

10-12-1: GENERAL SUBDIVISION REGULATIONS

10-12-1-1: AUTHORITY.

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

10-12-1-2: PURPOSE.

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

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

- H. The administration of these regulations by defining the powers and duties of approval authorities.

10-12-1-3: JURISDICTION.

These regulations shall apply to the subdividing of land within the corporate limits of the City.

10-12-1-4: INTERPRETATION.

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

10-12-1-5: ADMINISTRATION.

The administration of this Chapter shall be conducted by the Administrator.

10-12-2: PROCEDURE FOR SUBDIVISION APPROVAL

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

- A. Any person desiring to create a subdivision, as herein defined, shall submit all necessary completed applications to the Administrator on forms as provided by the City.
- B. All applicant shall go through the following reviews:
 1. Subdivision Concept
 2. Short Plat or Preliminary Plat, whichever is applicable,
 3. Public Infrastructure Construction Plan
 4. Final plat

CHAPTER 12 SUBDIVISION REGULATIONS

- C. No Final Plat shall be filed with the County Recorder, or improvements made on the property, until the Preliminary Plat has been acted upon by the Planning and Zoning Commission, where required, and a Final Plat has been approved by the City Council.
- D. No lots shall be sold until the Final Plat has been recorded in the office of the County Recorder.

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

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

- 4. Consideration of other local and state agencies that the subdivider should contact before preparing a preliminary plat.

10-12-2-3 SHORT PLAT

- A. Purpose: The purpose of the Short Plat Process is to allow for minor subdivisions of land through a streamlined process. The ideal scenario is intended for in-fill development where no further subdivisions will occur on adjacent properties.
- B. Applicability: Short Plats shall adhere to the following:
 - 1. Shall not involve a total area exceeding five acres.
 - 2. Shall not Create more than five lots.
 - 3. Parent Parcel Clause: The “parent” lot, or parcel must not have been created using the short plat process within the last 10 years of recording date.
 - 4. All new parcels abutting public right-of-way shall install access approaches to current standards.
 - 5. Any existing structures shall connect to centralized sewer and water.
 - 6. Subdivisions of Special Concern shall not qualify for short plat consideration.
- C. Application Process: The subdivider shall file a complete short plat subdivision application with the administrator, on forms furnished by the City.
 - 1. The administrator, or designee, shall review the application for completeness.
 - 2. The administrator, or designee, shall conduct an inter-departmental technical review to evaluate compliance with Preliminary and Final Plat standards and requirements for

utilities, stormwater management, access, fire safety, and any other relevant public facilities.

3. The City may provide copies of submitted documents to outside agencies that may be impacted by the proposed development, as necessary.
 4. Written notice to the owners of property within 100 feet of the exterior property lines of the project shall be provided. The written notice shall provide:
 - a. The proposed short plat drawing;
 - b. General information concerning the proposal; and
 - c. Time frame of no fewer than 10 days for submitting written comments from the date of mailing.
- D. Decision and Appeal: The City Engineer, or designee, must find that all criteria outlined in 10-12-2-4 have been met.
1. The City Engineer, or designee, shall act as a Hearing Examiner in accordance with Idaho Code § 67-6520.
 2. The Hearing Examiner shall render a written decision to approve, approve with conditions, or deny the request for short plat.
 3. Notice of the action taken will be mailed to the applicant and all owners of real property who received notice as required by this section.
 4. A decision to deny the application must indicate the reasons for denial and explain what steps are necessary to obtain approval.
5. The applicant or any affected party may appeal the decision of the City Engineer by filing a notice of appeal with the Planning Director no later than 10 days after the City Engineer's decision.
 - a. The appeal must be in writing and explain in a clear and concise fashion the basis for appeal.
 - b. The appeal will be set as a consideration item before the City Council at the next regularly scheduled meeting at which it can be reasonably accommodated.
 - c. The City Council will base its decision on whether the findings required by this title have been met.
 - d. The City Council will render a written decision to the applicant and any party appealing the original decision. The Director shall also make the City Council decision available for public inspection.
 6. Upon preliminary plat approval by the City, the developer may apply for a final plat and construction documents as required elsewhere in this title.
- E. Approval Period: Approval of a Short Plats is valid for one year from the date of final written decision. Any Plat not recorded within 1 year of final approval shall be considered expired.
- All other limitations, requirements and restrictions on final plats, public infrastructure construction, and warranties are applicable to short plats.

CHAPTER 12 SUBDIVISION REGULATIONS

10-12-2-4: PRELIMINARY PLAT:

- A. Application: The subdivider shall file with the administrator a complete subdivision application containing all required information prior to any official review taking place.
- B. Content Of Preliminary Plat Application: The contents of the preliminary plat and related information shall be in such form as stipulated by the administrator as listed on the official application. Additional information may also be required as deemed necessary by the Administrator. A completed application shall contain at least the following:
1. A signed application.
 2. A preliminary plat drawing of the proposed subdivision, drawn to the specifications, standards and requirements listed on the application.
 3. Water modeling results that indicate the new subdivision/development can be developed in a manner that will provide adequate water supply for domestic water and fire protection and the new subdivision/development will not adversely affect the city's ability to continue to provide adequate domestic water and fire protection to the existing water system users. The cost of the water modeling will be the responsibility of the developer.
 4. Sewer treatment modeling results that indicate the new Subdivision/development can be developed in a manner that will provide adequate sewer service and sewer treatment capacity by the city and the new subdivision/development will not adversely affect the city's ability to continue to provide adequate sewer treatment capacity to the existing sewer system users. The cost of the sewer modeling will be the responsibility of the developer.
5. Appropriate information that sufficiently details the compliance of the proposed development with any special development criteria when applicable (see 10-12-5 Special Development Subdivisions).
- C. Administrator Review:
1. Certification: Upon receipt of the submitted preliminary plat application, the Administrator, shall review the application for complete information. When the application is deemed complete the date of application acceptance shall be affixed thereon.
 2. Review: The Administrator shall receive a written review of the application from the City Engineer prior to any action taken by the Commission. Additionally, the Administrator may require the developer to submit the application materials to other agencies as deemed necessary. Such agencies may include the following:
 - a. Other governing bodies having joint jurisdiction;
 - b. The appropriate utility companies, irrigation companies or districts and drainage districts;
 - c. The superintendent of the school district; and
 - d. Other agencies having an interest in the proposed subdivision.External agencies shall have a time frame of no fewer than 10 days for submitting written comments from the date of notification.

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

D. Notification to Property Owners:

1. Written notice to the owners of property within 300 feet of the exterior property lines of the project shall be provided at least 15 days prior to the meeting. The written notice shall provide:
 - a. The proposed preliminary plat drawing;
 - b. General information concerning the proposal; and
 - c. Deadline for submitting written comments.
2. Site Posting: Notice shall be posted on site as follows:
 - a. At least 15 days prior to the meeting, the written notice shall be posted on the premises.
 - b. The applicant shall post the required notice on the premises as follows:
 - i. Notice shall be provided by not less than one sign located on the subject property adjacent to each street frontage of the property. In the event that the subject property is not adjacent to a public street, signs may be placed within the nearest public street right-of-way with prior approval from the Administrator and the owner of the right of way.

- ii. Signs shall be placed on the property so as to remain clearly visible from adjacent streets. In the event that visibility of signs located on the property is obstructed, signs may be placed within the adjacent street right-of-way with prior approval from the Administrator and the owner of the right of way.
- iii. Additional notice signs may be required as determined by the Administrator.
- iv. The applicant shall remove the posted notice sign(s) from the property not more than five days after decision.

c. Notice Sign Design Requirements:

- i. Notice signs shall be made from metal, plywood, or an equivalent hard surface and shall be mounted on 2 posts in a manner that is most visible to the street.
- ii. Size of Notice Signs. Notice signs shall be a minimum of two feet tall by 3 feet wide and mounted so the bottom of the sign is at least 2 feet above the ground.
- iii. Notice signs shall be blue in color. At the top of the sign, notice signs shall include each of the following with a minimum size of 6 inch black letters:
 - A. The words, "Notice of Subdivision;"

CHAPTER 12 SUBDIVISION REGULATIONS

- B. The words, “for more information call”, and then the phone number for the city’s planning and zoning department; and
 - C. The official city logo.
 - d. Notice signs shall include a brochure holder mounted to the sign containing the written notice.
- E. Commission Action:
- 1. Consideration by Commission:
The Commission shall review the preliminary plat, written comments from concerned persons and agencies, and the report from the Administrator to arrive at a decision on the preliminary plat.
A public hearing is not required to consider a preliminary plat.
 - 2. Commission’s Findings: In determining the acceptance of a proposed subdivision the Commission shall consider the following:
 - a. The Standards and Regulations of this Title;
 - b. General conformance of the subdivision with the Comprehensive Plan;
 - c. The availability of public services to accommodate the proposed development;
 - d. Other health, safety or environmental problems that may be brought to the Commission’s attention.
- 3. Decision on Preliminary Plat:
The Commission may approve, conditionally approve, deny, or table for additional information when acting on the preliminary plat. If tabled, approval or disapproval shall occur at the regular meeting following the meeting at which the preliminary plat is first considered by the Commission.
 - 4. Reasoned Decision Required. The reasoned decision shall be stated in writing and provided to the applicant within 30 days of the Commission’s action. Upon granting or denying a preliminary plat the Commission shall specify:
 - a. The regulations and standards used in evaluating the application;
 - b. The reasons for approval or denial; and
 - c. The actions, if any that the applicant could take to obtain plat approval.
- F. Approval Period: Preliminary plat approvals shall be valid for 24 months from the date of written decision by the Commission, or the recordation date of the preceding phase of development in an approved subdivision.
- 1. The planning commission, upon written request, may grant two extensions of 12 months each upon a finding that the preliminary plat complies with current development requirements and all applicable conditions of approval. The commission may apply conditions to the extension to ensure compliance with adopted policies or ordinance changes since the original approval.

2. A request for an extension of a preliminary plat approval must be received by the Administrator within 45 days after the approval lapse, and must be accompanied by the required fee.
3. In any case, at 6 years from preliminary plat approval, any subsequent Final Plat submittal shall follow adopted standards for infrastructure construction at the time of final plat submittal.

C. Administrator Review.

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

10-12-2-4: FINAL PLAT.

- A. Application: After the approval, or conditional approval, of the preliminary plat, the subdivider may file a final plat application for the total parcel, or any part thereof, including the payment of fees to defray the costs and expenses of plan checking all associated documents.
- B. Content Of The Final Plat: The final plat documents shall be in compliance with all items required under title 50, chapter 13 of the Idaho Code, and contain the following:
 1. Proof of current ownership of the real property included in the proposed final plat.
 2. Substantial conformance with the approved preliminary plat, meeting all requirements or conditions thereof.
 3. Conformance with all requirements and provisions of this Title.
 4. Acceptable engineering practices and local standards established by the City Engineer.
 5. Any other pertinent information the administrator, or Council, may deem necessary to arrive at a decision.

CHAPTER 12 SUBDIVISION REGULATIONS

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

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

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

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

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

- F. Final Documents: Prior to recording the final subdivision plat, the subdivider shall submit to the administrator:

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

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

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

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

1. The City Council, upon written request, may grant 2 extensions of 12 months each upon a finding that the Final Plat complies with current development requirements and all applicable conditions of approval. The City Council may apply conditions to the extension to ensure compliance with adopted policies or ordinance changes since the original approval.
2. A request for an extension of a Final plat approval must be received by the administrator within 45 days after the approval lapse and must be accompanied by the required fee.
3. In any case at 6 years from preliminary plat approval, any subsequent Final Plat submittal shall follow adopted standards for infrastructure construction at the time of final plat submittal.

H. Recording of Final Plat: Upon approval of the final plat, the applicant may proceed to recording the plat through the following process:

1. Pay any outstanding City of Twin Falls fees,
2. Posting of surety bond, or other acceptable guarantee for the public improvements, as outlined within this Title,
3. Providing a final plat mylar which accommodates for the following signatures and restriction:
 - a. Certification and signature of the city council verifying that the subdivision has been approved;

- b. Certification and signature of the City Engineer verifying that the subdivision meets the city requirements; and
- c. Certification of the sanitation restrictions on the face of the plat per Idaho Code § 50-1326.

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

10-12-3: PUBLIC INFRASTRUCTURE DESIGN STANDARDS

10-12-3-1: MINIMUM STANDARDS.

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

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

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

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

CHAPTER 12 SUBDIVISION REGULATIONS

10-12-3-3: STREET LOCATION.

Street and road locations shall conform to the following:

- A. Street Location and Arrangements: All street locations shall conform to the Twin Falls Master Transportation Plan where applicable. Collector streets may contain curvature throughout a development at the discretion of the City Engineer per engineering standards and best practices.

However, such trafficways shall maintain the city wide grid type pattern for connectivity as close to one-fourth of a mile as is reasonably feasible.
- B. Stub Streets: Where adjoining areas are undeveloped, new subdivisions shall be designed and constructed to make provisions for the future extension of streets into adjacent areas. Temporary cul-de-sacs may be required at the discretion of the City Engineer.
- C. Relation to Topography: Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and acceptable gradients.
- D. Alleys: Alleys shall be provided in multi-dwelling or commercial subdivisions unless other provisions are made for service access and off-street loading and parking. Dead end alleys shall be prohibited in all cases.
- E. Cul-De-Sac Streets: Cul-de-sac streets shall not be more than 500 feet in length and shall terminate with an adequate turnaround having a minimum radius per the current City of Twin Falls Standards.
- F. Half Streets: Half streets shall be prohibited, unless required by condition of approval by the Planning Commission or City Council through the Platting process.
- G. Private Streets: Private streets shall be constructed to the local road standard as listed in ISPWC.

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

10-12-3-4: STREET SPECIFICATIONS.

- A. Right Of Way Widths: Right of way widths shall conform to the adopted plans or standards of the City.
- B. Street Grades: Street grades shall not exceed ten percent on either local or collector streets and six percent for arterial streets. Minimum street grades shall be four-tenths percent.
- C. Street Alignment: Street alignment shall be as follows:
 - 1. Horizontal alignment: Shall be in accordance with section 10-12-3-12 of this chapter.
 - 2. Vertical alignment: Minimum stopping sight distances shall be 200 feet for minor streets and designed in accordance with design speed for collector and arterial streets.

10-12-3-5: STREET NAMES.

The naming of streets shall conform to the following:

- A. Street names shall not duplicate any existing name within the limits of this title except where a new street is a continuation of an existing street. Street names if spelled differently but sound the same as existing streets shall not be used.
- B. All new streets shall be named as follows: Streets having predominantly north-south direction shall be named "street" or "way"; streets having a predominantly east-west direction shall be named "avenue" or "road"; meandering streets shall be named "drive", "lane", "path" or "trail" and cul-de-sacs shall be named "circle", "court" and "place".

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

10-12-3-6: INTERSECTIONS.

- A. Angle of Intersection: Streets shall intersect at ninety degrees or as closely thereto as possible, and in no case shall streets intersect at less than eighty degrees.
- B. Sight Triangles: Minimum clear sight distance at all street intersections shall permit vehicles to be visible to the driver of another vehicle when each is 100 feet from the center of the intersection. The City Engineer may increase this distance where reasonable based on situational circumstances. See also section 9-9-16 of this code.
- C. T Intersections: T intersections may be used at the discretion of the City Engineer.
- D. Centerline Off Sets: Street centerlines shall be offset by a distance of at least 300 feet on arterials, and 150 feet on all others.
- E. Vertical Alignment of Intersection: A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be extended a minimum of 100 feet each way from the intersection. An allowance of two percent maximum intersection grade.

10-12-3-7: PATHWAY CONNECTIONS.

- A. Right of way for pathway connections in the middle of long blocks, and at the terminus of cul-de-sacs, may be required to ensure non-motorized circulation routes to schools, parks, or for the general welfare of a robust public sidewalk/trail network.
- B. Pathway easements shall be no less than 15 feet wide, and contain a paved walkway at least ten feet wide.
- C. Additional landscaping and safety features may be required within the pathway connection at the discretion of the administrator, including but not limited to lighting, bollards, gates, etc.

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

- A. Unobstructed utility easements shall be provided along front lot lines. Additional utility easements for rear lot lines and side lot lines may be approved when necessary at the discretion of the City Engineer.
- B. Minimum utility easement size is 15 feet, or six feet from edge of pipe, whichever is greater.
- C. Unobstructed drainageway easements shall be provided at the discretion of the City Engineer.

10-12-3-9: LOT SIZE.

- A. Lot sizes and dimensions shall conform to the minimum requirements of the applicable zoning district.
- B. Sufficient Lot Size for Septic Tank: Where individual septic tanks have been authorized, sufficient lot size shall be provided for a replacement drain field.

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

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

CHAPTER 12 SUBDIVISION REGULATIONS

- B. Construction Standards: Stormwater Retention/Detention areas shall meet the standards found in City of Twin Falls revisions to ISPWC (Idaho Standard for Public Works Construction) and The City of Twin Falls Parks Department Landscape and Irrigation Specifications.
- C. Dedication and Maintenance: All stormwater retention/detention facilities shall be dedicated to the city upon completion and acceptance of all required improvements. Irrevocable Restrictive Covenants for each development shall be required in order to provide the City the right to add a fee to the City Utility bill of each account within the development, for the purpose of maintaining stormwater facilities.

10-12-3-11: RESTRICTIVE COVENANTS.

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

10-12-3-13: RIGHT OF WAY AND OTHER PUBLIC WAY REQUIREMENTS.

	LOCAL (FT)	COLLECTOR (FT)	ARTERIAL (FT)
Min Row Width	50	78	92
Min Tangent Length	100	250	500
Min Centerline Radius	100	250	500
Multi-Use Path	15	15	15
Minimum cul-de-sac:			
Diameter	110	NA	NA

10-12-4: PUBLIC INFRASTRUCTURE CONSTRUCTION STANDARDS.

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

- A. It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by an active licensed engineer, a complete set of construction plans, including profiles, cross sections, specifications and other supporting data, for all required public streets, utilities and other facilities.
- B. Such construction plans shall be based on preliminary plans that have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies. All construction plans shall be prepared in accordance with the public agencies' standards or specifications.

10-12-4-2: PLAN ELEMENTS:

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

- A. **Monuments:** Monuments shall be required as per Idaho Code.
- B. **Streets And Alleys:** All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the City Engineer.
- C. **Curbs And Gutters:** Curbs and gutters shall be constructed on all streets.

All construction shall be in accordance with the standards and specifications adopted by the City Engineer.
- D. **Bicycle Pathways:** A bicycle pathway shall be provided within all subdivisions, as part of the public right of way or separate easement, as may be specified in an overall bicycle plan as adopted by the council or the Comprehensive Plan (including associated chapters/plans).

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

Existing power utilities or new large transmission lines shall not be required to be buried.
- F. **Driveways:** All driveway openings in curbs shall be as specified by the City Engineer, highway district or state highway department; whichever entity has jurisdiction.
- G. **Storm Drainage:** Refer to section 10-11-8 of this title for drainage requirements.
- H. **Public Water Supply, and Sewer Systems:** All new public water supply, or sewer systems shall be an extension of an existing public system.
- I. **Fire Hydrants and Water Mains:** Adequate fire protection shall be required in accordance with standards established by the City Engineer; or the Fire Marshal per National Fire Protection Agency Standards.
- J. **Street Name Signs:** Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the local standards set forth by the City Engineer.
- K. **Sidewalks and Pedestrian Walkways:** Sidewalks shall be required on both sides of the street, and located within Right-of-Way.

Sidewalks, crosswalks, and Pedestrian Walkways shall be constructed in accordance with the standards and specifications as adopted by the City Engineer.
- L. **Mailboxes:** Mailbox locations shall conform to ISPWC, or U.S. Postal Service standards, and not impede traffic or pedestrian flow.
- M. **Greenbelt:** Greenbelts or landscaping screening may be required for the protection of residential properties from adjacent major arterial streets, waterways, railroad rights

CHAPTER 12 SUBDIVISION REGULATIONS

of way or other features as required by the Commission or Council. Subdivision plats shall show the location of any greenbelt areas.

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

O. Arterial and Collector Street Landscape Buffer and Detached Sidewalk Placement:

1. Landscaping and sidewalk placement is required adjacent to arterial and collector streets. The developer shall install a 6 foot landscape area with ground cover and trees immediately behind the curb line, followed by a six foot sidewalk. The landscaping area shall contain ground cover, trees, and an adequate watering system.
2. The ground cover and trees shall meet 10-9 of this Title. The water system shall follow the Landscaping and Irrigation Specifications set forth by the Parks Director.
3. This common landscape area may be maintained by the City only when funded through a fee added to the water bill of each account within the development through irrevocable restrictive covenants recorded upon each development.
4. Alternative landscaping, including trees and ground cover, may be approved by the Parks Director.

P. Pressure Irrigation System:

1. The use of the city's potable water supply as the primary source of irrigation water in all new developments shall be prohibited. For purposes of this subsection, the term "new development" means any new subdivision or ZDA, or any development of any parcel of land

one acre or larger that is not part of a subdivision or ZDA.

2. All new developments shall include an operating pressure irrigation system constructed to city standards and approved by the City Engineer. Developers shall connect to or construct a regional pump station. The pressure irrigation system shall be operational prior to the first building permit being issued for that station's service area.
3. One share of Twin Falls Canal Company water for each acre of property within the subdivision shall be transferred to the city before the filing of the final plat.
4. The City Engineer may authorize relief from the requirement of a pressure irrigation system, owing to special conditions, where a literal enforcement of the provisions of this subsection would result in unnecessary hardship.
 - a. Special conditions may include, but are not limited to, small developments in terms of acreage, developments without viable access to irrigation water delivery, or developments without Twin Falls Canal Company water shares.
 - b. The City Engineer shall not authorize relief from the requirement of an operating pressure irrigation system unless an alternate provision has been approved by the City Engineer. Alternates may include, but shall not be limited to, required xeriscaping (i.e., landscaping in ways that do not require supplemental irrigation), payment of an in-lieu fee equal to the estimated cost of construction of an operating pressure

irrigation system (including land acquisition), or some combination of these or other acceptable options.

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

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

- A. Conditional Approval of Final Plat: the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:
 - 1. The construction of improvements required by this title shall have been completed by the subdivider and approved by the city engineer.
 - 2. Surety acceptable to the council shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit or surety bond.
- B. Financial Guarantee Arrangements: In lieu of the actual installation of required public improvements before recording of the final plat, the City Engineer may permit the subdivider to:
 - 1. Execute a trust and escrow agreement and record a notice prohibiting the sale of an undeveloped lot, or
 - 2. Provide a financial guarantee of performance as agreed upon between the developer and the City Council through the "Improvement Agreement for Developers."
- C. Inspection Of Public Improvements Under Construction shall follow the process outlined within the Improvement Agreement for Developers. This agreement shall be executed prior to recording the final plat.

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

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

10-12-5: SPECIAL DEVELOPMENT SUBDIVISIONS

10-12-5-1: PURPOSE.

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

10-12-5-2: CONDOMINIUM SUBDIVISIONS.

- A. Condominium developments shall be subject to requirements set forth in this title and also subject to all provisions herein contained.
- B. Condominium subdivisions do not require a preliminary plat.
- C. Allowances: Developments complying with Idaho Condominium Act are permitted to apply for a condominium subdivision.

CHAPTER 12 SUBDIVISION REGULATIONS

- D. Site Development Plan: The developer shall provide the commission with a colored rendering of adequate scale to show the completed development that will include at least the following where applicable:
1. Architectural style and building design.
 2. Building materials and color.
 3. Landscaping.
 4. Screening.
 5. Solid waste areas.
 6. Parking.
 7. Open space.
 8. Any other items deemed appropriate by the Administrator to adequately depict the development.
- E. Owners' Association: The Owners' association bylaws and other similar deed restrictions, which provide for the control and maintenance of all common areas, recreation facilities or open space shall meet with the approval of the council. Any and all powers as specified in such agreements may also be assigned to the council and the city may elect to accept said powers for the purpose of assessing property for delinquencies and enforcement of motor vehicle regulations to protect the best interests of the owners involved and of the general public.
- F. Storage Areas: Storage areas shall be provided for the anticipated needs of boats, campers and trailers. For typical residential development, 200 square feet shall be provided for every two living units. This may be reduced by the Council if there is a showing that the needs of a particular development are less.
- G. Parking Space: One additional parking space beyond that which is required by Chapter 8 of this Title may be required for every three dwelling units to accommodate visitor parking.
- H. Maintenance Building: A maintenance building may be provided by the developer, size and location to be suitable for the service needs that are necessary for the repair and maintenance of all common areas.
- I. Open Space: The location of open space shall be appropriate to the development and shall be of such shape and area to be usable and convenient to the residents of the development.
- J. Control During Development: Single ownership or control during development shall be required and a time limit may be imposed to guarantee the development is built and constructed as planned.
- K. Storm Drainage: Refer to Section 10-7-9 for additional drainage requirements.

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

- A. Planned townhome subdivision developments shall be subject to requirements set forth in this Title and also subject to all provisions contained herein.
- B. Allowances: See Chapter 3 & 6 of this Title. Except for side yard and lot area requirements which are as specified below.
- C. Site Development Plan: The developer shall provide the Commission with the following:
1. Plat Map with building envelopes.
 2. Common wall agreement detailing the specifics of ownership and maintenance for the common walls between buildings.
 3. Maintenance Easements, where applicable, must be shown on the plat.

4. Other common area easements and owners association documents, if applicable.
- D. Requirements:
1. Lot Area: No minimum, the project shall not have more density than the base Zoning District for single family homes. Common area may be counted towards lot size requirements.
(Example: TN2 District = 4000 sq ft per single family home. Townhome subdivision in the TN2 District of 1 acre: $43560 / 4000 = 10$ Total townhomes within the project area.)
 2. Front Yard: Same as in Chapter 3 of this Title as specified in each zone.
 - a. Platted Common Area may be used to satisfy this setback requirements.
 3. Rear Yard: Same as in Chapter 3 of this Title as specified in each zone.
 - a. Platted Common Area may be used to satisfy this setback requirements.
 4. Zero Side Yard: The zero side yard shall not be adjacent to a public or private right of way.
 5. Windows: No window shall be placed on the zero lot line.
 6. Projections: No portion of the dwelling or architectural projections other than rain gutters may project over any property lines.
 7. Blocks of townhomes shall have a maximum of number of lots as listed in 10-6-13.
- E. Storm Drainage: Refer to section 10-7-9 of this Title for additional drainage requirements.

10-12-5-7: CEMETERY SUBDIVISION:

- A. Function: The developer shall provide the commission with written documentation that will sufficiently explain the functions of the proposed cemetery for either human or animal remains.
- B. Compliance With Idaho Code: The developer shall submit a written statement that has been prepared by an attorney that adequately assures the compliance of the proposed cemetery with the procedural management requirements that are outlined in Title 27, Idaho Code.
- C. Storm Drainage: Refer to section 10-7-9 of this Title for additional drainage requirements.

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

- A. Flood Areas: For any proposed subdivision that is located within a floodplain, the developer shall provide the commission with a development plan of adequate scale and supporting documentation that will show and explain at least the following:
 1. Location of all planned improvements.
 2. Location of the floodway and the floodway fringe as shown on the FEMA flood insurance rate map and flood insurance study referenced in 10-13 of this Title or as established by engineering studies and approved by the City Engineer.
 3. Location of the present water channel.
 4. Any planned rerouting of waterways.
 5. All major drainageways.
 6. Areas of frequent flooding.
 7. Means of floodproofing buildings.
 8. Means of insuring loans for

CHAPTER 12 SUBDIVISION REGULATIONS

improvements within the floodplain.

9. For subdivisions of 50 or more lots or of 5 acres of area or more, base flood elevations where flood elevation data has not been established.
 10. Storm drainage: Refer to section 10-7-9 of this title for additional drainage requirements.
 11. New construction and substantial improvements of residential structures within the floodplain shall meet the requirements of subsection 10-13, "Residential Construction", of this Title.
- B. Justification For Development:
1. Upon the determination that buildings are planned within the floodplain or that alterations of any kind are anticipated within the floodplain area that will alter the flow of water, the developer shall demonstrate conclusively to the commission that such development will not present a hazard to life, limb or property and will not have adverse effects on the safety, use or stability of a public way or drainage channel or the natural environment.
 2. No subdivision or part thereof shall be approved if levees, fills, structures or other features within the proposed subdivision will individually or collectively significantly increase flood flows, heights or damages. If only part of a proposed subdivision can be safely developed, the council shall limit development to that part and shall require that development proceed consistent with that determination.
3. The subdivision shall be reviewed to assure that:
 - a. All such proposals are consistent with the need to minimize flood damage;
 - b. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages;
 - c. All necessary state and federal permits required for the development have been received pursuant to FEMA chapter 1, part 60, subpart 60.3(a)(2);
 - d. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;
 - e. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated by the developer for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres, whichever is less;
 - f. New or replacement water supply systems and/or sanitary sewage systems shall be designated to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and require on site waste disposal systems to be located so as to avoid impairment of such systems or contamination from such systems during flooding;

- g. In new or substantially improved manufactured home parks or manufactured home subdivisions:
 - i. Stands or lots are to be elevated on compacted fill or pilings so that the lowest floor of the manufactured home is above the base flood level.
 - ii. Adequate lot surface drainage and access for a tractor are to be provided.
 - iii. In the instance of elevation on pilings, lots are to be large enough to permit steps, piling foundations are to be placed in stable soil no more than 10 feet apart and reinforcement is to be provided for pilings more than 6 feet above the ground level.

- 6. Unique animal life
- 7. Unique plant life
- 8. Unstable soils and rock formations
- 9. Other areas of critical concern

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

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

- 1. What changes will occur to the area of environmental concern as a result of the proposed development?
- 2. What corrective action or alternative development plans could occur so as not to significantly change the area of environmental concern?
- 3. What changes in the area of environmental concern are unavoidable?
- 4. What beneficial or detrimental effects would the development have on the environment such as animal life, plant life, social concerns, economic conditions, noise, audio and visual conditions?
- 5. Storm drainage: Refer to section 10-7-9 of this title for additional drainage requirements.

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

- A. Hazardous or unique areas may be designated as an area of critical concern by the council or by the state.
- B. Special consideration shall be given to any proposed development within an area of critical concern to assure that the development is necessary and desirable and in the public interest in view of the existing unique conditions. Hazardous or unique areas that may be designated as areas of critical concern are as follows:
 - 1. Avalanche paths
 - 2. Earthquake locations
 - 3. Floodplain
 - 4. Historical significance
 - 5. Scenic areas