

Title 10

SUBDIVISIONS¹

Reserved

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1](#): Ordinance 21 was divided into 2 separate titles (title 8, "Zoning" and title 10, "Subdivisions") for organizational purposes.

Chapter 1

GENERAL PROVISIONS

10-1-1: PREAMBLE:

From the effective date hereof, all subdivisions and plats of any tract of land located wholly or in part in the County of Twin Falls, Idaho, or within one mile of the city limits of any city, shall comply with the following requirements of this Title. (Ord. 21, 12-1-1998)

10-1-2: DEFINITIONS:

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.

DEVELOPMENT AGREEMENT: An agreement between Twin Falls County and the developer which sets out the manner in which real property will be improved.

DOUBLE FRONTAGE LOT: A lot fronting on two (2) nonintersecting streets.

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

IMPROVEMENTS: Changes in the physical characteristics of the land within the subdivision and/or those facilities which serve the purpose of adding to the general usability of the land.

OWNER: The individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest or legal title in the land to be subdivided to commence and maintain proceedings under this Title.

PEDESTRIANWAY: A strip of land dedicated to the public use for foot traffic only.

PLANNING COMMISSION: The County of Twin Falls, Idaho Planning Commission.

PLAT: The drawing, map or plan of a subdivision, cemetery, town site or other tract of land, or a replatting of such, including certifications, descriptions, and approvals.

RESERVED STRIP OR EASEMENT: An area of land shown on a plat and intended to serve as access to streets or alleys but not intended for dedication to the public.

SHALL: Is mandatory.

STREET, ARTERIAL: A street used primarily for through traffic.

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 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 used exclusively for access to abutting properties.

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

SUBDIVISION: The result of an act of dividing an original lot, tract or parcel of land into more than three (3) parts for the purpose of transfer of ownership or development. However, this Title shall not apply to any of the following:

- A. An adjustment of lot lines as shown on a recorded plat 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 change the original number of lots in any block of the recorded plat.
- B. An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property.
- C. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code.
- D. Widening of existing streets to conform to a comprehensive plan.
- E. The acquisition of street rights of way by a public agency in conformance with a comprehensive plan.
- F. The exchange of land for the purpose of straightening property boundaries which does not result in the change of the present land use.
- G. Land divided into parcels all of which are forty (40) acres in the Agricultural Zone (A) or one hundred sixty (160) in the Agricultural Range Preservation Zone (ARP).
- H. One division of land on an agricultural unit forty (40) acres in the Agricultural Zone (A) or one hundred sixty (160) in the Agricultural Range Preservation Zone (ARP) for ag-exemption.

Residential subdivisions are not permitted in the agricultural, airport, Commercial or Industrial zones. Residential subdivisions are permitted in the Rural Residential Zone.

In platted subdivisions, one acre minimum lot size may allow slight variation for inclusion of right-of-way easements at health department discretion.

A minimum lot description shall recognize a plus or minus five percent ($\pm 5\%$) variation.

SURVEYOR: The County shall choose and require a legally qualified surveyor 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. (Ord. 21, 12-1-1998)

Chapter 2

PLAT PROCEDURES AND REQUIREMENTS

10-2-1: APPROVAL OF PLAT:

No plat shall be recorded, or offered for record, nor shall any land be offered for sale with reference to such plat, until the said plat has been submitted to the Planning Commission and approved by the Board of County Commissioners which shall ascertain, before approving it, that the said plat has satisfied all of the requirements of this Title and State law. (Ord. 21, 12-1-1998)

10-2-2: PERMITS:

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. (Ord. 21, 12-1-1998)

10-2-3: PREAPPLICATION:

- A. Preparation: The subdivider shall submit to the County Zoning Administrator a drawing of the area to be subdivided. Drawing shall note outside dimensions of property, proposed lot sizes, location and width of streets, alleys, easement strips for utilities and other information he may have available.
- B. Purpose: The purpose of the "preapplication procedure" is to afford the subdivider an opportunity to avail himself of the advice and assistance of the County Zoning Administrator before incurring the expense of exhaustive surveys and calculations. Thorough analysis of the problems at this state may expedite approval of the preliminary and final plats. (Ord. 21, 12-1-1998)

10-2-4: PRELIMINARY PLAT:

- A. Preparation: The subdivider shall submit to the Planning Commission a preliminary plat, together with improvement plans and other supplementary material. The preliminary plat shall include approval of:
1. The dimensions and layout of roads and streets and land surface drainage 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 Idaho Department of Public Health.
 3. Written approval of the canal company or district.
 4. Preliminary plat shall be prepared by a registered professional engineer or registered land surveyor.
- B. Purpose: 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.
- C. Scope: The preliminary plat shall contain a vicinity map and a detail map which shows all pertinent information to scale, in order that the Planning Commission may properly review the proposed development.
- D. Information Required: The preliminary plat shall include the following information:
1. Vicinity map to scale showing the relationship to the nearest major streets in the area.
 2. Detailed map which shall contain the following information:
 - a. General Information:
 - (1) 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 Zoning Department.
 - (2) Date, north point, and scale drawing.
 - (3) Location of the subdivision by section, township, and range.
 - (4) Names, addresses and telephone numbers of the owners, subdivider and designer of the subdivision.
 - b. Existing Conditions:
 - (1) Boundaries: Boundary lines of the tract, distances, and approximate acreage enclosed.
 - (2) Streets And Rights Of Way: Streets; location, name, present width, type of surfacing of all streets, alleys, and rights of way, including walks, curbs, gutters and culverts on and abutting the tract. There shall be no duplication in the name of the proposed subdivision

or roadways contained therein.

- (3) Easements: Approximate width, location and purpose of all existing easements on and abutting the tract.
- (4) Utilities And Sewers: Utilities on and abutting the tract; location and size of sanitary and storm water design plan.
- (5) Watercourses: Watercourses on or abutting the property showing the location and direction of flow.
- (6) Uses: Existing uses of the property, including the location and use of all existing structures to remain on the property after platting.
- (7) Zoning: Zoning on and adjacent to the tract.

E. Proposed Improvements:

1. Streets: Location, names, grid addressing, right-of-way widths.
2. Easements: Location, width and purpose of all easements.
3. Proposed Streets: Location of official plan lines of projected streets or highways as shown on the Official Master Plan of the County.
4. Lots: Approximate dimensions of all lots, and proposed lot and block numbers.
5. Uses: Proposed use of the property; including sites, if any, for multi-family dwellings, shopping centers, churches, industry, parks and playgrounds or other public or semipublic uses.
6. 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.
7. Sewage Disposal: Method of sewage disposal.
8. Written Statement: Such of the foregoing information as may not be shown practicably on the maps may be shown in separate statements, accompanying the preliminary plat.

F. Conditional Approval:

1. Submission: Two (2) copies of the preliminary plat and supplementary material specified shall be submitted to the Planning Commission at least fifteen (15) days prior to the regularly scheduled meeting for consideration.
2. 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.
3. Notice Of Approval: The action of the Planning Commission shall be noted on two (2) copies

of the preliminary plat. One copy shall be returned to the subdivider and the other retained by the Planning Commission.

4. 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. (Ord. 21, 12-1-1998)

10-2-5: FINAL PLAT:

- A. Time Limit: 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. If the subdivider wishes to proceed with the subdivision of his land after the expiration of the one year period, he 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 he 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 meet all the requirements of chapter 25, title 50, Idaho Code and shall include the following information:
 1. Name And Location Of Subdivision: Name of the subdivision, the acreage enclosed, and the location of the subdivision by section, township and range.
 2. North Point And Scale: North point and scale of drawing.
 3. 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.
 4. 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.
 5. Streets And Alleys: The location, name, width and curve dimensions of each street and alley or other public right of way.
 6. Easements: Location and width.
 7. Existing Utilities: Type, use, location and size.
 8. 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.
 9. Lot Lines: All lot lines with dimensions in feet and hundredths and with bearings and angles to the nearest thirty-seconds of arc.
 10. Blocks: Blocks shall be numbered consecutively throughout the tract and lots throughout each block.

11. Monuments: A certificate signed by the 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 ($\frac{3}{4}$ ") 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 ($\frac{5}{8}$ ") diameter iron rods at least thirty inches (30") in length. Lot corners shall be one-half inch ($\frac{1}{2}$ ") diameter steel rods at least twenty four inches (24") in length.

12. 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).
13. Preparation: Final plat shall be prepared by a registered professional engineer or registered land surveyor.

D. Procedure For Filing:

1. Submission: The final plat shall be submitted to the County Engineer for review. He will forward it to the Planning and Zoning Commission for approval. Subdivision verification fees shall be as indicated in Idaho Code 50-1305.
2. 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.
3. 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. Said trustee will be bound to administer over the affairs of the property owners within said subdivision insofar as the Twin Falls Canal Company water and stock pertaining thereto is concerned.
4. Fees: Fees shall accompany the final plat when presented to the Board of County Commissioners for approval, determined by fee schedule set by County Clerk.
5. 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. (Ord. 21, 12-1-1998)

10-2-6: PRINCIPLES OF ACCEPTABILITY:

- A. Summary: 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:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 2. 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 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, the County Commissioners shall require a sketch of a tentative future street system for the unsubdivided portion.
- 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 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: 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 shall conform to the street grid and pattern established herein and for the Official County Map.
- H. Reserved Strips Or Easements: 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. (Ord. 21, 12-1-1998)

10-2-7: DIMENSION AND LAYOUT REQUIREMENTS:

- A. Minimum Right-Of-Way Widths: Street right-of-way width shall be adequate for the type of street indicated by its function in the design of the land subdivided.
- B. Width: Width right of way shall meet the minimum requirements shown in the following table:

Type Of Street	Right-Of-Way Minimum
Arterial street	80 feet
For multi-family or commercial development and collector streets	60 feet
Residential street	50 feet
Cul-de-sac	
Dead-end street with turnaround	50 feet
Turnaround for cul-de-sac	40 foot radius
Alley	20 feet

- C. 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.
- D. Private Roads: Private roads shall conform to the following minimum standards:
1. Width: Twenty feet (20').
 2. Base: Eight inches (8") gravel.
 3. Surface: Two inches (2") asphalt.
- E. Intersections:
1. Horizontal Intersection Angle: Ninety degrees (90°) preferred; seventy five degrees (75°) minimum.
 2. Sight Distance: The County Commission may require such conditions as will establish and protect adequate sight distances for vehicular traffic at street intersections.
- F. 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.

G. Blocks: The lengths, widths and shapes of blocks shall be designed with due regard to:

1. Provisions of adequate building site suitable to the special needs of the type of use contemplated.
2. Needs for convenient access, circulation, control and safety of street traffic.
3. Limitations and opportunities of topography.

H. Lots:

1. Minimum Lot Requirements: Lot dimensions shall in all cases conform to the minimum requirements of the Zoning Ordinance for the district.
 2. Deed Covenants: Deed covenants shall prohibit construction of permanent structures on easements and proposed rights of way and also regulate setback requirements for that district.
 3. 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.
 4. Double Frontage And Reverse-Frontage: 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.
 5. 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 layout 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 County Commissioners consider it necessary.
 6. Property Lines At Intersections: Property lines at intersections shall be rounded with a minimum radius of ten feet (10').
- I. Easements For Utility Lines: Easements for sewer, water, gas, electric, telephone, drainage, irrigation or other public utilities shall be required. Easements of utility lines shall be a minimum of fifteen feet (15') in width, and centered on rear or side lot lines.
- J. 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.
- K. Pedestrianways: Pedestrianways with a minimum width of ten feet (10') shall be provided where such walkways are essential for public convenience.

L. Alleys:

1. Locations: Alleys shall be provided in commercial and industrial districts, unless other access to off-street parking and loading facilities is made as approved by the Board of County Commissioners.
2. 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.
3. Dead Ends: 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. (Ord. 21, 12-1-1998)

10-2-8: SEWAGE SYSTEM:

Method and extent of sewage disposal shall meet the standards of and be approved by the State of Idaho Department of Public Health. In a subdivision within a reasonable distance to an existing sanitary system, the subdivider may be required to make connection thereto. (Ord. 21, 12-1-1998)

10-2-9: LAND SURFACE DRAINAGE:

Such grading shall be done and such structures shall be provided by the subdivider as are deemed essential by the County to provide adequate storm water drainage. (Ord. 21, 12-1-1998)

10-2-10: RESPONSIBILITIES:

- A. Engineering: The subdivider shall be responsible for all engineering work. The County Engineer shall review the engineering work presented by the subdivider. In cases where the subdivision is being considered for annexation, the City Engineer may inspect the field work done by the subdivider.
- B. Streets; Alleys: The subdivider shall be responsible for the construction of street 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.
 1. 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.
 2. 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.

- C. **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.
- D. **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.
- E. **Traffic Controls, Streetlights, Signs:** Traffic control signals, streetlights, street name signs and traffic control signs shall be installed at the expense of the subdivider. Where the subdivision is being considered for annexation, the above items shall conform to the city standards.
- F. **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 the planning and zoning commission.
 5. 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.
- G. **Development Agreement:** A development agreement must be provided and approved by staff before the letter of approval is issued. (Ord. 21, 12-1-1998)
- H. **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 to the planning and zoning administration which will then review the request. Upon determining the request is complete, it will be forwarded to the board of county commissioners for consideration and action. The board may then either approve, deny, or modify the request. The request shall include the following:
1. Reason for the request.

2. Updated cost estimate for improvements.
3. Updated development agreement.
4. Performance guarantee for cost of improvements, the performance guarantee shall be dated to match the extended date requested.
5. Any other information as may be determined necessary to process the request.

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; the performance guarantee shall match the time being requested. (Ord. 228, 3-28-2012)

10-2-11: VARIATIONS AND EXCEPTIONS:

- A. Hardship: Where the board of county commissioners find that extraordinary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of the master plan of this title.
- B. Conditions: In granting variances and modifications the board of county commissioners may require such conditions as will, in their judgment secure substantially the objectives of the standards or requirements so varied or modified.
- C. Conformity: The regulations set forth in this zoning ordinance shall conform with and regulate, insofar as they are applicable, in accordance with the provisions of Idaho Code title 50, chapter 13. Any variations between any provisions of this title and applicable state law shall render only that particular nonconforming provision invalid and shall not affect the validity of the remaining provisions of this title. (Ord. 21, 12-1-1998)

10-2-12: GRID ADDRESSING¹:

- A. To be assigned by the developer and delivered to the county planning and zoning department.
- B. All street signs to be furnished and installed by the developer. (Ord. 21, 12-1-1998)

Chapter 3 PLANNED UNIT DEVELOPMENTS (PUD)

10-3-1: PURPOSE:

The purpose of this Chapter is to create a permit process to:

- A. Provide for the orderly and functional arrangement of land uses and buildings in an attractively developed site.
- B. Provide for the appropriate use of land that is unique in its physical characteristics or other circumstances warranting special methods of development.
- C. Whereas the regulations in this Title and the zoning categories are designed to apply to individual lots and minimum area parcels, the planned unit development procedure in Idaho Code 67-6515 is intended to be used to permit a degree of flexibility and diversification in the use of land for planned development which will provide a development as good or better in function and relationship to the area as the traditional lot by lot development.
- D. Constraints include, but are not limited to, the following: flood hazards, unstable geologic conditions, soil conditions, topography, high ground water areas and other characteristics that could endanger the residents or do environments harm. Development shall be denied, density limited or density clustered away from such areas. (Ord. 21, 12-1-1998)

10-3-2: GENERAL PROVISIONS:

- A. **Applicability:** Whenever an application is submitted for a planned unit development (PUD) as defined herein, the procedures set forth herein shall apply. Also the requirements of Chapters 1 and 2 of this Title, which are more restrictive than these PUD provisions, shall also apply.
- B. **Conformity Required:** Planned unit developments shall conform to the zones in which they are proposed. Latitude will be given to incorporate imaginative ideas and innovations, provided the planned unit developments shall conform to the purposes and objectives of the Comprehensive Plan.
- C. **Concurrent Processing:** An application for a planned unit development may be accompanied by all other discretionary requests, such as changes of zone, variances, conditional use permits and plats that may relate to the proposal. 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 the provisions of this Chapter are met.
- D. **Subdivision Of Land:** Planned unit developments that require the subdivision of land may also 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 Chapters 1 and 2 of 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.

- E. 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.
- F. 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.
- G. Private Roads: Private roads shall conform to the following minimum standards:
1. Width: Twenty feet (20').
 2. Base: Eight inches (8") gravel.
 3. Surface: Two inches (2") asphalt.
- H. Minimum Area: A planned unit development for the following principal uses shall contain an area of not less than:
1. Twenty (20) acres for residential development.
 2. Twenty five (25) acres for residential use with subordinate commercial or industrial use.
 3. Ten (10) acres for commercial use.
 4. Ten (10) acres for industrial use. (Ord. 21, 12-1-1998)

10-3-3: PROCEDURES:

- A. Application: An application for a PUD shall be submitted to the Director on forms provided for this purpose, and shall be accompanied by all information requested on said application.
- B. 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 his staff to determine the consistency of the proposal with applicable comprehensive plans and ordinances governing land development, consider the full impact and consequences of the proposal, discuss alternate plans or methods of development, formulate modifications that may be necessary, and 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.
- C. Preliminary Development Plan Submittal:
1. Filing: The applicant shall submit all applications and fees for consideration of the preliminary

development plan to the Planning and Zoning Department. Applications shall be completed as specified by the Director or designated staff member. The Director shall have a reasonable time from the date of submittal of the application to accept or reject the application. Rejection of the application shall occur in writing and shall have an explanation of what materials are found to be inaccurate or incomplete. If rejected, the applicant may appeal the decision to the Commission. If applicable, preliminary subdivision plats, consistent with the requirements of Chapters 1 and 2 of this Title, may be filed with the preliminary development plan.

2. **Commission Review:** Upon return of agency comments the Director shall schedule the item for a public hearing at a regular meeting of the Commission and shall give the required legal and other notice to the public. In addition to submissions by the developer, staff comments, agency referral comments and public comments, the Commission shall consider the provisions of this Chapter, and other pertinent ordinances and the findings of fact set forth below. The Commission shall recommend approval, approval with conditions or denial of the plan.
3. **Board Action:** For those planned unit developments that reach the Board of Commissioners because of an appeal, the Board shall consider the preliminary development plan at a public hearing. In addition to submissions by the developer, staff comments, agency referral comments and public comments, the Board shall consider the provisions of this Chapter and other pertinent ordinances, the recommendations of the Commission, and the findings of fact below. The Board may approve, approve with conditions or modifications, or deny the plan, or may table the item until specified additional information is received. The Board shall take action on the petition after the public hearing has been held unless the item has been tabled as specified above. Should the Board deny the granting of the permit, it shall inform the applicant of what actions, if any, could be taken that could make the PUD more acceptable.
4. **Findings Of Fact:** The Commission, before recommending action on a preliminary development plan, and the Board, before taking action on said plan, shall first make findings of fact and conclusions of law, which shall be supported by evidence in the hearing record to determine whether:
 - a. The site design conforms to the topography and natural landscape features and shows consideration for the location and function of land uses and structures to achieve this purpose.
 - b. The development is compatible with existing and planned permitted uses and would not cause damage, hazard or nuisance to persons or property in the vicinity.
 - c. 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.
 - d. 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.
 - e. The overall plan is in conformance with the applicable comprehensive plan, area of city impact overlay ordinances and other pertinent ordinances.
 - f. For any change of zone, the Commission and Board shall address the appropriate findings.

(Ord. 21, 12-1-1998)

10-3-4: ENGINEERING APPROVAL REQUIRED:

The PUD shall require the same verification as is required of a subdivision. The County shall choose and require a legally qualified surveyor or engineer (under Idaho Statutes) 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 County Commission.

A. Term Of Preliminary Development Plan Approval:

1. **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.
2. **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. 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.

B. Final Development Plan:

1. **Submission Of Applications:** The final development plan shall be returned to the Director or a designated staff member. All information and supporting documents shall be reviewed for accuracy and completeness prior to acceptance. The Twin Falls planning office shall have a reasonable time to accept or reject the application. Rejection of the application shall occur in writing and shall have an explanation of what materials are found to be inaccurate or incomplete. The final development plan shall conform substantially with the preliminary development plan approved by the Board and shall have incorporated into the final development plan all modifications, conditions and provisions required by the Board. The above determinations shall be made by the Director or designee upon acceptance. If a public hearing is required, the Director shall provide the required legal and other notice.
2. **Term Of Final Development Plan Approval:** Within one year from the date that the final action on the development plan, one of the following must occur or the planned unit development shall become null and void:

- a. 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 Chapters 1 and 2 of this Title, or
- b. 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.
- c. 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. (Ord. 21, 12-1-1998)

10-3-5: REQUIREMENTS:

- A. 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.
- B. 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.
- C. 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.
- D. Change Of Planned Unit Development:
 1. Preliminary Development Plan Stage: Modifications to an approved preliminary development plan regarding the location of land use type may be permitted 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.
 2. Final Development Plan Stage: No change in the approved final development plan shall be

permitted 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.

3. **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.
- E. **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.
- F. **Irrigation Facilities And Drainage Systems, Natural Streams And Drainageways:** All PUDs shall comply with canal company or district requirements relating to irrigation facilities and drainage systems, natural stream, 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.
- 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.
 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 the Planning and Zoning Commission.
 5. 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. **Agreement:** A development agreement must be provided and approved by staff before the letter of approval is issued.
- I. **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. Said trustee will be bound to administer over the affairs of the property owners within said subdivision insofar as the canal company or district water and stock pertaining thereto is concerned. (Ord. 21, 12-1-1998)

10-3-6: DENSITY:

The number of dwelling units per acre allowed in a planned unit development shall be the same as permitted in the applicable base zone. In determining densities, consideration shall be given to the Comprehensive Plan, the findings of fact, the location and use standards contained in this Chapter and the density bonus provisions. (Ord. 21, 12-1-1998)

10-3-7: 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:

- A. The planned unit development shall comply with all provisions established in this Zoning Ordinance except those specifically allowed by this Chapter to be varied.
- B. Approval by applicable health and other governmental authorities relating to water and septic/sewer systems.
- C. 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. (Ord. 21, 12-1-1998)

10-3-8: DENSITY CLUSTER DEVELOPMENTS:

The Commission may approve or require "clustering" of dwellings within a PUD to provide a method whereby development will not occur in flood plain or environmentally sensitive areas, etc. 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. (Ord. 21, 12-1-1998)

10-3-9: 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 of fact as set forth in this Chapter. (Ord. 21, 12-1-1998)

10-3-10: 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. (Ord. 21, 12-1-1998)

10-3-11: CIRCULATION:

A. Vehicular:

1. Vehicular access to lots, fronting on an arterial or collector street shall be via a frontage road, service road or other local street.
2. Each PUD shall provide two (2) separate points of ingress/egress.
3. 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. The appropriate County highway district will be responsible for traffic-control devices. As a condition of approval, financial guarantees shall be posted by the developer to ensure installation and construction of such improvements.
4. 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.
5. 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.

B. Pedestrian, Equestrians And Cyclists:

1. 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.
2. 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.
3. Walkways shall form a logical, safe and convenient system for pedestrian access to all dwelling units, appropriate facilities, and principal off-site pedestrian destinations.
4. 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.

5. Pedestrian and equestrian paths shall conform to the standards set forth in Trails for the Twenty First Century by Rails to Trails Conservancy.

C. 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.

D. 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. (Ord. 21, 12-1-1998)

10-3-12: 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. (Ord. 21, 12-1-1998)

10-3-13: 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 common open space under the provisions of this Title, unless it meets the following standards, where applicable:

- 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. (Ord. 21, 12-1-1998)

10-3-14: LANDSCAPING:

- A. 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. Otherwise landscape devices such as berms, fences, accent boulders, decorative walls and other similar landscape devices may also be used in addition to the use of vegetative materials.
- B. 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. 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, 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 as a means of aiding its responsibility to be a good neighbor within the community. (Ord. 21, 12-1-1998)

10-3-15: COMMERCIAL USES:

When planned unit development districts may include 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.

- A. 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.
- B. 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. (Ord. 21, 12-1-1998)

10-3-16: INDUSTRIAL USES:

Planned unit development districts may include industrial uses if it can be shown that the development results 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. (Ord. 21, 12-1-1998)

Chapter 4 LOT LINE ADJUSTMENTS

10-4-1: PURPOSE:

The purpose of this chapter is to establish standards and regulations for the administrative approval of plat amendment(s) for the adjustment of lot lines in platted subdivisions and authorizing the zoning administrator to approve or deny the request. (Ord. 185, 8-29-2005)

10-4-2: REGULATIONS:

- A. The planning and zoning administrator is hereby authorized to approve or deny requests for the adjustment of lot lines in platted subdivisions as described in this chapter.
- B. For consideration under this chapter the adjusted lot lines shall not increase the number of lots; change, move or otherwise impact any publicly dedicated area such as, but not limited to, platted roads, utility and irrigation easements. Nor shall it reduce the parcel below the minimum dimensional standards required. Nor reduce the acreage of any lot below one acre. Inclusion of road and utility easements may not exceed five percent (5%) of the total lot area. (Ord. 185, 8-29-2005)

10-4-3: APPLICATION REQUIRED:

All applicants requesting a lot line adjustment in platted subdivision shall submit an application to the planning and zoning department for action prior to recording any plat amendment. For the purpose of this section, an applicant may be any person owning property desiring to adjust a property line in a platted subdivision. (Ord. 185, 8-29-2005)

10-4-4: APPLICATION CONTENTS:

A. The application shall contain the following information:

1. Subdivision name.
2. Parcel number for each lot(s).
3. Current acreage of each lot(s).
4. Proof of ownership and consent of property owner(s) of lot(s) involved.
5. Long legal description.
6. Copy of existing plat showing existing property lines, road names and locations, road, utility and other easements, etc., drawn to scale, showing orientation north.
7. Copy of proposed amendment showing proposed property lines, road names and locations, road, utility and other easements, etc., drawn to scale, showing orientation north.
8. Comments from the local highway district, health department, utility companies, etc.
9. And other such information as may be deemed necessary by the zoning administrator. (Ord. 185, 8-29-2005)

10-4-5: APPLICATION REVIEW AND PROCESSING:

A. The application shall be on a form prescribed by the county and shall include the information required by this chapter. The application shall be reviewed for completeness. Upon determination the application is complete, the process will proceed as follows:

1. The zoning administrator will notify the applicant that the application is complete and to proceed with notification as required by this chapter.
2. Notification shall be sent to utility companies listed on the one call system, highway district, Canal Company, owners in the subdivision and property owner(s), within three hundred feet (300') of the proposal.
3. Written comment will be accepted for fifteen (15) days after the date of mailing.
4. The zoning administrator shall then produce a report, which includes a summary of such comment or evidence submitted, a reasoned explanation of the grounds for the decision and a final order granting or denying the request. Such report shall be filed at the planning and zoning department within twenty eight (28) calendar days after the closing date for accepting written comment, unless additional time for filing such report is granted by the board of county

commissioners upon request of the zoning administrator. Notice of such filing shall be provided in writing to the applicant and to all parties entitled to notice by this chapter. (Ord. 185, 8-29-2005)

10-4-6: PLAT AMENDMENT:

Upon approval, the applicant will prepare the plat in accordance with the provisions of this title and Idaho Code title 50 chapter 13. The final plat shall be submitted to the county surveyor for review and approval. Upon approval of the county surveyor, the plat shall be submitted to the zoning administrator for final review who will forward it to the county commissioners for signature. The applicant shall then be responsible to file the plat, create the necessary deeds and any other documents required by Idaho Code. (Ord. 185, 8-29-2005)

10-4-7: APPEALS:

Appeals will be directed to the Twin Falls board of county commissioners and conducted in accordance with provisions of this code. (Ord. 185, 8-29-2005)

10-4-8: VIOLATIONS AND ENFORCEMENT:

Violations of any of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor as defined by Idaho Code, punishable by up to six (6) months in jail and up to a three hundred dollar (\$300.00) fine, or both. Each day such violation continues shall be considered a separate offense; additionally, the county may seek civil penalties and forfeitures to the maximum extent allowed by law. (Ord. 185, 8-29-2005)

10-4-9: SEVERABILITY:

This chapter is hereby declared to be severable. Should a court of competent jurisdiction declare any portion of this chapter invalid, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of this chapter before the declaration of partial invalidity. (Ord. 185, 8-29-2005)

10-4-10: EFFECTIVE DATE:

This chapter shall be effective upon passage and publication as provided by law. (Ord. 185, 8-29-2005)

Chapter 5

DIGITAL COPIES OF SURVEYS AND PLATS

10-5-1: PURPOSE:

The purpose of this chapter is to establish the requirement to provide digital copies of surveys, subdivision final plats, conveyance final plats or planned unit development final plats filed within Twin Falls County. It is the intent of this chapter to apply only to subdivisions, planned unit developments, conveyance plats and surveys. (Ord. 207, 5-19-2008)

10-5-2: REGULATIONS:

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 Twin Falls County assessor's office as part of fulfilling the standard requirements for filing. (Ord. 207, 5-19-2008)

10-5-3: SUBMISSION:

All digital files shall be accompanied by a transmittal letter or metadata text file, which shall comply with the requirements set forth by the Twin Falls County assessor.

All digital files shall include descriptions of the data and layer schematics as required by the Twin Falls County assessor. 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 comply with the requirements set forth by the Twin Falls County assessor.

The digital files shall include any other data reasonably required by the Twin Falls County assessor. (Ord. 207, 5-19-2008)

10-5-4: COMPATIBILITY:

Submissions shall be on a compatible medium used by the Twin Falls County assessor. The digital file(s) shall be in a format compatible with the latest version of software being used by the Twin Falls County assessor. (Ord. 207, 5-19-2008)

10-5-5: VIOLATIONS AND ENFORCEMENT:

Violations of any of the provisions of this chapter or failure to comply with any of its requirements may result in the submission not being filed or recorded. (Ord. 207, 5-19-2008)