Twin Falls Planning & Zoning Commission
Agenda

Wednesday, September 6, 2017, 12:00 PM

City Council Chambers
305 3rd Ave E
Twin Falls, ID 83303
AMENDED AGENDA

Members -
City Limits: Tom Frank, Chairman, Kevin Grey, Vice Chairman, Danielle Dawson, Darren Hall, Craig Hawkins, Gerardo "Tato" Muñoz, Ed Musser
Area of Impact: Ryan Higley, Steve Woods

1) Call Meeting to Order
2) General Public/Staff/Commission Input
   a) Short-Term & Vacation Rentals
3) General Items
   a) Discuss possible code amendment items
   b) Identify upcoming P&Z Agenda Items
4) Upcoming Meeting(s)
   a) September 12, 2017 Public Hearing
5) Adjournment

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Lisa A. Strickland (208) 735-7267 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208) 735-7287.

CITY OF TWIN FALLS

PLANNING & ZONING COMMISSION

Public Hearing Procedures for Zoning Requests

1. Prior to opening the public meeting, the Chairman shall review the public hearing procedures, confirm a quorum is present and introduce staff present.
2. Individuals wishing to testify or speak before the Commission shall wait to be recognized by the Chairman, approach the microphone/podium, state their name, then commence with their comments. Following their statements, they shall write their name on the Sign-In record sheet(s) located on a separate table near the entrance of the chambers. The administrative assistant shall make an audio recording of each public meeting.
3. **The Applicant, or the spokesperson for the Applicant, shall make a presentation** on the application/request. No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing – WHICH IS A MINIMUM OF 15 DAYS PRIOR TO PUBLIC HEARING. **The applicant's presentation should include the following**:
   - **A complete explanation and description of the request.**
   - **Why the request is being made.**
   - **Location of the Property.**
   - **Impacts on the surrounding properties and efforts to mitigate those impacts.**

   The Applicant is limited to 15 minutes, unless a written request for additional time is received and granted by the Chairman prior to commencement of the public meeting.
4. Upon completion of the applicant's presentation City Staff will present a staff report which shall summarize the application/request, history of the property, if any, staff analysis of the request and any recommendations.
   - **The Commission may ask questions of staff or the applicant pertaining to the request at this time.**
5. The public will then be given the opportunity to provide public testimony/input/comments regarding the request.
   - **The Chairman may limit public testimony to no more than two (2) minutes per person.**
   - **Five (5) or more individuals, having received personal public notice of the application under consideration, may select a spokesperson by written petition. The spokesperson shall be limited to 15 minutes.**
   - ***No written comments, including e-mail, received after 12:00 o'clock noon on the date of the hearing will be accepted for consideration by the hearing body. Written comments, including e-mail, received by 12:00 o'clock noon or before the date of the hearing* shall be either read into the record or displayed on the overhead projector either during or upon the completion of public comment.**
   - **Following the Public Testimony, the applicant is permitted a maximum five (5) minutes rebuttal to respond to Public Testimony.**
6. Following the Public Testimony and Applicant's response, the Public Input portion of the public hearing shall be closed- **No further public testimony is permitted**. Commission Members, as recognized by the Chairman, shall be allowed to request clarification of any public testimony received of the Applicant, Staff or any person who has testified. The Chairman may again establish time limits.
7. The Chairman shall then close the Public Hearing. The Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. **Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed**. Legal or procedural questions may be directed to the City Attorney.

** **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.**

67-6539. LIMITATIONS ON REGULATION OF SHORT-TERM RENTALS AND VACATION RENTALS. [EFFECTIVE JANUARY 1, 2018]

(1) Neither a county nor a city may enact or enforce any ordinance that has the express or practical effect of prohibiting short-term rentals or vacation rentals throughout the jurisdiction of such county or city. Notwithstanding the foregoing prohibition, a county or city may implement such reasonable regulations as it deems necessary to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate. A short-term rental or vacation rental shall be classified as a residential land use for zoning purposes subject to all zoning requirements applicable thereto.

(2) Neither a county nor a city can regulate the operation of a short-term rental marketplace.

Los Lagos Property Owners Association
PO Box 5134
Twin Falls ID 83303-5134

August 21, 2017

Twin Falls City Council
103 Main Avenue East
Twin Falls, ID 83301

Dear City Council Members:

TOPIC: WHERE ARE OUR RIGHTS?

My name is Roxanne Paulson and I have been on the Board of our neighborhood Los Lagos Property Owners Association (POA) for 12 years and President of the Board for most of that time. Our neighborhood consists of forty five homes and has always been a peaceful and quiet one. Twenty of those forty five homes belong to elderly widows or single ladies. Our community is a tight knit one with everyone watching out for each other; you know the kind our city encourages. The name, Los Lagos, means "The Lakes". This private and pristine little community with three lakes has always been a well kept primarily adult neighborhood. The developers planned the community in the 1980's and took pride in creating restrictive covenants that, unlike many homeowners associations, have been strictly enforced by an active Board of Directors and proud involved property owners. One can quickly realize when driving through our community the hard work and dedication of the Board and homeowners as it is meticulously maintained and has kept its unique charm throughout the decades, one the developers desired to instill those many years ago. Our homeowners pay monthly dues which have escalated in recent years in order to maintain the higher standards our community has historically established. In addition to the monthly dues, we were recently forced to impose a $3100.00 special road assessment to each homeowner in order to replace the deteriorating condition of our private roads. These dues are burdensome but paid in order to maintain our "private" community which is no longer private.

In developing the codes and restrictions decades ago, they did their best to attempt to protect the unique neighborhood they proudly created. Little did they know that to place a "short term" rental clause (CC&R 2.05) in the 1980's would create a very fragile situation for its future residents in the twenty first century.

Our pristine community of mostly elderly residents' peace, quiet and security has suddenly changed. Our rights no longer matter because one of the residents decided money could be made by renting their second home at Los Lagos as a motel, or the new age version called Vacation Rental By Owner (VRBO). Even though the forefathers had included restrictive covenants decades ago that one could not run a "business" from their home (CC&R 3.05) , by today's standards, the rental of one's home on a day to day basis is evidently no longer called a "business".

Our unique community with recorded and enforced CC&Rs should not be categorized with other neighborhoods that have no CC&Rs or CC&Rs that are rarely if ever enforced. Our unique neighborhood has three lakes and a private pool. These previously were considered amenities that

were lovely and privileged and now have become open to the public and creating liability issues. Our homeowners have followed rules regarding pets with only two small animals allowed and they must be on leashes while the "new renters" have several dogs running at large! Our "private" pool is no longer private because keys are given to strangers several times per week and seemingly have fallen into "outsiders'" hands so we no longer know who belongs in our pool. Our grandchildren are amongst strangers and we no longer feel we can protect our elderly widows since what used to be known as strangers are now residing among us. We no longer feel comfortable asking them where they live which was so natural to do a few months ago.

Where are our rights?

How do we regain our quality of life and the security we so proudly called our home just a few short months ago? How do we protect ourselves and neighbors from the carelessness or neglect of strangers who have no knowledge of our health issues, disabilities or vulnerabilities? We have in the past stopped and asked strangers driving or walking through who they were visiting since we all knew each other and now it's a constant occurrence to have strangers walking or driving through or swimming in our private pool.

Where are our rights?

We urge you to consider the needs and vulnerabilities of our unique neighborhood and allow us to enforce the CC&Rs that we have so earnestly tried to protect and enforce throughout the past decades. Please recognize that a VRBO is a "business" that our forefathers and current residents did not and do not want in our neighborhood. Please respect what we have tried to maintain for decades in our community and let us know how you can help us accomplish this?

Contact information: idaho_rox@yahoo.com (there is an underscore between idaho and rox)
208-735-8778 or 208-308-8001

Thank you,

Roxanne Paulson

Respectfully,
Roxanne Paulson, President
Los Lagos Board of Directors

Morrene Monks

Morrene Monks, Vice President

Kim McElliott

Kim McElliott, Secretary

Pat Petersen

Pat Petersen, Treasurer

Larry McElliott

Larry McElliott, Director

Los Lagos Property Owners Association
PO Box 5134
Twin Falls ID 83303-5134

At the Los Lagos Annual Property Owners Meeting of 7-18-17 the property owners voted to change CC&R 2.05 to no longer allow "short term" rentals. In addition they specifically DO NOT want Vacation Rentals by Owner (VRBO) allowed in the Los Lagos Subdivision. The signatures below attest to these changes:

Dick Astley	235 Los Lagos	8/22/17
Betty Astley	"	8/22/17
Betty Bai	Lives Out of town - will sign next when she returns.	
Mike Barney	Out of town - Voted against VRBO @ meeting - will get signature.	
Kevin Bradshaw	126 Los Lagos	8-25-17
Marge Brown	150 Los Lagos	8/23/17
Thomas Campisi	165 LOS LAGOS	8-22-17
Joan Campisi	165 LOS LAGOS	08-22-2017
Ede Carrigan	137 Los Lagos W. Twin Falls	8/21/17
Jim Cobble	120 Los Lagos - Twin Falls	8-27-17
Shirley Cobble	120 Los Lagos Twin Falls	8/27/17
Joyce Cote	209 Los Lagos	8-24-17

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Vi Crowshaw		116 Los Lagos	8-22-17
		Address	Date
x Kate Freeland		122 Los Lagos	8.24.17
Kate Freeland		Address	Date
Kim Hanson		111 Los Lagos	8/22/17
		Address	Date
Carol Hanson	CH 111 HO	Los Lagos	8-22-17
Carol Hanson		Address	Date
Ray Harris		148 Los LAGOS	9-1-17
		Address	Date
Shirley Harris		148 Los LAGOS	9-1-17
		Address	Date
Marge Holmes		139 Los Lagos	8/21/17
		Address	Date
Tom Kennedy		261 Los Lagos	24 August, 2017
		Address	Date
Rex Leforgee		255 Los Lagos	8-22-17
		Address	Date
Cheryl Leforgee		255 Los Lagos	8.22.17
		Address	Date
x Bethea Lenzi		110 LOS LAGOS	8/22/17
Bethea Lenzi		Address	Date
Pat Lint		241 Los Lagos	8/23/17
		Address	Date
Larry McElliott		160 Los Lagos	8-22-17
		Address	Date
Kim McElliott		160 Los Lagos	8-22-17
		Address	Date

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Morrene Monks	185 Los Lagos	8-24-17
Hollis Neal	221 Los Lagos	8-24-17
Karen Neal	221 Los Lagos	8-24-17
Phil Nelson	142 Los Lagos	8-21-17
Leila Nelson	142 Los Lagos	8-21-17
Gary Paulson	136 Los Lagos	8/21/17
Roxanne Paulson	136 Los Lagos	8-21-17
Allan Petersen	154 LOS LAGOS.	8.24.17
Pat Petersen	154 LOS LAGOS	8.24.17
Linda Peterson	131 Los Lagos PO Box 1297 83303	8-27-17
Vera Reed	151 Los Lagos	8/25/17
Peggy Ripley	215 Los Lagos	8/24/17
Mason Robison	104 Los Lagos	8/23/17
Barb Robison	104 Los Lagos	8/23/2017

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Glenn Schroeder	133 Los Lagos	8/25/17
Judy Schroeder	133 Los Lagos	8/25/17
Gene Senkbeil	135 Los Lagos	21 Aug 17
Molly Senkbeil	135 Los Lagos	8-21-2017
Lewis Stanerson	177 Los Lagos	8/22/2017
Lou Stanerson	177 Los Lagos	8/22/2017
Ray Strolberg	132 Los Lagos	8/21/2017
Sonnie Strolberg	132 Los Lagos	8/24/17
Margaret Struthers	158 Los Lagos	8-25-17
Ruth Stutzman	106 Los Lagos 156 Los Lagos	8-25-17 8-25-17
Lee Thomas	143 Los Lagos	8/24/17
Marianne Thomas	143 Los Lagos	8/25/17
Peggy Varley	114 Los Lagos	8/28/17
Herma Watson	108 Los Lagos	8-24-2017

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Trudi Webster	119 Los Lagos	8-23-17
Betty White	249 Los Lagos	8-22-17
x Janet Wirth	203 Los Lagos	8-22-17
Peggy Wardt	125 Los Lagos	8-26-17
Martin Elexpuru	Spec House - Contractor non-resident Home for Sale	
	Address	Date

AMENDMENT TO LOS LAGOS SECOND AMENDED MASTER DECLARATION

Los Lagos Property Owners Association
PO Box 5134
Twin Falls, Idaho 83303-5134

TWIN FALLS COUNTY
Recorded for:
ROLIG, JEFFREY E. ESQ
8:52:15 AM 07-26-2017
2017-011662
No. Pages:3 Fee: $ 16.00
KRISTINA GLASCOCK
County Clerk
Deputy: SWADE

The Board of Directors of the Los Lagos Property Owners Association makes this Amendment to the Amended Master Declaration this 18th day of July 2017.

Whereas, at the regularly scheduled annual meeting of the membership called for the purpose of amending the Amended Master Declaration of a greater than two-thirds (2/3) membership vote approved the following change to the Amended Master Declaration:

Article II Section 2.05 "Rentals" shall be amended to read as follows:

Nothing in this Declaration shall prevent the long-term rental (long-term consisting of a twelve month period or longer) of residential property by the Owner thereof for residential purposes, subject to all the provisions of this Declaration and Bylaws. The Owner is ultimately responsible for all assessment fees, property taxes and Homeowners insurance, notwithstanding the provisions of any rental agreement between the Owner and his tenant. The tenant will be responsible for renter insurance. The Owner will provide a copy of this Master Declaration document to the tenant.

Roxanne Paulson, President

Morrene Monks, Vice President

Kim McElliott, Secretary

Carol Hanson, Treasurer

Larry McElliott, Director