



Twin Falls Planning & Zoning Commission Minutes

Tuesday, October 10, 2023, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

COUNCIL CHAMBERS

Members -

City Limits: Craig Kelley, Chairperson; Marilu Perez, Vice-Chair; Todd Rambur; Cortney Campbell; Grayson Stone; Robyn Weatherford

Area of Impact: David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Chairman Kelley called the meeting to order at 06:01 PM

A quorum was present.

Members Present: Kelley, Perez, Campbell, Rambur

Staff Present: Spendlove, Klaver, Ebersole, Green, Handley

Chairman Kelley stated the item 5b has been withdrawn from this agenda.

2) Conflict of Interest Declaration

None

3) Consent Calendar

MOTION: Vice Chair Perez moved to approve the Consent Calendar, as presented.

Commissioner Rambur seconded the motion.

Unanimously Approved by a vote of 4 to 0.

a) Approval of minutes from the following meeting: September 26, 2023

4) Items of Consideration

a) Consideration of Planning and Zoning Resolution No. 2023-001 validating conformity of the Old Towne-2 RAA Urban Renewal Plan with the City Comprehensive Plan c/o The Urban Renewal Agency of the City of Twin Falls. (PZ23-0061)

Staff Presentation:

Planning and Zoning Director Spendlove presented the Planning and Zoning Resolution No. 2023-001 validating conformity of the Old Towne-2 RAA Urban Renewal Plan with the City Comprehensive Plan c/o The Urban Renewal Agency of the City of Twin Falls. (PZ23-0061) Per State Statute, the Planning and Zoning Commission is tasked with making a decision on the resolution (see attachments) validating the conformity of this URA Plan with the City Comprehensive Plan. A majority vote of the Commission will decide the outcome of this

request.

Planning and Zoning Staff have been involved throughout the entire process of creating this Plan. We have made comments, offered ideas and proposed changes to the various drafts of this plan in order to help facilitate the creation of a Plan that is in conformance to the adopted 2016 Comprehensive Plan "Grow With Us".

After reviewing the request and the final draft documents, we have concluded the URA Plan is in general conformance with the City Comprehensive Plan and specifically furthers the following goals:

Housing Goal 4.1-1

Housing Goal 4.3-2

Economic Development 1.1-2

Transportation 3.1-1

Staff recommends the Commission approve PZ Resolution 2023-001.

Applicant Presentation:

Executive Director of the Urban Renewal Agency Barigar presented the plan for the Old Towne-2 RAA. He shared the process for developing this area. He stated there is area included that was in the recently terminated RAA. He stated the area will be a mixed use development, with housing, retail, work/live space, with all uses fitting in current Zoning map. He shared how this process will move forward after the resolution is signed by the commission. He stated there will be a public hearing in front of City Council for approval. He stated the new RAA will continue the momentum of the downtown rejuvenation.

PZ/Questions & Comments:

- Vice Chair Perez asked for clarification of the R-6 MHO zone.
- Planning and Zoning Director Spendlove clarified the zone as R-6, Residential Multi-Household District with a Mobile Home Overlay.
- Vice Chair Perez asked Mr. Barigar how the RAA border was determined.
- Executive Director Barigar stated the intention is to be inclusive of the Rock Creek Canyon, for preservation of Open Space and Public Amenities. He stated that some properties are zoned agriculture, and there is a process to grant property owners permission to include those properties in the RAA. He stated some property owners declined to consent, hence the reason for the zig zag border to the south.
- Vice Chair Perez asked if there is an opportunity in the future to work with those owners to use part of those properties for bike paths, etc.
- Executive Director Spendlove stated there is a one chance to amend the RAA boundaries, and open communication with those owners to discuss possible partnership with the City.

Discussions Followed:

- Chairman Kelley stated he likes that the URA considered the Comprehensive Plan and is honoring the downtown area.
- Vice Chair Perez agreed, and stated these are positive changes to the city in this area.

- She believes momentum is good.
- Commissioners Rambur and Campbell appreciate the hard work.

MOTION: Commissioner Campbell moved to approve the Planning and Zoning Resolution No. 2023-001 validating conformity of the Old Towne-2 RAA Urban Renewal Plan with the City Comprehensive Plan c/o The Urban Renewal Agency of the City of Twin Falls. (PZ23-0061) Vice Chair Perez seconded the motion.

Unanimously Approved by a vote of 4 to 0.

5) Public Hearings

- a) Request for a recommendation to City Council for a Zoning District Change and Zoning Map Amendment from R-2 and R-6 to R-6 CRO ZDA for 25(+/-) acres located on portions of Lots 4, 5 and 6 of the Orchalara Subdivision. c/ TDH Engineers on behalf of Martin Street Development, LLC.

Staff Presentation:

Planning and Zoning Director Spendlove presented the request for a Zoning District Change and Zoning Map Amendment from R-2 and R-6 to R-6 ZDA for 25(+/-) acres located on portions of Lots 4, 5 and 6 of the Orchalara Subdivision. c/ TDH Engineers on behalf of Martin Street Development, LLC.

Per City Code 10-6-1.7 (B) The applicant is required to present a preliminary review prior to a public hearing to the Planning and Zoning Commission in which the Commission may give suggestions and ask questions of the applicant about the proposed ZDA.

Per City Code 10-6-1.7(E) Approval of a ZDA shall be based on the following standards: the proposed uses are not detrimental to surrounding properties; deviations from Title 10 shall be warranted by the design of the conceptual plan; conformance to the Comprehensive Plan, and existing and/or proposed infrastructure must be adequate for the project.

Per City Code 10-14-1 thru 8 Any application for a zoning district change shall follow the procedures outlined in these sections.

City Staff have been unsuccessful finding exact dates for the annexation and zoning actions taken by the Council for the majority of the property. We do know that almost all the property was within City Limits by the year 1970 and the current zoning of the properties took place as far back as 1981 when the City performed a comprehensive title change which created the designations we use today.

However, there is one portion of this property (towards the SW area, near Rock Creek Canyon) that was recently annexed in 2022. That portion of the property was sought to be zoned R6 by the applicant during annexation. The Commission recommended, and the Council approved the annexation with an R2 zoning designation.

No further pertinent zoning history for this property is known at this time.

This request is proposing to rezone the identified properties from R2 CRO and R6 CRO to R6 CRO ZDA consisting of various housing types.

Per City Code 10-6: Zoning Development Agreements: The applicant has supplied the Conceptual Development Plans, Maps and Building Elevation Exhibits and the written commitments (ZDA Document) containing the specific variations from the Zoning Code they are requesting due to the unique nature of the development they are proposing.

The Following items shall be included or addressed with the Conceptual Development Plan (the Plan), or associated text materials:

1. Land Use: The proposed land uses have been identified as on the plan as residential Townhouse units varying in the number per building from 2 up to 6, and Apartment Buildings up to 24 units.
2. Topography and Boundary: The Boundary of the ZDA has been identified, the topography is identified on the Conceptual Plan.
3. Size, Type and location of buildings and sites: The Plan shows some typical buildings and sites as a concept development pattern. All buildings are further regulated by the Zoning Development standards found in the base R6 Zoning District. The specific locations and sizes of buildings can fluctuate as outlined in City Code 10-6-1.6.
4. Proposed Ingress and Egress: The Plan identifies public and private access into and out of the proposed property.
5. Physical features : The Plan has identified the major existing physical features.
6. Existing streets: The Plan shows Filer Ave West and Martin Street as the adjacent roadway to the North and East. The plan also shows a future street configuration of Filer and Martin proposed by the City Engineering Department that received a positive recommendation from the Traffic Safety Commission (April 5, 2023).
7. Stormwater management: The applicant is not requesting changes to the standards found in current City Code. However, the Storm Management of the site could be problematic/detrimental as portions of the runoff for the site are shown going into Rock Creek Canyon. The implications of this are unknown at this time since approval for this type of system would be multi-jurisdictional.
8. Alleys and easements: No alleys are requested; the applicant is not requesting changes to the standard procedure for easement placement found in current City Code.
9. Future public facilities: The applicant is not requesting changes to the City Standards for public facilities.
10. Multi-use transportation access and pathways: The plan shows increased access to the existing Canyon Rim Trail network along Rock Creek. The appropriate areas for connection will be determined during the Platting Process and/or by the owners of the adjoining trail network (City of Twin Falls Parks Director and County of Twin Falls).
11. Density: The applicant is not requesting changes to the permitted density listed in the identified base Zoning Districts shown on the Plan. However, the plan submitted does not depict an accurate land area requirement based on the design of the project. A condition has been placed to work with the applicant towards submitting an accurate plan.
12. Parking: The applicant is requesting a change to allow tandem parking for the

Townhome type dwelling units.

13. Landscaping: The applicant is not requesting changes to the standard Landscaping Requirements found in current City Code.
14. Screening: The applicant is not requesting changes to the standard Screening Requirements found in current City Code.
15. Project Scheduling: The applicant lists a maximum ten (10) year time limit with an additional provision for the Council to review the plan for continued validity and possible rezone procedure.
16. Preliminary Lot Arrangements: The Plan shows preliminary arrangements for lots and uses. Criteria for specific Townhome lot sizes have been proposed (15.5 feet x 40 feet). This requirement would be enforced on the Plat of the property, and allows for individual ownership of the Dwelling Units. All the property will undergo Preliminary and Final Platting that may adjust these arrangements per City Code 10-6-1.6
17. Parks and Open Space: The Plan shows some open space within the boundary. However, the applicant is not requesting changes to the standard procedure for dedicating Parks and Open Space.
18. Other Standards: Architectural Standards: The applicant has provided building elevations that depict the types of materials and colors they will construct the buildings with. Extra Height – Phase 3 and Phase 6 Areas: The applicant is requesting a change to the CRO and base R6 Zoning code height limitations to allow extra height, up to 44 feet tall, for the specific Apartment Buildings in these areas.
 - The CRO limits heights at these locations to 25 feet rising up to 35' at a distance of one hundred feet from the rim.
 - The R6 Zone limits heights to 35' maximum.

Possible Impacts and Mitigation: The full impact of this project will not be immediately felt by the community. This size of project takes multiple years to fully construct and implement. As such, the impacts generally seep into the community over a period of time rather than abruptly show up on a pre-set date. Furthermore, since the time frame is over multiple years it can be difficult to discern if the impacts are occurring due to this one project or to an overall growth of the community. In any case, staff has attempted to address the most common and impactful items this project may produce.

Land Use - The Conceptual Plan shows a residential development with 2 dwelling unit types (Townhomes in various configurations and 6 Apartment Buildings with 24 Units each). The net effect of these two types of housing options is simply a different type of construction method. The area will still be residential in nature.

The Commission should review the proposed Zoning Designation and propose mitigating conditions to possible impacts if it deems necessary.

Canyon Rim – The Canyon Rim will be most impacted in a visual way by having new buildings on land previously used for pasture and fallow farm ground. The Conceptual Plan and the associated documents depict 3 apartment buildings closest to the Rim. This is not unlike other locations near the Rim that have developed. However, it is rare for residential buildings to deviate from the Canyon Rim Overlay Code for height, and this provision should be considered carefully.

A positive addition to the Canyon Rim could be additional public access points. These access points would need to be coordinated with the City and County in order to optimize the best locations along the trail. These additional access points will make the trail more accessible to residents in the area.

It should be noted that; City Code does not address aesthetic or design guidelines. It is reasonable to link Canyon Rim impacts with visual aesthetics. However, since City Code does not have regulations of this type, staff will not address the aesthetics of the project.

The Commission should review the proposed Zoning Designations and propose mitigating conditions to any possible impacts it deems necessary.

Traffic/Access Impact - This project will have an impact on the local road network. Due to the natural barrier of the Canyon Rim, access to the overall street network is limited to Filer Ave West and Martin Street. The proposal shows a preliminary design for a Round-about that connects Filer and Martin to Wendell Street. This preliminary design was proposed by the City Engineering Department as the most effective to satisfy various standards and requirements for intersection improvements. The proximity of the Martin and Wendell intersections on Filer Ave W make most conventional improvements infeasible.

This preliminary design was proposed to the Traffic Safety Commission on April 5, 2023 and received a positive recommendation for intersection improvement.

The Commission should review the proposed Zoning Designations and propose mitigating conditions to impacts they deem appropriate if necessary.

The Commission is tasked with making a recommendation on the proposal for a Zoning District change to R6 CRO "Martin Street ZDA"

Staff proposes the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to the Filer Ave, Wendell St, Martin St roundabout dedication and construction issues being negotiated through a separate agreement between the owner and the City of Twin Falls.
3. Subject to a corrected Plan showing accurate lot area requirements for the proposed phases.

Applicant Presentation:

Rex Harding, TDH Engineers, representing applicant, presented the request for a recommendation to City Council for a Zoning District Change and Zoning Map Amendment from R-2 and R-6 to R-6 CRO ZDA for 25(+/-) acres located on portions of Lots 4, 5 and 6 of the Orchalara Subdivision. He shared the acreage, number of units and average square footage per unit. He stated the townhomes will be built on their own lots to allow for individual ownership. He addressed the Comprehensive Plan, and stated the ZDA fits within the Comprehensive Plan, with mixed uses being in that area. He reviewed the plan and why buildings are placed where they are. He reviewed the infrastructure and possible PI extension. He addressed the

stormwater runoff retention and addressed the flood plain and retention of trees. He addressed the citizens comment letter and answered many of the questions in letter.

PZ Comments/Questions:

- Vice Chair Perez asked about stormwater retention.
- Planning and Zoning Director Spendlove stated retention will be solved with each phase. He addressed the unit number error in the development phase area, but corrected, the number does not exceed R6 standards.
- Vice Chair Perez asked if there is a possibility to scrap the roundabout.
- Planning and Zoning Director Spendlove stated only City Council could make that decision. It is something deemed necessary by the Engineering Department, regardless of the proposed development.
- Commissioner Rambur asked about the additional height.
- Planning and Zoning Director Spendlove stated the ZDA language asks for a 44' height allowance closer than 100' from canyon rim.
- Commissioner Campbell asked if the roundabout is needed without the subdivision.
- Planning and Zoning Director Spendlove stated the Engineering Dept. has concluded the roundabout is needed regardless of the proposed subdivision.
- Planning and Zoning Director Spendlove stated it is a necessary improvement to the intersections.
- Commissioner Campbell asked about the tandem parking request.
- Planning and Zoning Director Spendlove stated there is a development at the Latitude 42 apartments where tandem parking was approved.
- Chairman Kelley asked how long has the property been vacant.
- Planning and Zoning Director Spendlove stated there is no history farther back than the annexation in 1973.
- Commissioner Rambur asked about other projects in that area.
- Planning and Zoning Director Spendlove stated this is the only application received for this area.
- Commissioner Campbell asked about the ownership of townhomes and who is responsible for maintenance.
- Mr. Harding stated there will be an HOA and stating the requirements, but individual property maintenance will be the responsibility of townhome owners.
- Commissioner Campbell asked about the maintenance of the open space.
- Mr. Harding stated the HOA will maintain the open space with an outside contractor.
- Commissioner Campbell asked when will the last phase will be built. Is the clubhouse in that phase?
- Mr. Harding stated the phasing can be flexible dependent by need.
- Vice Chair Perez asked about the street designations.
- Planning and Zoning Director Spendlove stated Filer Avenue West, Martin Street, and Wendell Street are collectors. He explained the designation and why there is no change to those street designations.
- Vice Chair Perez asked about attached single family in the R2 zone.
- Planning and Zoning Director Spendlove stated the ZDA is asking for smaller lots than the R2 zoning requires, but not to exceed the maximum allowed density. He stated they are asking for deviations to the R6 zoning in the ZDA.

- Chairman Kelley asked why this property, with its challenges?
- Mr. Harding stated the applicant is aware of the shallow soils and rock expense to develop.
- Vice Chair Perez asked the outright R6 zoned area being used for roundabout roadways. Are there traffic implications?
- Mr. Harding stated roundabout and extension of Wendell Street will have 53,302 sq ft dedicated to city.

Public Hearing: Opened

- Garin Evans, citizen, shared his letter and map submitted to the commission, showing most of the area is zoned R2. He stated the city has the responsibility to preserve uses of R2 zone. He shared his concern with the roundabout, with a blind curve located at his property. He has a concern for traffic while leaving his property. He asked the commission to consider the surrounding community.
- Sabrina Bennett, citizen, stated her concern for safety of roundabout around her property at the corner of Filer Avenue and Martin Street. She believes it will have a negative impact, with more people, more traffic, more accidents.
- George Haney, citizen, stated his concern and believes this is the wrong place at the wrong time. He stated this is a unique area in the Intermountain West.
- Lamar Orton, citizen, is opposed to this rezone. He referred to city code 10-1-5 G-K. He shared his concern for no retention basins or green spaces. He does not believe this meets intent of a ZDA/PUD. He wants to leave the R2 zoning in place.
- Rosalie Orton, citizen, is opposed to a zoning change. She is opposed to no park, an overcrowd school, extra traffic and to the additional height on Rock Creek Canyon. She wants to leave the R2 zoning in place.
- Maria Phillips, citizen, opposes this project. She asked the process for Wendell Street eventually going through to Heyburn Road, and if it will be necessary to go through her property. She stated the roundabout won't fix the traffic issues.
- Clayton Cantrell, citizen, stated his concern with the roundabout and development being decided together. He stated he would like to see the land maintain the R2 zoning.
- Irene Haney, citizen, stated she believes her property value will decline with this project. She stated her traffic concerns and would like the property to remain R2 zoning.
- Eric Johnson, citizen, stated his concern for increased traffic and overburdening the infrastructure. He stated he would like to see the zoning remain R2.
- Dustin Corbett, citizen, gave an overview of the local wildlife and the Rock Creek Canyon, and the possible threats with this development.
- Mark Farmer, citizen, opposes the development due to traffic and water flow issues.

Closed Public Comment Period

- Mr. Harding addressed the citizens' issues. He stated the roundabout was brought to them as a concept by the city, and the rendering on this site plan is not a complete design. He stated all concerns will be looked at and addressed with the plat. The roundabout is not part of the ZDA. Martin Street will not go through in front of Ms. Bennetts house and addressed other water issues. He clarified the Wendell Street extension plans. He stated the roundabout will address current traffic issues, as well as additional traffic from the development. The green areas will be landscaped park

areas, not stormwater retention. The stormwater retention will go into Rock Creek Canyon and is sufficient for retention. The HOA will maintain the park areas. He explained the layout and density of the development, with the ZDA in place for HOA maintenance of whole area. He stated he believes this is in compliance with the Comprehensive Plan. He explained the need to widen Filer Avenue.

- Planning and Zoning Director Spendlove stated the location and design of the roundabout is not finished and will follow strict standards of the Engineering Department. He stated it is shown as part of the ZDA, as it is planned to be constructed with the development. He stated relocation of any driveways will be addressed with the Engineering Department. He stated the city has used traffic counters in area - shows approximately 7,000 vehicle trips a day, which is the maximum trip count for a T intersection. He stated Filer Avenue can handle up to 9,000 vehicle trips a day without conflicts of intersections. The canal water will not be interrupted. He explained the park land dedication process and how it works through impact fees. This area was not selected as an area for new city park.
- Vice Chair Perez asked about schools being affected.
- Planning and Zoning Director Spendlove stated school districts are notified of every item/can comment like the highway district.
- Vice Chair Perez asked the impact of traffic with this multifamily development.
- Planning and Zoning Director Spendlove stated there is less traffic per unit in a multifamily development compared to a single-family dwelling.
- Vice Chair Perez asked about new roads and access out of development.
- Planning and Zoning Director Spendlove stated the primary access will be off Wendell Street and the roundabout. He stated it is not in the city's future plans to take property for roads at this time.
- Vice Chair Perez asked for clarification regarding the property surrounded by the roundabout.
- Planning and Zoning Director Spendlove stated this design is not the final decision and could weigh different options.
- Vice Chair Perez asked about environmental issues. What can the commission do as part of the landscaping plan to help protect the area?
- Planning and Zoning Director Spendlove shared ways to add a condition to this specific property, not as a broad decision for the whole city.
- Vice Chair Perez asked the legalities and who governs the Endangered Species Act.
- Planning and Zoning Director Spendlove stated it is under federal purview and will be dealt with at the federal/state level.
- Vice Chair Perez asked about ADA requirements when units are sold to individuals in the R2 zoning.
- Planning and Zoning Director Spendlove stated no code to enforce.

Public Hearing: Closed

Discussions Followed:

- Commissioner Rambur stated he believes this conforms with the Comprehensive Plan. He stated there are care facilities nearby and an apartment complex just north. He stated he does have a concern of the extra height next to the canyon rim and would like the commission to discuss.
- Chairman Kelley stated that portion is not permitted without the ZDA and believes the

issue is fair to discuss.

- Vice Chair Perez she agrees with protecting the Rock Creek area. She likes the walk/bike path access and does have a concern with the additional height request.
- Commissioner Campbell stated the area is already at capacity on the roads. The commission has already decided on the need for a roundabout in April. She likes the more affordable homeownership option, but will be voting no, as is. She is not sure if the tandem parking works and additional height.
- Chairman Kelley stated his concern with tandem parking and additional height requests.
- Vice Chair Perez discussed adding conditions.
- Commissioner Rambur stated he is okay with multifamily development, but not 44' height at the canyon rim.
- Commissioner Campbell stated would like the development reconfiguration to meet existing zoning.
- Planning and Zoning Director Spendlove stated there is a possibility to add conditions. He shared examples of what those conditions may look like.
- Commissioner Campbell stated she does not believe tandem parking has been proven in this area.
- Commissioner Rambur asked if tandem parking is counted towards the required parking.
- Planning and Zoning Director Spendlove clarified the parking requirements.
- Chairman Kelley stated tandem parking should not be included with the required parking.
- Vice Chair Perez agreed.
- Commissioner Rambur asked if there is allowed parking on Filer Avenue.
- Planning and Zoning Director Spendlove there are collectors that parking is allowed, but not exclusively. There is parking available on public streets.

Condition #4

MOTION: Commissioner Campbell moved to add condition #4 subject to removing item 2G from the ZDA document.

Commissioner Rambur seconded the motion.

Unanimously Approved by a vote of 4 to 0.

Condition #5

MOTION: Vice Chair Perez moved to add condition #5 subject to removing item #2C from the ZDA document.

Commissioner Rambur seconded the motion.

Unanimously Approved by a vote of 4 to 0.

Condition #6

MOTION: Vice Chair Perez moved to add condition #6 subject to the Parks and Recreation Commission giving a recommendation on the Landscape Plan for the 50' setback area along Rock Creek to be reviewed by the Planning and Zoning Commission on the Preliminary Plat, emphasis on natural landscape.

Commissioner Campbell seconded the motion.

Roll call vote showed all members present voted. Approved 3 to 1.

Recommendation

MOTION: Commissioner Campbell made a motion to approve the request for a recommendation to City Council for a Zoning District Change and Zoning Map Amendment from R-2 and R-6 to R-6 CRO ZDA for 25(+/-) acres located on portions of Lots 4, 5 and 6 of the Orchalara Subdivision. c/ TDH Engineers on behalf of Martin Street Development, LLC, as presented with staff recommendations, and additional added conditions by the commission. Commissioner Rambur seconded the motion.

Unanimously Approved by a vote of 4 to 0.

- b) Request for a Special Use Permit to allow a doctors' office (birth consulting and in-home birthing service) on the property located at 1122 10th AVE E. c/o Marc S Davison on behalf of Capital Paradise Investment Group. - **WITHDRAWN DUE TO INCOMPLETE PUBLIC NOTICE**

6) Upcoming Meeting(s)

- a) Tuesday, October 24, 2023

7) Adjournment

The meeting adjourned at 08:39 PM

Kelli Ebersole

Kelli Ebersole, City Planner