Twin Falls Planning & Zoning Commission
Work Session Minutes

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

Vice-Chairman Grey called the meeting to order at 12:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff.

Members Present: Grey, Dawson, Hawkins, Munoz, Musser, Woods
Staff Present: Carraway-Johnson, O'Connor, Spendlove, Strickland, Vitek, Weeks, Wonderlich

2) General Public/Staff/Commission Input

a) Short-Term & Vacation Rentals

- Roxanne Paulson, 136 Los Lagos, spoke to the Commission regarding short-term/vacation rentals and its impacts on her and her neighbors. She explained that she was referred to the Planning & Zoning Commission as a place to start the discussion. She wanted to have input on any code changes that may be coming in the future to address this type of thing.
- City Attorney Wonderlich explained that the state stature prohibits Counties and Cities from prohibiting this type of land use, but that there can be some type of regulation. He is not sure what that regulation looks like and his recommendation would be that if the Commission would like to attempt to draft something it could be submitted to the Attorney General for feedback. He also explained CCR's are separate from City Ordinances and the City does not enforce CCR's.
- Pat Peterson, 154 Los Lagos, stated that the concerns she has deals with the health and safety of the neighborhood. The tenants have left trash cans full which attracts flies and rodents, not to mention that it is esthetically unpleasant. She stated homeowners no longer feel safe. She explained her biggest issue is that she owns as much of that property as the person who is renting it, and someone else has given someone else the opportunity to walk across her back yard, get into her roses and take selfies of themselves on her property.
- Roxanne Paulson, explained that her other fear is this type of operation lowers property values.
- City Attorney Wonderlich, clarified that the property being discussed is in the Area of Impact. The County has adopted an ordinance that says within the boundaries of the Area of Impact they will apply the City's Zoning & Subdivision Regulations and they will appoint

the City Planning & Zoning Commission and City Planning & Zoning Staff to administer the regulations. He understands that it looks like the City is over it, but ultimately only the County can adopt your ordinances that affect the property in the Area of Impact, because the property is in the county not in the city. A recommendation can come from the City Council to the County Commissioners and they would have to adopt the ordinance for it to apply to the property in question. Start with the City Planning & Zoning Commission can be a place to start the discussion but they can only make a recommendation to the City Council and the City Council can only make a recommendation to the County. If there is a change to the zoning that does not permit short-term housing rentals, ultimately it is the County Commissioners decision. He also explained issues related to garbage and dogs they will need to work with the county regarding those issues.

- Commissioner Grey asked if what the process would be if there is a decision to pursue the issue.
- City Attorney Wonderlich explained because this is in the beginning stages and the way that the state code is written he would recommend that is something is drafted that it be sent to the Attorney General for review.
- Commissioner Munoz asked how any type of restriction would be regulated.
- City Attorney Wonderlich stated for example is the code stated the owner can only rent the home 3 times per year, he is not sure how it would be regulated. The owners in this subdivision would be able to recognize the amount of times it was rented because they live next door but he is not sure how to regulate. There will be a definition for short-term rentals, but time lines and specifics so that it can be regulated will need to be defined.
- Planner I Spendlove explained that to enforce anything that falls into the zoning regulations it requires a court order, which can be a very lengthy process. The process requires staff to gather evidence, take photos and prove that the home is operating differently that what is allowed for a residence. Throughout his research of the issue, most City's do not regulate this through the zoning code but by business license, making it easier to enforce.
- City Attorney Wonderlich explained this may not be a difficult to prove because the owners advertise the home for this type of use. Finding the advertisement would not be difficult.
- Commissioner Munoz explained it still becomes an issue for enforcement.
- Commissioner Grey asked if the City will enforce the CCR's.
- City Attorney Wonderlich explained CCR's will not be enforced by the City.
- Kim McElliot, 160 Los Lagos, explained she is the neighbor that had a photo taken of her by one of these short term renters and getting into her shrubs.
- Commissioner Hawkins asked if anyone has spoken to the property owner.
- Ms. McElliot explained that they have sent letters and the property owner will not respond. She did fake a reservation on the advertisement site and finally was able to get into contact with the property manager to explain the situation. He apologized and stated that it won't happen again, but the things continues to happen.
- Commissioner Woods explained he has lived in an area where the CCR's were extremely specific and enforced, but it does protect the neighborhood.
- Commissioner Grey asked what the plan is for code amendments, he thinks the

Commission needs to get back on track with the discussion and asked if there is a plan for addressing this issue.

- Zoning & Development Manager Carraway-Johnson explained that people have the right to rent their properties, and most municipalities don't regulate private property rights. If there are CCR's or Home Owners Associations in place that would be the place to address this issue. It is an issue between the property owners within that subdivision.
- City Attorney Wonderlich explained they are aware this may be an issue for City Council and possibly the County Commissioners. Senior Planner Spendlove will reach out to some planning professionals and other communities to see how they are dealing with this issue. He also stated he would speak with other attorneys and see how they are managing this issue.
- Commissioner Woods stated he has an issue with calling all renters bad and all home owners good, that is not always the case. Maybe instead of regulating whether a person is renting or not, you regulate what they are doing wrong, like the messy lawn, junk left around their homes, dogs running loose. Possibly going after their actions is easier to document and easier to fine.
- Commissioner Grey clarified that until this item is or is not addressed, this is going to be a civil action, based on CCR's and the documentation your attorney has to present. The courts would only review the CCR's.
- Senior Planner Spendlove explained that when he looked at the City of Ketchum's code on line the don't have anything in their code. The statute states you can't prohibit them, so he is not sure that there is a city code that had been written to address the short term rentals. Most of his research shows this has been regulated through business permits. It does have to be defined as a land use. We have never regulated how long someone rents a house.

3) General Items

a) Discuss possible code amendment items

b) Identify upcoming P&Z Agenda Items

Zoning & Development Manager Carraway-Johnson updated the Commission on previous agenda items and their status.

- Early Days-Mr. McNabb, has decided to pursue converting the property into apartments. Apartments do not require a Special Use Permit and the last communication we had was that he was going to be working with his designer. He has decided not to appeal.
- Quiroz, Adrian-SUP for Hookah extended retail hours, once the findings are signed the 15 day appeal period begins.
- Downtown Improvements and Public Right-of-Way have come up for discussion. There are concerns with allowing outdoor seating/eating areas and making sure there are some rules in place to ensure public safety, clearance for walking and that the right-of-way is maintained correctly. There are a lot of things going on in this area and the city just wants to get ahead of something that could potentially create problems.
- Speed-limits and Traffic Safety near the new schools, and speed limits have been adjusted

on Harrison St, Washington St and Blue Lakes Blvd to address this issue.

- Commissioner Grey asked about following up on the sign code and the flags.

PZ Questions/Comments:

- Commissioner Grey asked about the URA request for the area along the railroad tracks downtown.
- Zoning & Development Manager Carraway-Johnson explained that request has been put on hold.
- Commissioner Grey asked about the project for the open theater area in the old town.
- Zoning & Development Manager Carraway-Johnson explained that staff has not heard anything new and that the property is for sale.
- Commissioner Munoz asked if staff is aware of what is occurring at corner of Kimberly Rd and Blue Lakes Blvd, it looks like an auto sales/repair business.
- Planner I O'Connor stated he has spoken to the friend of the gentleman that has purchase the property. He called to ask about landscape requirements and explained that an SUP has to be approved prior to landscaping being installed and the use being implemented. He now has a contact number for the owner and he will follow-up.
- Senior Planner Spendlove explained that staff has been working on definitions for the zoning code as soon as it is ready for review it will be presented and then the Commission will be able to start updating Title 10 Zoning Uses and decide which ones should be allowed in which zone and which would require an SUP.

4) Upcoming Meeting(s)

a) September 12, 2017 Public Hearing

5) Adjournment

Vice-Chairman Grey adjourned the meeting at 1:15 PM

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Lisa A. Strickland, Administrative Assistant