reduced in size from the minimum lot size within the base zone.
 5. The overall plan is in conformance with the applicable comprehensive plan, area of city impact, overlay ordinances, and other pertinent ordinances.
- C. Requirements:
1. Conformity: Planned Unit Developments shall conform to the zones in which they are proposed. Latitude may be given to incorporate imaginative ideas and innovations, provided the Planned Unit Development shall conform to the purposes and objectives of the Comprehensive Plan.
 2. Overlay Districts: Where property is subject to the provisions of an overlay district in addition to the base zone, the more stringent requirements of each zone shall apply.
 3. Issuance of Building Permit: No zoning certificate or building permit shall be issued for any part of a Planned Unit Development unless said part is included in an approved final development plan/final subdivision plat and conforms to all requirements.
 4. Conditions Run with Land: Any conditions attached to a final development plan shall run with the land and shall not lapse or be waived as a result of any subsequent change in the tenancy or ownership of any or of all said lands.
 5. Improvements: Construction or installation of proposed and required improvements are the responsibility of the owner/developer prior to occupancy of any structure. Maintenance of these improvements shall remain the owner's/developer's responsibility until the homeowners' association has the number of dues paying members to fully take over that responsibility.
 6. Water Stock: All canal company or district water stock for land included in the Planned Unit Development shall be placed in trust to any approved association acting as trustee.
 7. Streets: All streets to be dedicated to the highway districts shall comply with the Highway Standards and Development Procedures for the Highway Districts of Twin Falls County, Idaho 1994 Edition or latest edition.

8. Private Roads: Private roads shall have a minimum width of twenty (20) feet, a minimum base of eight (8) inches of gravel, and a minimum surface of two (2) inches of asphalt.
9. Minimum Area: A Planned Unit Development for the following principal uses shall contain an area of not less than:
 - a. Twenty (20) acres plus or minus five percent (5%) for residential development.
 - b. Twenty-five (25) acres plus or minus five percent (5%) for residential use with a subordinate commercial or industrial use.
 - c. Ten (10) acres plus or minus five percent (5%) for commercial use.
 - d. Ten (10) acres plus or minus five percent (5%) for industrial use.
10. Density: In determining allowed densities, consideration shall be given to the Comprehensive Plan, the characteristics of the property, the location and use standards contained in this Chapter, and the density bonus provisions.
 - a. Base Density: The number of dwelling units per acre allowed in a Planned Unit Development shall be the same as allowed in the applicable base zone.
 - b. Density Bonus: The Commission may approve a "density bonus" of up to fifty percent (50%) over the density established in the base zone. A density bonus may be approved when the following criteria are met:
 - i. The Planned Unit Development complies with all provisions established in this Title except those specifically allowed by this Chapter to be varied.
 - ii. Approval by applicable health and other governmental authorities relating to water and septic/sewer systems.
 - iii. The property has adequate access from an adjoining public street(s) and the design of the internal circulation system provides for safe and efficient flow of traffic.
11. Density Clusters: The Commission may approve or require "clustering" of dwellings within a PUD so development will not occur in a floodplain or other environmentally sensitive area. Up to one hundred percent (100%) of the allowed density of a portion of the PUD may be clustered on another portion of the PUD provided it is found that the resulting net density will not have an adverse effect upon adjacent properties and that the design of the project is consistent with the objectives of the PUD. The transfer of density from the proposed PUD to a separate parcel of land not within the PUD is not authorized.
12. Design and Dimensional Standards: The standards in the base zone for site coverage, building height, site area, and setbacks shall be used as a guide in evaluating a PUD, but may be modified by the Commission upon making the findings set forth in Subsection B.
13. Screening at Edges of PUD: Yards, fences, walls or vegetative screening shall be provided at the edges of the PUD where needed to protect residents and adjacent property owners from undesirable views, lighting, noise, or other on- and off-site influences. In particular, extensive off-street parking areas, service areas for

loading and unloading purposes other than for passenger use, and storage areas for garbage collection shall be screened.

14. Vehicular Circulation:
 - a. Vehicular access to lots fronting on an arterial or collector street shall be via a frontage road, service road, or other local street.
 - b. Each PUD shall provide a minimum of two (2) separate points of ingress/egress.
 - c. If it is determined that traffic-control devices or other traffic regulating improvements are required as a result of a PUD, the developer shall be responsible for the cost of installation and/or construction of such improvements at the direction of the appropriate highway district. As a condition of approval, financial guarantees shall be posted by the developer to ensure installation and construction of such improvements.
 - d. Design and dimensional standards for roadways shall be subject to standards established by the applicable County highway districts, Idaho Transportation Department and/or the Board. Storm water shall be contained on-site.
 - e. Internal streets, drive, and parking and service areas shall provide safe and convenient access to dwelling units and recreational facilities and for service and emergency vehicles. Streets shall not be designed to encourage outside traffic to traverse the development on minor streets.
15. Pedestrians, Equestrians, and Cyclists:
 - a. Design standards for bicycle facilities shall be subject to American Association of State Highway and Transportation Officials Guide for the Development of Bicycle Facilities, latest edition.
 - b. Access for pedestrians and/or cyclists entering or leaving the Planned Unit Development shall be by safe and convenient routes which shall conform to all local, State and Federal regulations.
 - c. Walkways shall form a logical, safe, and convenient system for pedestrian access to all dwelling units, appropriate facilities, and principal off-site pedestrian destinations.
 - d. Pedestrian, equestrian, and bicycle paths may be combined with other easements and used by emergency and service vehicles where appropriate, but shall not be used by other automotive traffic.
 - e. Pedestrian and equestrian paths shall conform to the standards set forth in Trails for the Twenty First Century by Rails to Trails Conservancy.
16. Weather Standards: All streets and driveways shall be built to all weather standards of the respective highway district and paved with asphalt or concrete, whether or not intended for homeowners' association maintenance.
17. Lighting: Street and other outdoor lighting shall be shielded or adequately focused so as not to send light or glare beyond the affected and intended service area.
18. Utilities: Planned Unit Developments shall provide for the installation of utilities, including domestic water systems, except for individual wells, wastewater systems, storm sewers to on-site retention areas, and electrical, gas and telephone lines in either the public right of way or within utility easements.

19. Open Space: A minimum of ten percent (10%) of the gross land area developed in any PUD project shall be reserved for common open space and recreational facilities. Public utility and similar easements and rights of way are not acceptable for open space and recreational facilities unless such land is usable as a trail or similar purpose and approved by the Commission. No open space area may be delineated or approved as a common open space under the provisions of this Title unless it meets the following standards:
- a. Common open space shall be for recreational purposes or to provide visual, aesthetic, or environmental safeguards. Uses of the common open space shall be appropriate to the scale and character of the PUD considering its size, density, population, topography, and buildings.
 - b. Common open space shall be suitably improved for its intended use, but common open space containing natural features worthy of the preservation may be left unimproved. Structures and improvements to be located in or adjacent to the common open space shall preserve and enhance the amenities of the common space and be designed to be compatible with the topography and natural features of the site.
 - c. The development schedule shall coordinate the improvement of the common open space with the construction of the buildings, structures, and other improvements in the PUD. Financial guarantees shall be posted by the developer to ensure that such improvements within the open space areas are implemented.
 - d. All land shown on the final development plan as common open space shall be conveyed to an owners' association or a similar organization for the purpose of owning and maintaining common buildings, areas, and the land thereon.
 - e. For phased projects, the provision of open space areas and recreational facilities for each phase shall approximate the ratio provided for the entire development. The Commission shall review and establish open space provisions for each phase of a multi-phased PUD during preliminary development plan consideration.
20. Landscaping:
- a. Screening: Screening of off-street parking, loading, and waste storage areas may be required. Such screening shall be accomplished through the ample use of deciduous and evergreen trees, shrubs, and ground cover. Landscape devices such as berms, fences, accent boulders, decorative walls, and similar items may also be used.
 - b. Buffer Between Residential and Nonresidential Uses: When nonresidential uses or structures in a Planned Unit Development abut residential uses, appropriate landscaping and screening shall be utilized as a buffer. Xeriscaping and use of drip irrigation systems is encouraged to conserve irrigation water.

- c. Erosion Protection: Exposed ground surfaces in all parts of Planned Unit Developments shall be covered with vegetative materials, stone screenings, or other materials that are capable of preventing soil erosion and that conform to the surrounding area. The ground surface shall be graded and designed to accommodate expected surface runoff.
 - d. Perimeter landscaping of a PUD may be required.
- 21. Commercial Uses:
 - a. When Planned Unit Development districts allow commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points. Screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.
 - b. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.
 - c. All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.
- 22. Commercial Uses: Planned Unit Development may include industrial uses if allowed in the underlying zone and if it can be shown that the development will result in a more efficient and desirable use of land.
 - a. Industrial uses and parcels shall be developed in park-like surroundings utilizing landscaping and existing natural features as buffers to screen lighting, parking areas, loading areas or docks, and/or outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of buildings and a compact grouping in order to economize in the provision of such utility services as are required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order to reduce through traffic.
 - b. Project side yards of forty feet (40') and a rear yard of fifty feet (50') shall be required if the project is located adjacent to any residential uses. All intervening spaces between the right-of-way line and project building line and intervening spaces between buildings, drives, parking areas, and improved areas shall be landscaped with trees and plantings and properly maintained at all times.
- 23. Proximity to Animal Feeding Operations: Planned Unit Developments shall be located at least one thousand, three hundred twenty (1,320) feet or one-fourth (1/4) mile from an existing Animal Feeding Operation waste lagoon's closest inside edge of the retaining wall and at least four hundred (400) feet from an Animal Feeding Operation corral's outside edge. Additional setback for

operations with more than one thousand (1,000) animal units is 0.5 feet per animal unit for the number of A.U.s over one thousand (1,000).

24. Domestic Water and Wastewater Systems: All new domestic water supply and wastewater systems shall comply with the applicable requirements of all local, State and Federal regulations governing the installation, operation and maintenance of such systems.
25. Irrigation Facilities and Drainage: All PUDs shall comply with canal company or district requirements relating to irrigation facilities and drainage systems, natural streams and drainageways as may be established for subdivisions. If irrigation rights are to be acquired or maintained for the development, a properly functioning distribution system shall be installed.
26. Engineering Approval Required: A PUD shall require the same verification as is required of a subdivision. The County shall choose and require a legally qualified surveyor or engineer to sufficiently check the development and/or plat to determine that the requirements herein are met, and said engineer or surveyor shall certify such compliance on the instruments. For performing such service the County shall collect from the developer an appropriate fee as set by the Board of County Commissioners.

D. Application Process:

1. Application: An application for a Planned Unit Development shall be submitted to the Community Development Services Director (Director) on forms provided for this purpose, and shall be accompanied by all information requested on said application as well as fees as set by the Board.
2. Concurrent Processing: An application for a Planned Unit Development may be accompanied by all other related requests such as applications for changes of zone, variances, Conditional Use Permits, and plats. Zone change applications consistent with the Comprehensive Plan that are processed concurrently with a PUD application may be filed with the Director, but shall not become finalized until all provisions of this Title are met.
3. Concurrent Processing of Subdivision Application: Planned Unit Developments that require the subdivision of land may have applications for each processed concurrently. A preliminary development plan may also be a preliminary plat and a final development plan may also be a final plat. In no instance shall the platting requirements for subdivisions, as set forth in State code and in this Title, be waived as a result of this concurrent processing provision. A final subdivision plat may not be recorded prior to approval of a final development plan.
4. Preapplication Conference: At the early planning stages of any proposed development, and prior to submission of a preliminary development plan, an applicant should confer with the Director or staff to determine the consistency of the proposal with applicable comprehensive plans and ordinances governing land development, to consider the full impact and consequences of the proposal, to discuss alternate plans or methods of development, to formulate modifications that may be necessary, and to provide ample opportunity to determine the best means for proceeding with a PUD. In addition, the applicant should be apprised of

any possible requirements or the need to further consult with any city, county, special purpose district, State or other public or private agencies affected by the proposed development. The conclusions derived from the preapplication conference shall not be deemed binding on either the developer or the County.

5. Preliminary Development Plan Submittal:

- a. Filing: The applicant shall submit all applications and fees for consideration of the preliminary development plan to the Community Development Services Department. If applicable, preliminary subdivision plats consistent with the requirements of this Chapter may be filed with the preliminary development plan. Applications shall be completed as specified by the Director.
- b. Review for Completeness: When an application is received, the Director will review it for completeness. If the Director determines the application is incomplete, the Director will promptly notify the applicant of deficiencies. If the applicant fails to remedy the deficiencies within thirty (30) calendar days of the notice, the application will be deemed denied.
- c. Planning and Zoning Commission Hearing: Upon receipt of agency comments, the Director shall schedule the item for a public hearing in front of the Planning and Zoning Commission as described in Chapter 24.
- d. Appeal: If the applicant or other affected person disagrees with the recommendation of the Commission, the matter may be appealed to the Board of County Commissioners as described in Chapter 25.
- e. Term of Preliminary Development Plan Approval:
 - i. Nonphased Projects: The term of approval for a preliminary development plan that is to be constructed in one phase shall be one year from the date of final action. The Director may, upon written request from the applicant which sets forth good and sufficient reasons for an extension of time, authorize one extension for a period not to exceed one year. Bonding and other financial guarantees shall be extended accordingly. In approving a time extension the Director may institute additional conditions on the plan to meet new requirements that have been adopted by Twin Falls County, as they may affect the project. Failure to file for final development plan approval within the specified time period shall void approval of the preliminary development plan.
 - ii. Phased Projects: The preliminary development plans for multi-phased projects shall include the anticipated phasing of the development. Each consecutive phase shall be filed with the Director for final development plan approval within one year of the approval date of the final development plan of the prior phases. A single one (1) year extension for each phase may be granted by the Director. Bonding and other financial guarantees shall be extended accordingly. In approving a time extension, the Director may institute additional conditions on the plan to meet new requirements that have been adopted by Twin Falls County, as they

may affect the project. Failure to file the final development plan within the specified time periods shall void the specific preliminary development plan phase as well as all remaining phases.

- f. Change of Planned Unit Development: Modifications to an approved preliminary development plan regarding the location of land use type may be allowed prior to the submittal of the final development plan if, in the judgment of the Director, said modification will not materially change the character of the project nor affect the findings of fact made by the approving authority. Whenever this provision is applied, the applicant shall be required to submit written justification supporting the change which shall be made public record and filed with the PUD application.

6. Final Development Plan:

- a. Submission of Plans: The final development plan shall be submitted to the Director.
- b. Review for Completeness, Accuracy, and Conformity: When a final development plan is received, the Director will review it for accuracy and completeness. The final development plan shall conform substantially with the preliminary development plan approved by the Board of County Commissioners and shall have incorporated all modifications, conditions and provisions required by the Board. If the Director determines the plan is incomplete, inaccurate, or otherwise doesn't conform to the plan approved by the Board, the Director will promptly notify the applicant in writing of deficiencies. If the applicant fails to remedy the deficiencies within thirty (30) calendar days of the notice, the final development plan will be denied. Rejection of the final development plan shall occur in writing and shall include an explanation of what materials were found to be inaccurate or incomplete.
- c. Appeal: If the applicant or other affected person disagrees with the decision of the Director, they can appeal the matter to the Board of County Commissioners as set forth in Chapter 25.
- d. Final Development Plan Stage: No change in the approved final development plan shall be allowed without prior approval of the appropriate final authority except that minor changes in the location, siting, and height of buildings and structures may be authorized by the Director when required by engineering or other circumstances not foreseen at the time of final development plan approval. No such minor changes may increase the volume of any building or structure by more than ten percent (10%). The gross density of the PUD may not be increased beyond that density approved on the preliminary development plan.
- e. Phased Projects: Final development plans for multi-phased projects may be filed by phase and changes from the preliminary development plan may be made as conditions change from phase to phase during the period of the

plan; however, any such changes must be supported by written justification and may not increase the gross density nor alter the range of uses allowed on the approved preliminary development plan and must meet all other criteria of approval.

- f. Development Agreement: A development agreement must be provided and approved by the Director before a letter of approval is issued.
- g. Performance Guarantee: The developer shall provide proof of one of the following:
 - i. Cash bond in the amount of the cost of paving the roads and any other improvements identified in the development agreement.
 - ii. Surety bond in the amount of the cost of paving the roads and other improvements identified in the development.
 - iii. Letter of credit in the amount of the cost of paving the roads and other improvements identified in the development agreement.
 - iv. Escrow reserve account acceptable to the Planning and Zoning Commission.
 - v. Upon completion of thirty percent (30%) of the first phase of the project or within two (2) years from the start of construction, whichever occurs first, the roads must be paved for that phase of the project. Each phase thereafter must be completed in the same manner. If the developer fails to meet this condition, the bond or other security may be forfeited at the County's discretion.
- h. Term of Final Development Plan Approval: Within one year from the date of final approval of the development plan, one of the following must occur or the Planned Unit Development shall become null and void:
 - i. For PUDs requiring the subdivision of land, the bond or other surety for proposed improvements shall be filed with the County or the improvements be satisfactorily completed and a final plat shall be recorded with the County Recorder's office, as set forth in this Title; or
 - ii. For PUDs not requiring the subdivision of land, the bond or other surety for proposed improvements shall be filed with the County or the improvements be satisfactorily completed and building permits shall be acquired or the Director may authorize time extensions in accordance with provisions of this Title.
 - iii. In lieu of these requirements, the subdivider may deposit with the County Clerk a performance bond or other security agreed upon by the County equal to the highway district's estimated cost of such improvements as a guarantee that within two (2) years or after seventy five percent (75%) of the lots are sold in any one block or street whichever occurs first, improvements required by the County shall be installed. If within two (2) years or after seventy five percent (75%) of the lots have been sold, the work has not been completed, the bond or other security may be forfeited at the

County's discretion and the improvements constructed by the County. If the work has been completed to the satisfaction of the County, the bond or other security shall be released.

8-11-3: **OTHER ALLOWED LAND DIVISIONS:**

A. The following land divisions and adjustments are allowed:

1. An adjustment of lot lines which does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements, and does not increase the original number of lots;
2. An allocation of land as set forth in the settlement of an estate of a decedent;
3. A court order, judgment, or decree for the distribution of property;
4. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code;
5. Widening of existing streets to conform to a comprehensive plan;
6. The acquisition of street rights of way by a public agency in conformance with the comprehensive plan;
7. Land divided into parcels all of which are forty (40) or more acres (plus or minus five percent (5%) in the Agricultural Zone (A) or one hundred sixty (160) or more acres in the Range Preservation Zone (RP) (plus or minus five percent (5%)); or
8. One conditional-use division of land from an agricultural unit forty (40) or more plus or minus five percent (5%) in the Agricultural Zone (A) or one hundred sixty (160) or more acres plus or minus five percent (5%) in the Range Preservation Zone (RP) for a dwelling.
9. Financial land division: The Director may approve an application for a financial land division if it qualifies under the following criteria:
 - a. The division of property is in order to secure long term financing for the purpose of constructing or refinancing a home where both lots will remain under the same ownership. Bank verification is required.
 - b. Deeds recorded for financial land divisions shall have the following statement: *The Purpose of this deed is for financial land division and cannot create another parcel for sale.*
 - c. Surveys recorded for financial land divisions shall have the following statement: *The Purpose of this survey is for a financial land division and cannot create another parcel for sale.*
10. Conditional use land divisions. The Planning and Zoning Commission may approve a conditional use land division if the applicant follows the process for a conditional use permit and if the proposed land division complies with the following requirements:
 - a. It is a one-time division from a conforming parcel.
 - b. It creates a second parcel on acreage smaller than would otherwise be allowed in that zone for the purpose of a single-family dwelling.
 - c. The dwelling parcel must meet the “infill” definition.

d. The land division must be recorded within one year of approval.

B. Requirements for Land Divisions:

1. Complete application and supporting documentation.
2. Minimum one (1) acre. More acreage may be required due to recommendations of the South Central Health District.
3. All necessary utility, road and irrigation easements providing access for services to the parcel must be provided.
4. Private roads provided by the owner must have a road maintenance agreement which runs with the land.
5. If water shares are available to the land, the owner must provide a written water use and maintenance agreement which shall run with the land and conform to the requirements of the respective canal company or district.
6. A copy of the deed and survey must be submitted to the Community Development Services Department showing the above easements along with copies of the above agreements.
7. All requests for the division of property where there is an existing dwelling to be sold or exchanged must be accompanied with a well and septic survey.
8. In all cases of residential division, a nuisance waiver will be required to be recorded with the deed.
9. In all cases of land divisions, proportionate water shares must be transferred to the land split off or the water must be in compliance with the requirements of all canal companies/water agencies. This only applies if water shares were previously available to the property.

C. Minimum Lot Size Requirement: A minimum lot size requirement may include a plus or minus five (5) percent variation.

8-11-4: **LAND DIVIDED PRIOR TO NOVEMBER 8, 1979:**

A. Notwithstanding any other provision of this Title, any lot or parcel of land which was on record prior to November 8, 1979, may be used as a dwelling site in any zone in which dwellings are listed as an allowed use. Residential buildings will be allowed provided the following requirements are met:

1. The lot or parcel is twenty (20) acres or less plus or minus five percent (5%); and
2. The lot meets the one acre requirement plus or minus five percent (5%) and all other requirements of the South Central Public Health District for a sewage disposal system or is connected to a public sewer system; and
3. The front, side, and rear yard requirements of this Title are complied with; and
4. The owner must provide approved road access to all parcels.
5. All roads which may be presented to the respective highway district in which the parcels are located, must conform to Highway Standards and Development Procedures for the highway districts of Twin Falls County, Idaho.
6. Private driveways may service up to three (3) homes, after which a driveway

becomes a road and shall meet the standards of the respective highway district. Private roads provided by the owner must have a road maintenance agreement which runs with the land until the road is accepted by the respective highway district.

7. If water shares are available to the land, then the owner must provide a written water use and maintenance agreement which shall run with the land and conform to the requirements of the applicable canal company.
 8. All parcels must provide the necessary utility, road and irrigation easements.
 9. Plats must be recorded before any lots or parcels may be sold.
 10. Plats showing all easements and roads must have been recorded by December 1, 2001, or such lots or parcels will no longer be recognized and all zoning restrictions shall apply.
- B. Parcels which do not conform to the above requirements shall require approval by the Planning and Zoning Commission for any plat changes.

8-11-5: **Plat and Subdivision Vacation**

- A. Any person, persons, firm, association, corporation or other legally recognized form of business desiring to vacate a plat or any part thereof must petition the Board of County Commissioners. Such petition shall set forth particular circumstances of the request to vacate; contain a legal description of the platted area or property to be vacated; the names of the persons affected thereby, and said petition shall be filed with the County Clerk.
- B. Written notice of public hearing on said petition shall be given, by certified mail with return receipt, at least ten (10) days prior to the date of public hearing to all property owners within three hundred (300) feet of the boundaries of the area described in the petition. Such notice of public hearing shall also be published once a week for two (2) successive weeks in the official newspaper, the last of which shall be not less than seven (7) days prior to the date of said hearing; provided, however, that in a proceeding as to the vacation of all or a portion of a cemetery plat where there has been no internment, or in the case of a cemetery being within three hundred (300) feet of another plat for which a vacation is sought, publication of the notice of hearing shall be the only required notice as to the property owners in the cemetery.
- C. If the plat or part thereof which is the subject of the petition is located within one (1) mile of the boundaries of any city, the Board of County Commissioners shall cause written notice of the public hearing on the petition to be given to the mayor of the city by regular mail at least thirty (30) days prior to the date of the public hearing.
- D. In the case of easements granted for gas, sewer, water, telephone, cable television, power, drainage, and slope purposes, public notice of intent to vacate is not required. Vacation of these easements shall occur upon the recording of the new or amended plat, provided that all affected easement holders have been notified by certified mail, return receipt requested, of the proposed vacation and have agreed to the same in writing.

- E. When public streets or public rights-of-way are located within the boundaries of a highway district, the highway district commissioners shall assume the authority to vacate such public streets and public rights-of-way as provided in section 40-203, Idaho Code.
- F. All publication costs shall be at the expense of the petitioner.
- G. Land exclusive of public rights-of-way that has been subdivided and platted in accordance with this chapter need not be vacated in order to be replatted.

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CHAPTER 12

NONCONFORMING USES, PROPERTIES, AND STRUCTURES

SECTION:

- 8-12-1: Purpose
- 8-12-2: Now Conforming
- 8-12-3: Nonconforming Uses
- 8-12-4: Nonconforming Properties
- 8-12-5: Nonconforming Structures
- 8-12-6: Penalties

8-12-1: **PURPOSE:** The purpose of this Chapter is to allow a nonconforming or “grandfathered” use, property, or structure that lawfully existed prior to the effective date of this Title to continue until it is removed, but not to encourage the continuation of the nonconforming use, property, or structure. It is also the intent of this Chapter that the nonconforming aspect of a property, use, or structure shall not be expanded.

8-12-2: **NOW CONFORMING:** If a use, property, or structure was once deemed nonconforming, but it now complies with the standards of this Title, it shall be deemed conforming.

8-12-3 **NONCONFORMING USES:**

- A. A nonconforming use is a use of a premises which conformed to zoning regulations at the time it was originally established, but does not currently conform to the regulations of this Title for the zone or district in which such nonconforming use is located. Nonconforming uses are also known as “grandfathered uses.”
- B. Use May Not be Expanded: The nonconforming use may continue as long as the use remains lawful and is not expanded or extended. No person shall expand a nonconforming use. A use is “expanded or extended” by: increased hours; increased services or programs; an increased number or residential dwellings; interior renovations or structural additions that increase the occupant load of the structure dedicated to the nonconforming use; any new structures accessory to the nonconforming use; expansion or replacement of the structure (or portions thereof) dedicated to the nonconforming use;

anything beyond regular maintenance and minor repairs; and/or any action that extends the duration of the nonconforming use.

- C. **Abandonment of Use:** If a nonconforming use has ceased for more than ten years or has been replaced with an approved or unlawful use, the nonconforming use shall be deemed abandoned and shall not be reestablished. If nonuse or vacancy has continued for a period of a year or longer, the County may request resolution of the nonconforming use right according to Idaho Code § 67-6538(2).
- D. **Change of Use:** A conditional use permit may be granted to change a nonconforming use to a conforming use for which a conditional use permit is required. A conditional use permit may also be granted to convert a nonconforming use to a new use that provides a substantial benefit to the area.

8-12-4: **NONCONFORMING PROPERTIES:**

- A. **Degree of Nonconformity Shall Not Be Increased:** A nonconforming property shall not be further diminished in size or otherwise be made to increase in nonconformity except for by government-initiated action.
- B. **Properties Eligible for Building Permits:**
 - 1. **Had Boundaries of Record as of 1979:** If a property was illegally divided and was of record in the Twin Falls County Recorder's Office as of December 31, 1979, and the property's boundaries have not changed (or have been changed only by government-initiated action), the property is considered nonconforming. Such property is eligible for building permits if it meets one of the following requirements:
 - a. The property met the size requirements for its zone at the time it was divided;
or
 - b. A dwelling was constructed or placed on the property prior to December 31, 1979. In the event that the dwelling was subsequently damaged or destroyed by fire, flood, explosion, earthquake, or other catastrophic event after 1979, the property remains eligible for a building permit.
 - 2. **Reduced in Size by Government Action:** Any property which was a conforming parcel at one time and which was reduced below the required parcel size only by government-initiated action is eligible for building permits if the owner submits documents to the Director proving the following:
 - a. The property was in compliance with the minimum property size requirement of the applicable zone and/or district prior to the decrease in property size; and

- b. The decrease in property size was caused by acquisition through prescription, purchase, or other means by Twin Falls County, a city within Twin Falls County, a highway district, the state of Idaho, a utility company under the jurisdiction of the Idaho Public Utilities Commission, or other local, state, or federal agency.

8-12-5: **NONCONFORMING STRUCTURES:**

- A. Definition: A nonconforming structure is a building, structure, or portion thereof which conformed to building and zoning regulations at the time it was built or otherwise affixed, but does not currently conform to the building code and/or the regulations of this Title for the zone and/or overlay district in which such structure is situated.
- B. Occupancy of Structure: A pre-existing nonconforming structure may continue to be occupied.
- C. Restoration: A nonconforming structure or a structure housing a nonconforming use which has been damaged by fire or other disaster may be restored to its original condition provided such work is started within two (2) years of such calamity and completed within one year of the time the restoration is commenced.
- D. Modification or Enlargement of a Nonconforming Structure: A nonconforming structure may be enlarged or modified provided that the additions or modifications conform to the building code, do not encroach upon road and/or utility easements, and conform to the setback and other requirements of this Title.
- E. Safety Improvements: Any building or other structure containing a nonconforming use or any nonconforming structure or portion thereof declared unsafe by the building inspector may be strengthened or restored to a safe condition.

8-12-6: **PENALTIES:** A violation of any section or subsection of this Chapter is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

CHAPTER 13

SUBDIVISIONS

SECTION:

- 8-13-1: Platted Subdivision Requirements
- 8-13-2: Subdivision Procedure
- 8-13-3: Planned Unit Developments
- 8-13-4: Plat and Subdivision Vacation
- 8-13-5: Penalties

8-13-1: **PLATTED SUBDIVISION REQUIREMENTS:**

- A. Definition: “Subdivision” is synonymous with “platted subdivision” and is the result of division of an original lot, tract, or parcel of land into more than three (3) parts for the purpose of transfer of ownership or development. Any platted subdivision must comply with this Title and the requirements of applicable water/canal companies. Platted subdivisions are only allowed in zones where they are listed as an allowed or conditional use.
- B. Excluded from Definition of Platted Subdivision: “Platted Subdivision” does not include any of the following:
 - 1. An adjustment of lot lines which does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements, and does not increase the original number of lots;
 - 2. An allocation of land as set forth in the settlement of an estate of a decedent;
 - 3. A court order, judgment, or decree for the distribution of property;
 - 4. The unwilling sale of land as a result of legal condemnation by a governmental entity as defined and allowed in the Idaho Code;
 - 5. Widening of existing streets to conform to a comprehensive plan;
 - 6. The acquisition of street rights of way by a public agency in conformance with the comprehensive plan;

7. Land divided into parcels all of which are forty (40) or more acres (plus or minus five (5) percent) in the Agricultural Zone or one hundred sixty (160) or more acres (plus or minus five (5) percent) in the Range Preservation Zone; or
 8. One conditional-use division of land for a dwelling from an agricultural unit forty (40) or more acres (plus or minus five (5) percent) in the Agricultural Zone or one hundred sixty (160) or more acres (plus or minus five (5) percent) in the Range Preservation Zone for a dwelling.
- C. Proximity to Animal Feeding Operations: Residential subdivisions shall be located at least one thousand, three hundred twenty (1,320) feet from the closest inside edge of the retaining wall of an existing animal feeding operation's waste lagoon and at least four hundred (400) feet from the outside edge of an animal feeding operation's corrals. Operations with more than one thousand (1,000) animal units must have an additional setback of 0.5 feet per animal unit for the number of animal units over one thousand (1,000).
- D. Lot Size: Platted subdivisions require a minimum one (1) acre lot size unless otherwise provided by the Zoning Code.
- E. Plats Required: Platted subdivisions require plats that conform with this Chapter. A plat is a drawing, map, or plan of a subdivision, cemetery, townsite, or other tract of land, or a re-platting of such, including certifications, descriptions, and approvals.
- F. No Sale Before Plat Recorded: No person shall dispose of or offer for sale any subdivided lot until the plat thereof has been duly approved and acknowledged by the Board of County Commissioners and recorded.
- G. No Permits Without Required Plats: No permits will be issued by any administrative officer of the County for the construction of any building, or other improvement requiring a permit, upon any land for which a plat is required by law unless and until the requirements hereof have been complied with.

8-13-2: SUBDIVISION PROCEDURE:

- A. Preapplication: The purpose of the preapplication procedure is to afford the subdivider an opportunity to avail him or herself of the advice and assistance of the Community Development Director before incurring the expense of exhaustive surveys and calculations. Thorough analysis of problems at this stage may expedite approval of the preliminary and final plats. The subdivider shall submit to the Director a drawing of the area to be subdivided. The drawing shall note outside dimensions of the property; proposed lot sizes; location and width of streets, alleys, and easement strips for utilities; and other information he or she may have.

- B. Preliminary Plat: The purpose of the preliminary plat is to present an early study of the proposed subdivision to the Planning and Zoning Commission to receive the Commission's preliminary approval or recommendations for revision before drafting a final plat for approval. The subdivider shall submit two copies of the preliminary plat to the Commission together with improvement plans and other supplementary material. The preliminary plat shall be prepared by an Idaho-licensed engineer or registered land surveyor and shall include:
1. The dimensions and layout of roads and streets and land surface drainage with approval by the designated representative of the highway district having jurisdiction over the premises proposed to be subdivided.
 2. Approval of plans and specifications of proposed water and sewage facilities by the South Central Public Health District.
 3. Written approval of the canal company or district.
 4. A vicinity map which shows all pertinent information to scale, including the relationship to the nearest major streets in the area.
 5. A detail map showing all pertinent information to scale including:
 - a. Name of the subdivision: this name must not duplicate or resemble the name of another subdivision in Twin Falls County and shall be approved by the Community Development Services Department; and
 - b. Date, north point, and scale drawing; and
 - c. Location of the subdivision by section, township, and range; and
 - d. Names, addresses, email addresses, and telephone numbers of the owners, subdivider, and designer of the subdivision; and
 - e. Existing Boundaries: Boundary lines of the tract, distances, and approximate acreage enclosed; and
 - f. Existing Streets and Rights of Way: Location, name, present width, and type of surfacing of all streets, alleys, and rights of way including walks, curbs, gutters, and culverts on and abutting the tract; and
 - g. Existing Easements: Approximate width, location, and purpose of all existing easements on and abutting the tract; and

- h Existing Utilities and Sewers: Utilities on and abutting the tract; location and size of sanitary and storm water design plan; and
- i Existing Watercourses: Watercourses on or abutting the property showing the location and direction of flow; and
- j Existing uses of the property, including the location and use of all existing structures to remain on the property after platting; and
- k Zoning: Zoning on and adjacent to the tract; and
- l Proposed Streets: Location, names, grid addressing, and right-of-way widths of proposed streets. Location of official plan lines of projected streets or highways as shown on the Official Master Plan of the County; and
- m Proposed Easements: Location, width and purpose of all proposed easements; and
- n Lots: Approximate dimensions of all proposed lots, proposed lot and block numbers; and
- o Proposed Uses: Proposed uses of the property including sites of any multi-family dwellings, shopping centers, houses of worship, industry, parks, and/or playgrounds or other public or semipublic uses; and
- p Proposed Improvements: Statement of the subdivision improvements proposed to be made or installed including sidewalks, curbs, gutters, street improvements, sewer drains, paved roads, and the time such improvements are to be made and completed; and
- q Sewage Disposal: Proposed method of sewage disposal; and
- r Written Statement: If some of the foregoing information may not be shown practicably on the maps, it may be shown in separate statement(s) accompanying the preliminary plat.

6. Requirements for Acceptable Plats: The following are required for acceptable preliminary and final plats:

- a Street Layout: The street layout of each subdivision within one mile of a city limit shall be based on the sections of the master plan adopted or proposed for the city; shall be considered in relation to existing and planned streets, to topographic conditions, and to

public convenience and safety; and shall relate to the proposed uses of the land to be served by such streets. Where such is not shown on the master plan, the arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing principal streets in surrounding areas or conform to a plan for the neighborhood approved by the Board of County Commissioners.

- b. **Intersections Along Arterial Streets:** Intersections of residential and collector streets with arterial streets and highways shall, insofar as practicable, be widely spaced along the arterial streets and be limited to the minimum number necessary for reasonably convenient access between arterial streets and local neighborhood areas.
- c. **Future Extension of Streets:** Where a subdivision adjoins unsubdivided land, streets which, in the opinion of the Board of County Commissioners, should be continued in the event of a subdivision of the adjoining land will be required to be provided to the boundary lines of the tract.
- d. **Partial Development:** Where the plat to be subdivided contains only part of the tract owned by the subdivider, a master plan with a tentative future street system for the unsubdivided portion is required.
- e. **Large Lots:** Where a tract of land is subdivided into large parcels, the lots and streets shall be arranged so as to permit a resubdivision into smaller lots in conformity with the street and lot requirements specified in these regulations. Building setback lines shall be established in order to preserve future rights of way.
- f. **Frontage on Arterial Streets:** Where a subdivision abuts or contains an existing or proposed arterial street, one or more of the following may be required: frontage streets, reverse frontage lots with a minimum depth of one hundred fifty (150) feet, screen planting contained in a nonaccess reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- g. **Street Names:** Street names shall reflect the County's street grid and pattern. No street names shall be used which will duplicate or be confused with the names of existing streets.

- h. Spite strips: Reserved strips or street plugs controlling the access to public ways will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights or both, and in no case unless the control and disposal of the land comprising such strips is placed definitely within the jurisdiction of the County under conditions approved by the Board of County Commissioners.
- i. Minimum Right-of-Way Widths: Street right-of-way width shall match highway district standards.
- j. Conformity Required: All streets, roads, cul-de-sacs, etc., to be dedicated to a highway district shall conform to the standards set forth in the Highway Standards and Development Procedures for the highway districts of Twin Falls County, Idaho 1994 edition or latest version, or the standards required by the municipality into which it is to be incorporated.
- k. Intersections: A horizontal intersection angle of ninety (90) degrees is preferred, and seventy five (75) degrees is the minimum. Adequate sight distances for vehicular traffic at street intersections is required.
- l. Curves: When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to ensure traffic safety and proper street construction and appearance.
- m. Blocks: The lengths, widths and shapes of blocks shall be designed with due regard to providing adequate building site suitable to the special needs of the type of use contemplated; needs for convenient access, circulation, control and safety of street traffic; and the limitations and opportunities of topography.
- n. Minimum Lot Dimensions: Lot dimensions shall in all cases conform to the minimum requirements of the applicable zone.
- o. Deed Covenants: Deed covenants shall prohibit construction of permanent structures on easements and proposed rights of way and shall conform to setback requirements for the zone.
- p. Lot Side Lines: The side lines of lots shall run at right angles to the street on which the lots face, as far as is practicable, or on curved street shall be radial to the curve as far as practicable.

- q. Double Frontage and Reverse-Frontage Lots: Double frontage and reverse-frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- r. Property Lines at Intersections: Property lines at intersections shall be rounded with a minimum radius of ten (10) feet.
- s. Easements for Utility Lines: Easements for sewer, water, gas, electric, telephone, drainage, irrigation, or other public utilities shall be required. Easements for utility lines shall be a minimum of fifteen (15) feet in width, and centered on rear or side lot lines.
- t. Watercourses: Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided an easement of such width adequate to carry the water and to construct and maintain the water way.
- u. Pedestrianways: Pedestrianways with a minimum width of ten (10) feet shall be provided where such walkways are essential for public convenience.
- v. Alleys: Alley intersections and sharp changes in alignment shall be avoided; but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities as determined by the Board of County Commissioners. Alleys shall be provided in the Commercial and Industrial zones unless Board of County Commissioner-approved access to other off-street parking and loading facilities is made.
- w. Sewage System: The method and extent of sewage disposal shall meet the standards of, and be approved by, the South Central Public Health District. In a subdivision within a reasonable distance to an existing sanitary system, the subdivider may be required to make connection thereto.
- x. Land Surface Drainage: Grading shall be done and structures shall be provided by the subdivider as are deemed essential by the County to provide adequate storm water drainage.
- y. Water Stock: All district or canal company water stock for land included in the subdivision shall be placed in trust to any approved association acting as trustee.

- z. Irrigation Facilities and Drainage Systems, Natural Streams, and Drainageways: All subdivisions shall comply with canal company or district requirements relating to irrigation facilities and drainage systems, natural streams, and drainageways, as may be established for subdivisions. If irrigation rights are to be acquired or maintained for the development, a properly functioning distribution system shall be installed.
- C. Conditional Approval: Following review of the preliminary plat and supplemental material at a public hearing held in accordance with 8-3-9, the Commission shall express any approval of the preliminary plat as conditional approval and state any conditions for approval in the written decision.
- D. Review of Proposed Final Plat: The applicant shall submit a proposed final plat to the Community Development Services Department for the County surveyor's review. Subdivision verification fees in an amount set by the Board of County Commissioners are required.
- E. Preliminary Approval of Final Plat: The proposed final plat will be forwarded to the Planning and Zoning Commission. The Commission will review the plat, the development agreement, and any other attached agreements for conformance with recommended revisions. The Planning Commission will compare the proposed final plat with the conditionally approved preliminary plat for conformity with recommended revisions. If the proposed final plat meets the required standards and conditions, the Commission will preliminarily approve it.
- F. Installation of Improvements: The subdivider is responsible for designing and installing the improvements depicted on the plat. That responsibility includes, without limitation:
 - 1. Engineering: The subdivider shall be responsible for all engineering work.
 - 2. Streets; Alleys: The subdivider shall be responsible for the construction of streets and alleys. Where the subdivision is being considered for annexation, the streets and alleys shall be improved at the expense of the subdivider in accordance with the standards adopted by the Board of County Commissioners.
 - 3. Streets Meeting Highway District Standards: All streets that are an integral part of the subdivision must be improved at the expense of the subdivider in accordance with the current policy and standards established by the highway district. Said streets, upon completion of said improvements, may be accepted for maintenance by the highway district.

4. Water Mains: When water mains are constructed in subdivisions within one-half (1/2) mile of a city limit, the subdivider shall be responsible for the expense of construction. Water mains must conform to state standards. Where the subdivision is being considered for annexation, water mains shall comply with city standards.
 5. Sewers and Drains: When sewers and drains are constructed in subdivisions within one-half (1/2) mile of a city limit, the subdivider shall be responsible for the expense of construction. Sewers must conform to state standards. Where the subdivision is being considered for annexation, the sewers and drains shall comply with city standards.
 6. Traffic Controls, Streetlights, Signs: Traffic control signals, streetlights, street name signs, and traffic control signs shall be furnished and installed at the expense of the subdivider. Where the subdivision is being considered for annexation, the traffic control devices shall conform to the city standards.
 7. Addresses: Grid addressing shall be assigned by the developer and delivered to the Community Development Services Department.
- G. Provision of Sufficient Surety in Lieu of Immediately Installing Improvements: If the subdivider wishes to expedite final approval of the plat before installation of all improvements, he or she may supply proof of surety deemed sufficient by the Commission. The surety may be one of the following:
1. Cash bond in the amount of the cost of paving the roads and any other improvements identified in the development agreement; or
 2. Surety bond in the amount of the cost of paving the roads and other improvements identified in the development agreement;
 3. Letter of credit in the amount of the cost of paving the roads and other improvements identified in the development agreement; or
 4. Escrow reserve account.
- H. Approval of Final Plat: After the subdivider has installed all required improvements or provided sufficient surety, the Board will consider approving of the final plat. Final plats must comply with the following:
1. Incorporate Recommendations: The plat should incorporate the requirements and conditions of the Commission.

2. Partial Development: If desired by the subdivider, the final plat may constitute only that portion of the approved preliminary plat which the developer proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of this Title.
3. Prepared by Engineer or Surveyor: The final plat shall be prepared by a registered professional engineer or registered land surveyor.
4. Comply With all Requirements for Plats: All plats offered for record in Twin Falls County shall comply with Idaho Code § 50-1304 and this Title. As such, they shall meet the following requirements:
 - a. Plats must be upon stable base drafting film with a minimum base thickness of 0.003 inches. The image thereon shall be by a photographic process or a process by which a copy is produced using an ink jet or digital scanning and reproduction machine with black opaque drafting film ink or fused toner that will ensure archival permanence. The copy and image thereon shall be waterproof, tear resistant, flexible, and capable of withstanding repeated handling, as well as providing archival permanence. If ink or toner is used, the surface shall be coated with a suitable substance to assure permanent legibility. Plats shall be eighteen (18) inches by twenty-seven (27) inches in size, with a three and one-half (3 1/2) inch margin at the left end for binding and a one-half (1/2) inch margin on all other edges. No part of the drawing or certificates shall encroach upon the margins. Signatures shall be in reproducible black ink. The sheet or sheets which contain the drawing or diagram representing the survey of the subdivision shall be drawn at a scale suitable to ensure the clarity of all lines, bearings and dimensions. In the event that any subdivision is of such magnitude that the drawing or diagram cannot be placed on a single sheet, serially numbered sheets shall be prepared and match lines shall be indicated on the drawing or diagram with appropriate references to other sheets. The required dedications, acknowledgments and certifications shall appear on any of the serially numbered sheets.
 - b. The plat shall show:
 - i. the streets and alleys, with widths and courses clearly shown;
 - ii. each street named;
 - iii. all lots numbered consecutively in each block, and each block lettered or numbered, provided however, in a platted cemetery, that each block, section, district or division and each burial lot shall be designated by number or letter or name;

iv. each and all lengths of the boundaries of each lot shall be shown, provided however, in a platted cemetery, that lengths of the boundaries of each burial lot may be shown by appropriate legend;

v. the exterior boundaries shown by distance and bearing;

vi. descriptions of survey monuments;

vii. point of beginning with ties to at least two (2) public land survey corner monuments in one (1) or more of the sections containing the subdivision, or in lieu of public land survey corner monuments, to two (2) monuments recognized by the county surveyor; and also, if required by the city or county governing bodies, give coordinates based on the Idaho coordinate system;

viii. the easements;

ix. basis of bearings, bearing and length of lines, graphic scale of plat and north arrow;

x. subdivision name; and

xi. narrative as described in Idaho Code § 55-1906.

c. When coordinates in the Idaho coordinate system are shown on a plat, the plat must show the national spatial reference system monuments and their coordinates used as the basis of the survey; the zone; the datum and adjustment; and the combined adjustment factor and the convergence angle and the location where they were computed.

d. Additionally, it shall include the following information:

i. Name and Location of Subdivision: Name of the subdivision, the acreage enclosed, and the location of the subdivision by section, township and range; and

ii. North Point and Scale: North point and scale of drawing; and

iii. Boundary Line: Boundary line of the tract, bearings and distances; and the distances and bearings to the closest land division corner, i.e., section corner or quarter corner; and

iv. Curve Dimensions: All curves shall be circular arcs and shall be described by the degree of curvature, central angle, length and bearing of the long chord, length and bearing of the tangents; and

- v. Streets and Alleys: The location, name, width and curve dimensions of each street and alley or other public right of way; and
- vi. Easements: Location and width; and
- vii. Existing Utilities: Type, use, location, and size; and
- viii. Map: A location or vicinity map showing the relationship to the near surrounding area and the major existing streets of the surrounding and adjacent area; and
- ix. Lot Lines: All lot lines with dimensions in feet and hundredths and with bearings and angles to the nearest thirty- seconds of arc.
- x. Blocks: Blocks shall be numbered consecutively throughout the tract and lots throughout each block.
- xi. Monuments: A certificate which meets the approval of the County surveyor and which was signed by the project's surveyor or engineer certifying that the following points and corners and monuments have been set on the tract:
Center line intersections and points of curvature and tangency of all street center lines shall be marked with a three-fourths inch (3/4") diameter iron rod, or standard brass cap, set in concrete not less than six inches (6") square at the top and not less than ten inches (10") square at the bottom. The concrete block shall be at least twenty four inches (24") in vertical height. The iron rod shall be a minimum of twenty four inches (24") long, extending one inch (1") above the top of the concrete block. The top of the monument shall have a minimum natural ground cover of one foot (1'). Block corners and major boundary corners shall be five-eighths inch (5/8") diameter iron rods at least thirty inches (30") in length. Lot corners shall be one-half inch (1/2") diameter steel rods at least twenty four inches (24") in length.
- xii. Computation: A copy of the closed traverse computations which shall be sufficiently complete to show that all boundaries of lots, blocks and the entire subdivision close to an accuracy of not less than one part in four thousand (1/4000).

- I. Recording of the Final Plat: If the Board approves the final plat, it shall be recorded in accordance with the following requirements:
1. Timing: The final plat shall be recorded within one year following the conditional approval given on the preliminary plat.
 2. Not Recorded Prior to Approval: No plat shall be recorded unless and until it has been approved by the Board of County Commissioners.
 3. Digital Copies of Surveys and Plats: Any surveyor, engineer, firm, company or individual filing a survey, subdivision final plat, conveyance final plat, or Planned Unit Development final plat shall supply a digital copy to the Twin Falls County Assessor's Office as part of the standard requirements for filing. All digital files shall be accompanied by a transmittal letter or metadata text file. All digital files shall include descriptions of the data and layer schematics. All line work should be topologically clean. Lines must be continuous and have bearings and distances that match the dimensions shown on the recorded document and boundaries must be geometrically closed. The digital file(s) shall include any data reasonably requested, be on a medium compatible with the hardware and software used by the Twin Falls County Assessor, and otherwise comply with all other reasonable requirements set forth by the Twin Falls County Assessor. Failure to supply an appropriate digital copy may result in the submission not being filed or recorded.
- J. Roads Paved When 30% Complete or After One Year: Upon completion of thirty percent (30%) of the first phase of the project or within one year from the start of construction, the roads must be paved for that phase of the project. Each phase thereafter must be completed in the same manner.
- K. Resubmission: If the subdivider wishes to proceed with the subdivision of the land after the expiration of the one year period, they shall resubmit the preliminary plat to the Planning Commission and make any revisions considered necessary to meet changed conditions.
- L. Extension: In the event of extraordinary circumstances, an extension of time may be requested for the completion of infrastructure in platted subdivisions beyond the original completion date. The request shall be in writing, along with supporting documents. It shall include a reason for the request, an updated cost estimate for improvements, an updated development agreement, a performance guarantee for the cost of improvements dated to match the extended date requested, and any other information as may be determined necessary to process the request. The Community Development Services Office which will then review the request and, upon determining the request is complete, it will be forwarded to the Board of County Commissioners for consideration and action. The Board may either approve, deny, or approve the request with conditions or

modifications. Extensions are limited to two (2) years. Under no circumstances shall more than one (1) extension be granted.

8-13-3: **PLANNED UNIT DEVELOPMENTS:**

- A. Definition: A Planned Unit Development (PUD) provides for an appropriate use of land that is unique in its physical characteristics or where there are other circumstances warranting special methods of development. In a PUD, a variety of residential, commercial, industrial, and other land uses are provided for under single ownership or control. PUDs are intended to permit a degree of flexibility and diversification in the use of land which will provide a development as good or better in function and relationship to the area as the traditional lot-by-lot development. PUDs have a substantially different character from other principal and conditional usages, and specific and additional standards and exceptions are required. Planned Unit Developments may be allowed in zones where they are listed as conditional uses.
- B. When Allowed: A proposed PUD may be approved if the Planning and Zoning Commission and/or Board of County Commissioners find(s) the following:
1. The site design conforms to the topography and natural landscape features of the property and shows consideration for the location and function of land uses and structures.
 2. The development is compatible with existing and planned allowed uses and would not cause damage, hazard, or unreasonable nuisance to persons or property in the vicinity.
 3. The internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive influence upon the activities and functions contained within the development.
 4. Community facilities such as park, recreational, and open space areas are functionally related to all dwelling units and are easily accessible via pedestrian and/or bicycle pathways. Any common usable open space provided shall be directly accessible to the lots that have been reduced in size from the minimum lot size within the base zone.
 5. The overall plan is in conformance with the applicable comprehensive plan, area of city impact, overlay ordinances, and other pertinent ordinances.
- C. Requirements:
1. Conformity: Planned Unit Developments shall conform to the zones in which they are proposed. Latitude may be given to incorporate imaginative ideas and innovations, provided the Planned Unit Development shall conform to the purposes and objectives of the Comprehensive Plan.

2. Overlay Districts: Where property is subject to the provisions of an overlay district in addition to the base zone, the more stringent requirements of each zone shall apply.
3. Issuance of Building Permit: No zoning certificate or building permit shall be issued for any part of a Planned Unit Development unless said part is included in an approved final development plan/final subdivision plat and conforms to all requirements.
4. Conditions Run with Land: Any conditions attached to a final development plan shall run with the land and shall not lapse or be waived as a result of any subsequent change in the tenancy or ownership of any or of all said lands.
5. Improvements: Construction or installation of proposed and required improvements are the responsibility of the owner/developer prior to occupancy of any structure. Maintenance of these improvements shall remain the owner's/developer's responsibility until the homeowners' association has the number of dues paying members to fully take over that responsibility.
6. Water Stock: All canal company or district water stock for land included in the Planned Unit Development shall be placed in trust to any approved association acting as trustee.
7. Streets: All streets to be dedicated to the highway districts shall comply with the Highway Standards and Development Procedures for the Highway Districts of Twin Falls County, Idaho 1994 Edition or latest edition.
8. Private Roads: Private roads shall have a minimum width of twenty (20) feet, a minimum base of eight (8) inches of gravel, and a minimum surface of two (2) inches of asphalt.
9. Minimum Area: A Planned Unit Development for the following principal uses shall contain an area of not less than:
 - a. Twenty (20) acres plus or minus five percent (5%) for residential development.
 - b. Twenty-five (25) acres plus or minus five percent (5%) for residential use with a subordinate commercial or industrial use.
 - c. Ten (10) acres plus or minus five percent (5%) for commercial use.
 - d. Ten (10) acres plus or minus five percent (5%) for industrial use.
10. Density: In determining allowed densities, consideration shall be given to the Comprehensive Plan, the characteristics of the property, the location and use standards contained in this Chapter, and the density bonus provisions.
 - a. Base Density: The number of dwelling units per acre allowed in a Planned Unit Development shall be the same as allowed in the applicable base zone.
 - b. Density Bonus: The Commission may approve a "density bonus" of up to fifty percent (50%) over the density established in the base zone. A density bonus may be approved when the following criteria are met:
 - i. The Planned Unit Development complies with all provisions established in this Title except those specifically allowed by this Chapter to be varied.

- ii. Approval by applicable health and other governmental authorities relating to water and septic/sewer systems.
 - iii. The property has adequate access from an adjoining public street(s) and the design of the internal circulation system provides for safe and efficient flow of traffic.
- 11. Density Clusters: The Commission may approve or require "clustering" of dwellings within a PUD so development will not occur in a floodplain or other environmentally sensitive area. Up to one hundred percent (100%) of the allowed density of a portion of the PUD may be clustered on another portion of the PUD provided it is found that the resulting net density will not have an adverse effect upon adjacent properties and that the design of the project is consistent with the objectives of the PUD. The transfer of density from the proposed PUD to a separate parcel of land not within the PUD is not authorized.
- 12. Design and Dimensional Standards: The standards in the base zone for site coverage, building height, site area, and setbacks shall be used as a guide in evaluating a PUD, but may be modified by the Commission upon making the findings set forth in Subsection B.
- 13. Screening at Edges of PUD: Yards, fences, walls or vegetative screening shall be provided at the edges of the PUD where needed to protect residents and adjacent property owners from undesirable views, lighting, noise, or other on- and off-site influences. In particular, extensive off-street parking areas, service areas for loading and unloading purposes other than for passenger use, and storage areas for garbage collection shall be screened.
- 14. Vehicular Circulation:
 - a. Vehicular access to lots fronting on an arterial or collector street shall be via a frontage road, service road, or other local street.
 - b. Each PUD shall provide a minimum of two (2) separate points of ingress/egress.
 - c. If it is determined that traffic-control devices or other traffic regulating improvements are required as a result of a PUD, the developer shall be responsible for the cost of installation and/or construction of such improvements at the direction of the appropriate highway district. As a condition of approval, financial guarantees shall be posted by the developer to ensure installation and construction of such improvements.
 - d. Design and dimensional standards for roadways shall be subject to standards established by the applicable County highway districts, Idaho Transportation Department and/or the Board. Storm water shall be contained on-site.
 - e. Internal streets, drive, and parking and service areas shall provide safe and convenient access to dwelling units and recreational facilities and for service and emergency vehicles. Streets shall not be designed to encourage outside traffic to traverse the development on minor streets.
- 15. Pedestrians, Equestrians, and Cyclists:

- a. Design standards for bicycle facilities shall be subject to American Association of State Highway and Transportation Officials Guide for the Development of Bicycle Facilities, latest edition.
 - b. Access for pedestrians and/or cyclists entering or leaving the Planned Unit Development shall be by safe and convenient routes which shall conform to all local, State and Federal regulations.
 - c. Walkways shall form a logical, safe, and convenient system for pedestrian access to all dwelling units, appropriate facilities, and principal off-site pedestrian destinations.
 - d. Pedestrian, equestrian, and bicycle paths may be combined with other easements and used by emergency and service vehicles where appropriate, but shall not be used by other automotive traffic.
 - e. Pedestrian and equestrian paths shall conform to the standards set forth in Trails for the Twenty First Century by Rails to Trails Conservancy.
16. Weather Standards: All streets and driveways shall be built to all weather standards of the respective highway district and paved with asphalt or concrete, whether or not intended for homeowners' association maintenance.
 17. Lighting: Street and other outdoor lighting shall be shielded or adequately focused so as not to send light or glare beyond the affected and intended service area.
 18. Utilities: Planned Unit Developments shall provide for the installation of utilities, including domestic water systems, except for individual wells, wastewater systems, storm sewers to on-site retention areas, and electrical, gas and telephone lines in either the public right of way or within utility easements.
 19. Open Space: A minimum of ten percent (10%) of the gross land area developed in any PUD project shall be reserved for common open space and recreational facilities. Public utility and similar easements and rights of way are not acceptable for open space and recreational facilities unless such land is usable as a trail or similar purpose and approved by the Commission. No open space area may be delineated or approved as a common open space under the provisions of this Title unless it meets the following standards:
 - a. Common open space shall be for recreational purposes or to provide visual, aesthetic, or environmental safeguards. Uses of the common open space shall be appropriate to the scale and character of the PUD considering its size, density, population, topography, and buildings.
 - b. Common open space shall be suitably improved for its intended use, but common open space containing natural features worthy of the preservation may be left unimproved. Structures and improvements to be located in or adjacent to the common open space shall preserve and enhance the amenities of the common space and be designed to be compatible with the topography and natural features of the site.
 - c. The development schedule shall coordinate the improvement of the common open space with the construction of the buildings, structures, and other improvements in the PUD. Financial guarantees shall be posted by the developer to ensure that such improvements within the open space areas are implemented.

- d. All land shown on the final development plan as common open space shall be conveyed to an owners' association or a similar organization for the purpose of owning and maintaining common buildings, areas, and the land thereon.
 - e. For phased projects, the provision of open space areas and recreational facilities for each phase shall approximate the ratio provided for the entire development. The Commission shall review and establish open space provisions for each phase of a multi-phased PUD during preliminary development plan consideration.
20. Landscaping:
- a. Screening: Screening of off-street parking, loading, and waste storage areas may be required. Such screening shall be accomplished through the ample use of deciduous and evergreen trees, shrubs, and ground cover. Landscape devices such as berms, fences, accent boulders, decorative walls, and similar items may also be used.
 - b. Buffer Between Residential and Nonresidential Uses: When nonresidential uses or structures in a Planned Unit Development abut residential uses, appropriate landscaping and screening shall be utilized as a buffer. Xeriscaping and use of drip irrigation systems is encouraged to conserve irrigation water.
 - c. Erosion Protection: Exposed ground surfaces in all parts of Planned Unit Developments shall be covered with vegetative materials, stone screenings, or other materials that are capable of preventing soil erosion and that conform to the surrounding area. The ground surface shall be graded and designed to accommodate expected surface runoff.
 - d. Perimeter landscaping of a PUD may be required.
21. Commercial Uses:
- a. When Planned Unit Development districts allow commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points. Screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.
 - b. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.
 - c. All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.
22. Commercial Uses: Planned Unit Development may include industrial uses if allowed in the underlying zone and if it can be shown that the development will result in a more efficient and desirable use of land.

- a. Industrial uses and parcels shall be developed in park-like surroundings utilizing landscaping and existing natural features as buffers to screen lighting, parking areas, loading areas or docks, and/or outdoor storage of raw materials or products. A planned industrial area shall provide for the harmony of buildings and a compact grouping in order to economize in the provision of such utility services as are required. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order to reduce through traffic.
 - b. Project side yards of forty feet (40') and a rear yard of fifty feet (50') shall be required if the project is located adjacent to any residential uses. All intervening spaces between the right-of-way line and project building line and intervening spaces between buildings, drives, parking areas, and improved areas shall be landscaped with trees and plantings and properly maintained at all times.
23. Proximity to Animal Feeding Operations: Planned Unit Developments shall be located at least one thousand, three hundred twenty (1,320) feet or one-fourth (1/4) mile from an existing Animal Feeding Operation waste lagoon's closest inside edge of the retaining wall and at least four hundred (400) feet from an Animal Feeding Operation corral's outside edge. Additional setback for operations with more than one thousand (1,000) animal units is 0.5 feet per animal unit for the number of A.U.s over one thousand (1,000).
 24. Domestic Water and Wastewater Systems: All new domestic water supply and wastewater systems shall comply with the applicable requirements of all local, State and Federal regulations governing the installation, operation and maintenance of such systems.
 25. Irrigation Facilities and Drainage: All PUDs shall comply with canal company or district requirements relating to irrigation facilities and drainage systems, natural streams and drainageways as may be established for subdivisions. If irrigation rights are to be acquired or maintained for the development, a properly functioning distribution system shall be installed.
 26. Engineering Approval Required: A PUD shall require the same verification as is required of a subdivision. The County shall choose and require a legally qualified surveyor or engineer to sufficiently check the development and/or plat to determine that the requirements herein are met, and said engineer or surveyor shall certify such compliance on the instruments. For performing such service the County shall collect from the developer an appropriate fee as set by the Board of County Commissioners.

D. Application Process:

1. Application: An application for a Planned Unit Development shall be submitted to the Community Development Services Director (Director) on forms provided for this purpose, and shall be accompanied by all information requested on said application as well as fees as set by the Board.
2. Concurrent Processing: An application for a Planned Unit Development may be accompanied by all other related requests such as applications for changes of

zone, variances, Conditional Use Permits, and plats. Zone change applications consistent with the Comprehensive Plan that are processed concurrently with a PUD application may be filed with the Director, but shall not become finalized until all provisions of this Title are met.

3. Concurrent Processing of Subdivision Application: Planned Unit Developments that require the subdivision of land may have applications for each processed concurrently. A preliminary development plan may also be a preliminary plat and a final development plan may also be a final plat. In no instance shall the platting requirements for subdivisions, as set forth in State code and in this Title, be waived as a result of this concurrent processing provision. A final subdivision plat may not be recorded prior to approval of a final development plan.
4. Preapplication Conference: At the early planning stages of any proposed development, and prior to submission of a preliminary development plan, an applicant should confer with the Director or staff to determine the consistency of the proposal with applicable comprehensive plans and ordinances governing land development, to consider the full impact and consequences of the proposal, to discuss alternate plans or methods of development, to formulate modifications that may be necessary, and to provide ample opportunity to determine the best means for proceeding with a PUD. In addition, the applicant should be apprised of any possible requirements or the need to further consult with any city, county, special purpose district, State or other public or private agencies affected by the proposed development. The conclusions derived from the preapplication conference shall not be deemed binding on either the developer or the County.
5. Preliminary Development Plan Submittal:
 - a. Filing: The applicant shall submit all applications and fees for consideration of the preliminary development plan to the Community Development Services Department. If applicable, preliminary subdivision plats consistent with the requirements of this Chapter may be filed with the preliminary development plan. Applications shall be completed as specified by the Director.
 - b. Review for Completeness: When an application is received, the Director will review it for completeness. If the Director determines the application is incomplete, the Director will promptly notify the applicant of deficiencies. If the applicant fails to remedy the deficiencies within thirty (30) calendar days of the notice, the application will be deemed denied.
 - c. Planning and Zoning Commission Hearing: Upon receipt of agency comments, the Director shall schedule the item for a public hearing in front of the Planning and Zoning Commission as described in Chapter 24.
 - d. Appeal: If the applicant or other affected person disagrees with the recommendation of the Commission, the matter may be appealed to the Board of County Commissioners as described in Chapter 25.
 - e. Term of Preliminary Development Plan Approval:
 - i. Nonphased Projects: The term of approval for a preliminary development plan that is to be constructed in one phase shall be one year from the date of final action. The Director may, upon

written request from the applicant which sets forth good and sufficient reasons for an extension of time, authorize one extension for a period not to exceed one year. Bonding and other financial guarantees shall be extended accordingly. In approving a time extension the Director may institute additional conditions on the plan to meet new requirements that have been adopted by Twin Falls County, as they may affect the project. Failure to file for final development plan approval within the specified time period shall void approval of the preliminary development plan.

- ii. **Phased Projects:** The preliminary development plans for multi-phased projects shall include the anticipated phasing of the development. Each consecutive phase shall be filed with the Director for final development plan approval within one year of the approval date of the final development plan of the prior phases. A single one (1) year extension for each phase may be granted by the Director. Bonding and other financial guarantees shall be extended accordingly. In approving a time extension, the Director may institute additional conditions on the plan to meet new requirements that have been adopted by Twin Falls County, as they may affect the project. Failure to file the final development plan within the specified time periods shall void the specific preliminary development plan phase as well as all remaining phases.
 - f. **Change of Planned Unit Development:** Modifications to an approved preliminary development plan regarding the location of land use type may be allowed prior to the submittal of the final development plan if, in the judgment of the Director, said modification will not materially change the character of the project nor affect the findings of fact made by the approving authority. Whenever this provision is applied, the applicant shall be required to submit written justification supporting the change which shall be made public record and filed with the PUD application.
6. **Final Development Plan:**
- a. **Submission of Plans:** The final development plan shall be submitted to the Director.
 - b. **Review for Completeness, Accuracy, and Conformity:** When a final development plan is received, the Director will review it for accuracy and completeness. The final development plan shall conform substantially with the preliminary development plan approved by the Board of County Commissioners and shall have incorporated all modifications, conditions and provisions required by the Board. If the Director determines the plan is incomplete, inaccurate, or otherwise doesn't conform to the plan approved by the Board, the Director will promptly notify the applicant in writing of deficiencies. If the applicant fails to remedy the deficiencies within thirty (30) calendar days of the notice, the final development plan will be denied. Rejection of the final development plan shall occur in

- writing and shall include an explanation of what materials were found to be inaccurate or incomplete.
- c. Appeal: If the applicant or other affected person disagrees with the decision of the Director, they can appeal the matter to the Board of County Commissioners as set forth in Chapter 25.
 - d. Final Development Plan Stage: No change in the approved final development plan shall be allowed without prior approval of the appropriate final authority except that minor changes in the location, siting, and height of buildings and structures may be authorized by the Director when required by engineering or other circumstances not foreseen at the time of final development plan approval. No such minor changes may increase the volume of any building or structure by more than ten percent (10%). The gross density of the PUD may not be increased beyond that density approved on the preliminary development plan.
 - e. Phased Projects: Final development plans for multi-phased projects may be filed by phase and changes from the preliminary development plan may be made as conditions change from phase to phase during the period of the plan; however, any such changes must be supported by written justification and may not increase the gross density nor alter the range of uses allowed on the approved preliminary development plan and must meet all other criteria of approval.
 - f. Development Agreement: A development agreement must be provided and approved by the Director before a letter of approval is issued.
 - g. Performance Guarantee: The developer shall provide proof of one of the following:
 - i. Cash bond in the amount of the cost of paving the roads and any other improvements identified in the development agreement.
 - ii. Surety bond in the amount of the cost of paving the roads and other improvements identified in the development.
 - iii. Letter of credit in the amount of the cost of paving the roads and other improvements identified in the development agreement.
 - iv. Escrow reserve account acceptable to the Planning and Zoning Commission.
 - v. Upon completion of thirty percent (30%) of the first phase of the project or within two (2) years from the start of construction, whichever occurs first, the roads must be paved for that phase of the project. Each phase thereafter must be completed in the same manner. If the developer fails to meet this condition, the bond or other security may be forfeited at the County's discretion.
 - h. Term of Final Development Plan Approval: Within one year from the date of final approval of the development plan, one of the following must occur or the Planned Unit Development shall become null and void:

- i. For PUDs requiring the subdivision of land, the bond or other surety for proposed improvements shall be filed with the County or the improvements be satisfactorily completed and a final plat shall be recorded with the County Recorder's office, as set forth in this Title; or
- ii. For PUDs not requiring the subdivision of land, the bond or other surety for proposed improvements shall be filed with the County or the improvements be satisfactorily completed and building permits shall be acquired or the Director may authorize time extensions in accordance with provisions of this Title.
- iii. In lieu of these requirements, the subdivider may deposit with the County Clerk a performance bond or other security agreed upon by the County equal to the highway district's estimated cost of such improvements as a guarantee that within two (2) years or after seventy five percent (75%) of the lots are sold in any one block or street whichever occurs first, improvements required by the County shall be installed. If within two (2) years or after seventy five percent (75%) of the lots have been sold, the work has not been completed, the bond or other security may be forfeited at the County's discretion and the improvements constructed by the County. If the work has been completed to the satisfaction of the County, the bond or other security shall be released.

8-13-4: **PLAT AND SUBDIVISION VACATION:**

- A. Any person, persons, firm, association, corporation or other legally recognized form of business desiring to vacate a plat or any part thereof must petition the Board of County Commissioners. Such petition shall set forth particular circumstances of the request to vacate; contain a legal description of the platted area or property to be vacated; the names of the persons affected thereby, and said petition shall be filed with the County Clerk.
- B. Written notice of public hearing on said petition shall be given, by certified mail with return receipt, at least ten (10) days prior to the date of public hearing to all property owners within three hundred (300) feet of the boundaries of the area described in the petition. Such notice of public hearing shall also be published once a week for two (2) successive weeks in the official newspaper, the last of which shall be not less than seven (7) days prior to the date of said hearing; provided, however, that in a proceeding as to the vacation of all or a portion of a cemetery plat where there has been no internment, or in the case of a cemetery being within three hundred (300) feet of another plat for which a vacation is sought, publication of the notice of hearing shall be the only required notice as to the property owners in the cemetery.
- C. If the plat or part thereof which is the subject of the petition is located within one (1) mile of the boundaries of any city, the Board of County Commissioners shall cause written

notice of the public hearing on the petition to be given to the mayor of the city by regular mail at least thirty (30) days prior to the date of the public hearing.

- D. In the case of easements granted for gas, sewer, water, telephone, cable television, power, drainage, and slope purposes, public notice of intent to vacate is not required. Vacation of these easements shall occur upon the recording of the new or amended plat, provided that all affected easement holders have been notified by certified mail, return receipt requested, of the proposed vacation and have agreed to the same in writing.
- E. When public streets or public rights-of-way are located within the boundaries of a highway district, the highway district commissioners shall assume the authority to vacate such public streets and public rights-of-way as provided in section 40-203, Idaho Code.
- F. All publication costs shall be at the expense of the petitioner.
- G. Land exclusive of public rights-of-way that has been subdivided and platted in accordance with this chapter need not be vacated in order to be replatted.

8-13-5: **PENALTIES:** A violation of any section or subsection of this Chapter is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

CHAPTER 14

OTHER DIVISIONS OF LAND

SECTION:

- 8-14-1: Other Allowed Land Divisions
- 8-14-2: Land Divided Prior to November 8, 1979
- 8-14-3: Penalties

8-14-1: **OTHER ALLOWED LAND DIVISIONS:** This Chapter concerns divisions of land that do not have the same requirements as Subdivisions.

A. The following land divisions and adjustments are allowed:

1. An adjustment of lot lines which does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements, and does not increase the original number of lots;
2. An allocation of land as set forth in the settlement of an estate of a decedent;
3. A court order, judgment, or decree for the distribution of property;
4. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code;
5. Widening of existing streets to conform to a comprehensive plan;
6. The acquisition of street rights of way by a public agency in conformance with the comprehensive plan;
7. Land divided into parcels all of which are forty (40) or more acres (plus or minus five percent (5%) in the Agricultural Zone (A) or one hundred sixty (160) or more acres in the Range Preservation Zone (RP) (plus or minus five percent (5%)); or
8. One conditional-use division of land from an agricultural unit forty (40) or more plus or minus five percent (5%) in the Agricultural Zone (A) or one hundred sixty (160) or more acres plus or minus five percent (5%) in the Range Preservation Zone (RP) for a dwelling.
9. Financial land division: The Director may approve an application for a financial land division if it qualifies under the following criteria:
 - a. The division of property is in order to secure long term financing for the purpose of constructing or refinancing a home where both lots will remain under the same ownership. Bank verification is required.
 - b. Deeds recorded for financial land divisions shall have the following statement: *The Purpose of this deed is for financial land division and cannot create another parcel for sale.*

- c. Surveys recorded for financial land divisions shall have the following statement: *The Purpose of this survey is for a financial land division and cannot create another parcel for sale.*
 - 10. Conditional use land divisions. The Planning and Zoning Commission may approve a conditional use land division if the applicant follows the process for a conditional use permit and if the proposed land division complies with the following requirements:
 - a. It is a one-time division from a conforming parcel.
 - b. It creates a second parcel on acreage smaller than would otherwise be allowed in that zone for the purpose of a single-family dwelling.
 - c. The dwelling parcel must meet the “infill” definition.
 - d. The land division must be recorded within one year of approval.
- B. Requirements for Land Divisions:
 - 1. Complete application and supporting documentation.
 - 2. Minimum one (1) acre. More acreage may be required due to recommendations of the South Central Health District.
 - 3. All necessary utility, road and irrigation easements providing access for services to the parcel must be provided.
 - 4. Private roads provided by the owner must have a road maintenance agreement which runs with the land.
 - 5. If water shares are available to the land, the owner must provide a written water use and maintenance agreement which shall run with the land and conform to the requirements of the respective canal company or district.
 - 6. A copy of the deed and survey must be submitted to the Community Development Services Department showing the above easements along with copies of the above agreements.
 - 7. All requests for the division of property where there is an existing dwelling to be sold or exchanged must be accompanied with a well and septic survey.
 - 8. In all cases of residential division, a nuisance waiver will be required to be recorded with the deed.
 - 9. In all cases of land divisions, proportionate water shares must be transferred to the land split off or the water must be in compliance with the requirements of all canal companies/water agencies. This only applies if water shares were previously available to the property.
- C. Minimum Lot Size Requirement: A minimum lot size requirement may include a plus or minus five (5) percent variation.

8-14-2: **LAND DIVIDED PRIOR TO NOVEMBER 8, 1979:**

- A. Notwithstanding any other provision of this Title, any lot or parcel of land which was on record prior to November 8, 1979, may be used as a dwelling site in any zone in which

dwellings are listed as an allowed use. Residential buildings will be allowed provided the following requirements are met:

1. The lot or parcel is twenty (20) acres or less plus or minus five percent (5%); and
2. The lot meets the one acre requirement plus or minus five percent (5%) and all other requirements of the South Central Public Health District for a sewage disposal system or is connected to a public sewer system; and
3. The front, side, and rear yard requirements of this Title are complied with; and
4. The owner must provide approved road access to all parcels.
5. All roads which may be presented to the respective highway district in which the parcels are located, must conform to Highway Standards and Development Procedures for the highway districts of Twin Falls County, Idaho.
6. Private driveways may service up to three (3) homes, after which a driveway becomes a road and shall meet the standards of the respective highway district. Private roads provided by the owner must have a road maintenance agreement which runs with the land until the road is accepted by the respective highway district.
7. If water shares are available to the land, then the owner must provide a written water use and maintenance agreement which shall run with the land and conform to the requirements of the applicable canal company.
8. All parcels must provide the necessary utility, road and irrigation easements.
9. Plats must be recorded before any lots or parcels may be sold.
10. Plats showing all easements and roads must have been recorded by December 1, 2001, or such lots or parcels will no longer be recognized and all zoning restrictions shall apply.

B. Parcels which do not conform to the above requirements shall require approval by the Planning and Zoning Commission for any plat changes.

8-14-3: **PENALTIES:** A violation of any section or subsection of this Chapter is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

CHAPTER 15
TEMPORARY USES

SECTION:

- 8-15-1: Purpose
- 8-15-2: Standards
- 8-15-3: Application
- 8-15-4: Requirements
- 8-15-5: Penalties

8-15-1: **PURPOSE:** The intent of this Chapter is to accommodate reasonable requests for temporary uses within any zoning district when such activities are desirable for the community in the short term, but would have detrimental effects if allowed to continue on a permanent basis.

8-15-2: **STANDARDS:**

- A. This section does not supersede existing regulations pertaining to specific temporary uses included in other code sections.
- B. The issuance of a temporary use permit does not confer any land use entitlement or property right to the holder of the permit. Temporary use permits are not transferrable.
- C. Applications for temporary uses shall be made by the owner of the property or the owner of the property must consent, in writing, to the application for the temporary use.
- D. A temporary use permit does not authorize the construction of any permanent structure that would not otherwise be allowed under this Title.
- E. The Director may require guarantees to assure removal of the temporary use so as to restore the premises to its prior condition and may establish the date of such removal.
- F. Approval will be contingent upon such conditions and time limitations as are reasonable and necessary to secure public health, safety, and community welfare.
- G. If a temporary use permit doesn't state when it expires, it automatically expires six (6) months after it was issued.
- H. The property owner is responsible to ensure temporary uses and buildings are removed from the property within six (6) months after the expiration of a temporary use permit.
- I. Violation of any conditions of the temporary use permit shall be grounds for revocation of the certificate and of any permit or license issued.

8-15-3: **APPLICATION:**

- A. Application Process: A completed application for a temporary use, along with a fee as set by the Board of County Commissioners, shall be submitted to the Community Development Services Department for Administrative approval or denial as described in 8-3-7.
- B. Application Standards: If the Director determines that the application is complete, meets all the following standards, and meets the other standards in this Title, the application will be approved:
1. The proposed temporary use will not be detrimental to the public health, safety, or welfare;
 2. The proposed temporary use will be desirable for the community in the short-term;
 3. The proposed temporary use is reasonable and necessary;
 4. The proposed use will not adversely impact the health and safety of surrounding residents, nor will it create undue adverse impacts on surrounding properties;
 5. The proposed temporary use complies with all applicable county ordinances;
 6. The proposed temporary use complies with all applicable federal and state regulations;
 7. The proposed temporary use and facilities will not adversely affect or conflict with abutting uses or impede the normal development of surrounding property; and
 8. Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures are, or shall be, provided for the proposed temporary use.

8-15-4: **REQUIREMENTS:**

The following temporary uses require compliance with these standards:

- A. Hardship Placement of Manufactured/Mobile Home: The Community Services Director may approve the temporary placement of a manufactured/mobile home in a location where it would otherwise not be allowed when a hardship exists.
1. A hardship exists when it is necessary for someone to live in close proximity to provide care for a family member who is:
 - a. an elderly person(s);
 - b. a person(s) with a mental or physical disability; or
 - c. a person(s) with a medical condition which necessitates assisted living.
 2. The application shall include the following:
 - a. Site Plan: The site plan shall be drawn to scale and show north orientation; property lines; road names and locations; locations of all buildings, distances to all property lines, roads, buildings, wells, septic systems; and other relevant site information.

- b. Sewer System: Proof the manufactured or mobile home may be connected to the sanitary sewer system currently available on the property or another plan if connection to a currently available sanitary sewer system is not feasible in accordance with the South Central Public Health District.
 - c. Approved access: Proof of an approved access permit from the applicable highway district.
 - d. Fire Department/District: Comment from the local fire department/district.
 - e. HUD Standards: Manufactured or mobile homes shall meet HUD standards.
 - f. Proof of Hardship: The Director may require a doctor's letter or other proof that a valid hardship exists.
 - g. Landowner: Written consent of the landowner.
3. Hardship placement is subject to the following requirements:
- a. The manufactured/mobile home shall only be occupied by the family member(s) with the hardship and/or the assistance provider(s).
 - b. Annual Report: The applicant will report annually to the Community Development Services Department of the status of the hardship.
 - c. Removal of Use: Within six (6) months of the termination of the hardship condition, the applicant and/or landowner shall remove the manufactured or mobile home from the property and disconnect it from the sanitary sewer system in accordance with the regulations of the South Central Public Health District.
- B. Uses Incidental to Construction: The Director may issue permits for temporary buildings and uses incidental to the construction of a building or group of buildings on the same or adjacent premises. Temporary buildings include contractors' offices, construction equipment sheds, batch plants, and similar buildings. Such buildings and uses must be removed by the landowner within six (6) months after project completion or termination.
- C. Tract Sales Offices: A temporary permit may be issued, upon application, for a tract sales office during the period of construction or sale of homes in a new subdivision. The office may be located either in a dwelling or in a temporary structure located not less than twenty (20) feet from any other structure. Such office or temporary structure shall be removed, and the entire premises shall be restored to conform to the district regulations, within thirty (30) days after the expiration of the period of time specified in the permit.

8-15-5: **PENALTIES:** A violation of any section or subsection of this Chapter is an infraction (first or second offense) or misdemeanor (third or subsequent offense) punishable as set forth in 8-4-5. Each day of a continuing violation may be assessed as a separate violation.

CHAPTER 16

VARIANCES

SECTION:

8-16-1: Definition

8-16-2: Requirements for a Variance

8-16-3: Application Process

8-16-4: Reapplication

8-16-1: **DEFINITION:** A "variance" is a modification of the bulk and placement requirements of this Zoning Code upon a showing of undue hardship because of characteristics of the site. Variances may be granted as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other provisions affecting the size or shape of a structure, the placement of the structure on the lot, or the size of the lot.

8-16-2: **REQUIREMENTS FOR A VARIANCE:**

- A. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of the characteristics of the site and that the variance is not in conflict with the public interest.
- B. No variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located.
- C. No variance shall be granted to remedy a self-imposed hardship.
- D. In granting a variance, the Planning and Zoning Commission may attach conditions which it finds necessary to protect the interests of the surrounding property or neighborhood, and otherwise to achieve the purposes of this Title.

- E. A variance, if granted, is issued to the property and shall be required to be recorded with the Twin Falls County Recorder within one year. Failure to properly record the variance renders the approval of the variance void.
- F. Once granted and recorded, a variance is permanent and runs with the land.

8-16-3: **APPLICATION PROCESS:**

- D. **Application:** An applicant shall submit a completed application for a variance, along with a fee as set by the Board of County Commissioners, to the Community Development Services Department.
 - 1. The application shall include the following:
 - a. Name, email address, and address of the applicant. If the applicant is not the owner of the property, the name, email address, and address of the owner shall be supplied along with proof of authorization from the owner to apply for the variance. Proof of ownership must accompany the application.
 - b. A statement describing the reason for the variance request including the nature of the special characteristics on the property and the undue hardship the applicant will experience if the variance is not granted.
 - c. Any additional information, maps, or plans requested by the Director and/or the Planning and Zoning Commission.
- E. **Completeness:** When an application is received, the Director will review it for completeness described in 8-3-6.
- F. **Notice and Hearing:** The matter will be noticed as described in 8-3-8 and heard by the Planning and Zoning Commission as described 8-3-9.
- G. **Decision:** After the hearing(s), the Commission will issue a written decision granting, granting with conditions, or denying the application for a variance. The Commission shall specify the ordinance standards used in evaluating the application; the reasons for approval or denial; and the actions, if any, that the applicant could take to obtain approval.
 - 1. **Required Findings:** The Commission may grant a variance if it finds all of the following:
 - a. The characteristics of the site created an undue hardship on the applicant; and
 - b. The hardship was not self-imposed; and

- c. Granting the variance is not in conflict with the purpose and intent of the Comprehensive Plan, the purpose and intent of the Zoning Code, or the public interest.

8-16-4: **REAPPLICATION:** When a variance has been denied, no application for a variance for the same or substantially the same issue on the same or substantially the same site shall be filed within one hundred eighty (180) days from the date of denial.

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