



Twin Falls Parks and Recreation Commission Agenda

Tuesday, October 12, 2021, 11:30 AM

City Hall - Rm. 116, Overflow
203 Main Avenue East- Twin Falls, Idaho

Members: Kirk Melton, Chairman; Sherry Murray, Vice-Chairman; Gabe Ostyn; Corey King; Kevin Jensen; Jade Titus; Ashley Squires; Micheal Metcalf; Heather Muth

- 1) Confirmation of Quorum/Call Meeting to Order
- 2) Consent Calendar
 - a) **ACTION ITEM:** Request to approve the minutes from September 14, 2021 meeting
By: Elois Joseph, Recording Secretary
- 3) Items of Consideration
 - a) **ACTION ITEM:** Request for the Twin Falls Tree Commission to "cause a written notice to be personally served or sent by mail to the owner of the particular property."
By: Kevin Skelton, Parks Superintendent
 - b) **DISCUSSION:** Staff Seeking Direction on Penalty for Tree Topping Violation
By: Kevin Skelton, Parks Superintendent
- 4) Department Updates
 - a) Department updates
- 5) Adjournment

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

Public Input Procedures

- 1.** Individuals wishing to provide public input regarding matters relevant to the City of Twin Falls shall
 - wait to be recognized by the Mayor or Chairman
 - approach the microphone/podium
 - state their name and address, and whether they are a resident or property owner in the City of Twin Falls, and proceed with their input.
 - 2.** The Chairman may limit input to no less than two (2) minutes. Individuals are not permitted to give their time to other speakers.
- * Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Chairman.



Date: Tuesday, October 12, 2021
To: Parks and Recreation Commission
From:

ACTION ITEM

Request:

Request to approve the minutes from September 14, 2021 meeting

Time Estimate:

Background:

Approval Process:

Budget Impact:

Regulatory Impact:

History:

Analysis:

Conclusion:

Attachments:

1. PRC September Minutes 09142021



Twin Falls Parks and Recreation Commission Agenda

Tuesday, September 14, 2021, 11:30 AM

203 Main Avenue East
Twin Falls, Idaho

Members Present:

Kirk Melton, Chairman; Sherry Murray, Vice-Chairman; Gabe Ostyn (12:05 PM); Corey King; Jade Titus (11:40 AM); Ashley Squires; Micheal Metcalf; Heather Muth

Absent: Kevin Jensen

Staff Present: Mitch Humble, Deputy City Manager; Wendy Davis, Parks & Recreation Director; John Pauley, Pool Director; Leila A. Sanchez, Recording Secretary,

1) Confirmation of Quorum/Call Meeting to Order

Kirk Melton brought the meeting to order at 11:35 am. A quorum was present.

2) Consent Calendar

- a) **ACTION ITEM:** Request to approve the Parks and Recreation Commission Meeting minutes from August 10, 2021.

By: Elois Joseph, Recording Secretary

- b) **ACTION ITEM:** Request to remove a tree at 550 3rd Ave. West

By: Kevin Skelton

- c) **ACTION ITEM:** Request from Jennifer McClain with Southern Idaho Landscaping to donate two trees in memory of Kevin Cooper.

By: Dave Nebeker, Arborist, Parks Lead Operator

MOTION

Micheal Metcalf moved to approve the Consent Calendar as presented. Ashley Squires seconded the motion. Voice vote showed all members present voted in favor of the motion. Approved 6 to 0.

3) Items of Consideration

- a) **ACTION ITEM:** Request for a recommendation on a Parks in Lieu application for the Villas on Falls Subdivisions (PZ21-0087)

By: Elizabeth Hart

Elizabeth Hart reviewed the request. The Commission is tasked with forwarding a positive or negative recommendation to City Council on whether to accept the cash contribution in lieu of park land. Staff recommends to the Commission to forward a positive recommendation to the City Council.

Discussion followed on funding and Cascade Park.

Mitch Humble explained that on September 13, 2021, the City Council voted to eliminate In Lieu Request application process.

MOTION:

Micheal Metcalf moved to recommend to the City Council to accept the cash contribution in lieu of park land. Sherry Murray seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

- b) **ACTION ITEM:** Discussion of the naming of the trailhead parking at the corner of Eastland and Poleline.

Wendy explained staff is requesting Commission input on how and/or what to name this new park facility and to consider the naming policy as a foundation for this process.

Discussion followed.

Community competition

The naming of Oregon Trail Youth Complex was a public contest.

A local business interested in having a park named after the business.

No action taken.

- c) **ACTION ITEM:** Discussion regarding "significant donation" in City of Twin Falls Naming Policy
By: Wendy Davis

Wendy Davis explained the definition of "significant" becomes an issue when determining what type of donation should result in the naming of a building, street, park, and or park and recreation facility. It is suggested that the Parks and Recreation Commission give some consideration to further defining "significant" for future naming.

Discussion ensued on naming process and donations made for the following parks.

First Federal Park.

Jim Bieri Regional Fire Training Facility

Kenny Poe Park

Cascade Park

Taco Bell Arena (Boise)

Extensive discussion followed on what kind of process to use to name the park and what is a significant donation. General consensus of the Commission: A priority for naming a park would

be for a donation of 100%.

No action taken.

d) **INFORMATIONAL:** Commission Orientation: TEAMS

Wendy Davis gave a brief update on the TEAMS folder.

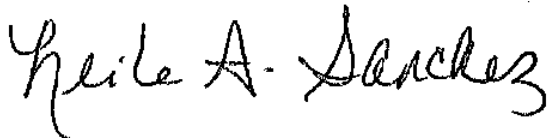
4) Department Updates

a) Department updates

John Pauley reported the bubble will be going up on September 15th from 8 to 12pm. He also reported on upcoming swim meets and swim lessons and the pool will now be open on Sundays from 12 to 4 pm.

5) Adjournment

The meeting adjourned at 1:03 pm.

A handwritten signature in black ink that reads "Leila A. Sanchez". The signature is written in a cursive, flowing style.

Leila A. Sanchez
Recording Secretary



Date: Tuesday, October 12, 2021
To: Parks and Recreation Commission
From: Kevin Skelton, Parks Superintendent

ACTION ITEM

Request:

Request for the Twin Falls Tree Commission to "cause a written notice to be personally served or sent by mail to the owner of the particular property."

Time Estimate:

Allow 20 minutes for discussion

Background:

The Twin Falls Parks Department received two written complaints from property owners adjacent to 409 Bracken St. N. This property has two large Spruce trees which are in extreme decline. The neighbors are concerned that one or both may fall over during a wind storm. The area is a target rich environment with multiple vehicles, residences, sidewalks etc. in the fall zone of both trees.

Per City of Twin Falls Ordinance, (Ord. 2791, 7-2004), 8-4-9 the following are the prescribed means of abating public nuisances under this chapter:

(A) Any tree or alternate host plant or part thereof (public or private) declared to be a public nuisance as set forth in section [8-4-8](#) of this chapter shall be pruned, removed or otherwise treated in accordance with the requirements of this chapter. Costs for nuisance abatement are the responsibility of the adjacent property owner of a street tree or the property owner of a "private tree" as defined in Section [8-4-3](#) of this chapter.

(B) The tree commission may cause a written notice to be personally served or sent by mail to the owner of the particular property.

(C) In the event the nuisance is not abated by the date specified in the notice, the tree commission is authorized to cause the abatement of said nuisance without further notice. The reasonable cost of such abatement will be charged to the subject property owner. Monies which have not been recovered through the city bill collection procedures may result in a lien against the property or assessed on taxes as provided for in Idaho Code title 50. In addition, the owner of the property upon which the nuisance is located may be subject to prosecution under this chapter, or any other chapter of this code or the Idaho Code for maintaining a public nuisance. Nothing in this provision shall be construed to exempt any person from the requirement of obtaining permits under section [8-4-6](#) of this chapter.

(D) The tree commission is empowered to cause the immediate abatement of any nuisance if it is determined by the tree commission to be an emergency or immediate hazard to public safety.

(E) If the tree commission determines that disposal of the wood, branches and soil from removal or pruning of a nuisance tree is required to complete abatement, such disposal shall be done as

required by the tree commission. Costs associated with the disposal of material from private trees shall be the responsibility of the property owner. (Ord. 2791, 7-6-2004)

Staff have visited this site and have determined it to be a valid request.

Approval Process:

A simple majority will approve this request.

Budget Impact:

If compliance is met, there would be no budget impact on this request. If compliance is not met, the City will bear the cost of the removals until such a time that those costs can be recouped.

Regulatory Impact:

Approval of this request will allow staff to draft a letter of abatement, send it to the property owner and specify a date by which the work shall be completed. A city tree removal permit would be required, as would replacement trees, although their survival would be unlikely at this location. Failure to comply will result in the issue being turned over to Twin Falls City Code Enforcement for follow-up action.

History:

N/A

Analysis:

N/A

Conclusion:

Arborist Assessment

Both Spruce trees are very large trees in decline. The Spruce to the North has considerable die back of 70% with some large broken limbs up high that are just hanging down. Possible evidence of some bores up high. Top of tree to the north has been broke off for some time evidenced by rot and wood fiber splitting. Lower limbs demonstrate poor pruning practices. This tree is in serious decline with possibility of failure. There are possible targets in road, automobiles, structures and people. Spruce to the south has several broken limbs hanging up high and has 35-40% die back. Lower limbs demonstrate poor pruning practices. Both trees are having large limbs that are breaking off. I believe both trees should be removed as they are both in decline and will more than likely fail at some point in the future. Dave Nebeker

Attachments:

1. Maughan letter
2. Breland letter
3. 20210927_133701
4. 20210927_133713
5. 20210927_133724
6. 20210927_133754
7. 20210927_133817
8. 20210927_133850
9. 20210927_133857
10. 20210927_133914
11. 20210927_133925

12. 20210927_133933
13. 20210927_133949
14. 20210927_133831

Doug and Darlene Maughan
422 Bracken St. N.
Twin Falls, Idaho 83301

Saturday, October 2, 2021

Parks and Recreation Department
City of Twin Falls, Idaho
c/o Kevin Skelton

Hello and thank you for receiving my letter.

When we moved to the 400 block of Bracken Street North in 1974, it was a lovely, tree-lined street where everyone took care of their property. Over the years, much has changed. For the most part, we have learned to put up with what we can't change.

One of the changes we are having trouble ignoring, however, poses a threat to our property and to other neighbors around us. Two huge spruce trees on the city right-of-way at 409 Bracken Street have been allowed to die over the past 20 years. It's bad enough that they drop a literal carpet of needles every time the wind blows, but now they appear to be in danger of falling over completely during the next big storm. If that happens, there will be damage – to vehicles, other trees, possibly to a home and its occupants.

I appreciate the time that Mr. Skelton spent with me on the phone earlier this week and for his consultation with the Twin Falls Arborist about these trees. He apprised me of the process that can be put in motion at this point and I asked if I might submit a letter to urge the city to take whatever action is possible.

As you consider how to proceed, we ask that you keep in mind that these large, dead trees pose considerable danger to us.

Thank you for whatever you can do.

Sincerely,

Doug and Darlene Maughan

This is a copy of an email sent to Kevin Skelton on 10-2-2021 9:59 AM

[EXTERNAL SENDER]

I've lived on the 400 block of Bracken Street North for the past 27 years. I've watched many changes in the neighborhood occur throughout this time. Some good and some questionable.

I live right next door to 409 Bracken Street, where there are two very tall, dying Spruce trees on the northeast corner of the property. They never get watered outside of what water they may receive from my sprinklers.

I've dealt with low hanging branches that hang over into my yard, by cutting them down myself. I have even paid out of my own pocket to have a tree trimming service cut back the branches of the Spruce along with 409's lilac bush branches that push against and through my backyard fence.

I've been told that when these trees happen to fall, they won't fall on my property, but Mother Nature doesn't always follow the rules. I worry for my neighbors houses, cars, and occupants, who live across from me, who are in direct "line of fire" when the trees fall.

Myself along with other concerned neighbors, look forward to having this dangerous issue resolved soon.

Thank you.

Sincerely,
Katie and Brad Breland
[405 Bracken St. North](#)
[Twin Falls, Idaho](#)

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Sent from [Email.Avn](#) for mobile

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.



























Date: Tuesday, October 12, 2021
To: Parks and Recreation Commission
From: Kevin Skelton, Parks Superintendent

DISCUSSION

Request:

Staff Seeking Direction on Penalty for Tree Topping Violation

Time Estimate:

Allow 30 minutes for discussion

Background:

On September 7, 2021, Twin Falls Code Enforcement officer cited an adjacent property owner and alleged company doing the work, for failing to meet City Code for proper trimming and care of public trees per City Code. The citation was mailed to Shannon Eggleston with Custom Works and a copy handed to the property owners, Jonathan and Brittany Varner for the illegal topping of two Siberian Elm trees, located at 605 4th Ave. North. The three Code violations cited are highlighted below:

City of Twin Falls Tree Ordinance, (Ord. 2791, 7-6-2004), 8-4-4-7. states:

8-4-7: DAMAGING, DESTROYING, MUTILATING OR REMOVING PUBLIC TREES:

It shall be unlawful for any person to:

(A) Damage, destroy, mutilate, or remove any public tree.

(D) Damage public trees through construction activities in violation of the conditions of a permit issued under this chapter. Such activities include, but are not limited to:

1. Making excavations or cuts in the soil near roots of public trees unless otherwise approved by the tree commission.
2. Damage roots of a public tree by compacting or placing fill within the critical root zone of a tree.
3. Engage in any pruning activity on public trees not in accordance with ANSI A300, including, but not limited to: topping, heading, rounding or shearing unless otherwise approved by the tree commission.

City of Twin Falls Ordinance, (Ord. 2791, 7-6-2004), 8-4-4-1. states:

8-4-4-1: ADJACENT PROPERTY OWNERS' RESPONSIBILITIES FOR PUBLIC TREES:

(B) Routine Maintenance: Routine public tree maintenance for trees planted after July 1, 2004:

1. Adjacent property owners shall:

(a) Prune and maintain trees planted according to ANSI A300.

(b) Topping, heading, shearing or rounding over are not acceptable forms of tree pruning and are not allowed on public trees.

Twin Falls City Code Enforcement officers can issue a citation for failing to comply with the City's Tree Ordinance, but the penalty is subject to the following:

8-4-10: PENALTIES FOR VIOLATION:

Any person performing tree work that violates any provisions of this chapter may be punishable by a fine equal to or less than the monetary value of the tree as assessed by a certified arborist or certified tree appraiser using the guidelines established by the International Society of Arboriculture and the degree of damage to the tree. (Ord. 2791, 7-6-2004)

City Staff is seeking guidance from the Twin Falls Tree Commission regarding the need for, and/or type of penalty to be assessed in this case. Parks staff would work in conjunction with Twin Falls Code Enforcement to oversee any actions deemed necessary by the Tree Commission.

Approval Process:

N/A

Budget Impact:

There is no budget impact associated with this request at this time.

Regulatory Impact:

Penalty can be assessed as defined in 8-4-10 of Twin Falls City Code.

History:

N/A

Analysis:

N/A

Conclusion:

Arborist Assessment, See attached documents

Attachments:

1. Citation 9-7-2021
2. 605 4th Ave E (8)
3. 605 4th Ave E (9)
4. 605 4th Ave E (10)
5. 605 4th Ave E (11)
6. 605 4th Ave E (12)
7. 605 4th Ave E (1)
8. 605 4th Ave E (2)
9. 605 4th Ave E (3)
10. 605 4th Ave E (4)
11. 605 4th Ave E (5)
12. 605 4th Ave E (6)
13. 605 4th Ave E (7)
14. Tree Assessment Calculations
15. Tree Assessment

TWIN FALLS CODE ENFORCEMENT

CITATION #

CE21-00590

EVENT

Report Date

09/07/2021 00:00:00

Reporting Area

Address

605 4TH AVE E, Twin Falls, IDAHO 83301

Reinspection Due Date

09/15/2021

VIOLATION(S)

1 Violation

8-4-7.A DAMAGING, DESTROYING, MUTILATING OR REMOVING PUBLIC TREES - (A) DAMAGE

8-4-7 (A): DAMAGING, DESTROYING, MUTILATING OR REMOVING PUBLIC TREES: It is unlawful for any person to: Damage, destroy, mutilate, or remove any public tree.

Fine

\$0.00

Fine Notes

Officer Notes

2 Violation

8-4-4-1.A ADJACENT PROPERTY OWNERS' RESPONSIBILITIES FOR PUBLIC TREES - (A) Permits

8-4-4-1 (A): ADJACENT PROPERTY OWNERS' RESPONSIBILITIES FOR PUBLIC TREES: Adjacent property owners shall meet all requirements and obtain all permits necessary:

1. For work done on any public trees.
2. Prior to commencing repair of damage done to public streets or sidewalk adjacent to any public trees.
3. For any tree planting on public property.

Fine

\$0.00

Fine Notes

Officer Notes

3 Violation

8-4-4-1.B ADJACENT PROPERTY OWNERS' RESPONSIBILITIES FOR PUBLIC TREES - (B) Routine Maintenance

8-4-4-1 (B): ADJACENT PROPERTY OWNERS' RESPONSIBILITIES FOR PUBLIC TREES: Adjacent property owners shall:

1. Prune and maintain trees, remove dead limbs or other limbs that are considered a "public nuisance".
2. Topping, heading, shearing or rounding over are not

4. Trees shall be pruned to remove dead limbs or other limbs that are considered a "public nuisance".

5. Provide water sufficient to keep public trees in a healthy, growing condition.

Fine

\$0.00

Fine Notes

Officer Notes

Total Fine Amount Due

\$0.00

BUSINESS/ORGANIZATION(S) INVOLVED

1 Business/Organization Name

CUSTOM WORKS (SHANNON)

Address

Phone 1

(208) 308-6326

Phone 2

Email

PERSON(S) INVOLVED

1 Name (Last, First Middle)

VARNER, JONATHAN

Address

605 4TH AVE E, Twin Falls, IDAHO 83301

Cell Phone

Home Phone

Email

2 Name (Last, First Middle)

VARNER, BRITTANY

Address

605 4TH AVE E, Twin Falls, IDAHO 83301

Cell Phone

Home Phone

Email

OFFICER

Officer Name

Standley, Sean 12271

Date

09/07/2021 15:59:00

IMPORTANT - READ CAREFULLY

TO CONTACT:

CODE ENFORCEMENT

321 SECOND AVE E

PHONE: (208) 735-7278

EMAIL: codeenforcement@tfid.org

MAKE CHECKS PAYABLE TO:

CITY OF TWIN FALLS

TO PAY IN PERSON:

321 SECOND AVE E

TWIN FALLS ID 83301

TO MAIL:

CITY OF TWIN FALLS

P.O. BOX 3027

TWIN FALLS ID 83303

























Tree to the West

Illegal Tree Removal

Reproduction Cost
using the Trunk
Formula technique

$$DBH = 12' \times 12'' = 144'' \div 2 = 72$$

Formula for Basic Cost

$$= (3.14 \times 72 \times 72) = 16,278.24$$

Unit Cost of largest Commonly
available Nursery tree

$$= \$112.50$$

Basic Cost

$$= 16,278.24 \times 112.50 = 1,831,275$$

Depreciated Cost

Condition

$$= 61\%$$

$$= 1,831,275 \times .61 \times .6 = 1,402.1$$

Functional Limitations

$$= 6\%$$

External Limitations

$$= 6\%$$

Tree to the East

$$DBH = 11.5' \times 12'' = 138'' \div 2 = 69$$

Formula for Basic Cost

$$= (3.14 \times 69 \times 69) = 14,930.2$$

Unit Cost of largest
Commonly available Nursery tree

$$= \$112.50$$

Basic Cost

$$= 14,930.2 \times 112.50 = 1,681,875$$

Depreciated Cost

Condition

$$= 61\%$$

$$= 1,681,875 \times .61 \times .6 = 1,369.3$$

Functional Limitations

$$= 6\%$$

External Limitations

$$= 6\%$$

aka

The trees in question at 605 4th Ave. East are incredibly large Elm trees. The tree to the West has a DBH (Diameter Breast Height) of 144 inches or 12 feet. The tree to the East has a DBH of 138 inches or 11.5 feet. The technique or formula I used is the International Society of Arboriculture Illegal Tree Removal guidelines: Reproduction Cost using the Trunk Formula. I used this formula because of the situation at hand in the started removal of a tree without the proper permit to do so. I have worked out my math as shown on a following page, the process of the formulas used to include the basic cost of the two Elms and the replacement cost of a new tree that is reflected in the largest commonly available nursery tree replacement size which is two inches locally. Associated with this is a depreciation cost set to reflect the condition, functional limitations, and external limitations of the two Elm trees in question at the location of 605 4th Ave. East. Even though the trees had already been partially removed in the canopy as well as large limbs. I assessed the condition of the main trunk to be in good condition at 61% (Guide for Plant Appraisal, International Society of Arboriculture, Tenth Edition June 2019, Revised October 2020). I assessed the functional limitations to be at 6% of both these trees. The reason for this is the species-site is not a good match with adequate growing space (Guide for Plant Appraisal, International Society of Arboriculture, Tenth Edition June 2019, Revised October 2020). The external limitations I assessed to be at 6% for both trees. External limitations are due to clearance requirements over streets and sidewalks that are outside the control of the property owners (Guide for Plant Appraisal, International Society of Arboriculture, Tenth Edition June 2019, Revised October 2020).

Explanation for Illegal Removal: Reproduction Cost Using the Trunk Formula Technique. This is basically a tree that is removed in the public right-of-way as part of a residential property. This is a calculation of the basic cost on the size of the caliper of the tree trunk in question (Guide for Plant Appraisal, International Society of Arboriculture, Tenth Edition June 2019, Revised October 2020).

Explanation on the depreciation cost of a tree. The condition of a tree is whether it's in excellent shape 81% to 100%, good shape 61% to 81%, fair shape 41% to 60%, poor shape 21% to 40%, very poor shape 6% to 20%, Dead 0% to 5%. This cost demonstrates the trees change in value over time as per its condition at the time of replacement (Guide for Plant Appraisal, International Society of Arboriculture, Tenth Edition June 2019, Revised October 2020).

Explanation on the functional limitations of a tree. These are factors associated with trees and there planting site that can also affect plant condition, development limitations, or reduce utility of the plant in question within the foreseeable future. Factors involved are site conditions, placement, as well as genetic limitations. If a species and site do in fact present a significant restriction to growth, performance, and function then the depreciation should be significant (Guide for Plant Appraisal, International Society of Arboriculture, Tenth Edition June 2019, Revised October 2020).

Explanation on external limitations of a tree. These are factors that are outside of the property, out of control of property owner, will affect the condition of a tree, limit development, or reduce plant utility within the foreseeable future (Guide for Plant Appraisal, International Society of Arboriculture, Tenth Edition June 2019, Revised October 2020).