



PUBLIC OPEN HOUSE

Wednesday, July 13, 2022, 5:30 PM

**203 Main Avenue East
Twin Falls, ID 83301**

**COUNCIL CHAMBERS
SPECIAL MEETING**

*****A possible quorum of the City Council, Planning and Zoning Commission, and Historic Preservation Commission may be in attendance.*****

The purpose of the open house is to convey information on state and local laws pertaining to Historic Preservation and City Zoning Districts.

No decisions or deliberation by any Council or Commission will take place at this Open House.

Agenda:

- 1) Zoning Law Review
- 2) Local Historic Districts Review
- 3) Question and Answer session

Meeting to end at 7:30 pm.

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Kelli Ebersole (208) 735-7267 at least two working days before the meeting. Si desea esta información en Español, por favor llame a Josh Palmer al teléfono (208) 735-7312.

Public Information Meeting:

Local Historic District &
Zoning / Land Use Laws

Introductions

City of Twin Falls

Deputy City Manager:	Mitch Humble
City Attorney:	Shayne Nope
Planning & Zoning Director:	Jonathan Spendlove
City Planner:	Lisa Strickland
City Planner:	Ian Zollinger
Planning Technician:	Kelli Ebersole

State Historic Preservation Office (SHPO)

Due to scheduling conflicts, and a personal matter, the SHPO Representatives are unable to attend.

Purpose of the meeting:

Upon receiving multiple inquiries and letters, the City Council directed staff to hold a public information meeting identifying the Statutory process of establishing a Local Historic District, provide information regarding the distinction between Local Historic Districts and Local Land Use Laws (Zoning Districts), as well as a brief history on past Zoning Decisions within this downtown area.

We will begin with some background on Zoning Law in Idaho as drafted by the Idaho State Legislature.

Legislative Defined Purpose – Local Land Use Planning Act

- **Idaho Statute 67-6502: PURPOSE.** The purpose of this act shall be to promote the health, safety and general welfare of the people of the state of Idaho as follows:
 - (a) To protect property rights while making accommodations for other necessary types of development such as low-cost housing and mobile home parks.
 - (b) To ensure that adequate public facilities and services are provided to the people at reasonable cost.
 - (c) To ensure that the economy of the state and localities is protected.
 - (d) To ensure that the important environmental features of the state and localities are protected.
 - (e) To encourage the protection of prime agricultural, forestry and mining lands and land uses for production of food, fiber and minerals, as well as the economic benefits they provide to the community.
 - (f) To encourage urban and urban-type development within incorporated cities.
 - (g) To avoid undue concentration of population and overcrowding of land.
 - (h) To ensure that the development on land is commensurate with the physical characteristics of the land.
 - (i) To protect life and property in areas subject to natural hazards and disasters.
 - (j) To protect fish, wildlife and recreation resources.
 - (k) To avoid undue water and air pollution.
 - (l) To allow local school districts to participate in the community planning and development process so as to address public school needs and impacts on an ongoing basis.
 - (m) To protect public airports as essential community facilities that provide safe transportation alternatives and contribute to the economy of the state.
- **Idaho Statute 67-6503: Participation of Local Governments:** Every city and county shall exercise the powers conferred by this chapter.

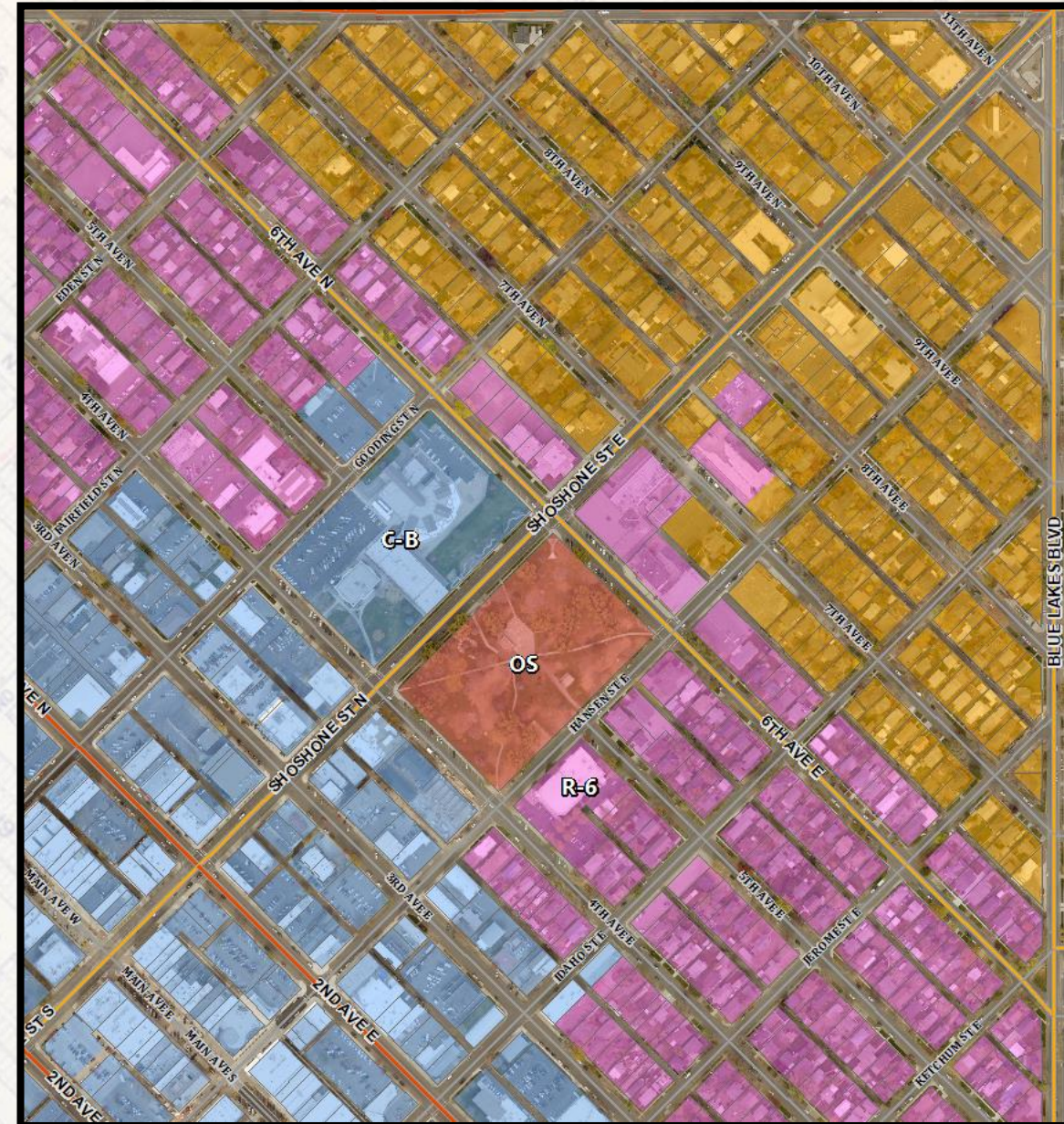
Legislative Restricted Laws – Local Land Use Planning Act

- Idaho Statute 67-6511:
- (1) Each governing board shall, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, establish within its jurisdiction one (1) or more zones or zoning districts where appropriate. The zoning districts shall be in accordance with the policies set forth in the adopted comprehensive plan.
 - (a) Within a zoning district, the governing board shall where appropriate establish standards to regulate and restrict the height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures; percentage of lot occupancy, size of courts, yards, and open spaces; density of population; and the location and use of buildings and structures. All standards shall be uniform for each class or kind of buildings throughout each district, but the standards in one (1) district may differ from those in another district.
 - (b) Within an overlay zoning district, the governing board shall establish clear and objective standards for the overlay zoning district while ensuring that application of such standards does not constitute a regulatory taking pursuant to Idaho or federal law.

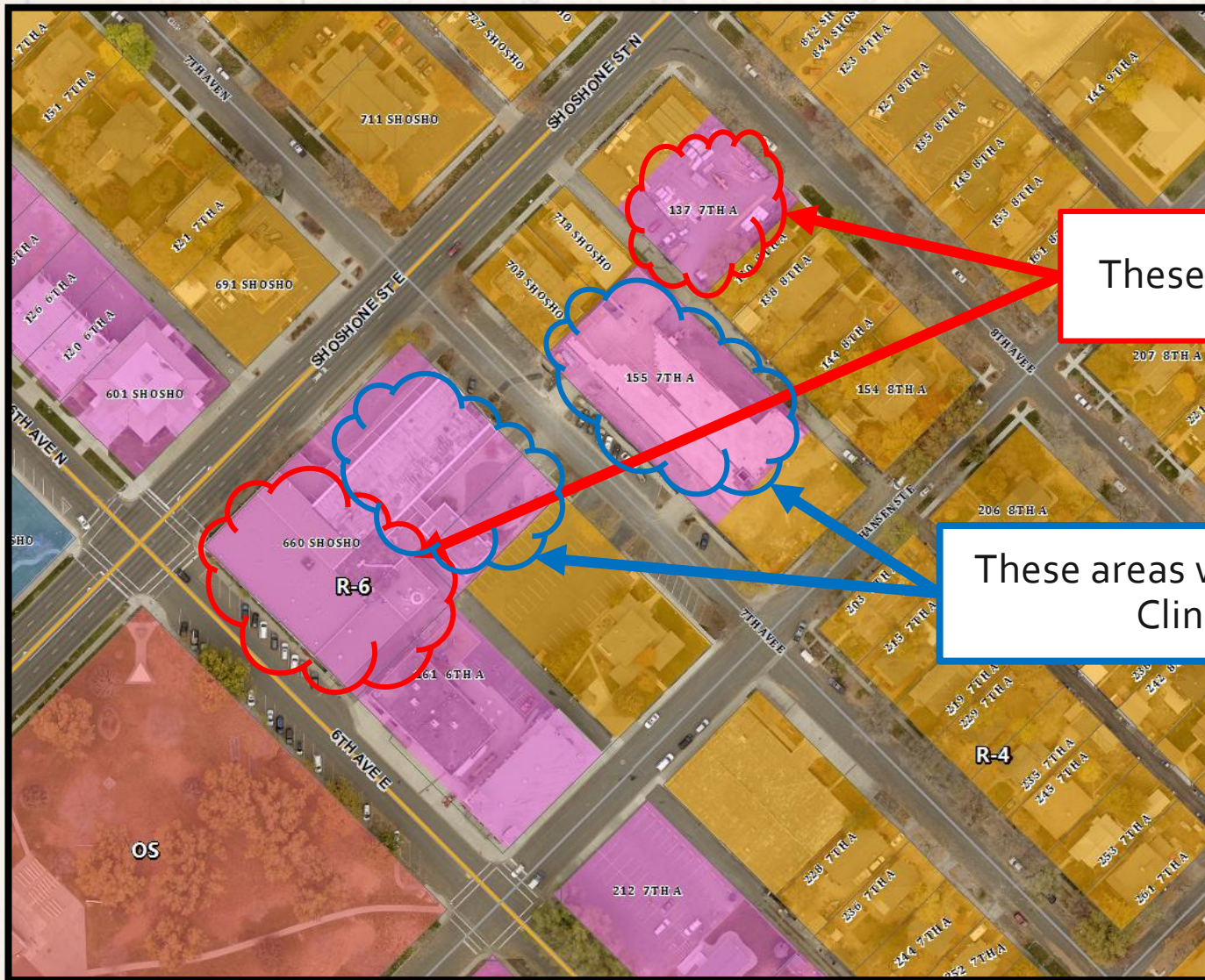
Current Zoning Districts

(Excluding Overlays)

Regulation Type	R4 (Medium Density Residential)	R6 (Multi-Family Residential)
Building Setbacks (Front, rear, side)	20,20,5	20,15,5
Building Height	35' Tall	35' Tall
Building Types Allowed by Current Local Law		
Single Family	Yes	Yes
Duplex	Yes	Yes
Triplex	Public Hearing	Yes
4-Plex	Public Hearing	Yes
5 or more	No	Yes



Past Decisions – Old Clinic Properties



These areas were zoned "R6" between 1928 - 1956

These areas were zoned R6 for an expansion of the Clinic in 1989 – Ordinance #2256

R6 Zone has allowed for Multi-Family (5+ dwelling units) since 1981 by Ordinance #2012.

Past Decisions – Old Clinic Property - Masqueray Lofts

2020 Zoning Application – Masqueuray Lofts

- Application received by the City to allow extra height (up to 62') and parking reductions for two 56 Unit buildings on the old clinic property.



City Council **Denied** this application.

Past Decisions – Old Clinic Property - Masqueray Lofts

2021 Building Permit Application

- Owners pursued a building permit to construct a 50 unit building following the current R6 Zoning District.
- Review of the building permit was conducted by PZ Director, City Managers Office, and City Attorney.
- In order to follow the applicants right to due process, in this case a review and issuance of a building permit based on the laws currently enacted by the City Council, the City issued the building permit and construction commenced.
- Public Hearings are not required for issuance of a Building Permit.

Regulation Type	R6 (Multi-Family Residential)
Building Setbacks (Front, rear, side)	20,15,5
Building Height	35' Tall
Building Types Allowed	
Single Family	Yes
Duplex	Yes
Triplex	Yes
4-Plex	Yes
5 or more	Yes

Current Zoning

R4 District Along 7th extending from Addison to Blue Lakes
This area cannot have Multi-Family 5+ Units.
Triplex and Fourplex requires a public hearing

How are businesses in the Residential District?
Addison, Shoshone, and Blue Lakes were zoned back in the 1980's to allow businesses only if approved through a Public Hearing.

R6 District Along 6th Ave, around Library and Court House.
This area can have Multi-Family (5+ Units)

**This area cannot have Multi-Family 5+ Units.
Triplex and Fourplex requires a public hearing**

Addison, Shoshone, and Blue Lakes were zoned back in the 1980's to allow businesses only if approved through a Public Hearing.

This area can have Multi-Family (5+ Units)

Legislative Defined Purpose – Local Historic Districts

67-4601. PURPOSE. Whereas the legislature of this state has determined that the historical, archeological, architectural and cultural heritage of the state is among the most important environmental assets of the state and furthermore that the rapid social and economic development of contemporary society threatens to destroy the remaining vestiges of this heritage, it is hereby declared to be the public policy and in the public interest of this state to engage in a comprehensive program of historic preservation, undertaken at all levels of the government of this state and its political subdivisions, to promote the use and conservation of such property for the education, inspiration, pleasure and enrichment of the citizens of this state. It is hereby declared to be the purpose of this act to authorize the local governing bodies of this state to engage in a comprehensive program of historic preservation.

Legislative Regulations – Local Historic Districts

67-4607: HISTORIC DISTRICTS. *(paraphrased for clarity)* May be established after following requirements are met:

1. An investigation/survey of the area for historical, architectural, archeological and cultural significance.
2. Report the findings to the local planning board for their consideration and recommendation.
3. Historic Commission shall hold a public hearing, after due notice to all the owners of properties.
4. Historic commission shall submit a final report and a draft of a proposed ordinance to City Council.
5. City Council acts on Ordinance

67-4608: CERTIFICATE OF APPROPRIATENESS. *(paraphrased)* ... after the designation of a historic district, no exterior changes to any building (including walls, fences, light fixtures, steps and pavement, or other appurtenant features) are permitted until after approval of a Certificate of Appropriateness (CoA) by the historic preservation commission.

A CoA shall be required whether or not a building permit is required, and shall include review of: the architectural style, general design and general arrangement of the exterior of a building or other structure, including: the color, the kind and texture of the building material and type and style of all windows, doors, light fixtures, signs, other appurtenant fixtures and natural features such as trees and shrubbery.

Legislative Regulations – Preservation of Properties

67-4614: HISTORIC PROPERTIES. (paraphrased) Allows for the preservation of Historic Properties through an ordinance passed by City Council by following these steps:

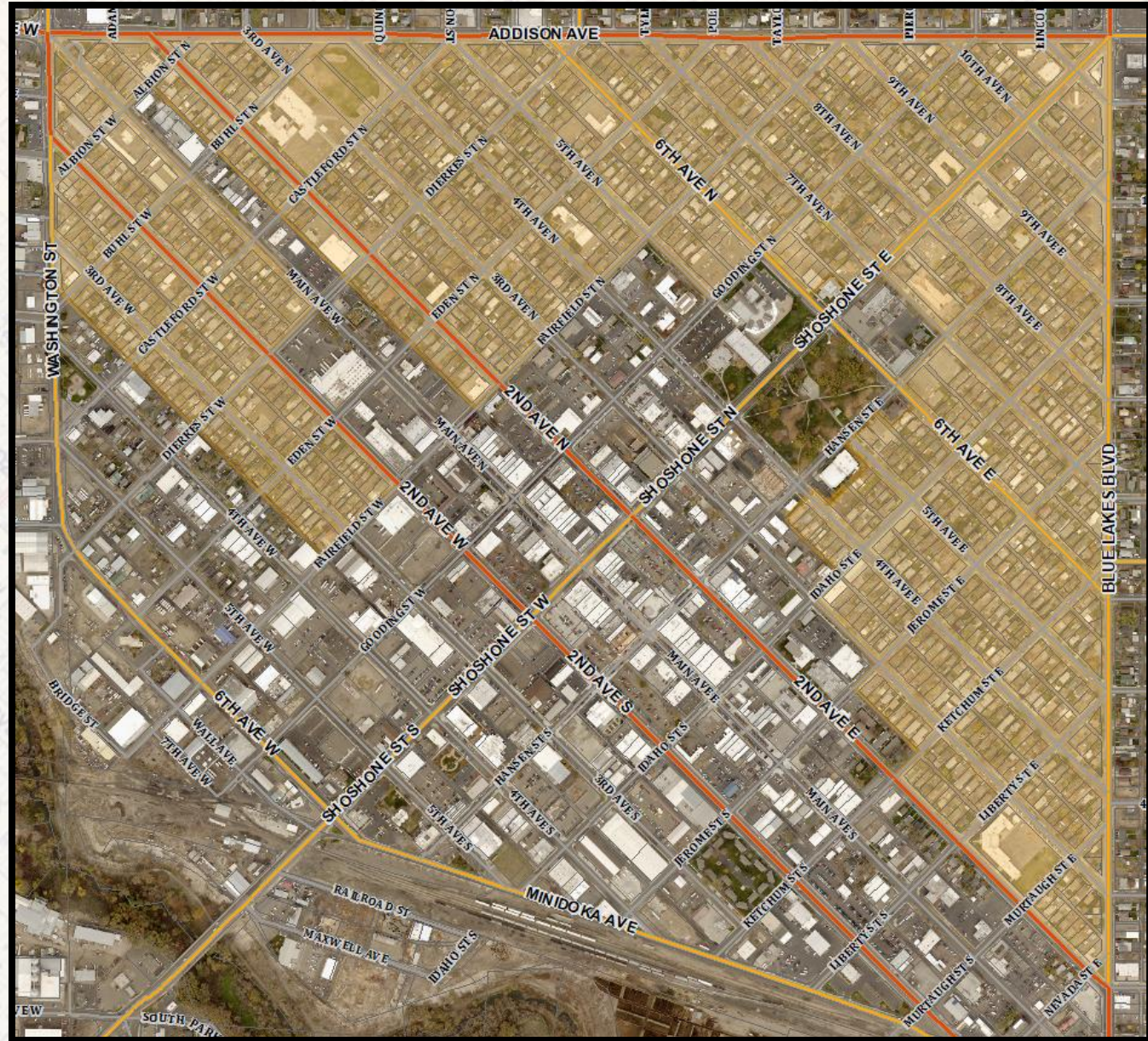
1. Investigation and report on the historic, architectural, archeological or cultural significance
2. Hold a public hearing, after giving written notice to property owners and occupants
3. Upon passage of ordinance, a waiting period of 180 days is required for demolition, material alteration, remodel, relocation, or change in use of the property.
4. Exemptions to 180 day waiting period include:
 - Maintenance and repairs, when no alteration takes place
 - Public safety / unsafe building

Background Info – T.F. Original Townsite Residential District

In the year 2000, an Historian (Elizabeth Giraud) was commissioned to conduct an Historic Survey on what is called the Twin Falls Original Townsite Residential Historic District. This work culminated in the nomination of the area to the National Register of Historic Places (see map to right). This area encompasses ~950 properties

Per Federal Guidelines *"Being on this National Register does not limit the private property owners use of the property."*

It does create some protection of the private property from Federal level projects, and other projects funded by Federal money, by forcing Federal agencies to take into account the effect of their actions on historic properties (this is where SHPO gets involved).



Background Info – T.F. Original Townsite Residential District

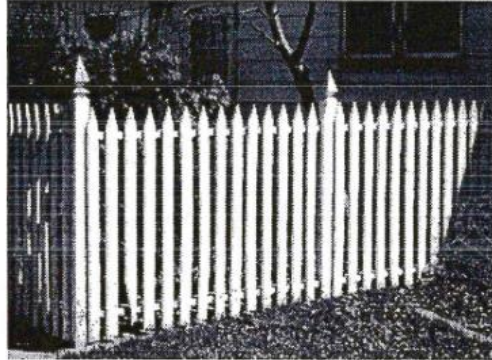
As part of the original project to nominate this area to the National Register, Ms Giraud also created “Design Guidelines” applicable to the nominated area.

These Design Guidelines contain a collection of exhibits and drawings, depicting materials, architecture designs, and other elements that were found present in this area.

Design Guidelines can be used in a few ways.

1. They can be used to educate property owners on appropriate ways to maintain the historic character of their property.
2. They are also used by the Historic Preservation Commission to review changes to properties within the historic district.

The excerpt on the right is from Ms. Giraud guidelines for the Residential District, it contains guidelines for planting patterns, and fencing in the front yard.

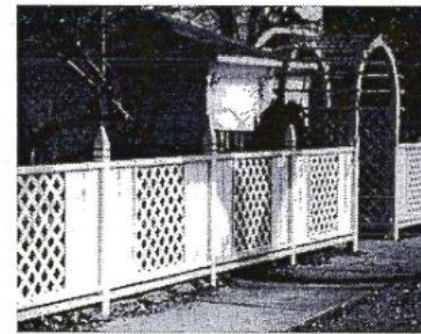


All the fences illustrated here have a transparent quality, and are in character with the architecture of older neighborhoods. Wood picket fences are a popular fence type, and appropriate for all styles in the city's neighborhoods except the Prairie style. This fence (center) has a unique design, but the use of wood material makes it compatible with the historic character of the streetscape, and the use of lattice keeps it from being imposing to passers-by. Wrought iron is an alternative material because it was used historically and can be seen through.

2. Maintain traditional planting patterns in front yards. Residents in the district have historically planted their yards with grass, and added shrubs and flowers. While property owners might want to investigate water-wise landscaping methods, the use of a grass front yard reinforces the visual continuity of the streetscape. Hard surfacing in the front yard should not be allowed.

3. If early or original fencing material is still in use, repair those portions that have deteriorated.

4. Use fencing material in the front yard that complements the historic character of the district. Early twentieth-century fencing included wire or “hairpin” fences and variations of wood pickets and lattice design. Chain link was intended for industrial use and is inappropriate for front yards.

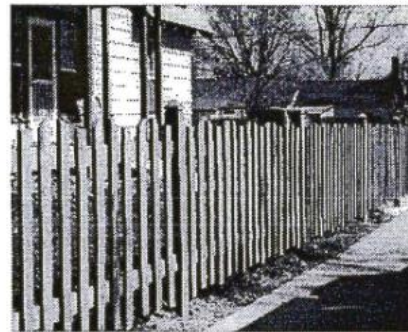
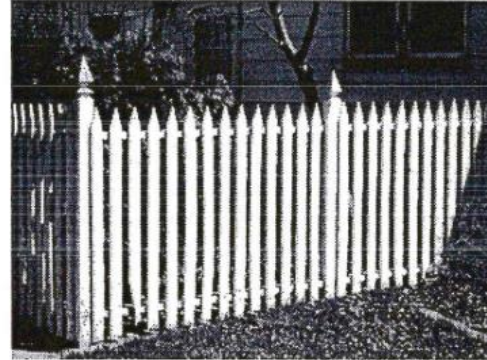


5. Use fencing in the front yard that has a transparent quality. Fences in front yards should be able to be seen through, in order to encourage neighborhood safety and friendly pedestrian activity. Fencing can be solid for corner side and rear yards for privacy.

Local Historic Districts

If created, the Local Historic District will create a system by which property owners will need to seek approval for changes to their homes that had previously been outright permitted.

The amount of regulation, and manner of approvals would be decided upon by the City Council through the Public Hearing process.

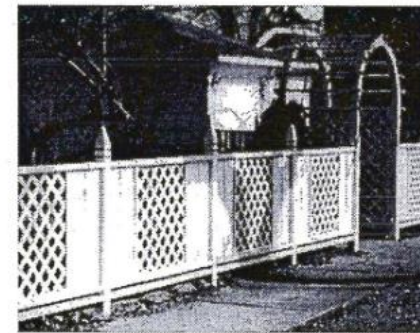


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Where are we in the Process?

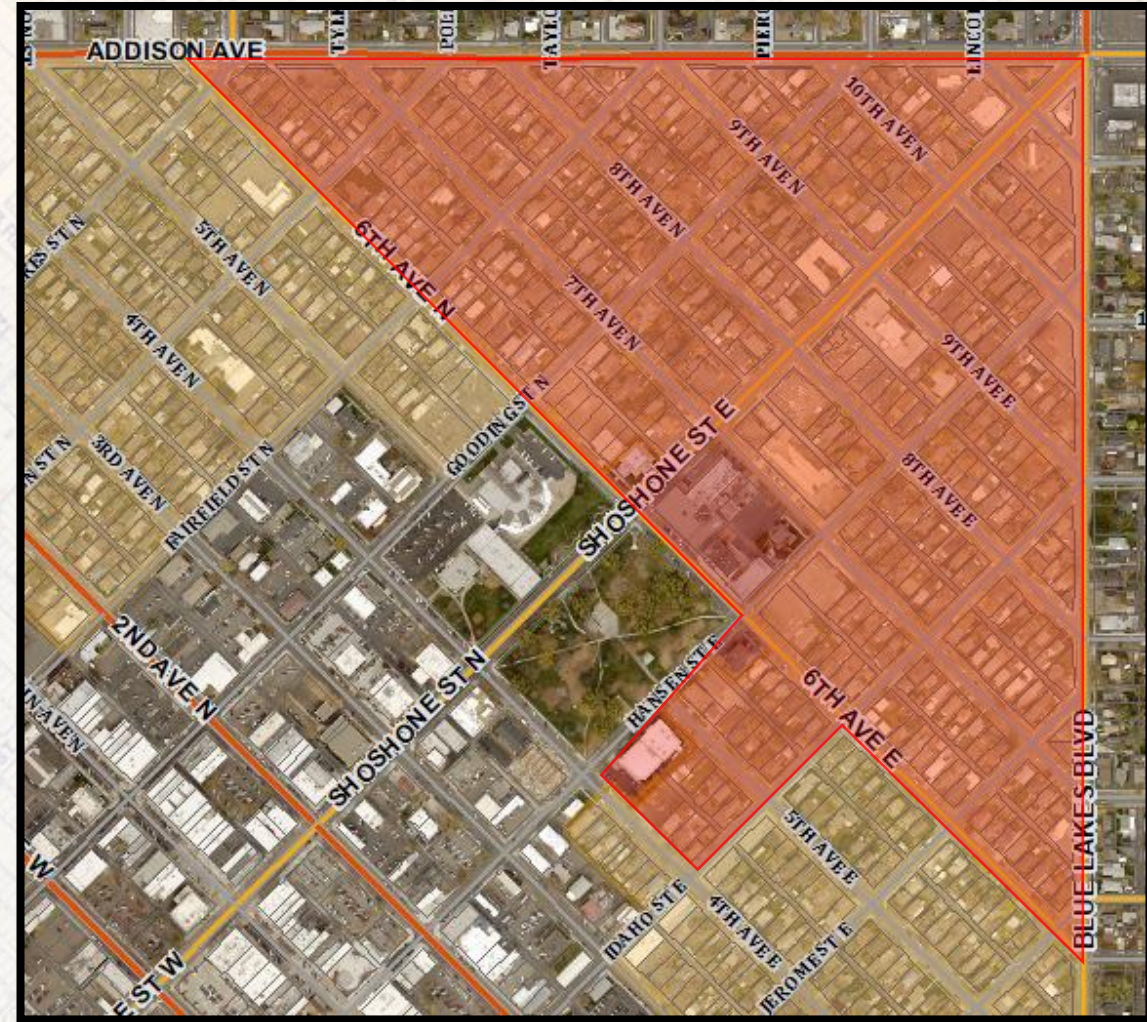
In Spring 2022, the City was approached by the Neighborhood Group Friends of the Avenues. The Friends petitioned City Staff to work with them in creating a new Avenues Historic District. Approximate boundary in red, encompassing ~300 properties.

Due to the nature of the request, smaller area than the original nomination, and the outdated investigation (22 years old), an updated investigation, including color photographs, would be needed.

Due to the specialized nature of the work, and ongoing City Staff shortages, City Staff is unable to fulfill this request in-house. This type of project is best done by using a qualified consultant (similar to the original historian Ms. Giraud).

Staff directed the FoA to present their petition to the Historic Preservation Commission, which in turn would forward a recommendation to the City Council.

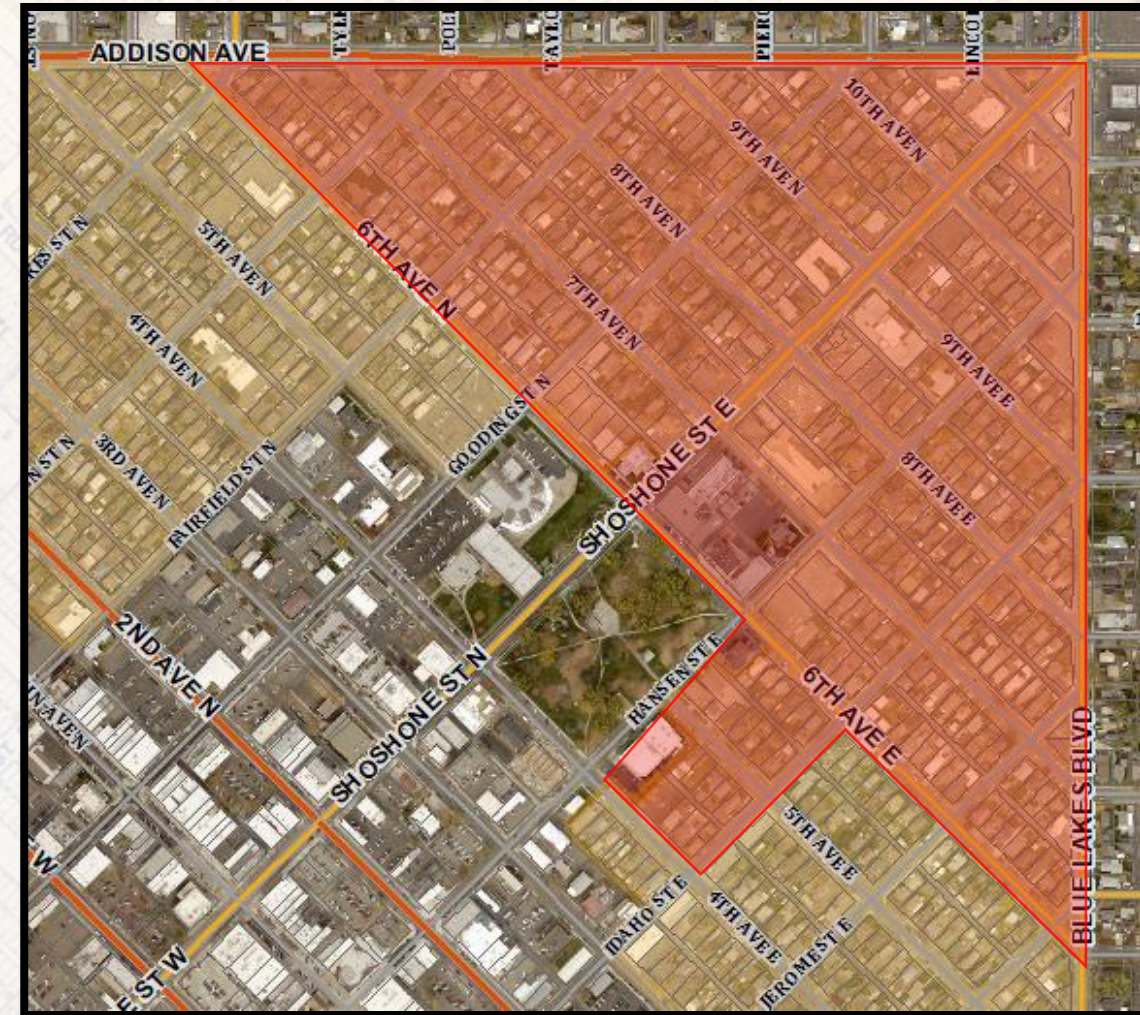
This process is required because City Council has the sole authority to spend tax dollars.



Where are we in the Process?

March 7, 2022 – Historic Preservation Commission Meeting

- Friends of the Avenues presented their request seeking HPC recommendation.
- HPC voted in Favor of the recommendation.
- **April 4, 2022 – City Council Meeting**
 - Friends of the Avenues presented their request and the recommendation from the Historic Preservation Commission.
 - City Council voted to direct City Staff to begin working on creating a preliminary budget for the project, and to report back to Council with the cost estimates.
- **May 2, 2022 – Meeting With Friends of Avenues**
 - City Staff met with FoA representatives to discuss the project and what costs City Staff received from Consultants.
- **May 23, 2022 – City Council Meeting**
 - City Staff presented cost estimates and gave a brief overview of State Statutes governing local historic districts.
 - City Council directed staff to advertise a public hearing where interested parties can share their thoughts on Historic Preservation for this area, as well as other areas near downtown.
- **June 2022 – City Council directed City Manager**
 - Direction to City Staff is to hold a public information meeting prior to the public hearing.



Where are we in the Process?

July 13 2022 – Public information meeting

- We are here today!
- August 15th – Public Hearing
 - City Council will make a decision or give further direction at the conclusion of the public hearing.

Right now we are here

City Council is seeking input on whether to use taxpayer dollars to fund an updated investigation, hire an additional City Staff Member, and create a Certificate of Appropriateness program in this residential area.

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Questions?

Please raise your hand.

We will repeat your questions into the microphone for online viewers.

We will answer questions until 7:00 PM.

Written Questions can also be submitted on the cards located in the lobby. Please provide an email for a written answer.

Comments can be emailed to:
tfplanning@tfid.org

or using the QR Code Below

