



Twin Falls City Council Agenda

Monday, July 14, 2025, 5:00 PM

Council Chambers
203 Main Avenue East, Twin Falls, Idaho

Members: Mayor Ruth Pierce, Vice Mayor Jason Brown, Council Members Craig Hawkins, Spencer Cutler, Christopher Reid, Grayson Stone, Cherie Vollmer

- 1) Call Meeting to Order/Confirmation of Quorum
- 2) Pledge of Allegiance
- 3) Consent Calendar
 - a) **ACTION ITEM:** Request to approve City Council 2025 July 7, Minutes.
By: Rachael Long, Administrative Assistant
 - b) **ACTION ITEM:** Request to approve Accounts Payable for July 03-09, 2025.
By: Amy Luna, Deputy City Clerk
- 4) Items of Consideration
 - a) **ACTION ITEM:** A request to reject all bids and negotiate on the open market for the sale of the former Fire Station #3, located at 929 Washington Street South.
By: Mitch Humble, Deputy City Manager
 - b) **PRESENTATION:** A presentation of the City Manager's Recommended Budget for FY 2025-2026 (FY 2026) followed by citizen input.
By: Gretchen Scott, Deputy City Manager
- 5) General Public Input
- 6) Advisory Board Report/Announcements
- 7) Public Hearings
 - a) **ACTION ITEM:** Request for a Zoning Development Agreement/Zoning District Change, from Neighborhood Commercial to R6 High Density Residential, on property located at the 900 block of Falls Ave W. c/o EHM Engineers, Inc on behalf of Grandview Farms, LLC (PZ25-0039).
By: Kelli Ebersole, City Planner
 - b) **ACTION ITEM:** Request for a Zoning Title Amendment to repeal and replace Title 10. Items to include are regulations pertaining to "Supplemental Regulations" and "Wellhead Protection Overlay District". c/o City of Twin Falls
By: Jonathan Spendlove & William Klaver
- 8) Adjournment

Any person(s) needing special accommodation to participate in the above-noticed meeting could contact Josh Palmer (208) 735-7312 at least two working days before the meeting. Si Desae Esta information in Español, Por favor llama a Josh Palmer al telephone (208) 735-7312.

Public Input Procedures

1. Individuals wishing to provide public input regarding matters relevant to the City of Twin falls shall:
 - a. Wait to be recognized by the Mayor or Chairman.
 - b. Approach the microphone/podium.
 - c. State their name, and whether they are a resident or property owner of the City of Twin Falls and proceed with their input.
2. All public input will be limited to two (2) minutes. Individuals are not permitted to give their time to otherspeakers.
3. All presenters shall remain respectful.

Public input will not be about any of the items that were on this agenda, personnel, or a personnel-related issue. All issues involving City personnel should be directly communicated with the mayor and/or the City Manager.

Anyone failing to follow these rules will be provided with one (1) warning. Should the speaker continue to disregard these rules after the warning, they will have the microphone muted and they will be asked to return to their seats.

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chairman shall review the public hearing procedures.
2. Individuals wishing to testify or speak before the City Council or Planning & Zoning Commission shall wait to be recognized by the Mayor or Chairman, approach the microphone/podium, state their name, and then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff should make an audio recording of the Public Hearing.
3. A City Staff Report shall summarize the application and history of the request.
4. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
 - A complete explanation and description of the request.
 - Why is the request being made.
 - Location of the Property.
 - Impacts on the surrounding properties and efforts to mitigate those impacts.
5. Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor or Chairman.
6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.
7. The public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chairman may limit public testimony to no less than two (2) minutes per person.
 - Individuals are not permitted to give their time to other speakers.
 - However, five (5) or more individuals that received written notice of the public hearing may appoint, by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the Mayor or Chairman. The spokesperson shall be limited to 15 minutes.
 - The written comments, including e-mail, received by 12:00 p.m. on the date of the hearing should be either read into the record or displayed to the public on the overhead projector.
8. Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
9. Following the Public Testimony and Applicant's response, Council or Commission members, as recognized by the Mayor or Chairman, shall be allowed to question the Applicant, Staff or anyone who has testified. Responses shall be limited to answering the questions asked. The Mayor or Chairman may limit the time permitted for the answer.
10. The Mayor or Chairman shall close the Public Hearing. The City Council or Planning & Zoning 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, applicants 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 Mayor or Chairman



Twin Falls City Council Minutes

Monday, July 7, 2025, 5:00 PM

Council Chambers
203 Main Avenue East, Twin Falls, Idaho

1) Call Meeting to Order/Confirmation of Quorum

Present: Mayor Ruth Pierce, Vice Mayor Jason Brown, Council Members Craig Hawkins, Christopher Reid, Spencer Cutler, Cherie Vollmer & Grayson Stone.

Absent:

Staff Present: City Manager Travis Rothweiler, Deputy City Managers Mitch Humble & Gretchen Scott, City Attorney Bruce Castleton, Environmental Manager Nathan Erickson, URA Director Shawn Barigar, and Administrative Assistant Rachael Long, Fire Chief Mitchell Brooks, Police Chief Matthew Hicks, Network Administrator Adam Day, HR Director Kristen Kohntopp, Public Information Coordinator Joshua Palmer

Mayor Pierce called the meeting to order at 5:00 PM. A quorum was present.

2) Pledge of Allegiance

Mayor Pierce invited all present, who wished, to recite the Pledge of Allegiance to the Flag.

3) Invocation

a) Invocation

Mayor Pierce thanked Tony Prater.

4) Consent Calendar

MOTION: Council Member Reid moved to approve the Consent Calendar as presented. **Council Member Hawkins** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

- a) Request to approve City Council 2025 June 23, Minutes.
- b) Request to approve Accounts Payable for June 19th to July 2nd, 2025.
- c) Request to approve 2025 May Wells Fargo Credit Card Summary.
- d) Request to approve June 25, 2025, Travel Requests.
- e) Request City Council to approve the Special Event Permit for the organizers of the Magic Valley Kid Market.
- f) Request City Council to approve the Special Event Permit for the organizers of the Pop-up Pictures Movie Night.
- g) Request City Council approve the Special Event Permit for the organizers of the Inner court.

5) Items of Consideration

- a) Approve Resolution 2025-011, a Resolution of the City Council of The City of Twin Falls, Idaho, rejecting all bids for the 2025 Grandview Odor Control Project and directing staff to pursue obtaining bids through the open market.

Environmental Manager Erickson requested approval of the Resolution 2025-011, rejecting all bids for the 2025 Grandview Odor Control Project and directing staff to pursue obtaining bids through the open market.

Discussion ensued as follows: None

MOTION: Council Member Vollmer moved to approve the request to approve **Resolution #2025-011**, rejecting all bids for the 2025 Grandview Odor Control Project and directing staff to pursue obtaining bids through the open market. **Vice Mayor Brown** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

- b) A request to authorize the use of \$1,234,820 of cash reserves from the respective funds as needed to fund the City of Twin Falls Health Plan Trust.

City Manager Rothweiler requested authorization to use \$1,234,820 of cash reserves from the respective funds as needed to fund the City of Twin Falls Health Plan Trust.

Discussion ensued as follows:

Council Member Cutler asked for the letter from the department of insurance was not in the packet.

MOTION: Vice Mayor Brown moved to approve the request to use \$1,234,820 of cash reserves from the respective funds as needed to fund the City of Twin Falls Health Plan Trust. **Council Member Stone** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

- c) A presentation of the City Manager's Recommended Budget for FY 2025-2026 (FY 2026) followed by citizen input.

City Manager Rothweiler made a presentation of the City Manager's Recommended Budget for FY 2025-2026 (FY 2026) followed by citizen input.

Discussion ensued as follows:

Council Member Reid asked for clarification on what day the Council needs to get back with the budget for 770k?

Mayor Pierce asked about August 11th.

Mayor Pierced thanked Rothweiler for his presentation.

6) General Public Input None

7) Advisory Board Report/Announcements

Council Member Stone brought up the Building Advisory board and will be meeting to go over building codes and encourage members to come.

8) Public Hearings

- a) Public Hearing and Consideration of Ordinance No. O-2025-010 adopting the First Amendment to the Urban Renewal Plan for Revenue Allocation Area #4-3.

URA Director Shawn Barigar conducted a public hearing and requested consideration of **Ordinance #O-2025-010** adopting the First Amendment to the Urban Renewal Plan for Revenue Allocation Area #4-3.

Discussion ensued as follows: None

Public Hearing opened: 6:16PM.

Public hearing closed: 6:17PM.

MOTION: Vice Mayor Brown made a motion to dispense with reading the rules and put Ordinance #O-2025-010 on third and final reading by title only. **Council Member Reid** seconded the motion. The Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

MOTION: Council Member Stone moved to approve **Ordinance #O-2025-010** adopting the First Amendment to the Urban Renewal Plan for Revenue Allocation Area #4-3. **Vice Mayor Brown** seconded the motion. The roll call vote showed all members present voted in favor of the motion, 7 to 0.

9) Adjournment

The meeting adjourned at 06:20 PM

Rachael Long, Administrative Assistant



Date: Monday, July 14, 2025
To: Honorable Mayor and City Council
From: Mitch Humble, Deputy City Manager

ACTION ITEM

Request:

A request to reject all bids and negotiate on the open market for the sale of former Fire Station #3, located at 929 Washington Street South.

Time Estimate:

The presentation and discussion should take about five minutes.

Background:

On May 5th, the City Council authorized the public auction of the former Fire Station #3 property. The authorization included a plan for the City to retain ownership of the cellular antenna tower on the property within an easement for that purpose, while selling the property to the highest bidder. The authorization also set a minimum bid price of \$535,000. Following the authorization, City staff publicly notified the auction and set a date of June 26, 2025, to open sealed bids for the property. On the appointed date, we received and opened two bids. The first was for \$540,001, but included the condition that the City remove the cellular tower and vacate the property completely in two years following the closing of the sale. The second bid was for \$681,249.99, but included the condition that the City remove the cellular tower and vacate the property completely by the time of closing on the sale. Due to both bids containing the condition of removal of the cellular tower, neither is a responsive bid. Therefore, staff recommends that the Council reject both bids.

Since the City completed the State's required auction process, found in Idaho Code 50-14, and did not receive any responsive bids for the sale of the property, we have satisfied the State's requirements and can now dispose of the property in any manner that the Council deems appropriate. Therefore, staff recommends that the Council authorize staff to negotiate on the open market for the sale of the property.

The auction process we went through is a good indication that the property is not desirable with the cellular tower remaining in place and City owned. Staff has begun working with the antenna leaseholder to negotiate a relocation of their cellular antenna. We have a lease in place with the leaseholder through September 2027. The leaseholder would like to extend the lease at that location. However, rather than extending the lease there, we may be able to negotiate a new lease at a nearby City location and move the antenna sooner. If we can do that, then we can negotiate a sale of this property without the antenna on the property.

The high bidder that did respond would be a good person to negotiate a sale with, as he has demonstrated a desire to own the property. The City could also engage a relator to help us market and sell the property to whoever else might be out there, but who was unwilling or unable to submit a bid. One path could be to do both: engage a relator, but also begin negotiations with the bidder directly and see how those two parallel processes play out. Some direction from the Council on how to proceed would be welcome.

Approval Process:

A simple majority vote of the Council is needed to approve this request.

Budget Impact:

There is no immediate budget impact associated with this request. However, the result of this request will lead to the eventual sale of the real property discussed herein, meaning that the City will receive un-budgeted revenue from that sale.

Regulatory Impact:

If the Council approves this request, staff will begin efforts to negotiate the sale of the property on the open market.

History:

N/A

Analysis:

N/A

Conclusion:

Staff recommends that the Council reject all bids and authorize staff to negotiate on the open market for the sale of former Fire Station #3 located at 929 Washington Street South.

Attachments:

None



Date: Monday, July 14, 2025
To: Honorable Mayor and City Council
From: Gretchen Scott, Deputy City Manager, Deputy City Manager

PRESENTATION

Request:

A presentation of the City Manager's Recommended Budget for FY 2025-2026 (FY 2026) followed by citizen input.

Time Estimate:

Background:

Budget Presentation Focus Area 1, 7, & 8 (Wendy, Kristen, Internal Org Group)

Approval Process:

Budget Impact:

Regulatory Impact:

History:

Analysis:

Conclusion:

Attachments:

None



Date: Monday, July 14, 2025
To: Planning and Zoning Commission
From: Kelli Ebersole, City Planner

ACTION ITEM

Request:

Request for a Zoning Development Agreement/Zoning District Change, from Neighborhood Commercial to R6 High Density Residential, on property located at the 900 block of Falls Ave W. c/o EHM Engineers, Inc on behalf of Grandview Farms, LLC (PZ25-0039).

Time Estimate:

Approximately 5-10 minutes with questions/comments to follow.

Background:

EHM Engineers, Inc on behalf of Grandview Farms, LLC, has made a request to rezone property located at the 900 block of Falls Avenue West, specifically Lots 1 through 12, Block 1, Meadow West Subdivision. The proposed amendment would rezone the property to R-6 ZDA, establishing a new Zoning Development Agreement for the property, allowing the developer to build an apartment complex on the property, with modified height and parking regulations.

On June 10, 2025, the Planning and Zoning Commission recommended approval of this request with a vote of 4-0-1, with the modified height allowance. The Commission did not recommend approval of the tandem parking request.

Approval Process:

Per City Code 10-6-1.7(E) approval of a ZDA shall be based on the following standards:

1. The proposed uses shall not be detrimental to any surrounding uses; nor shall they be detrimental to the health, safety and general welfare of the public.
2. Any variation from the underlying zoning district development requirements must be warranted by the design and amenities incorporated in the conceptual development plan.
3. The underlying zoning district and the conceptual development plan shall conform to the comprehensive plan.
4. Existing and/or proposed streets and utility services must be suitable and adequate for the proposed development.

Per City Code 10-14-5, Zoning Map Amendment:

The commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section City Code 10-7-20.

Per City Code 10-6-1: A preliminary presentation of the request is required before a public hearing in front of the Planning & Zoning Commission. The preliminary presentation was held on Tuesday, May 13, 2025.

Once the commission makes a recommendation of the Zoning Development Agreement (ZDA) / Zoning District Change (ZDC) request, the item will go before City Council for public hearing and a final decision.

Budget Impact:

N/A

Regulatory Impact:

If approved by the Council, the property would be rezoned from R2 NCO PUD to R6 ZDA for the approximate eight (8) acres.

History:

The property is currently zoned R2 NCO PUD, as part of the Meadow West PUD #274. This agreement was created and approved in 2017.

The property in question is located in the Neighborhood Commercial area of the PUD, created for a high-end retail/office village to complement the surrounding residential neighborhood.

As of this meeting, the property has remained vacant.

Analysis:

A zoning development agreement (ZDA) is designed to accommodate appropriate combinations of uses that may be planned, developed, and operated as integral land use units either by a single owner or a combination of owners. A ZDA is intended to accomplish some, or all of the following:

1. Foster and promote a variety of appropriate land use combinations in a preplanned development pattern;
2. Encourage developers to use a creative approach in land development;
3. Retain and conserve natural land and topographic features;
4. Promote greater use of streetscape and pedestrian-oriented aesthetics;
5. Promote the creation and efficient use of open spaces;
6. Create flexibility and variety in the location of improvements on lots;
7. Provide flexibility in development standards to facilitate creative land development concepts.

Land uses in the ZDA shall conform to the standards and regulations of the underlying zoning district(s), unless otherwise approved and included within the ZDA. The ZDA shall be comprised of a list of land use exceptions being requested, any development exceptions requested and shall be incorporated into the conceptual development plan. The ZDA shall provide exceptions requested shall not be detrimental to any surrounding uses or to the health, safety and general welfare of the public.

The applicant has proposed to change the zoning of eight (8) acres to R6 ZDA, specifically Lots 1 – 12, Block 1, Meadow West Subdivision. This action will remove the lots from the original PUD, creating a new Zoning Development Agreement for multi-family use.

The R6 zone allows for multiple house dwellings (5 units or more) as an outright permitted use. This rezone would allow the developer to construct an apartment complex on the lots, adding more residential units to the area.

The applicant would like to create the Zoning Development Agreement to modify the allowed building height and off-street parking regulations listed in Title 10-4-6 (R6, Residential Multi-Family Household District) of city code.

Current code allows for buildings up to thirty-five feet (35') in height. The proposed ZDA would allow for buildings up to forty-two (42') in height.

Off-Street Parking regulations require two off-street parking spaces per residential unit. The proposed ZDA allows for the garage spaces to be counted towards the total required off-street parking. With 144 units proposed, the required parking would equal 288 parking spaces. Adding the garage spaces as counted as part of the required parking will allow the applicant to build less parking spaces on site.

The proposed apartment complex allows for 144 units per the site plan. There will be twelve buildings constructed, ranging from six – eighteen units per building. The six and twelve-unit buildings will have one-car garages located on the bottom floor, with the dwelling units located on the second floor. The eighteen-unit buildings will be three stories, with parking located in front of the units and the around the complex area.

Falls Avenue West and Grandview Drive is a high-traffic intersection, primarily residential, with a commercial gas station/convenience store directly to the North. The potential detrimental impacts on surrounding areas will be largely from more vehicles in the area, although the intersection and roads will be built to handle the increased traffic.

The original PUD agreement required Falls Avenue West to be constructed to city standards. The road has been constructed, but has failed inspection by the Engineering Department. A condition has been added to this request that Falls Avenue West must be constructed to city standards and approved by the Engineering Department. The ordinance for this request will not be taken forward to City Council for approval until there is confirmation of the road passing inspection.

The Future Land Use Map shows this area as Neighborhood Commercial, which allows for apartments. City staff finds the result of this change allows a transition between the commercial use to the north and the single family residential to the south, east and west, creating a mixed-use community.

Staff believes the layout of this project is well laid out, with the buildings being spaced apart and there being two accesses to the complex, located on the north and south sides of the properties. There is green space and landscaping surrounding the complex, which is cohesive with the surrounding area.

This specific project accomplishes a number of goals found in the Comprehensive Plan:

- **Land Use Goal 3:** encourage mixed-use developments. This area is close to the hospital and major retail and business locations, serving to provide resources for shopping and working environments for the residents.
- **Land Use Goal 5:** Create great neighborhoods with a wider range of housing types, mix of uses and amenities.

Conclusion:

The Council is tasked with making a final decision on this request. Staff has three original conditions. The Planning and Zoning Commission added the fourth condition, listed below:

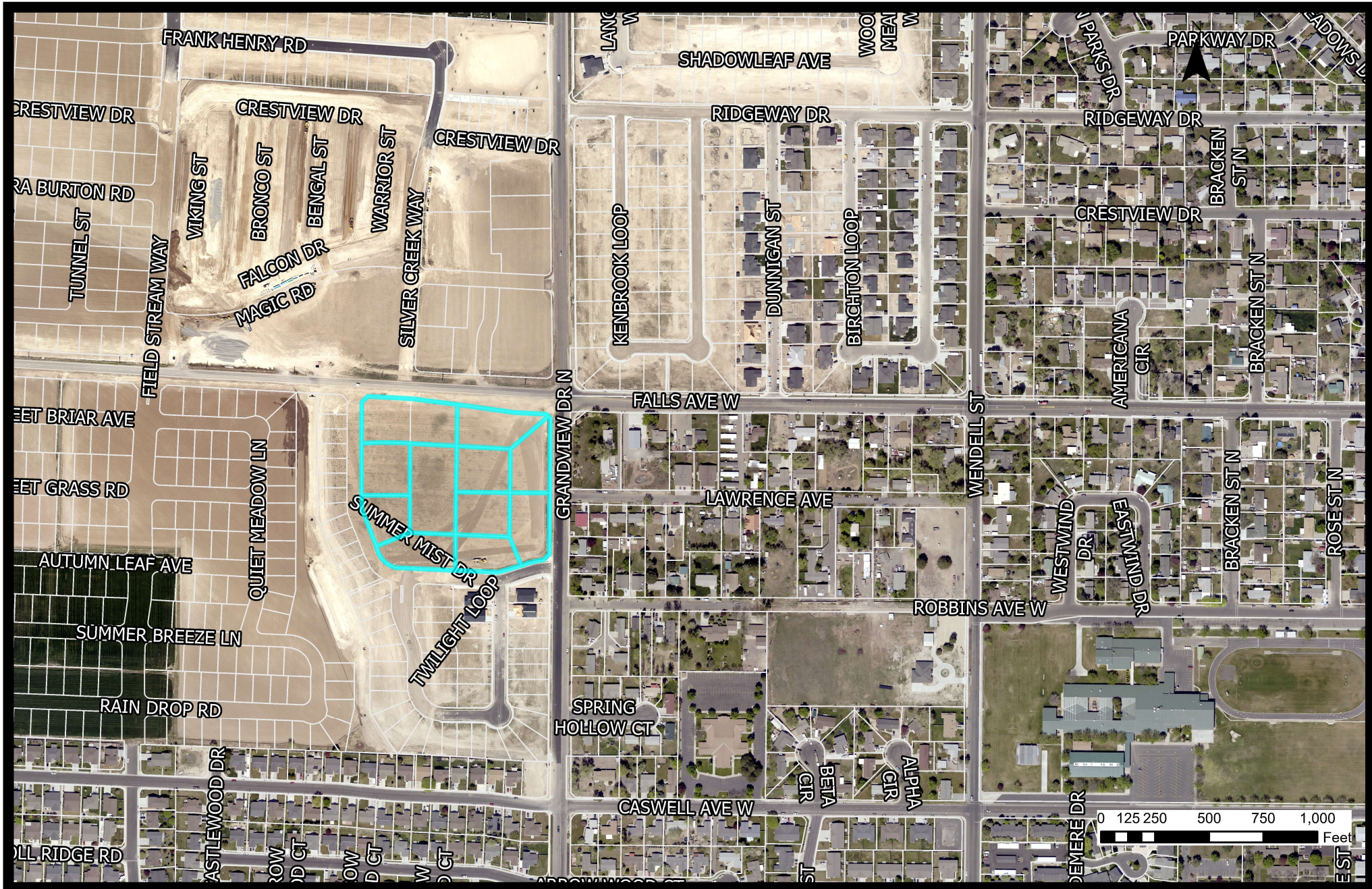
1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to Falls Avenue West being constructed to city standards and approved by the Engineering Department prior to the ordinance for this request being signed by City Council.

3. Subject to a 6" raised concrete curb built on Falls Avenue West, from the Grandview Drive intersection to 375' west, as approved by the City Engineer. This will be enforced at time of first building permit.
4. Subject to removing the tandem parking allowance from the agreement.

Attachments:

1. PZ25-0039 Vicinity Map
2. PZ25-0039 NSEW Street View Template
3. PZ25-0039 Presentation Map
4. PZ25-0039 Applicant exhibits
5. PZ25-0039 Meadow West Apt. ZDA as recommended from P&Z
6. PZ25-0039 R-2 NCO R-6 ZDA comparison
7. PZ25-0039 1 6-9-25 D Rutan
8. PZ25-0039 2 6-9-25 G Welch
9. PZ25-0039 3 6-9-25 T Welch
10. PZ25-0039 Neighbor speaker and notes
11. June 10, 2025 P&Z Commission Meeting Minutes

VICINITY MAP



Street View

North



South



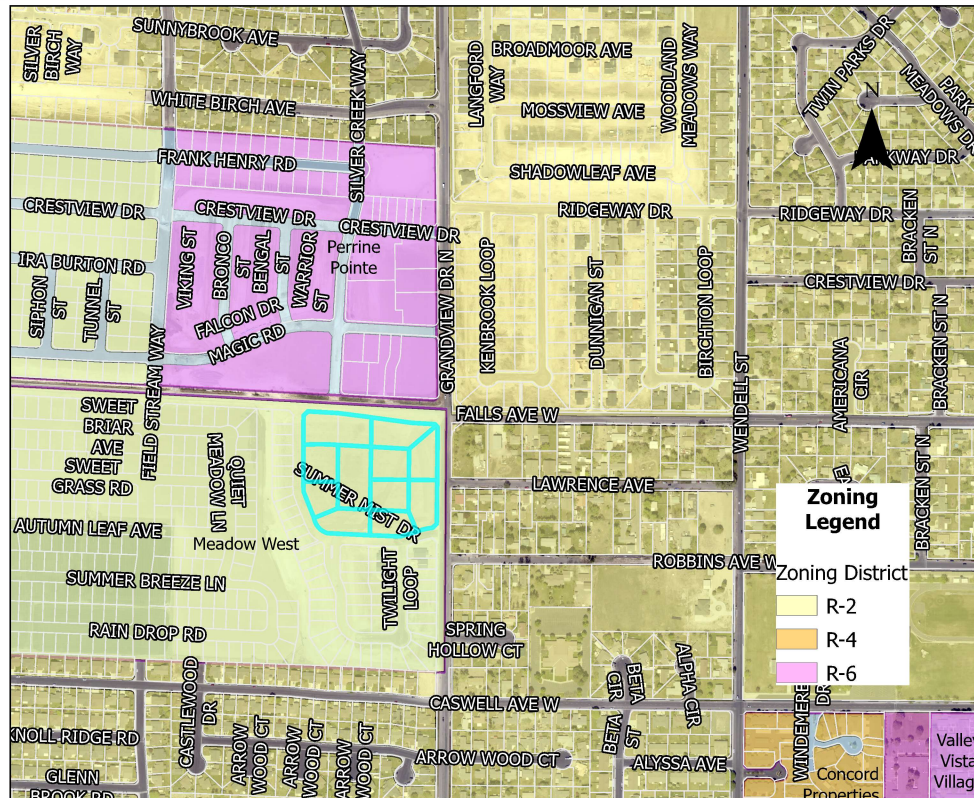
East



West



ZONING MAP



Zoning

Current Zoning: R-2 NCO PUD

Current Land Use: Vacant

Proposed Zoning: R-6 ZDA

Proposed Land Use: Multi Family Residential

Surrounding Area

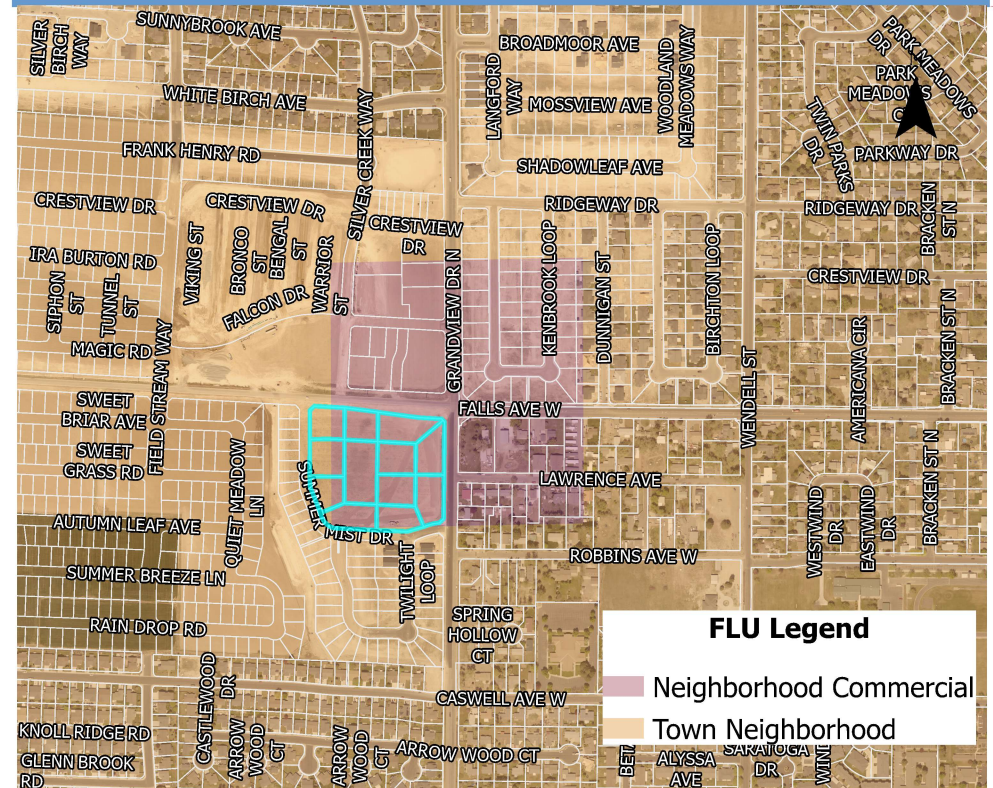
North: Falls Avenue West/Gas Station

South: Residential

East: Grandview Drive/Residential

West: Residential

FUTURE LAND USE MAP



Regulations

10-4-6, 10-6-1, 10-14-1 thru 8, 10-6-1.4 (B)

FLU Category

Town Neighborhood:
Primarily residential in nature, consisting of single-family, duplex, triplex, and fourplexes, with schools and parks/recreation facilities.

Neighborhood Commercial:
Provides supporting services and small-scale commercial for the surrounding neighborhood, designed to complement the neighborhoods character.



EXHIBIT C
Located In
Lots 1 thru 12, Block 1
Meadow West Subd., a PUD

OWNER:
GRANDVIEW FARMS, LLC
c/o GARY WOLVERTON JR.
P.O. BOX 5170
TWIN FALLS, ID. 83303
(208) 736-9294

PARKING:
REQUIRED: 312 SPACES (BASED ON 96 1 & 2 BEDROOM
UNITS AND 48 3 BEDROOM UNITS)
PROVIDED: 315 TOTAL SPACES (72 OF WHICH ARE GARAGE
SPACES)

LANDSCAPING:
REQUIRED: (10% OF SITE PER R6 ZONING REQUIREMENTS)
= 34,778 S.F.
LANDSCAPING EXCEEDS AREA REQUIREMENTS.

SETBACKS:
BUILDING SETBACKS TO BE AS FOLLOWS:
FRONT YARD: 62' FROM FALLS CL
80' FROM GRANDVIEW CL
20' FROM PROPERTY LINE

SIDE YARD: 5'
REAR YARD: 15'
LAYOUT MEETS OR EXCEEDS REQUIREMENTS.

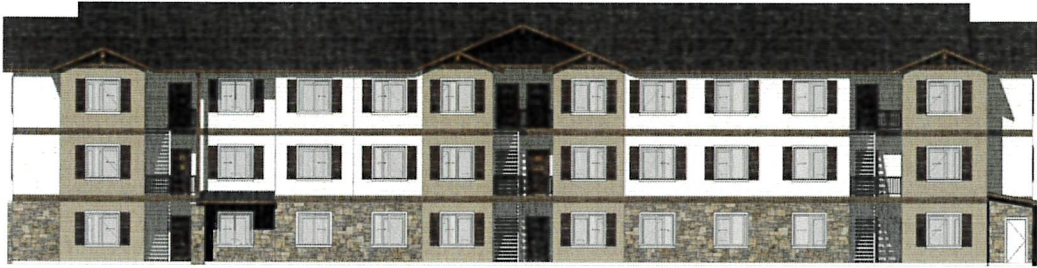


PUD AMENDMENT - SITE EXHIBIT C
for
MEADOW WEST APARTMENTS

DO NOT SCALE DRAWING	
CONTRACTOR SHALL VERIFY ALL	
DIMENSIONS AND LOCATIONS	
OF ALL STRUCTURES AND UTILITIES	
BEFORE CONSTRUCTION	
PRELIMINARY	
APPROVED	
DRAWN	
DATE	3/7/2023
BY	AS 010301
FILE NO.	238-24 EXH.204
PLOT	EXHIBIT C

EXHIBIT D

RENDERINGS



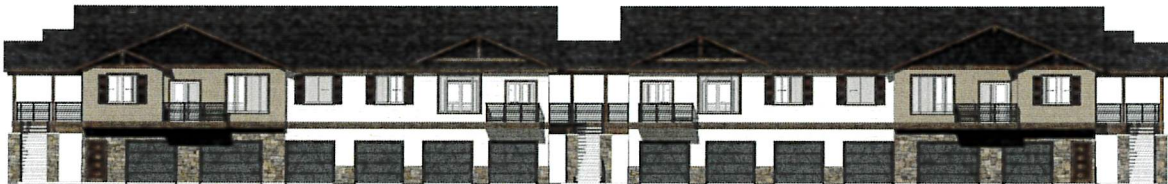
18-Plex Front Elevation



18-Plex Rear Elevation



12-Plex Front Elevation



12-Plex Rear Elevation

(6-Plex Similar to ½ 12-Plex)

Meadow West Apartments, a ZDA

An R6, Residential Zoning Development Agreement

This Zoning Development Agreement (ZDA) is made and entered into this ____ day of _____, 202__, by and between the City of Twin Falls, State of Idaho a municipal corporation, hereinafter called "City" and Grandview Farms, LLC (hereinafter called "Developer") for the purpose of developing Multi-family Residential Uses on property located West of Grandview Drive North and South of Falls Avenue West, known as Meadow West Apartments, a ZDA.

NOW THEREFORE:

1. All future development, improvements, and uses shall conform to the standards and regulations of the Twin Falls City Code Title 10 – Chapter 4 – Section 6; R6, Residential Multi-Household District or as amended, and all references to other sections therein including the following deviations:
2. R6, Residential Multi-Household District modified to include the following:

10-4-6.3: Property Development Standards:

(D) Building Height: No building shall exceed forty two feet (42') in height.

P&Z Commission recommended approval of this item.

(H) Off Street Parking:

P&Z Commission did not recommend approval of this item.

1. Each residential dwelling shall have a minimum of two (2') off street parking spaces. Garage spaces shall be counted towards the total required off street parking.

Developer: Grandview Farms, LLC, an Idaho
limited liability company
Gary Wolverton, Jr., Manager

City: City of Twin Falls
P.O. Box 1907
Twin Falls, ID 83303-1907

“CITY”
CITY OF TWIN FALLS

By: _____
Mayor

ATTEST:

City Clerk

“DEVELOPER”
Grandview Farms, LLC, an Idaho
limited liability company

By: _____
Gary Wolverton, Jr., Manager

STATE OF IDAHO)
 ss.
County of Twin Falls)

On this _____ day of _____, 202__ before
me, a Notary Public for said County and State, personally appeared _____,
and _____, known or identified to me, to be the Mayor and City
Clerk, respectively, of the CITY OF TWIN FALLS, IDAHO, that executed said instrument, and
acknowledged to me that such City executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year in this certificate first above written.

Residing at _____

Commission Expires: _____

STATE OF _____)
) ss.
 County of _____)

On this _____ day of _____, 202__ before me, a Notary Public for said County and State, personally appeared Gary Wolverton, Jr., known or identified to me, to be the Manager of the limited liability company, whose name is subscribed to the within instrument, and acknowledged to me that the limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Residing at _____

Commission Expires: _____

EXHIBIT A
LEGAL DESCRIPTION
REZONE: R6, ZDA
TWIN FALLS COUNTY, IDAHO

BEING BLOCK 1 AS SHOWN ON THAT CERTAIN MAP ENTITLED "MEADOW WEST SUBDIVISION, A PUD", RECORDED DECEMBER 18, 202017 AS INSTRUMENT NO. 2017-020414 IN THE OFFICE OF THE COUNTY RECORDER OF TWIN FALLS COUNTY, SAID MAP BEING A PORTION OF THE N2 NE4 OF SECTION 7, TOWNSHIP 10 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 7 AS SHOWN ON SAID MAP;
THENCE, ALONG THE EAST BOUNDARY OF THE NE4 OF SAID SECTION 7, SOUTH 00°28'07" WEST 84.42 FEET;
THENCE, LEAVING SAID EAST BOUNDARY, NORTH 89°31'53" WEST 46.00 FEET TO A POINT ON THE WEST BOUNDARY OF SAID BLOCK 1 AND BEING THE **REAL POINT OF BEGINNING**;
THENCE, ALONG THE BOUNDARY OF SAID BLOCK 1, SOUTH 00°28'07" WEST 461.33 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, SOUTH 45°28'07" WEST 28.38 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 125.00 FEET, THROUGH A CENTRAL ANGLE OF 16°14'54", AN ARC DISTANCE OF 35.45 FEET AND A LONG CHORD THAT BEARS SOUTH 80°28'49" WEST 35.33 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, SOUTH 72°21'23" WEST 106.34 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, ALONG THE ARC OF TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 75.00 FEET, THROUGH A CENTRAL ANGLE OF 20°05'38", AN ARC DISTANCE OF 26.30 FEET AND A LONG CHORD THAT BEARS SOUTH 82°24'12" WEST 26.17 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, NORTH 87°32'59" WEST 329.68 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, ALONG THE ARC OF TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 75.00 FEET, THROUGH A CENTRAL ANGLE OF 65°19'07", AN ARC DISTANCE OF 85.50 FEET AND A LONG CHORD THAT BEARS NORTH 54°53'26" WEST 80.95 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, NORTH 22°13'52" WEST 150.43 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, ALONG THE ARC OF TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 75.00 FEET, THROUGH A CENTRAL ANGLE OF 22°22'04", AN ARC DISTANCE OF 29.28 FEET AND A LONG CHORD THAT BEARS NORTH 11°02'50" WEST 29.09 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, NORTH 00°08'12" EAST 349.37 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, NORTH 46°39'07" EAST 29.02 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, SOUTH 86°49'58" EAST 162.55 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, SOUTH 82°17'27" EAST 340.96 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, SOUTH 86°49'58" EAST 108.89 FEET;
THENCE, CONTINUING ALONG SAID BOUNDARY, SOUTH 43°10'55" EAST 19.55 FEET TO SAID **REAL POINT OF BEGINNING**.

CONTAINING APPROXIMATELY 7.98 acres.

END OF DESCRIPTION

Land Use Comparison Chart

Property Development Standards Comparison

R-2 NCO (current zone)	R-6 ZDA Zoning District (requested zone)
<u>R-2 Allowed Uses:</u> Communications and utilities: a. Underground and aboveground transmission lines. b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground. Parks: a. Open space. b. Private parks and playgrounds without crowd attracting facilities. c. Public parks and playgrounds without crowd attracting facilities. Residential: a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses. b. Dwellings - attached single household dwellings on lots fronting on an arterial or collector street. c. Dwellings - detached single household. d. Dwellings - duplex. <u>NCO Allowed Uses:</u> Communications and utilities: a. Underground and aboveground transmission lines. b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground. Parks: a. Open space. b. Private parks and playgrounds without crowd attracting facilities. c. Public parks and playgrounds without crowd attracting facilities. Residential: a. Household units in upper floors of commercial or professional buildings. Retail Trade: a. Bakery. b. Bookstore.	<u>Allowed Uses:</u> Communications and utilities: a. Underground and aboveground transmission lines. b. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground. Parks: a. Open space. b. Private parks and playgrounds without crowd attracting facilities. c. Public parks and playgrounds without crowd attracting facilities. Residential: a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses. b. Dwellings - attached single household dwellings on lots fronting on an arterial or collector street. c. Dwellings - detached single household. d. Dwellings - duplex. e. Dwellings - multiple household (5 units or more). f. Dwellings - triplex and fourplex. (Ord. 2526, 5-20-1996) b. Apparel repair and alteration. c. Beauty and barber shops. d. Building care contracting offices. e. Business associations. f. Civic, social and fraternal organizations. g. Construction trade offices. h. Consumer credit collection offices. i. Copy center - self-service. j. Daycare services. k. Dog grooming and/or kennels. l. Duplicating and stenographic offices. m. Employment agency. n. Finance and investment offices. o. Horticultural services. p. In home daycare services. q. Insurance and related business. r. Labor unions and organizations. s. Photography studios. t. Professional organizations. u. Professional services. v. Real estate and related business. w. Tourist information center.

c. Craft shop, in conjunction with retail business. d. Eating places. e. Florist shop. f. Food, drugs, etc. g. General merchandise. h. Hardware store. i. Hobby and toy store. j. Ice cream store. k. Import store. l. Laundering and dry cleaning. m. Laundromats. n. Music store. o. Pet shop. p. Sporting goods store. Services: a. Beauty and barbershops. b. Copy center - self-service. c. Daycare services. d. Duplicating and stenographic offices. e. In-home daycare services. f. Photography studios.	x. Welfare and charitable facilities. Sports facilities: a. Athletic areas. b. Miniature golf courses. c. Outdoor, public and commercial ice and roller skating facilities. d. Outdoor, public and commercial swimming pools. e. Outdoor, public and commercial tennis courts. Transportation: a. Bus facilities, including pick up shelters. b. Open parking lot or garage for automobiles. c. Taxicab office. d. Ticket and arrangement facilities. Property Development Standard modifications with the ZDA: a. Allowed building height of up to 42 feet. b. Allowing the garage space be counted as part of the required parking requirement (2 spaces per dwelling unit).
<u>Property Line Setbacks:</u> (per building) Front Yard: 20' minimum from property line. Side Yard: 7' minimum to the side property line. Rear Yard: 20' minimum from property line.	<u>Property Line Setbacks:</u> (per building) Front Yard: 20' minimum from property line. Side Yard: 5' minimum to the side property line. Rear Yard: 15' minimum from property line.
<u>Off Street Parking:</u> Residential: 2 off street parking spaces per dwelling unit. Non-Residential: Follow City Code 10-10	<u>Off Street Parking:</u> Residential: 2 off street parking spaces per dwelling unit. Non-Residential: Follow City Code 10-10
<u>Building Height:</u> No building shall exceed thirty-five feet (35') in height.	<u>Building Height:</u> No building shall exceed thirty-five feet (35') in height.



City Council Public Comments

Citizens have the ability to provide public comments for city staff and council members to review. If you would like to provide comments, please fill out the form below.

First Name *

Debra

Last Name *

Rutan

Phone Number

661 388 7771

E-mail *

debsrutan@gmail.com

Are you a resident of Twin Falls?

☒ Yes

☐ No

Do you wish to speak on *

☒ an item on the agenda

☐ general public input on something not on the agenda

Date Of Council Meeting *

2025-06-10

Agenda Item Number *

PZ25-0039

Public Comments *

Please provide your comments in the space provided.

Concerning the the rezoning from residential commercial to R6 high density residential on the 900 block of Falls Ave. My concerns are increased traffic (street parking, back up traffic on Summer Mist, Increased traffic at Falls Ave. and Grandview Dr. , only 2 entrance/exits to apartments). Noise pollution. Decrease in property value. Pedestrian safety with increased vehicles.



City Council Public Comments

Citizens have the ability to provide public comments for city staff and council members to review. If you would like to provide comments, please fill out the form below.

First Name *

Gary

Last Name *

Welch

Phone Number

2084900182

E-mail *

Pwdelch05@gmail.com

Are you a resident of Twin Falls?

☒ Yes

☐ No

Do you wish to speak on *

☒ an item on the agenda

☐ general public input on something not on the agenda

Date Of Council Meeting *

2025-06-10

Agenda Item Number *

D- App. PZ25-0039

Public Comments *

Please provide your comments in the space provided.

My name is Gary Welch, and I live at 882 Robbins Ave, and I'm writing regarding the request to rezone the 900 block of Falls Ave W from Neighborhood Commercial to R6 High Density Residential (App. PZ25-0039). I have several concerns about this proposal that I respectfully ask you to consider:

1. Loss of Commercial Amenities

The original plan for this land was for high-end retail or office space to support the neighborhood (and this zoning factored into our decision to purchase our home here in 2022). Replacing this with a 144-unit apartment complex means our neighborhood permanently loses the potential for walkable shops or services that could benefit local residents - **and could have a significant, negative long term impact on surrounding property values.**

2. Traffic and Intersection Safety

The intersection of Falls Ave W and Grandview Dr is already heavily congested—many of us avoid it at busy times. Adding potentially hundreds of new residents will further worsen traffic. I **strongly believe a traffic light is already needed at this intersection, and this project will only make the situation more dangerous** without real improvements.

3. Parking Concerns

The proposal asks to count garages as part of the required parking spaces. In reality, apartment garages are often used for storage, and there are often many more tenant vehicles than garage spaces - **this will most likely force more cars onto local streets.**

4. Building Height and Neighborhood Character

Allowing buildings up to 42 feet (three stories) is out of character with the surrounding homes and will **impact the privacy and property values of nearby residents.** The height increase is a significant departure from current zoning.

5. Road and Infrastructure Issues

It is very concerning that **Falls Ave W has already failed inspection**. Adding hundreds of residents before this road is truly up to standard risks long-term infrastructure problems that will affect all of us.

Questions and Requests:

- Why is the original commercial plan being abandoned? Has there truly been no demand for business use?
- Has a current, independent traffic study been done? Can the intersection safely handle the proposed increase in cars?
- Will the developer be required to make meaningful infrastructure upgrades, including a traffic light at Falls and Grandview?
- What protections are in place to ensure sufficient parking and prevent overflow onto local streets?
- What landscaping or buffers will be required to protect privacy and minimize the visual impact for existing homeowners?
- How will this project truly benefit the existing neighborhood?

In summary, I ask the Commission and City Council to prioritize the safety, livability, and character of our neighborhood. Please do not approve this rezoning request without serious consideration of these concerns, including a requirement for a traffic light and substantial infrastructure improvements.

Thank you for your time and for considering my input.

Jody Green

From: Tylene Welch <tylene@downpat.ai>
Sent: Monday, June 9, 2025 2:57 PM
To: Planning and Zoning
Subject: Concerns Regarding Rezoning Request for 900 Block of Falls Ave W (App. PZ25-0039)

You don't often get email from tylene@downpat.ai. [Learn why this is important](#)

[EXTERNAL SENDER]

Dear Planning & Zoning Commission,

My name is Tylene Welch, and I reside at 882 Robbins Avenue. I'm writing to express my concerns about the proposed rezoning of the 900 block of Falls Ave W from Neighborhood Commercial to R6 High Density Residential (Application PZ25-0039).

This change raises several important issues that I hope the Commission will carefully evaluate before making a decision:

1. Loss of Planned Neighborhood Amenities

This area was originally designated for high-end retail or office space—features that would serve and enhance the neighborhood. Approving a 144-unit apartment development would permanently eliminate the opportunity for shops or services within walking distance, which many local residents value.

2. Traffic Congestion and Intersection Safety

The intersection of Falls Ave W and Grandview Dr already struggles with traffic volume, especially during peak hours. Many of us avoid it due to delays and safety concerns. Introducing a large residential complex will significantly worsen traffic unless major improvements are made. At a minimum, a traffic signal and completed sidewalks seems overdue.

3. Walkability, Pedestrian Safety, and Bike Access

Falls Ave W is a busy road, yet large portions lack proper sidewalks, forcing pedestrians—including school children—to walk on the shoulder or cross the street without marked crosswalks. This is already a hazardous situation, and adding hundreds of new residents without improving pedestrian infrastructure only increases the risk. Sidewalks, crosswalks, and pedestrian visibility must be prioritized as part of any development plan. Additionally, our area lacks safe, accessible bike lanes. As more residents look for alternatives to driving, there is a growing need for bike-friendly infrastructure that supports local and sustainable travel.

4. Parking Shortfalls

The plan includes counting garages toward the required parking spots. In practice, garages in apartment complexes are often used for storage, not parking, and rarely meet the demand for resident and guest vehicles. This could lead to overflow parking on surrounding streets, affecting current residents.

5. Height and Fit with Surroundings

The proposed building height—up to 42 feet—does not align with the character of nearby homes. This

scale raises concerns about privacy, neighborhood aesthetics, and potentially declining property values for those adjacent to the project.

6. Infrastructure Limitations

Falls Ave W reportedly failed a recent inspection. Approving a high-density project without addressing existing infrastructure issues risks compounding long-term problems that will burden the entire area.

7. Future Development Precedent

Allowing this rezoning could pave the way for further high-density residential projects in our neighborhood, increasing pressure on schools, utilities, and roads without a long-term plan for expansion.

Key Questions and Requests for Clarification:

- What prompted the shift away from the original commercial development vision? Has the area truly seen no demand for retail or office use?
- Was an up-to-date, independent traffic study conducted to assess the impact of hundreds of new residents? What were the findings?
- Will the developer be required to implement real infrastructure upgrades, including a traffic light at the Falls/Grandview intersection?
- What parking safeguards will be in place to prevent spillover into surrounding neighborhoods?
- What commitments will be made to improve pedestrian safety, including continuous sidewalks and safe crosswalks?
- Will there be sufficient landscaping or visual buffers to preserve the privacy of current homeowners?
- How, specifically, does this project benefit the existing community?

I urge the Commission and City Council to consider the long-term impact of this rezoning on the livability, safety, and overall character of our neighborhood. Please ensure these concerns are addressed in full—especially regarding traffic mitigation, walkability, and infrastructure readiness—before moving forward with this application.

Thank you for your time and for giving local residents the opportunity to share input on this matter.

Sincerely,
Tylené Welch
882 Robbins Ave

RECEIVED

JUN 04 2025

CITY OF TWIN FALLS
ENGINEERING DEPT.

TO: City of Twin Falls, Planning and Zoning Department
RE: Public Hearing on rezone request PZ25-0039

We, the undersigned, are residents of the area affected by the rezone requested by Grandview Farms, LLC and hereby request that Mr. Glenn Kirby be granted up to 15 minutes to speak on our behalf at the June 10 Public Hearing on this matter. We recognize that if this request is granted, we will not be allowed to give public testimony ourselves at this meeting.

NAME ADDRESS DATE SIGNED:

Debra Ruten	705 Twilight Loop	6-2-2025
Allen Hayward	737 Twilight Loop	6-2-2025
Mark Miller	722 Twilight Loop	6-2-2025
Jane Wulfsberg	704 Twilight Loop	6-2-25
Samuel Smith	707 Twilight Loop	6-2-25

I, Glenn Kirby, of 744 Twilight Loop, do hereby agree to this appointment to represent the individuals named above at the public hearing on June 10. NAME DATE SIGNED

Glenn Kirby 6-2-2025

TO: City of Twin Falls, Planning and Zoning Department
RE: Public Hearing on rezone request PZ25-0039

"Hello, my name is Glenn Kirby and I live at 744 Twilight Loop in Twin Falls.

Thank you for inviting me and my neighbors on Twilight Loop and Summer Mist Drive to meet with you this evening. We live directly across the street from the property that is proposed to be rezoned from Neighborhood Commercial to R6 High Density Residential.

Rather than having all of us speak, my neighbors have requested that I present you with our verbal testimony. Some may also have submitted written comments as well.

I want to begin by noting that neither I nor many of my neighbors are natives of Twin Falls. We moved to this wonderful community from other places, and we were warmly and graciously received. We want to continue that model of friendship. Any new growth, whether of Neighborhood Commercial, as currently zoned, or R 6 High Density Residential, will bring its own challenges and opportunities.

We are eager to work with any developer and the city to make new growth as comfortable as possible for all of us.

One issue that must be addressed, and which makes this placement perhaps more challenging than it would be if it were located elsewhere is that the intersection of Falls Road and Grandview is already becoming a bit more congested than just a few months ago. We hope the city is looking at the congestion that might develop at that intersection with the addition of 144 housing units added there. Perhaps a traffic signal may be needed.

Another concern is really a decision for the project developer and the city to work out the best plan for handling the location of ingress and egress points of the development. We would like to offer a suggestion.

The developer may well choose to provide two or more access roads into the project. Perhaps one off of Falls Road, and one or two off of Summer Mist Drive. We suggest that the design avoid making a straight road through the development from the North side of Falls Road to the South side of the development of Summer Mist Drive.

A road straight through the heart of the development will invite traffic traveling on Grandview seeking to avoid the Grandview and Falls Avenue intersection to use the faster way alternative.

A major concern of ours is an egress and ingress street running from Falls to Summer Mist. This straight line street could be closed at the Summer Mist Dr. to clear excess speed. One solution might also be to put in speed bumps.

TO: City of Twin Falls, Planning and Zoning Department
RE: Public Hearing on rezone request PZ25-0039

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Twin Falls Planning & Zoning Commission Minutes

Tuesday, June 10, 2025, 6:00 PM

203 Main Ave East
Twin Falls, ID 83303

Members -

City Limits: Cortney Campbell, Chairperson; Tiffany Zimmerman, Vice-Chairperson; Todd Rambur; Robyn Weatherford; Kelly Herrgesell; Rui Gomes

Area of Impact: Jeff Bulkley

1) Confirmation of Quorum/Call Meeting to Order

NAME called the meeting to order at 06:00 PM

Members Attending: Zimmerman, Rambur, Weatherford, Gomes, Bulkley

Staff Attending: Spendlove, Klaver, Strickland, Ebersole, Green, Vitek

2) Conflict of Interest Declaration

3) Consent Calendar

- a) Request to approve minutes from the following meeting: May 13, 2025, and June 4, 2025.

Commissioner Bulkley made a motion to approve the consent calendar, as presented.

Commissioner Rambur seconded the motion.

4) Items of Consideration

5) Public Hearings

- a) Request for a Special Use Permit to allow an Indoor recreation facility on property located at 3227 Eldridge Ave. c/o Lisa Lekkerkerk on behalf of Eduardo Garcia and Fabiola Aguilar (PZ25-0055).

Staff Presentation:

Planner Ebersole presented the request for a Special Use Permit to allow an Indoor recreation facility on property located at 3227 Eldridge Ave. c/o Lisa Lekkerkerk on behalf of Eduardo Garcia and Fabiola Aguilar (PZ25-0055).

Approval of this special use permit would allow the applicant to construct the sports arena and operate as such.

City Code 10-4-10 states “a special use permit is required for “an indoor recreation facility” in the M-2, Heavy Manufacturing zone.

Per City Code 10-13-2-2: The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall decide on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall

issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months, or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony, and minutes of the previous hearing to reach a decision on the appeal.

Standards Applicable to Special Uses:

- Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
- Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
- Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- Will not be hazardous or disturbing to existing or future neighboring uses.
- Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Upon Granting a Special Use Permit, Conditions May Be Attached To A Special Use Permit Including, But Not Limited To, Those:

1. Minimizing adverse impact on other developments.
2. Controlling the sequence and timing of development.
3. Controlling the duration of development.
4. Assuring that development is maintained properly.
5. Designating the exact location and nature of development.
6. Requiring the provision for on-site or off-site public facilities or services.
7. Requiring more restrictive standards than those generally required in this Title.

The property is zoned M-2, Heavy Manufacturing District. The shell building was constructed in 2024 and is currently vacant.

The applicant will be running an indoor sports arena, primarily for soccer. The plan is to be open every day from 9:00 am – 9:00 pm, with a schedule built for open play, team trainings, and league play.

The facility can be used for tournament play and can be rented out for public and private trainings and team practices. When not in use for soccer, the facility may be converted for

batting cages for baseball/softball practice. There are currently no other facilities in the city offering the same amenities.

The anticipated traffic for the facility is between 50 – 100 people a day, with tournaments having between 100 – 150 people coming in and out of the facility in a single day. There is paved parking on site, and the number of required spaces will be evaluated with the building permit review. Parking should be available for the vehicle traffic of players, spectators, and the five (5) employees for the facility.

As this property is in the M-2 zone, surrounded by manufacturing facilities, there is little concern for issues with noise, glare, or odor from the facility.

The 2016 Comprehensive Plan; “Grow With Us” designates this area as appropriate for “Industrial” use, which allows for a variety of uses integrated with the manufacturing facilities in the area. Staff has determined the proposed use is compatible with the comprehensive plan.

Based on the standards for approval, staff does not foresee negative impacts related to the land use and will serve a need in this city and for its citizens.
Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project.

Upon conclusion, should the Commission recommend approval of the request as presented, staff recommends the following:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.

Public Hearing: Opened and closed with no public input

Discussions Followed:

The commission feels this is a good location and likes the project.

MOTION: Commissioner Weatherford moved to approve the request for a Special Use Permit to allow an Indoor recreation facility on property located at 3227 Eldridge Ave. c/o Lisa Lekkerkerk on behalf of Eduardo Garcia and Fabiola Aguilar (PZ25-0055). Commissioner Bulkley seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 0.

- b) Request for a Variance, to reduce the required building setback distances, on property located at 689, 687 and 677 Washington St N. c/o EHM Engineers, Inc on behalf of Zey, LLC (PZ25-0044).

Staff Presentation:

Planner Ebersole presented the request for a Variance, to reduce the required building setback distances, on property located at 689, 687 and 677 Washington St N. c/o EHM Engineers, Inc on behalf of Zey, LLC (PZ25-0044).

Per City Code 10-4-7, buildings within the C-1 Zone are required to meet a Front Yard Setback of 35 feet on major arterials, and 15 feet on all other streets.

Per City Code 10-7-6, buildings are required to meet additional Front Yard setback distances along certain roadways. The setback for Washington Street North is 80 feet, with the setback for Caswell Avenue at 52 feet, as measured from the center of the street.

Per City Code 10-13-2-1, the Commission may authorize variances from the terms of Title 10 that will not be contrary to the public interest, where special conditions apply that would result in unnecessary hardship.

The Variance Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application. The Commission shall make a decision on the request within thirty (30) days after the public hearing. If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

The Variance request must meet the five criteria for approval:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
2. That a literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title.
3. That special conditions and circumstances do not result from the actions of the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district.
5. That a literal enforcement of the provisions of this title would result in unnecessary hardship. For purposes of this section, where a reasonable conforming use is, or can be, located on a lot or parcel, there is no unnecessary hardship.

In 2000, the City Council adopted the Front Yard Setback code, 10-7-6, modifying the front yard setback along Arterial streets and Collector roads. This modification was made to account for future road expansion, as needed by the city. Around 2010, Washington Street North was widened from two (2) lanes to four (4) lanes, with turning lanes created at needed intersections. This widening project took place from Addison Avenue to Pole Line Road, completed in multiple phases. The project required the City to acquire private property from residential and business owners along Washington Street North to create the extra lane and infrastructure, making those properties legal non-conforming due to the reduction of the front yard setbacks.

The property is zoned C-1, Commercial Highway District.

The applicant is asking for a front yard setback reduction from Washington Street North, as well as the side yard setbacks abutting the residential neighboring properties.

With the Washington Street North widening project, property front yard setbacks were reduced from the required street centerline building setbacks. The residential properties along Washington Street North were reduced significantly, making those properties legal non-

conforming properties. As those properties stand today, the reduced front yard setbacks are allowed. If those property owners choose to expand or alter the properties, there is a permitting process that must be followed and approved prior to any property becoming more non-conforming.

Any new development along Washington Street North or Caswell Avenue is required to meet the current zoning code, including setbacks. Per 10-7-6, the centerline setback for Washington Street North is 80 feet, with the setback for Caswell Avenue at 52 feet, as measured from the center of the street. The properties are also subject to a 15' front yard setback, measured from property line. Properties in the C-1 zone abutting residential properties have a required side yard setback of 25 feet from the property line.

Using the required setbacks leaves a small building footprint. The applicant is asking to reduce the front yard setback to eight (8) feet from the property line along Washington Street North, following the legal non-conforming residential properties, to the south, along Washington Street North. Furthermore, the applicant is asking to reduce the side yard setback to 5'-10' from the property lines that abut residential properties.

The Variance request must meet the five criteria for approval:

1. **That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.** *Because of the Washington Street North expansion project, the existing properties lost street frontage, making the properties legal non-conforming. With the current setback regulations, the building envelope for the properties is much smaller than other properties in the C-1 zoning district. Portions of this property are located in a flood plain, reducing the allowed buildable land. With Washington Street North having a raised median, it restricts access to the property with a right in, right out only access, requiring access points on Washington Street North and Caswell Avenue West.*
2. **That a literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title.** *The applicant has stated that a building of 4,500 sq. ft. is not able to be placed on this property, meeting current front, centerline, and side setback requirements, as well as meeting access and drive isle requirements. While this may be true, a smaller building footprint may be able to be configured and built on site to meet the current requirements. While the C-1 zone allows for many commercial uses, this site is limited to what could be built there based on the lot size, the flood plain, and setback requirements. A large, big box store would not fit, and the tenant space is limited. Based on an average size Tenant Improvement space of 1,500 square feet, this lot would not allow for more than three if the applicant was allowed to build the 4,500 square foot building, as requested.*
3. **That special conditions and circumstances do not result from the actions of the applicant.** *The applicant is asking for the variance to the setbacks due to the diminished building footprint due to current setback and floodplain regulations. The applicant is not asking for any additional land use changes. The right in, right out access limitation is not the fault of the applicant.*
4. **That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district.** *Approving this variance would allow for the vacant properties to be*

developed as submitted in this request. Making allowances for setbacks due to the diminished building footprint does not change any other regulations that the applicant will have to meet with regard to building, engineering, fire, or other zoning codes. The land use of commercial office/retail space is now an outright permitted use in the C-1 zone, and could be built today, following the current code. The existing properties to the south are now legal non-conforming buildings, and have a separate permitting process to go through for any expansion.

- 5. That a literal enforcement of the provisions of this title would result in unnecessary hardship. For purposes of this section, where a reasonable conforming use is, or can be, located on a lot or parcel, there is no unnecessary hardship.** *The commission is tasked with deciding whether a variance is required to have any development on these properties. A smaller building may be able to be developed on site using the diminished footprint, although the cost of the development may be a hardship for the applicant if the costs outweigh the return on investment.*

The applicant has stated in the narrative that the building envelope left by the current setback requirements is too small to build anything usable, therefore making the property unbuildable by current standards. The applicant would like to use this property for retail/office space for a building of approximately 4,500 square feet, situated along the southern piece of property. The eight (8') foot setback request is only for the portion of building to the far south. The side setback variance affects the southern and western boundaries of the project bordering residential properties, with multiple setbacks ranging from five (5') feet to ten (10') feet. The existing residential property owners may be adversely affected by this request, due to the close proximity of the building to their residential properties. A condition may be added that requires the applicant to plant a landscape buffer between the commercial building and the bordering residential properties to help mitigate any noise disturbance that may occur.

The proposed building has been located along the southern and western portions of the property. The northern portion of the property is located in the flood plain, restricting any building on that portion of property. The flood plain map is attached, showing the portion of property located in the flood plain. Parking spaces are allowed to be placed in that location.

The required parking is placed along the Washington Street North frontage, with access to the property on Caswell Avenue West and Washington Street North. The access points are both right in only access, directing traffic one way through the parking lot. Washington Street North has a raised median, restricting vehicles from turning left onto Washington Street North.

The current parking and landscaping requirements will need to be met with the building permit, with Washington Street North having a 10-foot gateway arterial landscape requirement, per Title 10-7-12 (B). Approving this variance request would allow the applicant to alter this requirement as they are asking for the setback to be reduced to 8 feet where the building fronts Washington Street North. Allowing this reduced setback would create a smaller arterial landscape strip where the building fronts Washington Street North.

The proposed side yard setbacks are very close to the surrounding residential neighbors. The applicant has sent a letter to the surrounding neighbors stating their intent for the property (included in the packet), and, as of this staff report being written, there have been no public comments sent to the city regarding the request, in favor or against.

The 2016 Comprehensive Plan; “Grow With Us” designates this area as appropriate for “Neighborhood Commercial” which is designed to complement the neighborhood character, providing supporting services and small-scale commercial for the surrounding neighborhood. Upon conclusion, should the Commission recommend approval of the request as presented, staff recommends the following:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to a landscape buffer between the commercial building and the bordering residential properties to help mitigate noise disturbance. Per Title 10-11-4(B)2, whenever bushes or trees are used as screening/buffer, the screening height may not be less than three feet (3') at the time of planting, providing a minimum height of six feet (6') is achieved within six (6) years after planting.

Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project. The Commission may approve, approve with conditions, or deny the request.

Applicant Presentation:

David Thibault from EHM Engineers, Inc, presented on behalf of the applicant. He explained the problem the setback causes for building on the lots.

PZ/Questions & Comments:

- Commissioner Bulkley asked if there is a way to not have to come in for a variance.
- Planner Ebersole explained that right now code verbiage states that this is the way to do this. Going forward with code rewrite this will be easier.

Public Hearing: Opened and closed with no public input

Discussions Followed:

The commission feels this will work on the property and likes the idea being presented.

MOTION: Commissioner Rambur moved to approve the request for a Variance, to reduce the required building setback distances, on property located at 689, 687 and 677 Washington St N. c/o EHM Engineers, Inc on behalf of Zey, LLC (PZ25-0044). Commissioner Weatherford seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 0.

- c) Request for a Variance, to reduce the required front building setback distance to 20 feet, on property located at 448 Addison Ave. c/o Rich Davis (PZ25-0050).

Staff Presentation:

Senior Planner Klaver presented the request for a Variance, to reduce the required front building setback distance to 20 feet, on property located at 448 Addison Ave. c/o Rich Davis (PZ25-0050).

Per City Code 10-4-7, buildings within the C-1 Zone are required to meet a Front Yard Setback of 35 feet on major arterials, and 15 feet on all other streets.

Per City Code 10-7-6, buildings are required to meet additional Front Yard setback distances along certain roadways. The setback for Washington Street North is 80 feet, with the setback for Caswell Avenue at 52 feet, as measured from the center of the street.

Per City Code 10-13-2-1, the Commission may authorize variances from the terms of Title 10 that will not be contrary to the public interest, where special conditions apply that would result in unnecessary hardship.

The Variance Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application. The Commission shall make a decision on the request within thirty (30) days after the public hearing. If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

The Variance request must meet the five criteria for approval:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
2. That a literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title.
3. That special conditions and circumstances do not result from the actions of the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district.
5. That a literal enforcement of the provisions of this title would result in unnecessary hardship. For purposes of this section, where a reasonable conforming use is, or can be, located on a lot or parcel, there is no unnecessary hardship.

The property is located in the Original Townsite Plat for Twin Falls, which was created in 1904. The original configuration of this lot was around 9,000 Square feet. This plat has the front property line utilizing 35 feet from the centerline of Addison Avenue. In 1994, the State of Idaho purchased a little more than 18 feet for right-of-way expansion from this lot. This effectively reduced the lot by roughly 2,000 Square feet. In the 70's the neighbor to the east purchased 808 Square feet of property to make the configuration today which is around 6,000 Square feet. A typical lot in the Twin Falls Original Townsite was 50' x 125' or 6,250 Square feet.

By 1978, the house was removed and has been land has been vacant since.

In 1999 the centerline setback code section (10-7-6) was instituted which required a building setback of 80 ft from the centerline of Addison Avenue.

That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

The applicant's narrative talks about the front yard setback not being applied to the neighboring properties. Where this is an historic plat and most houses existed prior to the 1999 centerline setback, this would be true. These existing structures are now considered legal, nonconforming and would require zoning approval for a change of use or expansion of the building footprint. Where this code section doesn't apply to all properties within the R-6 designation, an argument could be made that this regulation/circumstance is not applicable in the same district for other properties. However, this regulation is uniformly enforced for the designated collectors and arterials. Furthermore, this property was substantially reduced when Addison Avenue was widened by the State in 1994.

That a literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title.

Rights commonly enjoyed in the zoning designation of R-6 PRO, are primarily residential with the ability to ask for some limited professional offices. The R-6 zoning designation allows by right single family, duplex, triplex, fourplex, and structures with 5+ units. This is the City of Twin Falls highest intensity, solely residential, zoning designation. For a property of this size, a single-family residence would be the most units that could be constructed on this property. A professional office could also be approved by a special use permit. The applicant is seeking to place a 600 square foot structure. This is not excessive and would be reasonable size for the surrounding area.

That special conditions and circumstances do not result from the actions of the applicant.

The applicant and previous owner did not result in this special circumstance. The lot has been in this configuration since the 70's and vacant since the late 70's.

That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district.

One special privilege could be seen as this property would be fully permitted to build to the 20 foot setback as requested. Other properties that are less than the 80-foot centerline setback are considered legal non-conforming. Legal non-conforming structures need to go through a process to expand or change the use. This process isn't necessarily a huge process, however, it is another step these other properties would have to take, whereas granting this variance this property would not.

However, the Planning and Zoning Commission just heard and passed a recommendation to the City Council a text amendment which removed the Centerline setback requirement as found in 10-7-6. The City Council has not heard this text amendment and is not effective until an ordinance is passed, if it is passed at all. Staff has not heard negative comments on this proposed title amendment and anticipates this section being removed with the conclusion of the Title 10 rewrite.

That a literal enforcement of the provisions of this title would result in unnecessary hardship. For purposes of this section, where a reasonable conforming use is, or can be, located on a lot or parcel, there is no unnecessary hardship.

Utilizing the applicant's scale on the site plan, the current setbacks would result in a building area of a little over 760 Square feet. However, this would result in a triangle house which would pose some unique situations and may be seen as unnecessary and unreasonable.

Upon conclusion should the Commission recommend approval of the request as presented, staff recommends the following:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to vehicles not backing onto Addison Avenue. This may be done through access from the alleyway or an onsite turnaround. This condition shall be met at the time of the building permit.

Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project. The Commission may approve, approve with conditions, or deny the request.

Applicant Presentation:

Rich Davis explained the reason for his request.

PZ/Questions & Comments:

- Commissioner Weatherford asked if they were wanting to only put 1 home.
- Senior Planner Klaver explained it only allows for one.

Public Hearing: Opened and closed with no public input

Discussions Followed:

The Commission feels this will work for this property and the turnaround will not affect traffic.

MOTION: Commissioner Rambur moved to approve the request for a Variance, to reduce the required front building setback distance to 20 feet, on property located at 448 Addison Ave. c/o Rich Davis (PZ25-0050). Commissioner Weatherford seconded the motion. Roll call vote showed all members present voted.

Approved 4 to 0 to 1.

- d) Request for a recommendation to City Council for a Zoning Development Agreement/Zoning District Change, from Neighborhood Commercial to R6 High Density Residential, on property located at the 900 block of Falls Ave W. c/o EHM Engineers, Inc on behalf of Grandview Farms, LLC (PZ25-0039).

Staff Presentation:

Director Spendlove presented the request for a recommendation to City Council for a Zoning Development Agreement/Zoning District Change, from Neighborhood Commercial to R6 High Density Residential, on property located at the 900 block of Falls Ave W. c/o EHM Engineers, Inc on behalf of Grandview Farms, LLC (PZ25-0039).

Per City Code 10-6-1.7(E) approval of a ZDA shall be based on the following standards:

1. The proposed uses shall not be detrimental to any surrounding uses; nor shall they be detrimental to the health, safety and general welfare of the public.

2. Any variation from the underlying zoning district development requirements must be warranted by the design and amenities incorporated in the conceptual development plan.
3. The underlying zoning district and the conceptual development plan shall conform to the comprehensive plan.
4. Existing and/or proposed streets and utility services must be suitable and adequate for the proposed development

Per City Code 10-14-5, Zoning Map Amendment:

The commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section City Code 10-7-20.

Per City Code 10-6-1: A preliminary presentation of the request is required before a public hearing in front of the Planning & Zoning Commission. The preliminary presentation was held on Tuesday, May 13, 2025.

Once the commission makes a recommendation of the Zoning Development Agreement (ZDA) / Zoning District Change (ZDC) request, the item will go before City Council for public hearing and a final decision.

The property is currently zoned R2 NCO PUD, as part of the Meadow West PUD #274. This agreement was created and approved in 2017.

The property in question is located in the Neighborhood Commercial area of the PUD, created for a high-end retail/office village to complement the surrounding residential neighborhood.

As of today, the property has remained vacant.

A zoning development agreement (ZDA) is designed to accommodate appropriate combinations of uses that may be planned, developed, and operated as integral land use units either by a single owner or a combination of owners. A ZDA is intended to accomplish some, or all of the following:

1. Foster and promote a variety of appropriate land use combinations in a preplanned development pattern;
2. Encourage developers to use a creative approach in land development;
3. Retain and conserve natural land and topographic features;
4. Promote greater use of streetscape and pedestrian-oriented aesthetics;
5. Promote the creation and efficient use of open spaces;
6. Create flexibility and variety in the location of improvements on lots;
7. Provide flexibility in development standards to facilitate creative land development concepts.

Land uses in the ZDA shall conform to the standards and regulations of the underlying zoning district(s), unless otherwise approved and included within the ZDA. The ZDA shall be comprised of a list of land use exceptions being requested, any development exceptions requested and shall be incorporated into the conceptual development plan. The ZDA shall provide exceptions requested shall not be detrimental to any surrounding uses or to the health, safety and general welfare of the public.

The applicant has proposed to change the zoning of eight (8) acres to R6 ZDA, specifically Lots 1 – 12, Block 1, Meadow West Subdivision. This action will remove the lots from the original PUD, creating a new Zoning Development Agreement for multi-family use.

The R6 zone allows for multiple house dwellings (5 units or more) as an outright permitted use. This rezone would allow the developer to construct an apartment complex on the lots, adding more residential units to the area.

The applicant would like to create the Zoning Development Agreement to modify the allowed building height and off-street parking regulations listed in Title 10-4-6 (R6, Residential Multi-Family Household District) of city code.

Current code allows for buildings up to thirty-five feet (35') in height. The proposed ZDA would allow for buildings up to forty-two (42') in height.

Off-Street Parking regulations require two off-street parking spaces per residential unit. The proposed ZDA allows for the garage spaces to be counted towards the total required off-street parking. With 144 units proposed, the required parking would equal 288 parking spaces. Adding the garage spaces as counted as part of the required parking will allow the applicant to build less parking spaces on site.

The proposed apartment complex allows for 144 units per the site plan. There will be twelve buildings constructed, ranging from six – eighteen units per building. The six and twelve-unit buildings will have one-car garages located on the bottom floor, with the dwelling units located on the second floor. The eighteen-unit buildings will be three stories, with parking located in front of the units and the around the complex area.

Falls Avenue West and Grandview Drive is a high-traffic intersection, primarily residential, with a commercial gas station/convenience store directly to the North. The potential detrimental impacts on surrounding areas will be largely from more vehicles in the area, although the intersection and roads will be built to handle the increased traffic.

The original PUD agreement required Falls Avenue West to be constructed to city standards. The road has been constructed, but has failed inspection by the Engineering Department. A condition has been added to this request that Falls Avenue West must be constructed to city standards and approved by the Engineering Department. The ordinance for this request will not be taken forward to City Council for approval until there is confirmation of the road passing inspection.

The Future Land Use Map shows this area as Neighborhood Commercial, which allows for apartments. City staff finds the result of this change allows a transition between the commercial use to the north and the single family residential to the south, east and west, creating a mixed-use community.

Staff believes the layout of this project is well laid out, with the buildings being spaced apart and there being two accesses to the complex, located on the north and south sides of the properties. There is green space and landscaping surrounding the complex, which is cohesive with the surrounding area.

This specific project accomplishes a number of goals found in the Comprehensive Plan:

- **Land Use Goal 3:** encourage mixed-use developments. This area is close to the hospital and major retail and business locations, serving to provide resources for shopping and working environments for the residents.
- **Land Use Goal 5:** Create great neighborhoods with a wider range of housing types, mix of uses and amenities.

Upon conclusion, should the Commission recommend approval of the request as presented, staff recommends the following:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to Falls Avenue West being constructed to city standards and approved by the Engineering Department prior to the ordinance for the request being signed by City Council.
3. Subject to a 6" raised concrete curb built on Falls Avenue West, from the Grandview Drive intersection to 375' west, as approved by the City Engineer. This will be enforced at time of first building permit.

Applicant Presentation:

David Thibault presented on behalf of the applicant. He gave some history of the property and the different options that have been proposed for this site and why they are asking for the change.

PZ/Questions & Comments:

- Commissioner Bulkley asked if they were asking to widen the road.
- David Thibault replied that both roads have been widened to city standards.
- Commissioner Bulkley asked if a traffic light was going in at the intersection.
- Director Spendlove explained that the City Engineer deems it appropriate as needed.
- Commissioner Bulkley asked about height if it's in line with other projects.
- Director Spendlove stated some are taller.
- Commissioner Gomes is concerned about the stacked parking.
- David Thibault stated that there will have to be some onsite supervision to make it work and not every unit will need 2 parking stalls.
- Commissioner Bulkley asked about the parking and how far off from standard are they asking.
- Director Spendlove replied it is not diminishing what is required. The City can't dictate where people park.

Public Hearing: Opened

- Glenn Kirby spoke on behalf of neighbors. He thinks a traffic signal is needed before the project is finished. They have concerns about the access roads and how much traffic will be going through their neighborhood. They feel traffic will go through the

neighborhoods to avoid the Grandview and Falls Ave intersection. They would like the road to be rerouted or possibly a speed bumps. They have questions about the green belt and if the new development will pay for maintenance of that. The last concern is the irrigation water and if they will be sharing, if they are, will there be enough water.

- Gerald Martens is the developer to the north and west. The intersection was designated as neighborhood commercial. He feels this is a perfect design for this corner.
- Troy Willie owns the market to the north and supports the project.
- Gary Wolverton is the owner of the project. He feels the area is nice with the homes.
- David Thibault replied that the traffic signal will be determined by the City Engineer. Access is compliant with city and fire code and will support the vehicles.
- Director Spendlove clarified this can be phased as far as building the unit but not changing the setup. They cannot change what they are building.

Public Hearing: Closed

Discussions Followed:

The Commission likes the project, but parking stall numbers are a concern.
Condition - parking

MOTION: Commissioner Bulkley moved to place a condition to remove the tandem parking exception from the ZDA. Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 0.

MOTION: Commissioner Bulkley made a motion to approve the request for a recommendation to City Council for a Zoning Development Agreement/Zoning District Change, from Neighborhood Commercial to R-6 High Density Residential, property located at the 900 block of Falls Ave W. With staff recommendations and Commission added condition. c/o EHM Engineers, Inc on behalf of Grandview Farms, LLC (PZ25-0039). Commissioner Weatherford seconded the motion. Roll call vote showed all members present voted.

Approved 4-0-1.

- e) Request for a recommendation to City Council on the appropriate zoning district for a proposed Annexation of 3.06 acres on property located at the 500 block of South Hills Rd. c/o Gerald Martens (PZ25-0043).

Staff Presentation:

Planner Strickland presented the request for a recommendation to City Council on the appropriate zoning district for a proposed Annexation of 3.06 acres on property located at the 500 block of South Hills Rd. c/o Gerald Martens (PZ25-0043).

Per City Code 10-15-1: Prior to annexation of an unincorporated area, the Council shall request and receive a recommendation from the Commission on the proposed plan and Zoning Ordinance changes for the unincorporated area. The Council shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendment or repeal until recommendations have been received from the Commission.

Per City Code 10-15-2 (A), the commission shall conduct at least one public hearing in which

interested persons shall have an opportunity to be heard. The hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

Currently, the subject property is undeveloped with no significant history. However, the surrounding property to the south was recently rezoned to R-2 as the second phase of the Sundance Subdivision. This development has a platted subdivision that will consist of 285 residential lots.

The subject property is located within the City's Area of Impact and abuts the city limits along the south and east side of the property. The property is designated as Town Neighborhood on the Future Land Use Map. This designation is characterized as residential with clustered developments consisting of 2-10 dwelling units per acre. Typical land uses found within this designation are single-family, duplex, townhomes, parks, recreational areas, schools and civic facilities.

Keeping in mind that the comprehensive plan designation is a guide and is not specific to property boundaries, the designation does represent what would generally be compatible with the surrounding area. With the property to the south being residential and with similar development to the north, rezoning the property to R-2 would be both compatible with the comprehensive plan designation and the neighboring properties.

Upon conclusion, prior to annexation of an unincorporated area, the council shall receive a recommendation from the commission on the appropriate zoning designation of the property. This recommendation will allow the council to hold a public hearing to make a final decision on the zoning designation and annexation of property. The recommendation from the commission may be to recommend approval as presented, recommend denial, recommend an alternative zoning designation or table the request to acquire new information.

PZ/Questions & Comments:

- Commissioner Rambur asked if they have a plat.
- Planner Strickland explained they have to annex first then they can plat.

Applicant Presentation:

Gerald Martens is the applicant and is the developer of the property to the east and west. would like to make it R-2 to match the area surrounding.

Public Hearing: Opened

- Dan Klien owns the property next door. He had a lot of questions about how the property would be allowed to be annexed and eventually built on. He doesn't like that a developer can buy property and be allowed to build but someone else was told they couldn't build on it. He feels a traffic light should be put up around that intersection.
- Gerald Martens replied that South Hills (3600 N) will get widened to match the west portion. They will plat this 3-acre portion.
- Commissioner Rambur asked about the split.
- Planner Strickland gave some history about the properties.

Public Hearing: Closed

Discussions Followed:

Commission likes the annexation and feels it makes sense to include this.

MOTION: Commissioner Weatherford moved to approve the request for a recommendation to City Council on the appropriate zoning district for a proposed Annexation of 3.06 acres on property located at the 500 block of South Hills Rd. c/o Gerald Martens (PZ25-0043). Commissioner Gomes seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 0.

- f) Request for a recommendation to City Council on the appropriate zoning district for a proposed Annexation of 52.55 acres on property located at 4100 N 2700 E. c/o EHM Engineers, Inc on behalf of South Canyon Farms, LLC (PZ25-0004).

Staff Presentation:

Planner Strickland presented the request for a recommendation to City Council on the appropriate zoning district for a proposed Annexation of 52.55 acres on property located at 4100 N 2700 E. c/o EHM Engineers, Inc on behalf of South Canyon Farms, LLC (PZ25-0004). To initiate annexation, the property owner must request incorporation into the City Limits. The property must be within the city's utility services boundary, and either contiguous to or surrounded by the city. The subject property is contiguous along its southern boundary, and the service boundary in this area has been expanded westward to include properties along Pole Line Rd.

Per City Code 10-15-1, prior to the annexation of an unincorporated area, the City Council must seek and obtain a recommendation from the Planning and Zoning Commission regarding proposed plan and zoning ordinance changes. The Council shall neither hold a public hearing nor give notice of a proposed hearing, nor take any action on the plan, amendment, or repeal until the Commission's recommendations have been received.

Per City Code 10-15-2 (A), the Commission is required to conduct at least one public hearing, where interested parties can be heard. The hearing should focus solely on the proposed plan and zoning changes and shall not entertain comments on annexation (Ord. 2012, 7-6-1981).

After receiving a recommendation from the Planning and Zoning Commission, on April 7, 2025, the Council reviewed a request including the subject property and others south of Pole Line Rd W, aiming to amend the comprehensive plan and expand the city's utility service area. This amendment creates opportunities for properties to request annexation, zoning changes, and access to city services. The Council approved this request on June 2, 2025, by resolution. The comprehensive plan amendment enabled the Council to establish future land use designations for this area. The decision was to maintain a commercial corridor along Pole Line Rd W, with Town Neighborhood to the north and south of the corridor. These designations guide development patterns and are not bound by property lines but do serve as a visual aid for determining the division of commercial and residential planning allowing the commission to make a more compatible zoning recommendation.

Currently, this area is predominantly under county jurisdiction but generally exhibits a mixture of commercial and residential use to the south and east, with commercial areas adjacent to

Pole Line Rd. Properties in the area are primarily zoned either C-1 (Commercial Highway District) or R-2 (Residential Single-Family/Duplex):

- The R-2 Residential Zone supports residential development, ensuring sufficient personal space and privacy, protected from commercial and industrial intrusion, with centralized water and sewer services. Its main uses include single-family homes, duplexes, and complementary facilities like schools, religious institutions, cultural spaces, and parks.
- The C-1 Zone accommodates various commercial activities, offering businesses access to customers and is suited for major roadways.

Zoning needs to be generally aligned with the comprehensive plan and most suitable to the surrounding area. Because of this, Staff would recommend zoning the southern quarter-mile of the property as C-1, and the remainder as R-2 to be more harmonious with the neighboring zones. Rezoning the entire property as commercial would appear to be inappropriate given its lack of proximity to other commercial development along Pole Line Rd and the potentially adverse impact on an area that has historically been used for agriculture. A blend of commercial development along the highway with residential areas to the north would be considered more appropriate and align with the comprehensive plan amendments that were just made.

Upon conclusion, the Commission may recommend approval as it was requested, suggest an alternative zoning designation, recommend denial or table the request for additional information. This recommendation is then forwarded to the Council for a public hearing, to be followed by a final decision.

Applicant Presentation:

David Thibault presented on behalf of the applicant. He explained that they thought they had to zone with one zone.

PZ/Questions & Comments:

- Commissioner Rambur asked for clarification where the city was measuring from.
- David Thibault replied he would like to square off to make it easy.

Public Hearing: Opened and closed with no public input.

Discussions Followed:

Commission likes the applicants request for the C-1 north of the 1/4-mile line from Pole Line and R-2 south across the water line.

MOTION: Commissioner Rambur moved to approve the request for a recommendation to City Council on the appropriate zoning district for a proposed Annexation of 52.55 acres on property located at 4100 N 2700 E. c/o EHM Engineers, Inc on behalf of South Canyon Farms, LLC (PZ25-0004). Commissioner Bulkley seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 0.

- g) Request for a recommendation to City Council on the appropriate zoning district for a proposed Annexation of 20.96 acres on property located approximately at 1400 block of

Sunway Drive North (aka 2700 East) c/o EHM Engineers, Inc on behalf of Believers Church, Inc (PZ25-0054).

Staff Presentation:

Director Spendlove presented the request for a recommendation to City Council on the appropriate zoning district for a proposed Annexation of 20.96 acres on property located approximately at 1400 block of Sunway Drive North (aka 2700 East) c/o EHM Engineers, Inc on behalf of Believers Church, Inc (PZ25-0054).

Per City Code 10-15-1: Prior to annexation of an unincorporated area, the Council shall request and receive a recommendation from the Commission on the proposed plan and Zoning Ordinance changes for the unincorporated area. The Council shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendment or repeal until recommendations have been received from the Commission.

Per City Code 10-15-2 (A): The commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

The property is currently utilized as a residential property. It is located in the Twin Falls City Area of Impact.

The Comprehensive Plan has designated this area as Town Neighborhood.

- The land uses typically found in the Town Neighborhood designation are: residential, schools, parks and recreation facilities, and civic facilities.

The proposed zoning for this request is Residential Single Household or Duplex District (R-2). This zone can be characterized by the following:

- Purpose Statement:
 - R-2 is "intended to promote and preserve residential development and to provide a low density residential environment with a mix of both single household and duplex dwellings in an area with ample space for personal privacy, private open space and free from encroachment by commercial and industrial activities. Centralized water and sewer facilities are required."
- Sample of Permitted Uses:
 - R-2: Single-family attached and detached; duplex; parks; etc.
- Heights:
 - R-2 is thirty-five (35') feet

The surrounding area is primarily in the County and zoned for larger lots. In December 2024, the City annexed the property on the east side of Sunway Drive N, which was zoned R-2 in this area. The R-2 designation seems to make sense in this area with trying to blend the county developments with proposed developments that were just annexed into the City.

The Commission is tasked to make a recommendation to the City Council by reviewing the comprehensive plan and the requested zoning designations compatibility with the future land use map designation.

The Commission will make a recommendation to City Council to approve the requested zoning designation, as presented, recommend denial of the requested zoning designation, recommend a different zoning designation or table the request for additional information.

Sample Motion:

1. *Move to recommend to City Council the subject property be zoned as presented with the R-2 zoning district.*
2. *Move to recommend to City Council the subject property be zoned _____.*
3. *Move to table the request for additional information.*

Applicant Presentation:

David Thibault presented on behalf of the applicant. They are asking for R-2 for the whole lot.

Public Hearing: Opened and closed with no public input

Discussions Followed:

Commission likes the R-2 designation for the property.

MOTION: Commissioner Bulkley moved to approve the request for a recommendation to City Council on the appropriate zoning district for a proposed Annexation of 20.96 acres on property located approximately at the 1400 block of Sunway Drive North (aka 2700 East) c/o EHM Engineers, Inc on behalf of Believers Church, Inc (PZ25-0054). Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 0.

- h) Request for a recommendation to City Council on the appropriate zoning district for a proposed Annexation of 3.86 acres on property located at 2521 Stadium Blvd. c/o David Kemp (PZ25-0049).

Staff Presentation:

Senior Planner Klaver presented the request for a recommendation to City Council on the appropriate zoning district for a proposed Annexation of 3.86 acres on property located at 2521 Stadium Blvd. c/o David Kemp (PZ25-0049).

Per City Code 10-15-1: Prior to annexation of an unincorporated area, the Council shall request and receive a recommendation from the Commission on the proposed plan and Zoning Ordinance changes for the unincorporated area. The Council shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendment or repeal until recommendations have been received from the Commission.

Per City Code 10-15-2 (A): The commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

The property is currently utilized as a residential property. It is located in the Twin Falls City Area of Impact.

The Comprehensive Plan has designated this area as Commercial and Town Neighborhood.

- The land uses typically found in the Town Neighborhood designation are: residential, schools, parks and recreation facilities, and civic facilities.

The proposed zoning for this request is Residential Single Household or Duplex District (R-2). This zone can be characterized by the following:

- Purpose Statement:
 - R-2 is "intended to promote and preserve residential development and to provide a low density residential environment with a mix of both single household and duplex dwellings in an area with ample space for personal privacy, private open space and free from encroachment by commercial and industrial activities. Centralized water and sewer facilities are required."
- Sample of Permitted Uses:
 - R-2: Single-family attached and detached; duplex; parks; etc.
- Heights:
 - R-2 is thirty-five (35') feet

Where the surrounding zoning designations is primarily R-2 with some R-1, Staff believes either designation would fit with the Comprehensive Plan.

The Commission is tasked to make a recommendation to the City Council by reviewing the comprehensive plan and the requested zoning designations compatibility with the future land use map designation.

The Commission will make a recommendation to City Council to approve the requested zoning designation, as presented, recommend denial of the requested zoning designation, recommend a different zoning designation or table the request for additional information.

Sample Motion:

1. Move to recommend to City Council the subject property be zoned as presented with the R-2 zoning district.
2. Move to recommend to City Council the subject property be zoned _____.
3. Move to table the request for additional information.

Applicant Presentation:

David Kemp presented his request for the R-2 zone for annexation of the property.

PZ/Questions & Comments:

- Commissioner Rambur asked why he wanted to annex.
- David Kemp explained he has been working on it for 8-9 years and is ready to move forward with it. He would like to plat the property out.

Public Hearing: Opened

- Gary Nelson spoke in favor of the request.

Public Hearing: Closed

Discussions Followed:

Commission feels this is a good request and R-2 will fit this property.

MOTION: Commissioner Rambur moved to approve the request for a recommendation to City Council on the appropriate zoning district for a proposed Annexation of 3.86 acres on property located at 2521 Stadium Blvd. c/o David Kemp (PZ25-0049). Commissioner Weatherford seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 0.

- i) Request for a recommendation for a Zoning Title Amendment to repeal and replace Title 10. Items to include are regulations pertaining to "Land Use Conditions". c/o City of Twin Falls (PZ24-0121).

Staff Presentation:

Director Spendlove presented the request for a recommendation for a Zoning Title Amendment to repeal and replace Title 10. Items to include are regulations pertaining to "Land Use Conditions". c/o City of Twin Falls (PZ24-0121).

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The Commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

1. Move to recommend approval for the proposed zoning text amendment to the Land Use Conditions chapter of Title 10 as presented;
2. Move to recommend approval with conditions for the proposed zoning text amendment to the Land Use Conditions chapter of Title 10; or
3. Move to table the item to a date certain of _____

Public Hearing: Opened

- Francis Alves doesn't like the "owner occupied" wording for Accessory Dwelling Unit (ADU) portion of this chapter. She feels that if the owner sells it will force the new buyer to have to remove a lot of things.

Public Hearing: Closed

Discussions Followed:

Commission wants to remove the "owner occupied" portion and the household verbiage.

MOTION: Commissioner Bulkley moved to approve the request for a recommendation for a Zoning Title Amendment to repeal and replace Title 10. Items to include are regulations pertaining to "Land Use Conditions". c/o City of Twin Falls (PZ25-0121). Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 0.

6) Upcoming Meeting(s)

- a) July 2, 2025 - Work Session - This is a public hearing
July 8, 2025.

7) Adjournment

The meeting adjourned at 10:21 PM

Jody Green

Jody Green, Planning Technician



Date: Monday, July 14, 2025
To: Planning and Zoning Commission
From: Jonathan Spendlove & William Klaver

ACTION ITEM

Request:

Request for a Zoning Title Amendment to repeal and replace Title 10. Items to include are regulations pertaining to “Supplemental Regulations” and “Wellhead Protection Overlay District”. c/o City of Twin Falls

Time Estimate:

20-30 minutes for Staff presentation.

Background:

In February 2018, the City Council tasked Planning and Zoning Staff to initiate a complete rewrite of Title 10: Zoning and Subdivision Regulations. The main goals of the rewrite are to accomplish the following:

1. Update the current definitions;
2. Simplify the code navigation process for users;
3. Streamline the development approval process; and
4. Make the code reflect the goals, language, and strategies of the 2016 Comprehensive Plan.

The chapters applicable to this Staff Report are the Supplemental Regulations & Wellhead Protection Overlay District chapters. Supplemental Regulations, or current code section 10-7, were adopted and amended in various years, ranging from 1981 to 2021. The Wellhead Protection Overlay District was last amended in 1995 by Ordinance 2526.

These chapters utilized the majority of the previous language as it pertained to the Supplemental Regulations & Wellhead Protection Overlay District chapters. The Supplemental Regulations chapter had several sections removed and placed in various other chapters. The Wellhead Protection Overlay District is currently found in Twin Falls Municipal Code 10-4-20. It is proposed to have this section moved to it's own chapter.

A few of the more notable changes include:

1. Move Wellhead Protection Overlay District from District Chapters to it's own Chapter;
2. Move Detached Accessory Building Setbacks in Residential Zoning Districts and Subdistricts to 10-4-10 (A);
3. Remove street centerline setbacks;
4. Remove lot splits for separate ownership of units in Duplexes;
5. Remove landscaping requirements for property fronting the College of Southern Idaho's property;
6. Move Adult Entertainment Businesses to 10-4-11;
7. Move Gateway Arterials Landscaping to 10-6;
8. Update for clarity for regulations on outside storage and display;
9. Remove placement of satellite dishes;
10. Update and Reformatted Wireless Communication Facilities regulations;
11. Moved the notice requirements for Public Hearing to 10-8; and

12. Moved Sports Shooting Range - Indoor regulations to 10-4-9 (B).

These drafts have been on the City's website since April 14, 2025.

Approval Process:

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

Budget Impact:

N/A

Regulatory Impact:

If approved, this section will provide the general verbiage for the Supplemental Regulations & Wellhead Protection Overlay District chapters in Title 10. Prior to adoption, the entirety of Title 10 will be brought forth to the Commission and Council in its final format, where the Council will decide to proceed with an ordinance or not.

History:

N/A

Analysis:

N/A

Conclusion:

The Planning and Zoning Commission held a public hearing on May 13, 2025 and recommended approval by a vote of 6-0. The Council is tasked with making a decision on the proposed text amendment. The Council may approve, approve with conditions, deny, or table the item to a date certain.

Sample main motions:

1. *Move to approve the proposed zoning text amendment to the Supplemental Regulations & Wellhead Protection Overlay District chapters of Title 10 as presented;*
2. *Move to approve with conditions for the proposed zoning text amendment to the Supplemental Regulations & Wellhead Protection Overlay District chapters of Title 10; or*
3. *Move to table the item to a date certain of _____*

Attachments:

1. PZ25-0121 Current Wellhead Protection Overlay District Regulations
2. PZ25-0121 Proposed Wellhead Protection Overlay Regulations
3. PZ25-0121 Current Zoning Supplementary Regulations
4. PZ25-0121 Proposed Supplemental Regulations
5. PZ25-0121 PZC Minutes for May 13, 2025, Minutes

10-4-20: WPO, WELLHEAD PROTECTION OVERLAY DISTRICT:

10-4-20.1: SHORT TITLE AND PURPOSE:

(A) This section shall be known as the *WELLHEAD PROTECTION PLAN*.

(B) It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to contamination of the public water supply, and to formalize groundwater protection/pollution abatement and control procedures. Specific goals are to:

1. Protect human life and health;
2. Ensure that the public is provided with a sustainable, safe potable water supply;
3. Minimize expenditure of public money for pollution remediation projects;
4. Minimize regulations on land use; and
5. Minimize business interruptions. (Ord. 2526, 5-20-1996)

10-4-20.2: DEFINITIONS:

When used in this section the following words and phrases shall have the meanings given in this section:

AGRICULTURAL RUNOFF WASTEWATER: Water diverted for irrigation but not applied to crops, or runoff of irrigation tail water from the cropland as a result of irrigation.

COMMUNITY WATER SYSTEM: A public system which serves at least fifteen (15) service connections used by year round residents or regularly serves at least twenty five (25) year round residents.

COMMUNITY WELLHEAD: The upper terminal of a well, including adapters, ports, seals, valves and other attachments.

FACILITY: Refers to any business or corporation that is built, installed, or established to serve a particular purpose.

HAZARDOUS WASTE DISPOSAL FACILITY: A hazardous waste treatment, storage, or disposal facility which receives hazardous material as described in part 40 chapter 260.1 of the code of federal regulations.

HAZARDOUS WASTE OR MATERIAL: Any waste or material which, because of its quantity, concentration, physical, chemical or infectious characteristics, may:

(A) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or,

(B) Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed; or,

(C) Any material or substance designated as a hazardous or toxic substance defined by part 40 chapter 261.3 of the Code of Federal Regulations, or any material or substance designated as a hazardous or toxic substance by the State of Idaho, acting through the Division of Environmental Quality or any successor agency.

INJECTION: The subsurface emplacement of fluids.

LIVESTOCK CONFINEMENT OPERATION: As defined in the County Zoning Ordinance.

NONCOMMUNITY WATER SYSTEM: A public water system that is not a community water system.

PUBLIC WATER SYSTEM: A system that provides the public with piped water for human consumption, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty five (25) individuals daily at least sixty (60) days out of the year. Such term includes: 1) any collection, treatment, storage, and distribution facilities under control of the operator of such system, and used primarily in connection with such system, and 2) any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. A public water system is either a "community water system" or a "noncommunity water system" as defined herein.

SANITARY LANDFILL: A solid waste disposal operation where the wastes are spread on land in thin layers, compacted to the smallest practical volume, and covered with cover material once each day of operation in order to safeguard against environmental pollution, nuisances, and health hazards.

STORM WATER RUNOFF: Water discharged as a result of rain, snow, or other precipitation.

TIME OF TRAVEL DISTRICTS (TOT): The time required for a contaminant to move in the ground from a specific point to a well.

UNDERGROUND INJECTION WELL: Any excavation or artificial opening into the ground which meets the following three (3) criteria:

- (A) It is a bored, drilled or dug hole, or is a driven mine shaft or a driven well point; and,
- (B) It is deeper than its largest straight-line surface dimension; and,
- (C) It is used for or intended to be used for injection.

WELLHEAD PROTECTION OVERLAY DISTRICT (WHO): A land use designation on the Land Use Map, or a zoning designation on a zoning map, that modifies the basic underlying designation in some specific manner. The Wellhead Protection Overlay District will also appear in the hazardous component of the Comprehensive Plan. A map will define specific area districts centering around wells supplying drinking water to a public water system. The map is delineated using one of the following methods:

- (A) Calculated fixed radius; or,
- (B) Arbitrary fixed radius; or,
- (C) Simplified variable shapes; or,
- (D) Semi-analytical, and analytical methods; or,
- (E) Hydrogeologic mapping; or,
- (F) Numerical modeling;

and follow the guidelines established in the Idaho Wellhead Protection Plan.

WELLHEAD PROTECTION OVERLAY DISTRICT Ia: A minimum fixed radius extending no less than fifty feet (50') radially from the wellhead supplying potable water to the public water supplies.

WELLHEAD PROTECTION OVERLAY DISTRICT Ib: A three (3) year "time of travel district (TOT)" as defined in this Section.

WELLHEAD PROTECTION OVERLAY DISTRICT II: A six (6) year "time of travel district (TOT)" as defined in this Section.

WELLHEAD PROTECTION OVERLAY DISTRICT III: A ten (10) year "time of travel district (TOT)" as defined in this Section.

10-4-20.3: ESTABLISHMENT OF WELLHEAD PROTECTION OVERLAY DISTRICT:

There is hereby established a Wellhead Protection Overlay District identified and described as all the area within the ten (10) year TOT district around public water supplies as shown on the Official Zoning Map. It is further established that these areas be composed of four (4) districts: "Wellhead Protection Overlay District Ia," "Wellhead Protection Overlay District Ib", "Wellhead Protection Overlay District II", and "Wellhead Protection Overlay District III", as they are defined in this Chapter. The City may record with the County Recorder's office a metes and bounds description of the Wellhead Protection Overlay District.

10-4-20.4: PROHIBITED USES WITHIN DISTRICT Ia OF THE WELLHEAD PROTECTION AREA:

Uses permitted within District Ia shall be limited to necessary public water supply wellhead equipment including the following: wellhead facility buildings, water storage tanks, disinfection equipment, disinfection chemical storage and approved landscaping. All other uses shall be prohibited.

10-4-20.5: PROHIBITED USES WITHIN DISTRICT Ib OF THE WELLHEAD PROTECTION AREA:

The following uses or conditions shall be and are hereby prohibited within District Ib of the Wellhead Protection areas:

- (A) Sanitary landfills.
- (B) Livestock confinement operations.
- (C) Hazardous waste disposal facility.
- (D) Injection wells except for the following:
 - 1. Closed systems.
- (E) All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer or disposal of any hazardous solid or liquid material or waste having potential impact on ground water.
- (F) Existing sewer lines shall not be closer than one hundred feet (100') of a wellhead or of new sanitary systems and sewer lines shall not be closer than one hundred fifty feet (150') of a wellhead.
- (G) Existing septic tanks or drain fields shall not be closer than one hundred feet (100') of a wellhead and new installation of septic tanks or drain fields shall not be closer than two hundred feet (200') away from the wellhead.
- (H) Junk or salvage yards.
- (I) Disposal of waste oil, oil filters, tires and all other petroleum products.
- (J) Land use activities posing a hazard or threat to existing ground water quality as deemed by the Zoning Administrator during review process of applications.

10-4-20.6: PROHIBITED USES WITHIN DISTRICT II OF THE WELLHEAD PROTECTION AREA:

The following uses or conditions shall be and are prohibited within District II of the Wellhead Protection Overlay District:

- (A) Sanitary landfills;
- (B) Hazardous waste disposal facilities;

(C) Injection wells except for the following:

1. Deep well injection (below 18 feet in depth):
 - a. Geothermal heat;
 - b. Heat pump return;
 - c. Cooling water return.
2. Shallow well injection only (less than 18 feet in depth):
 - a. Storm runoff;
 - b. Agricultural runoff waste water;
 - c. Special drainage water;
 - d. Aquifer recharge;
 - e. Aquifer remediation;
 - f. Septic systems (general).

(D) Land use activities posing a hazard or threat to existing ground water quality as deemed by the Zoning Administrator during review process of applications.

10-4-20.7: PROHIBITED USES WITHIN DISTRICT III OF THE WELLHEAD PROTECTION OVERLAY DISTRICT:

The following uses or conditions shall be and are prohibited within District III of the Wellhead Protection Overlay District:

(A) Injection wells except for the following:

1. Deep well injection (below 18 feet in depth):
 - a. Geothermal heat;
 - b. Heat pump return;
 - c. Cooling water return.
2. Shallow well injection only (less than 18 feet in depth):
 - a. Storm runoff;
 - b. Agricultural runoff waste water;
 - c. Special drainage water;
 - d. Aquifer recharge;
 - e. Aquifer remediation;
 - f. Septic systems (general).

(B) Land use activities posing a hazard or threat to existing ground water quality as deemed by the Zoning Administrator during review process of applications.

10-4-20.8: NOTICE OF PROPOSED ACTION TO OPERATOR OF PUBLIC OR COMMUNITY WATER SUPPLY:

Whenever there is a request which requires approval from the Planning and Zoning Commission for land lying within a Wellhead Protection District, written notice of the hearing shall be given to the entity operating the public or community water supply within that overlay district.

The Planning and Zoning Commission may require a granting of easements for monitoring wells if the Commission deems it appropriate for protection of the public water supply.

10-4-20.9: NONCONFORMING USES:

Any legal use existing at the time of the adoption of this section and listed as a prohibited use herein, shall become a legal nonconforming use and may not be expanded or improved except as otherwise provided in the zoning ordinance. (Ord. 2526, 5-20-1996)

10-4-20.10: ENFORCEMENT:

It shall be unlawful for any person, corporation, government entity or business to occupy or use the land within the area designated in the wellhead protection overlay district I, II, and III contrary to, or in violation of, any of the provisions of this section 10-4-20. (Ord. 2526, 5-20-1996)

10-4-20.11: AMENDMENTS:

Amendments will require approval from all of the counties and municipalities that this section 10-4-20 affects. (Ord. 2526, 5-20-1996)

10-14: WPO, WELLHEAD PROTECTION DISTRICT:

10-4-1: SHORT TITLE AND PURPOSE:

(A) This section shall be known as the *WELLHEAD PROTECTION PLAN*.

(B) It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to contamination of the public water supply, and to formalize groundwater protection/pollution abatement and control procedures. Specific goals are to:

1. Protect human life and health;
2. Ensure that the public is provided with a sustainable, safe potable water supply;
3. Minimize expenditure of public money for pollution remediation projects;
4. Minimize regulations on land use; and
5. Minimize business interruptions. (Ord. 2526, 5-20-1996)

10-4-2: DEFINITIONS:

When used in this section the following words and phrases shall have the meanings given in this section:

AGRICULTURAL RUNOFF WASTEWATER: Water diverted for irrigation but not applied to crops, or runoff of irrigation tail water from the cropland as a result of irrigation.

COMMUNITY WATER SYSTEM: A public system which serves at least fifteen (15) service connections used by year round residents or regularly serves at least twenty five (25) year round residents.

COMMUNITY WELLHEAD: The upper terminal of a well, including adapters, ports, seals, valves and other attachments.

FACILITY: Refers to any business or corporation that is built, installed, or established to serve a particular purpose.

HAZARDOUS WASTE DISPOSAL FACILITY: A hazardous waste treatment, storage, or disposal facility which receives hazardous material as described in part 40 chapter 260.1 of the code of federal regulations.

HAZARDOUS WASTE OR MATERIAL: Any waste or material which, because of its quantity, concentration, physical, chemical or infectious characteristics, may:

- (A) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or,
- (B) Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed; or,
- (C) Any material or substance designated as a hazardous or toxic substance defined by part 40 chapter 261.3 of the Code of Federal Regulations, or any material or substance designated as a hazardous or toxic substance by the State of Idaho, acting through the Division of Environmental Quality or any successor agency.

INJECTION: The subsurface emplacement of fluids.

LIVESTOCK CONFINEMENT OPERATION: As defined in the County Zoning Ordinance.

NONCOMMUNITY WATER SYSTEM: A public water system that is not a community water system.

PUBLIC WATER SYSTEM: A system that provides the public with piped water for human consumption, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty five (25) individuals daily at least sixty (60) days out of the year. Such term includes: 1) any collection, treatment, storage, and distribution facilities under control of the operator of such system, and used primarily in connection with such system, and 2) any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. A public water system is either a "community water system" or a "noncommunity water system" as defined herein.

SANITARY LANDFILL: A solid waste disposal operation where the wastes are spread on land in thin layers, compacted to the smallest practical volume, and covered with cover material once each day of operation in order to safeguard against environmental pollution, nuisances, and health hazards.

STORM WATER RUNOFF: Water discharged as a result of rain, snow, or other precipitation.

TIME OF TRAVEL DISTRICTS (TOT): The time required for a contaminant to move in the ground from a specific point to a well.

UNDERGROUND INJECTION WELL: Any excavation or artificial opening into the ground which meets the following three (3) criteria:

- (A) It is a bored, drilled or dug hole, or is a driven mine shaft or a driven well point; and,
- (B) It is deeper than its largest straight-line surface dimension; and,
- (C) It is used for or intended to be used for injection.

WELLHEAD PROTECTION OVERLAY DISTRICT (WHO): A land use designation on the Land Use Map, or a zoning designation on a zoning map, that modifies the basic underlying designation in some specific manner. The Wellhead Protection Overlay District will also appear in the hazardous component of the Comprehensive Plan. A map will define specific area districts centering around wells supplying drinking water to a public water system. The map is delineated using one of the following methods:

- (A) Calculated fixed radius; or,
- (B) Arbitrary fixed radius; or,
- (C) Simplified variable shapes; or,
- (D) Semi-analytical, and analytical methods; or,
- (E) Hydrogeologic mapping; or,
- (F) Numerical modeling; and
- (G) Follow the guidelines established in the Idaho Wellhead Protection Plan.

WELLHEAD PROTECTION OVERLAY DISTRICT Ia: A minimum fixed radius extending no less than fifty feet (50') radially from the wellhead supplying potable water to the public water supplies.

WELLHEAD PROTECTION OVERLAY DISTRICT Ib: A three (3) year "time of travel district (TOT)" as defined in this Section.

WELLHEAD PROTECTION OVERLAY DISTRICT II: A six (6) year "time of travel district (TOT)" as defined in this Section.

WELLHEAD PROTECTION OVERLAY DISTRICT III: A ten (10) year "time of travel district (TOT)" as defined in this Section.

10-4-3: ESTABLISHMENT OF WELLHEAD PROTECTION OVERLAY DISTRICT:

There is hereby established a Wellhead Protection Overlay District identified and described as all the area within the ten (10) year TOT district around public water supplies as shown on the Official Zoning Map. It is further established that these areas be composed of four (4) districts: "Wellhead Protection Overlay District Ia," "Wellhead Protection Overlay District Ib", "Wellhead Protection Overlay District II", and "Wellhead Protection Overlay District III", as they are defined in this Chapter. The City may record with the County Recorder's office a metes and bounds description of the Wellhead Protection Overlay District.

10-4-4: PROHIBITED USES WITHIN DISTRICT Ia OF THE WELLHEAD PROTECTION AREA:

Uses permitted within District Ia shall be limited to necessary public water supply wellhead equipment including the following: wellhead facility buildings, water storage tanks, disinfection equipment, disinfection chemical storage and approved landscaping. All other uses shall be prohibited.

10-4-5: PROHIBITED USES WITHIN DISTRICT Ib OF THE WELLHEAD PROTECTION AREA:

The following uses or conditions shall be and are hereby prohibited within District Ib of the Wellhead Protection areas:

- (A) Sanitary landfills.
- (B) Livestock confinement operations.
- (C) Hazardous waste disposal facility.
- (D) Injection wells except for the following:
 - 1. Closed systems.
- (E) All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer or disposal of any hazardous solid or liquid material or waste having potential impact on ground water.
- (F) Existing sewer lines shall not be closer than one hundred feet (100') of a wellhead or of new sanitary systems and sewer lines shall not be closer than one hundred fifty feet (150') of a wellhead.

- (G) Existing septic tanks or drain fields shall not be closer than one hundred feet (100') of a wellhead and new installation of septic tanks or drain fields shall not be closer than two hundred feet (200') away from the wellhead.
- (H) Junk or salvage yards.
- (I) Disposal of waste oil, oil filters, tires and all other petroleum products.
- (J) Land use activities posing a hazard or threat to existing ground water quality as deemed by the Zoning Administrator during review process of applications.

10-4-20.6: PROHIBITED USES WITHIN DISTRICT II OF THE WELLHEAD PROTECTION AREA:

The following uses or conditions shall be and are prohibited within District II of the Wellhead Protection Overlay District:

- (A) Sanitary landfills;
- (B) Hazardous waste disposal facilities;
- (C) Injection wells except for the following:
 - 1. Deep well injection (below 18 feet in depth):
 - a. Geothermal heat;
 - b. Heat pump return;
 - c. Cooling water return.
 - 2. Shallow well injection only (less than 18 feet in depth):
 - a. Storm runoff;
 - b. Agricultural runoff waste water;
 - c. Special drainage water;
 - d. Aquifer recharge;
 - e. Aquifer remediation;
 - f. Septic systems (general).
- (D) Land use activities posing a hazard or threat to existing ground water quality as deemed by the Zoning Administrator during review process of applications.

10-4-20.7: PROHIBITED USES WITHIN DISTRICT III OF THE WELLHEAD PROTECTION OVERLAY DISTRICT:

The following uses or conditions shall be and are prohibited within District III of the Wellhead Protection Overlay District:

- (A) Injection wells except for the following:
 - 1. Deep well injection (below 18 feet in depth):
 - a. Geothermal heat;
 - b. Heat pump return;
 - c. Cooling water return.
 - 2. Shallow well injection only (less than 18 feet in depth):
 - a. Storm runoff;
 - b. Agricultural runoff waste water;
 - c. Special drainage water;
 - d. Aquifer recharge;

- e. Aquifer remediation;
- f. Septic systems (general).

(B) Land use activities posing a hazard or threat to existing ground water quality as deemed by the Zoning Administrator during review process of applications.

10-4-20.8: NOTICE OF PROPOSED ACTION TO OPERATOR OF PUBLIC OR COMMUNITY WATER SUPPLY:

Whenever there is a request which requires approval from the Planning and Zoning Commission for land lying within a Wellhead Protection District, written notice of the hearing shall be given to the entity operating the public or community water supply within that overlay district.

The Planning and Zoning Commission may require a granting of easements for monitoring wells if the Commission deems it appropriate for protection of the public water supply.

10-4-20.9: NONCONFORMING USES:

Any legal use existing at the time of the adoption of this section and listed as a prohibited use herein, shall become a legal nonconforming use and may not be expanded or improved except as otherwise provided in the zoning ordinance. (Ord. 2526, 5-20-1996)

10-4-20.10: ENFORCEMENT:

It shall be unlawful for any person, corporation, government entity or business to occupy or use the land within the area designated in the wellhead protection overlay district I, II, and III contrary to, or in violation of, any of the provisions of this section [10-4-20](#). (Ord. 2526, 5-20-1996)

CHAPTER 7

ZONING SUPPLEMENTARY REGULATIONS

SECTION:

10-7-1: Effect Of Supplementary Regulations

10-7-2: Sale Or Lease Of Required Space

10-7-3: Additional Height In CB, C1, OT, M1 And M2 Zoning Districts And Subdistricts

10-7-4: Canyon Rim Setback (Rep. by Ord. 2466, 2-6-1995)

10-7-5: Detached Accessory Building Setbacks In Residential Zoning Districts And Subdistricts

10-7-6: Front Yard Setbacks

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10-7-14: Outside Storage And Display

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10-7-18: Commercial Painting

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10-7-20: Public Hearings Notice Requirements

10-7-21: Sport Shooting Range - Indoor

10-7-1: EFFECT OF SUPPLEMENTARY REGULATIONS:

The regulations herein set forth qualify or supplement the regulations within zoning districts and subdistricts appearing elsewhere in this title. (Ord. 2045, 7-6-1982)

10-7-2: SALE OR LEASE OF REQUIRED SPACE:

No space needed to meet the width, yard, area, coverage parking or other requirements of this title for a lot or building may be sold or leased apart from such lot or building unless other space so complying is provided. (Ord. 2045, 7-6-1982)

10-7-3: ADDITIONAL HEIGHT IN CB, C1, OT, M1 AND M2 ZONING DISTRICTS AND SUBDISTRICTS:

The council may allow greater than standard building heights with or without extra setback requirements, in the CB, C1, OT, M1 and M2 zoning districts and subdistricts. A request for additional height shall follow the public hearing process for zoning map amendments as described in subsection 10-14-5(B) and section 10-14-7 of this title. (Ord. 3077, 8-11-2014)

10-7-4: CANYON RIM SETBACK:

(Rep. by Ord. 2466, 2-6-1995)

10-7-5: DETACHED ACCESSORY BUILDING SETBACKS IN RESIDENTIAL ZONING DISTRICTS AND SUBDISTRICTS:

Detached accessory buildings may be built on the side or rear property line, provided all of the following conditions are met:

- (A) Written permission of adjacent property owner is obtained.
- (B) Firewalls as required by the building code are constructed.
- (C) There is no water runoff from building onto adjacent property.
- (D) The accessory building is not located closer than ten feet (10') to a main building.
- (E) There is no architectural projection beyond the property line. (Ord. 2045, 7-6-1982)

10-7-6: FRONT YARD SETBACKS:

Front yard building setbacks shall be as designated in either of the subsections below, whichever is greater: (Ord. 2620, 8-2-1999)

(A) Arterials And Collectors: Setbacks from street centerline for arterials and collectors are as follows: (Ord. 2662, 8-7-2000)

Street	Limits	Front Yard Setback
Street	Limits	Front Yard Setback
2700 East	3600 North to 4200 North	80 feet
2750 East	Entire length	62 feet
2850 East	North College Road to Pole Line Road	62 feet
2875 East	4150 North to 4200 North	52 feet
3200 East	3600 to Falls Avenue	93 feet
3200 East	Falls Avenue to end	62 feet
3300 East	Entire length	80 feet
3400 North	2600 East to Eastland Drive South	80 feet
3600 North	2700 East to 3200 East	93 feet
3600 North	3200 East to 3300 East	80 feet
4150 North	2700 East to Washington North	62 feet
4200 North	2700 East to 2850 East	62 feet
4th Avenue East	Blue Lakes Boulevard to 3200 East	52 feet
4th Avenue East, North	All townsite except CB zone	62 feet
4th Avenue West	Blake to Washington	52 feet
6th Avenue East, North	All townsite except CB zone	62 feet
6th Avenue West	Washington to Shoshone	52 feet
9th Avenue East	Blue Lakes Boulevard to 3200 East	52 feet
9th Avenue East	Townsite	62 feet
Addison Avenue	Washington to Eastland	80 feet
Addison Avenue East	Eastland to 3300 East	93 feet
Addison Avenue West	2700 East to Washington	93 feet
Blake Street	4th Avenue West to Filer Avenue	62 feet
Blue Lakes Boulevard	Kimberly Road to Pole Line Road	80 feet
Blue Lakes Boulevard North	Pole Line Road to Perrine Bridge	93 feet
Blue Lakes Boulevard South	3300 North to Kimberly Road	93 feet
Bridgeview Boulevard	Blue Lakes Boulevard North to Pole Line Road East	52 feet
Bridgeview Boulevard	Pole Line Road East to Locust Street North	62 feet
Candleridge Drive	Entire length	62 feet
Canyon Rim Road	2850 East to 4150 North	52 feet
Carriage Lane	Entire length	62 feet
Caswell Avenue	Entire length	52 feet
Cheney Drive	Entire length	62 feet
Clearwater Way	Entire length	52 feet
Eastland Drive North	3600 North to Falls Avenue	80 feet
Eastland Drive North	Falls Avenue to Pole Line Road	93 feet
El Camino Avenue	Entire length	52 feet
Eldridge Avenue	Entire length	62 feet
Elizabeth Boulevard	Locust Street to 3300 East	62 feet
Falls Avenue	Grandview to Eastland	80 feet
Falls Avenue East	3200 East to 3300 East	80 feet
Falls Avenue East	Eastland to 3200 East	93 feet

Falls Avenue West	2700 East to Grandview	62 feet
Federation Road	Entire length	62 feet
Filer Avenue	Entire length	62 feet
Fillmore Street	Addison Avenue to Caswell Avenue	52 feet
Fillmore Street	Caswell Avenue to Blue Lakes Boulevard North	62 feet
Grandview (2800 East)	3500 North to 4200 North	80 feet
Harrison Street	Entire length	62 feet
Heyburn Avenue	Entire length	52 feet
Highland Avenue	Entire length	62 feet
Hillcrest Road/ Pheasant Road	Entire length	62 feet
Kimberly Road	Blue Lakes Boulevard to Eastland	80 feet
Kimberly Road	Eastland to 3300 East	93 feet
Locust Street	Entire length	62 feet
Madrona Street	Entire length	62 feet
Martin Street	Entire length	62 feet
Maurice Street	Entire length	52 feet
Meadowview Lane	Entire length	62 feet
Minidoka Avenue	2nd Avenue South to Blue Lakes Boulevard	62 feet
Minidoka Avenue	Shoshone Street to 2nd Avenue South	52 feet
Monroe Street	Entire length	52 feet
Mountain View Drive	Entire length	52 feet
North College Road	Entire length	62 feet
Orchard Drive	2700 East to 3300 East	80 feet
Osterloh Avenue	Entire length	52 feet
Park Avenue	Entire length	80 feet
Pheasant Road	Entire length	62 feet
Pole Line Road (4100 North)	2700 East to Eastland	93 feet
Ridgeway Drive	Entire length	52 feet
Rose Street	North College Road to 4200 North	62 feet
Rose Street	South Park Avenue West to Victory Avenue	62 feet
South Park Avenue West	2700 East to Washington	80 feet
Southwood Avenue	Entire length	52 feet
Sparks Street	Entire length	62 feet
Stadium Boulevard	Entire length	52 feet
Sunrise Boulevard	Entire length	52 feet
Victory Avenue	Entire length	62 feet
Washington Street and Washington Street North	6th Avenue West to 4150 North	80 feet
Washington Street South	3600 North to South Park Avenue West	93 feet
Washington Street South	Airport to 3600 North	80 feet
Welch Lane	Entire length	62 feet
Wendell Street	Entire length	62 feet

(B) Area Of Impact: All front yard setbacks on roads, streets and highways designated on the current Twin Falls highway district "highway designation map" shall conform to the setbacks required by that map. (Ord. 2620, 8-2-1999)

(C) Access Restricted Developments: Residential developments which have a front, rear, or side yard adjacent to an arterial or collector street, and having no access to that street may have the above listed setback reduced from ninety three feet (93') to eighty three feet (83') or from eighty feet (80') to sixty five feet (65'), for arterial streets, and from sixty two feet (62') to fifty two feet (52'), for collector streets. Any residential development with a reduced setback, as provided herein, shall be prohibited direct access to the arterial or collector street. (Ord. 2686, 4-2-2001)

10-7-7: SWIMMING POOLS:

(Rep. by Ord. 2288, 10-2-1989)

10-7-8: SEPARATE OWNERSHIP OF UNITS IN DUPLEXES:

Duplexes may have the separate units sold to different owners under the following procedure: (Ord. 2045, 7-6-1982)

(A) An application for duplex split to be made with the administrator on a form provided by the administrator.

The administrator shall allow a duplex split upon receiving evidence that the following conditions have been met:

1. Each unit shall have a lot area not less than the following:

R1-VAR: The minimum lot area shall be eight thousand (8,000) square feet.

R2: The minimum lot area shall be five thousand five hundred (5,500) square feet.

R4: The minimum lot area shall be four thousand (4,000) square feet.

R6: The minimum lot area shall be four thousand (4,000) square feet. (Ord. 2550, 6-2-1997)

2. Firewalls as required by the building code and the city inspection department have been provided between the units.

3. Separate sewer and water facilities are provided to each unit.

4. Two (2) off street parking spaces are provided for each unit. (Ord. 2012, 7-6-1981)

10-7-9: FILLING OF CANYONS:

Filling of canyons is prohibited and a special use permit shall be required for filling within one hundred feet (100') of canyon rims. Minor filling may be allowed by the administrator for cosmetic purposes. (Ord. 2550, 6-2-1997)

10-7-10: SPECIAL LANDSCAPING REQUIREMENTS FOR PROPERTIES FRONTING THE COLLEGE OF SOUTHERN IDAHO (CSI) PROPERTY:

In addition to the other landscaping requirements of this title, the following landscaping shall be provided on all properties fronting CSI property on Washington Street North, North College Road, and Falls Avenue except properties containing single and duplex household dwellings:

A berm of at least three feet (3') in height and twelve feet (12') in width shall be provided immediately behind the sidewalk or future sidewalk. The berm shall be planted in grass with a minimum of one conifer tree per three hundred (300) square feet of berm area and a minimum of one deciduous shrub per three hundred (300) square feet. Trees and shrubs may be grouped, but there shall be no open space greater than fifty feet (50') between tree and shrub groupings. (Ord. 2620, 8-2-1999)

10-7-11: ADULT ENTERTAINMENT BUSINESSES:

(A) Intent And Purpose: In the development and adoption of this section, it is recognized that there are some adult business uses which, due to their very nature, have serious, objectionable, operational characteristics, particularly when located in close proximity to residential neighborhoods, thereby having a deleterious impact upon property values and the quality of life in such surrounding areas. It has been acknowledged by communities across the nation that state and local governmental entities have a special concern in regulating the operation of such businesses under their jurisdiction to ensure that these adverse secondary effects will not contribute to the blighting or downgrading of adjacent neighborhoods nor endanger the well being of the youth in their communities. The special regulations deemed necessary to control the undesirable externalities arising from these enterprises are set forth below. The primary purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods, to deter the spread of urban blight and to protect minors from the objectionable, operational characteristics of these adult uses by restricting their close proximity to churches, parks, schools, restaurants, movie theaters and residential areas.

This section is not intended and should not be construed to create a contemporary community standard nor to allow the sale, loan, distribution, dissemination, presentation or exhibition of material or live conduct which is obscene or which is in violation of any other law, nor to permit the creation or maintenance of any moral nuisance. (Ord. 2238, 6-20-1988)

(B) Definitions:

ADULT BOOKSTORE: An establishment having as a preponderance of its stock in trade or its dollar volume in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

ADULT CABARET: A nightclub, bar, theater, restaurant or similar establishment which frequently features live performances

by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas and/or which regularly feature films, motion pictures, videocassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

ADULT DRIVE-IN THEATER: An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

ADULT ENTERTAINMENT BUSINESS: An adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult motion picture arcade, adult cabaret, adult drive-in theater, adult live entertainment arcade or adult service establishment.

ADULT LIVE ENTERTAINMENT ARCADE: Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or both a series of live dance routines, strip performances or other gyrational choreography, which performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas.

ADULT MINI-MOTION PICTURE THEATER: An enclosed building with a capacity of more than five (5) but less than fifty (50) persons, used for presenting films, motion pictures, videocassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or related to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT MOTEL: A hotel, motel or similar establishment offering public accommodations for any form of consideration which provides patrons, upon request, with closed circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE ARCADE: Any place to which the public is permitted or invited wherein coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE THEATER: An enclosed building with a capacity of fifty (50) or more persons used for presenting films, motion pictures, videocassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ADULT SERVICE ESTABLISHMENT: Any building, premises, or structure or other facility, or any part thereof, under common ownership or control which provides a preponderance of services involving specified sexual activities or display of specified anatomical areas.

ENLARGEMENT: An increase in the size of the building, structure or premises in which the adult entertainment business is conducted by either construction or use of an adjacent building or any portion thereof whether located on the same or an adjacent lot or parcel of land.

ESTABLISHING AN ADULT ENTERTAINMENT BUSINESS: Shall mean and include any of the following:

1. The opening or commencement of any such business as a new business;
2. The conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined herein;
3. The addition of any of the adult entertainment businesses defined herein to any other existing adult entertainment business; or
4. The relocation of any such business.

RECONSTRUCTION: The rebuilding or restoration of any nonconforming adult use which was damaged or partially destroyed by an exercise of the power of eminent domain, or by fire, flood, wind, explosion or other calamity or act of God if the damage or destruction exceeds two-thirds ($\frac{2}{3}$) of the value of the structure or the facilities affected.

RESIDENTIAL ZONING DISTRICT: SUI, R1-8,000, R2, R4, R6 and AG zoning districts, or any subdistricts or overlays thereof.

RESUMPTION: The reuse or reoccupation of a nonconforming adult use which has been discontinued for a period of six (6) or more consecutive months.

SERVICES INVOLVING SPECIFIED SEXUAL ACTIVITIES OR DISPLAY OF SPECIFIED ANATOMICAL AREAS: As used in the definition of "adult service establishment" herein, shall mean and include any combination of two (2) or more of the following activities:

1. The sale or display of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides, tapes, records or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;
2. The presentation of films, motion pictures, videocassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons;
3. The operation of coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas;
4. Live performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas;
5. The operation of a massage school, massage parlor, massage therapy clinic, bathhouse, escort service, body painting studio or nude modeling studio.

SPECIFIED ANATOMICAL AREAS: Shall mean and include any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Shall mean and include any of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
4. Flagellation or torture in the context of a sexual relationship;
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
6. Erotic touching, fondling or other such contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in 1 through 6 of this definition.

STRUCTURAL ALTERATION: Any change which would prolong the life of the supporting members of a building or structure such as bearing walls, columns, beams or girders, except such changes as are ordered. (Ord. 2238, 6-20-1988; amd. Ord. 2275, 7-17-1989; Ord. 2796, 6-14-2004)

(C) **Prohibitions:** The establishment, enlargement, reconstruction, resumption or structural alteration of any adult entertainment business shall be prohibited if such business is within five hundred feet (500') of any other such business, within two thousand five hundred feet (2,500') of any existing church, school, restaurant or movie theater or within five hundred feet (500') of any existing open space zoning district or residential zoning district within the city or the area of city impact. (Ord. 2238, 6-20-1988)

Provided, further, that no adult entertainment business shall be established, enlarged, reconstructed, resumed or structurally altered unless the site or proposed site is located in a C1 (commercial highway), M1 (light manufacturing), or M2 (heavy manufacturing) zoning district. (Ord. 2238, 6-20-1988; amd. Ord. 2526, 5-20-1996)

(D) **Measurement Of Distances:** The distance between one adult entertainment business and another adult entertainment business shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of each such business. The distance between an adult entertainment business and any church, school, restaurant, movie theater, open space or residential zoning district shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall to the adult entertainment business to the nearest property line of the church, school, restaurant, movie theater, open space or residential zoning district.

(E) **Exterior Display:**

1. **Visibility:** No adult entertainment establishment shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public way.

2. **Number Of Signs:** Not more than one business wall sign shall be permitted for an adult entertainment business and said sign shall be permitted only on the front facade. Such requirements shall include direct access to a public street from

that property and a full amount of required parking on the site with the use. All other sign structures shall be prohibited.

3. Sign Surface Area: The sign surface area of a business wall sign for an adult entertainment business shall not exceed an amount equal to five percent (5%) of the front building facade of the first floor elevation (first 10 feet) of the premises occupied by the adult entertainment business, or thirty two (32) square feet, whichever is the lesser.

4. Lighting: Signs may be illuminated, provided, however, such illumination shall not be by way of exposed neon, exterior lighting (e.g., spot or flood lights), or any flashing or animated lights (either interior to the sign, on the exterior of the sign, or as a border to the sign).

(F) Other Laws: This section shall not be construed:

1. To establish a contemporary community standard as a defense to the violation of any other law;
2. To allow the sale, loan, distribution, dissemination, presentation or exhibition of material or live conduct which is obscene or which is in violation of any other law; or
3. To permit the creation or maintenance of any moral nuisance.

(G) Severability: If any provision or clause of this section or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect other ordinance provisions or clauses or applications thereof which can be implemented without the unconstitutional or invalid provision, clause or application, and to this end the provisions and clauses of this section are declared to be severable. (Ord. 2238, 6-20-1988)

10-7-12: SPECIAL LANDSCAPING REQUIREMENTS FOR GATEWAY ARTERIALS:

(A) Gateway Arterials: Gateway arterials include the following streets: Addison Avenue, Addison Avenue East, Addison Avenue West, Blue Lakes Boulevard, Blue Lakes Boulevard North, Blue Lakes Boulevard South, Kimberly Road, Washington Street from Addison Avenue to Second Avenue West, Washington Street North, Washington Street South, Pole Line Road from Rock Creek Canyon to Eastland Drive North, and Eastland Drive from Pole Line Road East to Kimberly Road. (Ord. 2620, 8-2-1999)

(B) Landscaping Requirements: In addition to, and as part of, the landscaping requirements specified elsewhere in this title, the following landscaping shall be provided, retained and maintained on all properties in commercial or industrial zoning districts and fronting gateway arterials: a landscaped strip at least ten feet (10') in width shall be provided immediately behind the sidewalk or future sidewalk when existing buildings are being remodeled, and thirty feet (30') when vacant land or cleared land is being developed, with the following exception: Washington Street North from Addison Avenue to Caswell Avenue will be required to provide a landscaped strip at least ten feet (10') in width immediately behind the sidewalk or future sidewalk when an existing building is being remodeled or vacant land or cleared land is being developed. Any continuous landscaped strip exceeding forty feet (40') in length shall contain a twelve inch (12") minimum height undulating berm. Each separate section of the landscaping strip shall contain trees or shrubs. The plant types in each portion of the landscaping strip shall be as set forth in subsection 10-11-2(A) of this title, except that evergreen trees shall not be required. Each landscaped strip shall be kept clean and free of noxious and other weeds. (Ord. 2978, 10-26-2009)

(C) Hardship: In the case of the expansion of existing commercial developments, these requirements may be modified by the commission if it can be shown by the developer that strict compliance with these requirements will result in the removal of existing and proposed parking spaces below eighty five percent (85%) of the number of spaces required to serve the existing and proposed development. (Ord. 2323, 10-15-1990)

10-7-13: VEHICLE STACKING REQUIREMENTS FOR DRIVE-THROUGH FACILITIES:

(Rep. by Ord. 2016-7, 4-18-2016)

10-7-14: OUTSIDE STORAGE AND DISPLAY:

No outside storage or display of merchandise is allowed between any street and the primary business building or outside of screened areas except in the M2 zoning district and except for the display of vehicles, motor homes, travel trailers, recreational vehicles, pickup shells and large implements where offered for sale or rent and except for the seasonal display of living plants and materials such as Christmas trees, pumpkins, bedding plants, etc. The term "primary business building" shall include any paved pedestrian area adjoining the building and parallel to any portion of the building facing the street. All refuse areas shall also be visibly screened from adjacent streets and properties.

(A) Notwithstanding the above outside display restriction, a retail business may apply for a "parking lot sale" permit for the temporary outside display of retail merchandise. Parking lot sale permits are subject to the following conditions:

1. Up to eight (8) temporary parking lot sale permits shall be allowed on a lot or parcel in a calendar year, with not more than two (2) per quarter.
2. A parking lot sale permit shall be issued for not more than five (5) consecutive days. Parking lot sale permits issued in different calendar year quarters shall have a minimum of seven (7) days between permits.
3. Retail merchandise may only be temporarily displayed on private real property and only on the same lot, parcel or shared parking as the primary business building to which the parking lot sale permit has been issued.
4. Retail merchandise shall not be temporarily displayed within required landscape areas or in any other area that creates a site obstruction or other traffic obstruction or hazard.

5. Retail businesses that share a lot, parcel or parking with other businesses may apply for a parking lot sale permit if a parking lot sale site plan has been prepared by the applicant and the site plan has been approved by an authorized representative of each business sharing the same lot, parcel, or parking. Approval signatures shall be provided to the planning department with the permit application along with name and contact information for the authorized representatives who provided the approval.

(B) Parking lot sale permit applications shall be submitted to the planning department not less than two (2) weeks prior to the planned parking lot sale. The administrator may approve parking lot sale permit requests that comply with the standards contained herein. (Ord. 3113, 1-25-2016)

10-7-15: PLACEMENT OF SATELLITE DISHES:

No satellite dish over eighteen inches (18") in diameter shall be placed in the front yard setback nor in front of any existing building which exceeds the front yard setback in any zoning district of the city or its area of impact. (Ord. 2550, 6-2-1997)

10-7-16: RECREATIONAL VEHICLES ON RESIDENTIAL LOTS:

Motor homes, camp trailers, campers and other similar recreational vehicles may be stored, maintained, loaded or unloaded (but not occupied otherwise or connected to sewer, water or cable services, except in approved RV parks) on residential lots. The zoning administrator may approve a temporary RV park (not to exceed 6 months) for on site construction on nonresidential lots for a minimum of three (3) and a maximum of fifteen (15) RVs, provided that all RVs are connected to centralized sewer and water services. (Ord. 2800, 8-9-2004)

10-7-17: WIRELESS COMMUNICATIONS FACILITIES:

(A) Regulations:

1. Use: The placement, use or modification of any wireless communication facility is subject to the provisions of this section.

a. Residential zones: New freestanding towers are prohibited. Wireless communication facilities attached to utility poles, existing towers or facades attached to nonresidential buildings are permitted subject to the provisions of this section.

b. Nonresidential zones: Lattice towers are prohibited. Other wireless communication facilities are permitted subject to the provisions of this section.

2. Preferred Locations And Facility Types:

a. Site Selection Criteria: A master development plan is to be created, prior to any wireless communication facility permit request, based upon engineering constraints and desired areas of service. Wireless communication facilities shall be located on a master development plan in the following priority order:

(1) Collocation on an existing tower, structure or building. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate as described in this section.

(2) Publicly owned property.

(3) Other nonresidential buildings or vacant nonresidentially zoned land.

b. Priority Order: Facility types are preferred in the following priority order:

(1) Roof mounted.

(2) Facade mounted.

(3) Utility pole mounted.

(4) Freestanding.

3. Collocation: Collocation is considered to be a visually unobtrusive installation method because the equipment is attached to an existing structure. Collocation of a wireless communication facility shall require only approval of the administrator.

4. New Freestanding Towers: No new tower shall be permitted unless the applicant demonstrates that no existing tower or structure can accommodate the applicant's proposed wireless communication facility. Evidence submitted to demonstrate the unavailability of other towers or structures shall address all of the following:

a. An RF engineering analysis of all utility poles, regardless of height, and of all towers or structures thirty five feet (35') in height or higher, within a one thousand three hundred twenty foot (1,320') radius of the proposed wireless communication facility site.

b. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for collocation are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

5. Prohibitions: The following are prohibited or restricted:

a. Lattice towers are prohibited.

b. Interference with city and public safety communication systems and/or area television or radio broadcast is

prohibited.

c. Freestanding towers within residentially zoned areas are prohibited.

d. Diagonal bracing is permitted only to anchor the antenna to an existing building to which the antenna is attached.

(B) Application Procedure: The administrator shall be the granting authority for wireless communication facility collocating on existing structures or utility poles in accordance with the standards set forth below. All other wireless communications facilities shall require a special use permit from the planning and zoning commission. An application for a special use permit for a wireless communication facility shall contain the information set forth below, in addition to the standard application information required for all special use permits:

1. A site plan including location, type and height of the proposed wireless communication facility with setbacks, property lines, adjacent land uses, structures and zoning.

2. Elevation drawings or before and after photographs/drawings simulating and specifying the location and height of the antennas, support structures, equipment enclosures and other accessory uses.

3. The master development plan showing the location of all existing and proposed wireless communication facility sites of the applicant within the city and its area of impact, including the service area of each wireless communication facility.

4. Evidence demonstrating the unavailability of collocation, as set forth above.

5. Certification from the applicant's engineer that collocation of additional antennas for at least one additional provider is possible on the proposed pole, and a signed and notarized statement by the applicant agreeing to accommodate collocation of additional antennas on the tower and that the applicant agrees to enter into leases with other providers allowing use of the tower at a monthly lease rate not to exceed one-half ($\frac{1}{2}$) the capital cost of the tower, excluding the equipment to be used exclusively by the applicant, paid over fifteen (15) years at (7 percent interest) an interest rate not to exceed the Dow Jones twenty (20) year bond index, as published by the Wall Street Journal thirty (30) days prior to the lease date, plus one-half ($\frac{1}{2}$) the land lease. The maximum monthly lease rate shall be included in the application.

6. A lease agreement with the landholder that allows other providers to locate equipment on the subject property, and provides that if the provider fails to remove the wireless communication facility and equipment within one hundred eighty (180) days of its discontinued use, the responsibility for removal shall belong to the landholder.

(C) Standards:

1. Roof Mounted:

a. Height: Roof-mounted wireless communications facilities may extend above the highest portion of the roof, including parapet walls, by a distance equal to its distance to the nearest exterior wall. The maximum height for any roof-mounted facility, including the building, shall be one hundred feet (100'). (Ord. 2700, 7-16-2001)

b. Setback: Roof-mounted wireless communications facilities shall be set back from the edge of the building the height of the antenna and support system.

c. Lighting: Lighting of antennas or support structures shall be prohibited except as required by the FAA.

2. Facade Mounted:

a. Height: Facade-mounted wireless communications facilities may not exceed five feet (5') above the facade to which it is attached.

b. Setback: Maximum projection of eighteen inches (18"), but may not encroach into the public right of way.

c. Attachment: The antenna and supporting electrical and mechanical equipment must be the same color as the supporting structure so as to make the antenna and related equipment as unobtrusive as possible.

3. Utility Pole Mounted:

a. Height: Maximum height of one hundred thirty three percent (133%) of the height of the original utility pole or an additional fifteen feet (15'), whichever is greater.

b. Lighting: Lighting of antennas or support structures shall be prohibited except as required by the FAA.

c. Attachment: The antenna shall be either fully concealed within the utility pole or face mounted (not to exceed 18 inches from the face of the pole). Standoffs and amps platforms are prohibited.

d. Pole Replacement: Existing utility poles may be replaced with a new utility pole of the same height, dimensions and appearance as the existing utility pole.

e. Equipment Enclosures: Aboveground equipment enclosures on utility poles in the right of way shall not exceed twelve (12) cubic feet in volume and shall be constructed so as to minimize their visual impact. Aboveground equipment enclosures off the right of way shall meet building line setbacks in the underlying district, and shall be finished to blend in with the surrounding area. If a security fence is installed, landscaping and screening shall be installed to visually screen the

aboveground equipment enclosure. Landscaping and screening shall consist of a combination of trees, foliage and shrubs of dense spacing in the form of either: 1) a screening wall or fence surrounded by a five foot (5') wide landscape planter; or 2) a ten foot (10') wide landscape planter without a screening wall or fence. All landscaping shall be watered, fertilized and maintained as necessary. All dead plantings shall be replaced within thirty (30) days.

f. Relocation Of Utilities: In the event the utilities located on a utility pole are relocated underground, the wireless communication facility shall be relocated to another location pursuant to the requirements of this section.

4. Freestanding:

a. Height: Freestanding towers shall not exceed one hundred feet (100') in height as measured from the ground.

b. Setback: Setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located. Towers shall be set back from all residential and residentially zoned property one hundred twenty five percent (125%) of the tower height as measured from ground level.

c. Color: Freestanding towers shall be a neutral color, simulate a standard utility pole, or otherwise be camouflaged or disguised so as to make the tower as unobtrusive as possible.

d. Attachment: The antenna shall be either fully concealed within the tower or face mounted (not to exceed 18 inches from the face of the tower). Standoffs and amps platforms are prohibited.

e. Landscaping: Landscaping and screening shall be installed to visually screen the support structure and aboveground equipment enclosures. Landscaping and screening shall consist of a combination of trees, foliage and shrubs of dense spacing in the form of either: 1) a screening wall or fence surrounded by a five foot (5') wide landscape planter; or 2) a ten foot (10') wide landscape planter without a screening wall or fence. All landscaping shall be watered, fertilized and maintained as necessary. All dead plantings shall be replaced within thirty (30) days.

f. Lighting: Lighting of antennas or support structures shall be prohibited except as required by the FAA.

g. Maintenance: All facilities and landscaping shall be properly maintained. (Ord. 2678, 1-16-2001)

(D) Modification: Modification to any existing wireless communication facility, which includes construction involving the replacement of support structure apparatus, antennas or any exterior alteration, shall comply with all the requirements of this chapter.

(E) Abandonment: Upon abandonment or discontinuation of use, the carrier shall physically remove the wireless communication facility within ninety (90) days of the date of abandonment or discontinuation of use, and restore the site to its original condition. The carrier shall provide to the city, prior to issuance of a permit, a performance bond in the amount of twenty thousand dollars (\$20,000.00) or a bond equal to a written estimate from a qualified tower removal contractor to guarantee that the facility will be removed when no longer in use. The city shall be named as an obligee in the bond and must approve the bonding company. (Ord. 2850, 2-21-2006)

10-7-18: COMMERCIAL PAINTING:

Outside commercial painting is prohibited in all zoning districts. Inside commercial painting is permitted only by special use permit. The painting of interior and exterior of buildings and fixtures to real estate shall be excluded from these regulations. (Ord. 2741, 11-4-2002)

10-7-19: CITY SERVICES:

(A) Intent And Purpose: It is recognized that property development within all zoning districts necessarily requires supporting infrastructure for the provision of city services, including, but not limited to, streets, utility services, emergency services, recreational facilities, etc. It is also recognized that many city owned and/or operated facilities existed without zoning approval, and were considered nonconforming under the zoning ordinance. The purpose of this section is to declare that municipal services are permitted uses in all zoning districts, but to require notice, public hearing, and city council approval before the establishment of new municipal services uses.

(B) Permitted Uses: All uses on real property owned and/or operated by the city of Twin Falls are permitted uses. (Ord. 2985, 5-3-2010)

(C) Approval Of New Uses By City Council: Any proposed new use to be established on real property owned and/or operated by the city of Twin Falls, not already permitted by other provisions of this zoning ordinance or already approved as required utility improvements in new developments, must be approved by the city council after a public hearing at which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this chapter. (Ord. 3091, 3-2-2015)

10-7-20: PUBLIC HEARINGS NOTICE REQUIREMENTS:

Public notice shall be provided for land use actions requiring a public hearing. Public notice shall comply with the following requirements. Public hearings for appeals to the administrator's interpretation and administration of this title, zoning title amendments not relating to a specific property, and comprehensive plan amendments not relating to a specific property are not required to provide mail and site posting notice.

(A) Mail: Mail notice shall be provided as follows when required:

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be provided by mail to the following:

a. Property owners, or purchasers of record, within the land being considered,

b. Property owners, or purchasers of record, within five hundred feet (500') of the external boundaries of the land being considered,

(1) For special use permit, zoning map amendment, and future land use map amendment requests involving the R6, MHO-1, and nonresidential districts, except M1, M2, and OS, notices shall be mailed to property owners, or purchasers of record, within seven hundred fifty feet (750') of the external boundaries of the land being considered.

(2) For special use permit, zoning map amendment, and future land use map amendment requests involving the M1 and M2 districts, notices shall be mailed to property owners, or purchasers of record, within one thousand feet (1,000') of the external boundaries of the land being considered.

c. Any additional property owners, or purchasers of record, that may be impacted by the proposed change as determined by the administrator, and

d. All political subdivisions providing services within the planning jurisdiction, including the city, school districts, and the Magic Valley regional airport manager.

2. When a public hearing is to be conducted by the city council for a proposal that the planning and zoning commission has made a recommendation on, the notice for that hearing shall include the commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.

3. The applicant requesting the proposed change shall mail the notices to the required property owners. Upon mailing, the applicant shall sign an affidavit stating that he has notified in writing the required property owners as to his purpose of application, time and place of hearing, residents served, and date of service. A copy of the notification shall be attached to the affidavit and returned to the city not less than ten (10) days prior to the hearing.

(B) Site Posting: Notice shall be posted on site as follows when required:

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be posted on the premises.

2. The applicant requesting the proposed change shall post the required notice on the premises as follows:

a. Notice shall be provided by not less than one sign located on the subject property adjacent to each street frontage of the property. In the event that the subject property is not adjacent to a public street, signs may be placed within the nearest public street right of way with prior approval from the administrator and the owner of the right of way.

b. Signs shall be placed on the property so as to remain clearly visible from adjacent streets. In the event that visibility of signs located on the property is obstructed, signs may be placed within the adjacent street right of way with prior approval from the administrator and the owner of the right of way.

c. If a property contains three hundred (300) or more feet of street frontage on a single street, one sign shall be placed on the property for each three hundred feet (300'), or portion thereof, of the street frontage.

d. Additional notice signs may be required as determined by the administrator.

e. Notice signs shall be made from metal, plywood, or an equivalent hard surface and shall be mounted on two (2) posts in a manner that is perpendicular to the street along which the sign posted.

f. Notice signs shall be a minimum of two feet (2') tall by three feet (3') wide and mounted so the bottom of the sign is at least two feet (2') above the ground. Notice signs that are located along a city designated arterial street or a state highway shall be a minimum of four feet (4') tall and four feet (4') wide and mounted so the bottom of the sign is at least three feet (3') above the ground.

g. Notice signs shall be white in color. At the top of the sign, notice signs shall include each of the following with a minimum size of six inch (6") black letters:

(1) The words, "Notice of Public Meeting",

(2) The words, "for more information call", and then the phone number for the city's planning and zoning department, and

(3) The official city logo.

h. Notice signs shall include a brochure holder mounted to the sign. The applicant requesting the proposed change shall ensure that, until such time as the notice sign is removed, the brochure holder contains handouts providing notice of the time and place of the hearing and a summary of the proposal. When a public hearing is to be conducted by the city council for a proposal that the planning and zoning commission has made a recommendation on, the notice for that hearing shall include the commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.

i. The applicant requesting the proposed change shall remove the posted notice sign(s) from the property not more than three (3) days after the conclusion of the final public hearing for the proposed action.

(C) Newspaper: Newspaper notice shall be provided as follows when required:

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction of the city.
2. When a public hearing is to be conducted by the city council for a proposal that the planning and zoning commission has made a recommendation on, the notice for that hearing shall include the commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.
3. The administrator shall cause the newspaper notice to be prepared and published.

(D) Press Release: A press release shall be provided as follows when required:

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be made available as a press release to news media outlets serving the jurisdiction, including newspapers, radio, and television stations.
2. When a public hearing is to be conducted by the city council for a proposal that the planning and zoning commission has made a recommendation on, the notice for that hearing shall include the commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.
3. The administrator shall cause the press release to be prepared and made available to news media outlets. The city cannot guarantee that media outlets will broadcast the press release.

(E) City Website: Notice shall be provided on the city website as follows when required:

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be posted on the city website, www.tfid.org.
2. When a public hearing is to be conducted by the city council for a proposal that the planning and zoning commission has made a recommendation on, the notice for that hearing shall include the commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.
3. The administrator shall cause the notice to be posted on the city website. (Ord. 3091, 3-2-2015)

10-7-21: SPORT SHOOTING RANGE - INDOOR:

The following shall be provided when applying for a special use permit for a sport shooting range - indoor:

- (A) Site Location: A sport shooting range shall be located: not less than five hundred (500') lineal feet from any property in an existing residential district, with the exception of parks, open space, stormwater management areas, or similar lands reserved for uses that do not include dwellings.
- (B) Indoor Range Design: Indoor sport shooting ranges must be designed so projectiles cannot penetrate walls, floor or ceiling, and ricochets or back splatter cannot harm range users. Considerations should be made for cleaning of all surfaces and handling of hazardous wastes.
- (C) Staffing: Sport shooting range staff must always be present on the subject property when the shooting range is in use.
- (D) Shooting Range Operation Plan: Each sport shooting range shall provide an operation plan. A copy of the operation plan shall be filed with an application for a special use permit. The operational plan shall include:
 1. Site plan;
 2. Building plan and elevations;
 3. Safety plan;
 4. Outside security plan;
 5. Copy of liability insurance;
 6. Other plans and/or information, as may be reasonably requested by staff to verify compliance with this section or unique conditions that apply to the site.
- (E) The application shall include a sound study prepared by a licensed sound engineer that demonstrates how the proposed use will address the impact of noise on adjoining uses. Any adverse effects shall be mitigated through setbacks, buffers, sound mitigation and/or hours of operation.

(F) Alcohol Sales Prohibited: Sport shooting ranges shall not sell or dispense alcoholic beverages, nor shall they be in a building which contains a business that sells or dispenses alcoholic beverages. Alcoholic beverages are not allowed on the premises of the sport shooting range at any time.

(G) Receive permission from the city for the ability to discharge firearms within city limits in accordance with city code section 6-2-1-D. (Ord. 2021-010, 5-3-2021)

10-13-1: EFFECT OF SUPPLEMENTARY REGULATIONS:

The regulations herein set forth qualify or supplement the regulations within zoning districts and appearing elsewhere in this title.

10-13-2: SALE OR LEASE OF REQUIRED SPACE:

No space needed to meet the yard, area or other requirements of this title for a lot or building may be sold or leased apart from such lot or building unless other space so complying is provided.

10-13-3: FILLING OF CANYONS:

Filling of canyons is prohibited and a special use permit shall be required for filling within one hundred feet (100') of canyon rims. Minor filling may be allowed by the administrator for cosmetic purposes.

10-13-4: OUTSIDE STORAGE AND DISPLAY:

Merchandise shall not be stored or displayed outside of the primary business building unless in areas that are screened from public view. Exceptions include vehicles, as defined in Title 49 of Idaho State Code, pickup shells, large agricultural implements and machinery for sale or rent, and seasonal items as determined by the administrator. The term "primary business building" shall include any paved pedestrian area adjoining the building and parallel to any portion of the building facing the street.

(A) Notwithstanding the above outside display restriction, a retail business may apply for a "parking lot sale" permit for the temporary outside display of retail merchandise. Parking lot sale permits are subject to the following conditions:

1. Up to eight (8) temporary parking lot sale permits shall be allowed on a lot or parcel in a calendar year, with not more than two (2) per quarter.
2. A parking lot sale permit shall be issued for not more than five (5) consecutive days. Parking lot sale permits issued in different calendar year quarters shall have a minimum of seven (7) days between permits.
3. Retail merchandise may only be temporarily displayed on private real property and only on the same lot, parcel or shared parking as the primary business building to which the parking lot sale permit has been issued.
4. Retail merchandise shall not be temporarily displayed within required landscape areas or in any other area that creates a site obstruction or other traffic obstruction or hazard.
5. Retail businesses that share a lot, parcel or parking with other businesses may apply for a parking lot sale permit if a parking lot sale site plan has been prepared by the applicant and the site plan has been approved by an authorized representative of each business sharing the same lot, parcel, or parking. Approval signatures shall be provided to the planning department with the permit application along with name and contact information for the authorized representatives who provided the approval.

(B) Parking lot sale permit applications shall be submitted to the planning department not less than two (2) weeks prior to the planned parking lot sale. The administrator may approve

parking lot sale permit requests that comply with the standards contained herein. (Ord. 3113, 1-25-2016)

10-13-5: RECREATIONAL VEHICLES ON RESIDENTIAL LOTS:

Motor homes, camp trailers, campers and other similar recreational vehicles may be stored, maintained, loaded or unloaded (but not occupied otherwise or connected to sewer, water or cable services, except in approved RV parks) on residential lots. The zoning administrator may approve a temporary RV park (not to exceed 6 months) for on site construction on nonresidential lots for a minimum of three (3) and a maximum of fifteen (15) RVs, provided that all RVs are connected to centralized sewer and water services.

10-13-6: COMMERCIAL PAINTING:

Outside commercial painting is prohibited in all zoning districts. Inside commercial painting is permitted only by special use permit. The painting of interior and exterior of buildings and fixtures to real estate shall be excluded from these regulations.

10-13-7: WIRELESS COMMUNICATION FACILITIES:

(A) General Regulations:

1. Preferred Locations and Facility Types:

- a. Site Selection Criteria: A master development plan is to be created, prior to any wireless communication facility permit request, based upon engineering constraints and desired areas of service. Wireless communication facilities shall be located on a master development plan in the following priority order:
 - 1) Collocation on an existing tower, structure or building. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate as described in this section.
 - 2) Publicly owned property.
 - 3) Other nonresidential buildings or vacant nonresidentially zoned land.
- b. Priority Order: Facility types are preferred in the following priority order:
 - 1) Roof mounted.
 - 2) Facade mounted.
 - 3) Utility pole mounted.
 - 4) Stealth Freestanding.
 - 5) Freestanding.

2. New Freestanding Towers: No new tower shall be permitted unless the applicant demonstrates that no existing tower or structure can accommodate the applicant's proposed wireless communication facility. Evidence submitted to demonstrate the unavailability of other towers or structures shall address all of the following:

- a. An RF engineering analysis of all utility poles, regardless of height, and of all towers or structures thirty five feet (35') in height or higher, within a one

thousand three hundred twenty foot (1,320') radius of the proposed wireless communication facility site.

- b. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for collocation are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
3. Prohibitions: The following are prohibited or restricted:
 - a. Lattice towers are prohibited.
 - b. Interference with city and public safety communication systems is prohibited.
 - c. Freestanding towers within residentially zoned areas are prohibited.
 - d. Diagonal bracing is permitted only to anchor the antenna to an existing building to which the antenna is attached.
4. The City Shall follow the requirements for review of Micro and Macro Towers as regulated by the FCC.
5. When a Wireless Communication Facility is identified as causing radio frequency interference (RFI) with the City of Twin Falls public safety communications equipment, the following steps shall be taken:
 - a. Upon notification by the City of interference with public safety communications equipment, the owners of the Wireless Communications Facility equipment shall utilize the hierarchy and procedures set forth in the Federal Communication Commission's (FCC) Wireless Telecommunications Bureau's Best Practices Guide. If the Wireless Communication Facility owner fails to cooperate with the City and/or County in applying the procedures set forth in the Best Practices Guide in order to eliminate the interference, then the City of Twin Falls may take steps to contact the FCC to eliminate the interference.
 - b. If there is a determination of RFI with the public safety communications equipment, the party which caused the interference shall be responsible for reimbursing the City and/or for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the City to determine the source of the interference.
6. Lighting: Lighting shall follow the Federal Aviation Administration (FAA) minimum standard.
7. Pedestrian and Vehicular Movement: No facility, structure, or associated equipment shall impede pedestrian or vehicular movement and circulation.
8. Facility Storage:

- a. A wireless communication facility shall not be used for the storage of any excess equipment or hazardous materials, nor be used as habitable space.
- b. No outdoor storage yard(s) shall be allowed in a wireless communications facility equipment compound.

(B) Application Procedure: The administrator shall be the granting authority for wireless communication facility collocating on existing structures or utility poles in accordance with the standards set forth below. All other wireless communications facilities shall require a special use permit from the planning and zoning commission. An application for a special use permit for a wireless communication facility shall contain the information set forth below, in addition to the standard application information required for all special use permits:

1. Elevation drawings or before and after photographs/drawings simulating and specifying the location and height of the antennas, support structures, equipment enclosures and other accessory uses.
2. The master development plan showing the location of all existing and proposed wireless communication facility sites of the applicant within the city and its area of impact, including the service area of each wireless communication facility.
3. Evidence demonstrating the unavailability of collocation, as set forth above.

(C) Standards For Wireless Communication Types:

1. Colocation
 - a. Roof Mounted:
 - i. Height: Roof-mounted wireless communications facilities may extend above the highest portion of the roof, including parapet walls, by a distance equal to its distance to the nearest exterior wall. The maximum height for any roof-mounted facility, including the building, shall be one hundred feet (100').
 - ii. Setback: Roof-mounted wireless communications facilities shall be set back from the edge of the building the height of the antenna and support system.
 - b. Facade Mounted:
 - i. Height: Facade-mounted wireless communications facilities may not exceed five feet (5') above the facade to which it is attached.
 - ii. Setback: Maximum projection of twenty-four inches (24") but may not encroach into the public right of way.
 - iii. Attachment: The antenna and supporting electrical and mechanical equipment must be the same color as the supporting structure so as to make the antenna and related equipment as unobtrusive as possible.

c. Utility Pole Mounted:

- i. Height: Maximum height of one hundred thirty three percent (133%) of the height of the original utility pole or an additional fifteen feet (15'), whichever is greater.
- ii. Attachment: The antenna shall be either fully concealed within the utility pole or face mounted (not to exceed 24 inches from the face of the pole). When located within the right-of-way the antenna shall be fully concealed within the utility pole.
- iii. Pole Replacement: Existing utility poles may be replaced with a new utility pole of the same height, dimensions and appearance as the existing utility pole.
- iv. Equipment Enclosures: Aboveground equipment enclosures are classified as utility distribution facilities.
- v. Relocation Of Utilities: In the event the utilities located on a utility pole are relocated underground, the wireless communication facility shall be relocated to another location pursuant to the requirements of this section.

2. Freestanding:

- a. Height: Freestanding towers shall not exceed one hundred feet (100') in height as measured from the ground.
- b. Setback: Setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located. Towers shall be set back from all residential and residentially zoned property one hundred twenty five percent (125%) of the tower height as measured from ground level.
- c. Color: Freestanding towers shall be a neutral color, simulate a standard utility pole, or otherwise be camouflaged or disguised so as to make the tower as unobtrusive as possible.
- d. Maintenance: All facilities and landscaping shall be properly maintained.

(D) Modification: Modification to any existing wireless communication facility, which includes construction involving the replacement of support structure apparatus, antennas or any exterior alteration, shall comply with all the requirements of this title.

(E) Abandonment: Upon abandonment or discontinuation of use, the carrier shall physically remove the wireless communication facility within ninety (90) days of the date of abandonment or discontinuation of use, and restore the site to its original condition.



Twin Falls Planning & Zoning Commission Minutes

Tuesday, May 13, 2025, 6:00 PM

Members -

City Limits: Cortney Campbell, Chairperson; Tiffany Zimmerman, Vice-Chairperson; Todd Rambur; Robyn Weatherford; Kelly Herrgesell; Rui Gomes

Area of Impact: Jeff Bulkley

1) Confirmation of Quorum/Call Meeting to Order

Chairperson Campbell called the meeting to order at 06:00 PM

Members Attending: Campbell, Zimmerman, Rambur, Weatherford, Gomes, Bulkley

Staff Attending: Spendlove, Klaver, Strickland, Ebersole, Green, Stowe

2) Conflict of Interest Declaration

3) Consent Calendar

- a) Request to approve the minutes from the following meeting: April 22, 2025.

Vice-Chairperson Zimmerman made a motion to approve the consent calendar, as presented. Commissioner Bulkley seconded the motion.

4) Items of Consideration

- a) Request for the consideration of the Preliminary Plat for Cattail Subdivision, consisting of 6 lots on 5.5 (+/-) acres on property located on the 1600 block of Mountain View Dr. c/o David Thibault on behalf of Kent Taylor (PZ25-0045)

Staff Presentation:

Senior Planner Klaver presented the request for the consideration of the Preliminary Plat for Cattail Subdivision, consisting of 6 lots on 5.5 (+/-) acres on property located on the 1600 block of Mountain View Dr. c/o David Thibault on behalf of Kent Taylor (PZ25-0045)

Per City Code 10-12-2-3: The Commission shall review the preliminary plat. The Commission's decision is final unless appealed to the City Council. The final plat is reviewed by the City Council.

Commission's Findings: In determining the acceptance of a proposed subdivision the Commission shall consider the objectives of this Title and at least the following:

1. The conformance of the subdivision with a Comprehensive Plan.
2. The availability of public services to accommodate the proposed development.
3. The continuity of the proposed development with the capital improvement program.
4. The public financial capability of supporting services for the proposed development;
and
5. The other health, safety or environmental problems that may be brought to the Commission's attention.

Action On Preliminary Plat: The Commission may approve, conditionally approve, disapprove, or table for additional information when acting on the preliminary plat.

The property has been zoned C-1 with the Canyon Village PUD since January 2015. In March 2015, the lot was established as Lot 2, Block 1 of Canyon Village Subdivision, a PUD. In August 2016, the southern half was broken off and established the configuration it is in today.

This is a six (6) lot preliminary plat that is served by a single access, that is private, off of Mountain View Drive. Each lot is approximately one (1) acre, with the smallest being 0.6 acres and the largest being 1.2 acres. A sidewalk is proposed along the west side of Mountain View Drive and dead ends at the private access. However, there is a 10 ft sidewalk on the east side of Mountain View Drive. To get people across Mountain View Dr in a safe and efficient manner, Staff would recommend a condition that the ADA ramp aligns with the ADA ramp on the NE corner of Mountain View Dr and Village Park Avenue.

The comprehensive plan calls for this area to be Town Neighborhood and Mixed Use. Mixed Use calls for a pedestrian-oriented environment. Should the condition be approved of aligning the ADA ramps, Staff believes this proposal would follow the Comprehensive Plan.

This subdivision is surrounded by development. The availability of public services is ample and should not be a hindrance to accommodate.

Staff has reviewed the preliminary plat based on the proposed development plan, zoning regulations and the Comprehensive Plan. Staff finds the preliminary plat is within compliance should the applicant conform to Staff recommended conditions.

Upon conclusion, this preliminary plat complies with the standards as outlined in the City's General Subdivision Provision of Title 10, Chapter 12, Section 3, all regulations regarding C-1 PUD zoning development standards, and the 2016 comprehensive plan. All general criteria for approval have been met, per State Statute 50 - Chapter 13.

Should the Commission approve this request as presented, Staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards; and
2. Subject to submittal of a preliminary plat, submitted prior to final plat submittal, showing compliance with all conditions and comments in the Engineering Memorandum dated April 9, 2025.
3. Subject to the ADA ramp aligning with the ADA ramp on the NE corner of Mountain View Dr and Village Park Ave.

Applicant Presentation:

David Thibault EHM Engineers, Inc, presented on behalf of the applicant. He stated they have been working on this project since it started. They are wanting to make it similar to the property to the east. He explained more about the ADA connection and the infrastructure that will go in.

PZ/Questions & Comments:

- Commissioner Rambur asked about the property to the west and if EHM was involved.

- David Thibault replied that they are not.
- Commissioner Rambur asked about the LDS church and connecting with them.
- David Thibault replied they are not.
- Commissioner Bulkley asked what they are wanting to go in there.
- David Thibault stated a medical office is the hope. They want to be neighborly. They want to keep businesses that run 8-5 to help with residential properties.
- Commissioner Bulkley asked what the maintenance with the retention ponds look like.
- David Thibault one is maintained by the city. Will have individual detainment on site. The wetlands area is a standalone parcel. Common area maintenance is part of the development.

Public Hearing: Opened

- Shawn Whitney is in favor of this and would rather day business and not apartments. She would like to have sidewalks on the west side.
- David Thibault used the map to show the property line and will have sidewalks along the frontage, but they don't own the property to finish it.

Public Hearing: Closed

Discussions Followed:

Commission likes the proposal and feels good about this project.

MOTION: Commissioner Bulkley moved to approve the consideration of the Preliminary plat for Cattail Subdivision, consisting of 6 lots on 5.5 (+/-) acres on property located on the 1600 block of Mountain View Dr. c/o David Thibault on behalf of Kent Taylor. Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 6 to 0.

- b) Preliminary Presentation for a request for a recommendation to City Council for a Zoning Development Agreement/Zoning District Change, from Neighborhood Commercial to R6 High Density Residential, on property located at the 900 block of Falls Ave W. c/o EHM Engineers, Inc on behalf of Grandview Farms, LLC (PZ25-0039).

Staff Presentation:

Planner Ebersole presented the preliminary Presentation for a request for a recommendation to City Council for a Zoning Development Agreement/Zoning District Change, from Neighborhood Commercial to R6 High Density Residential, on property located at the 900 block of Falls Ave W. c/o EHM Engineers, Inc on behalf of Grandview Farms, LLC (PZ25-0039). 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.

N/A

A full analysis of this application will be provided during the public hearing.

Upon conclusion, the preliminary presentation allows the Commission to preview the request to ask questions and give suggestions to applicants about the proposed project. The Commission may also grant the public the opportunity to do the same. A public hearing is scheduled for June 10, 2025.

At the public hearing, the Commission will hear the request, take public testimony, deliberate and make a recommendation to the Council. The Commission may recommend approval, recommend approval with conditions, recommend denial or table the request for additional information.

Applicant Presentation:

David Thibault from EHM Engineers, Inc, presented on behalf of the applicant. He explained why they are requesting the change.

PZ/Questions & Comments:

Commissioner Bulkley asked for clarification of the zoning change.
David Thibault replied that it will be like R-6.

5) Public Hearings

- a) Request for a recommendation for a Zoning District Change/Zoning Development Agreement from R-2 to R-4 ZDA on property located at 807 Wendell St. c/o Sid Lezamiz (PZ25-0002)

Staff Presentation:

Senior Planner Klaver presented the request for a recommendation for a Zoning District Change/Zoning Development Agreement from R-2 to R-4 ZDA on property located at 807 Wendell St. c/o Sid Lezamiz (PZ25-0002)

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.

In March 1990 the planning and zoning commission granted a Special Use Permit to operate a public swimming pool with a water slide. Around 2013-2014 the pool site was filled in and the property has been vacant since. In 2022/2023 the eastern half of Wendell Street was reconstructed.

A zoning development agreement (ZDA) is designed to accommodate appropriate combinations of uses that may be planned, developed, and operated as integral land use units either by a single owner or a combination of owners. A ZDA is intended to accomplish some, or all of the following:

- A. Foster and promote a variety of appropriate land use combinations in a pre-planned development pattern;
- B. Encourage developers to use a creative approach in land development;
- C. Retain and conserve natural land and topographic features;
- D. Promote greater use of streetscape and pedestrian-oriented aesthetics;
- E. Promote the creation and efficient use of open spaces;
- F. Create flexibility and variety in the location of improvements on lots;
- G. Provide flexibility in development standards to facilitate creative land development concepts.

Typically, ZDAs need to have a minimum two (2) acres of land. However, because this is an infill property and there's three (3) street frontages, Staff and the applicant believe this would be beneficial to utilize the ZDA process.

The R-2 zoning district allows for 1 residential structure with a maximum of 2 units on the property. To get more units on this property, the developer would need to subdivide the property into various lots. With the acreage available, this would allow for 9 single-family lots or 5 duplex lots resulting in a maximum number of dwelling units of 10. Per the applicant's narrative, the infrastructure required through the subdivision process would make the project unfeasible to develop.

This ZDA proposes to have the base zoning designation of R-4. One of the first questions the Commission should weigh is whether the R-4 zoning designation is appropriate. As a base zone, this would permit 12 single-family lots or 7 duplex lots resulting in a maximum number of dwelling units of 14. Setbacks are very similar between R4 and R2; the difference being as follows: R4 Side yard = 5 ft; R2 Side Yard = 7 ft.

The ZDA proposes to modify the R-4 zoning designation by the following:

- 1. Allow by right the land use dwelling-multiple household (5 units or more),
- 2. Allow for up to two (2) structures on 1 lot, and have a max density on the 1.168 acre property 15 units.

The applicant has agreed to the following:

- 1. General architectural requirements as shown within the documents.
- 2. Reconstruction to the centerline of Wendell and Lawrence.
- 3. Constructing 24 feet of Robbins Avenue.
- 4. Constructing an underground water retention pit to handle the storm water needs.

The ITE trip generator Manual lists multifamily housing generating 0.57 trips per unit on

weekdays at the PM peak hour, and 6.74 trips per unit per day. Wendell is classified as a collector road, and will be constructed to full width. The anticipated additional trips would be negligible to the overall functionality of the City's street system in this area.

The comprehensive plan depicts this area to be Town Neighborhood. Town Neighborhood description lists appropriate uses as follows: single-family, duplexes, triplexes, townhomes, parks and recreation facilities, schools, and civic facilities. The surrounding area is characterized as mostly single-family, with public schools across Wendell St, and further south and west duplexes, multifamily, and assisted living have been constructed. Staff believe this proposal to be in line with the Town Neighborhood goals. The ZDA process was created in code to offer a process where creative solutions could be crafted to address unique properties that have limitations on development.

Should the Commission approve this request as presented, Staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards; and
2. Subject to fire hydrant(s) to be installed and coordinated with the Fire Marshal at the time of development.

Applicant Presentation:

Sid Lezamiz followed up and read a narrative.

PZ/Questions & Comments:

- Commissioner Rambur asked about parking on Wendell.
- Sid Lezamiz replied there will be no parking on Wendell, garages are 45' deep.
- Commissioner Gomes asked if there is room for a car outside the garage.
- Sid Lezamiz responded there will be on the westside.
- Chairperson Campbell asked about the school with extra vehicles and congestion.
- Sid Lezamiz stated there will be no sidewalk right now and they will be adding one.
- Commissioner Bulkley stated his concerns about the current condition of the roads and that this will increase problems.
- Senior Planner Klaver clarified that the condition is rebuilding both roads to improve them. This puts it on the developer not the city.

Public Hearing: Opened

Brad Richards lives at the end of Lawrence and feels traffic is a concern. He feels this is not residential and too much traffic.

Public Hearing: Closed

- Sid Lezamiz clarified the distance from back to end - making the buildings smaller will not work. The design is for singles and couples.
- Commissioner Bulkley feels the density won't work.

- Senior Planner Klaver clarified the subdivision process, and it will allow 9 single or 5 duplex 10 max. R-4 allows 12 single or 7 duplex max 14 units. This is asking for 15.
- Chairperson Campbell asked how many are 2-bedroom vs 1.
- Senior Planner Klaver 5 of each.

Discussions Followed:

Commissioner Rambur feels what is allowed now and what is being proposed will work. He feels parking will not be an issue.

Commissioner Bulkley isn't sure about the extra traffic.

Chairperson Campbell feels that the bedrooms will have less vehicles. The sidewalk will improve the area. Feels the applicant having multiple rentals has a good idea about space for parking.

TZ

Commission Gomes feels this is a great project and his only concern is parking in back.

Director Spendlove clarified that the parking and roadway will be under review before the final building permit.

Commissioner Weatherford feels the zone change is appropriate parking is a concern.

MOTION: Commissioner Rambur moved to approve the request for a recommendation for a Zoning District Change/Zoning Development Agreement from R-2 to R-4 ZDA on property located at 807 Wendell St. c/o Sid Lezamiz (PZ25-0002). Commissioner Weatherford seconded the motion. Roll call vote showed all members present voted.

Approved 5 to 1.

- b) Request to approve a Special Use Permit to allow a drive-thru on property located at 1657 Sun West Way. c/o Matt Ahrens on behalf of Jimmy James (PZ25-0034).

Staff Presentation:

Planner Ebersole presented the request to approve a Special Use Permit to allow a drive-thru on property located at 1657 Sun West Way. c/o Matt Ahrens on behalf of Jimmy James (PZ25-0034).

Per City Code 10-13-2-2 The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall decide on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months, or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony, and minutes of the previous hearing to reach a decision on the appeal.

Standards Applicable to Special Uses:

- Will, in fact, constitute a special use as established by zoning requirements for the zone involved.

- Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
- Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- Will not be hazardous or disturbing to existing or future neighboring uses.
- Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

10-13-2-2: Upon Granting a Special Use Permit, Conditions May Be Attached To A Special Use Permit Including, But Not Limited To, Those:

1. Minimizing adverse impact on other developments.
2. Controlling the sequence and timing of development.
3. Controlling the duration of development.
4. Assuring that development is maintained properly.
5. Designating the exact location and nature of development.
6. Requiring the provision for on-site or off-site public facilities or services.
7. Requiring more restrictive standards than those generally required in this Title.

City Code 10-4-8(B)6a states a special use permit is required for "any facility with drive-through service."

The property is zoned C-1 PUD, Commercial Highway District, located in the Sun West Lazy J PUD, recorded in 2011.

The property is currently undeveloped, located on the southeast corner of Washington Street North and Pole Line Road.

The applicant states in their narrative that this drive-through use will be part of a multi-tenant retail strip mall in anticipation of a food related service occupying the north tenant space of the building. The anticipated hours of operation are 7:00 am – 9:00 pm for the future tenant.

The drive-through is designed to be entered from Sun West Way and continue behind the building, with the pickup window located on the north side of the building. Vehicles will exit the drive-through and continue to travel through the parking area back to Sun West Way. The drive-through lane shows an escape lane, and the queue will not interfere with the required parking location. The drive-through queue shows that it meets the minimum requirement of five (5) vehicles to the first order point/menu board.

The intersection of Washington Street North and Pole Line Road is one of the busiest

intersections in the City, with approximately 27,000 vehicles traveling through every day, according to the ITD Traffic Count map. The ITE Trip Generation Manual states the average vehicle trips generated by a restaurant with a drive-through and indoor seating is 53 vehicles during the AM Peak hour. An additional 53 vehicles through this area, during peak hours, will not overwhelm the intersection or traffic flow. Pole Line Road is a State Highway, maintained by ITD. Washington Street North is a road that is maintained and controlled by the City. According to the applicant's narrative, the proposed tenant estimates approximately 25 vehicles per peak hour through the drive-through.

There is a 35' landscape buffer requirement on both Pole Line Road and Washington Street North, as they are both arterial roads. The applicant will be required to install landscaping to the gateway arterial standards, as well as meet the requirements of the Sun West Lazy J PUD. In addition, parking islands will be installed with landscaping, based on the number of parking spaces required for the strip mall.

The 2016 Comprehensive Plan; "Grow With Us", designates this area as appropriate for "Mixed Use" serving local and regional commercial, which allows for high-density mixed-use development in a compact, pedestrian-oriented environment, sitting at intersections of major arterials.

Staff has determined the proposed use is compatible with the comprehensive plan and the area, as it is a high-density commercial center with other retail stores and restaurants serving the community at large.

Based on the standards for approval, Staff does not foresee negative impacts related to the land use.

Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project.

Upon conclusion, should the Commission recommend approval of the request as presented, Staff recommends the following:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.

Applicant Presentation:

David Thibault from EHM Engineers, Inc. presented on behalf of the applicant. David pointed out the surrounding properties that have drive-thrus.

PZ/Questions & Comments:

- Commissioner Bulkley asked about Williams RD and where it came off.
- David Thibault stated it is a right-in right-out and is currently a road.
- Commissioner Weatherford asked about the drive-through and escape lane.
- David Thibault pointed out on the map where the lane is.
- Commissioner Zimmerman asked if there are plans for a turn lane.
- David Thibault stated the engineering office is in charge.

Public Hearing: Opened and closed with no public input

Discussions Followed:

Commission feels this is a good fit and will work in this area.

MOTION: Commissioner Bulkley moved to approve the request for a Special Use Permit to allow a drive-thru on property located at 1657 Sun West Way. c/o Matt Ahrens on behalf of Jimmy James (PZ25-0034). Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 6 to 0.

- c) Request for a Special Use Permit to allow a fourplex on property located at 1445 Washington St S. c/o Kahler Nield on behalf of Derrick Ellis (PZ25-0036).

Staff Presentation:

Senior Planner Klaver presented the request for a Special Use Permit to allow a fourplex on property located at 1445 Washington St S. c/o Kahler Nield on behalf of Derrick Ellis (PZ25-0036).

Per City Code 10-4-5 states “a special use permit is required to allow a fourplex.”

Per City Code 10-13-2-2 The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application. The Commission shall decide on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months, or the permit is void. If the Commission’s decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony, and minutes of the previous hearing to reach a decision on the appeal.

Standards Applicable to Special Uses:

- Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
- Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
- Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- Will not be hazardous or disturbing to existing or future neighboring uses.
- Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

- Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Per City Code 10-13-2-2: Upon Granting a Special Use Permit, Conditions May Be Attached To A Special Use Permit Including, But Not Limited To, Those:

1. Minimizing adverse impact on other developments.
2. Controlling the sequence and timing of development.
3. Controlling the duration of development.
4. Assuring that development is maintained properly.
5. Designating the exact location and nature of development.
6. Requiring the provision for on-site or off-site public facilities or services.
7. Requiring more restrictive standards than those generally required in this Title.

The property is zoned R-4; Residential Medium Density. According to our records, the original home was demolished in 2010 and the property has remained vacant.

Per City Code 10-13-2.2 a special use is a use otherwise prohibited by the terms of this title in a given zone, but may be allowed under specific provisions and when not in conflict with the comprehensive plan. The commission is tasked with reviewing the request based on a set of standards set forth by Title 10 and to make a final decision on whether to approve the request as presented, approve the request with conditions, deny the request or table the request for additional information.

Per City Code 10-4-5 a special use permit is required for a fourplex within the R-4 zoning district. The comprehensive plan identifies this area as neighborhood commercial and town neighborhood. Designations within the comprehensive plan are not property specific but are a guide for future development for a certain area. Neighborhood Commercial provides supporting services that complement the neighborhood character with land uses types such as small scale office/commercial, townhomes, condominiums, apartments and civic facilities. Town Neighborhood is primarily residential in nature with smaller lots of clustered development consisting of single-family, duplex, townhomes, parks, schools and civic facilities. A fourplex would be compatible with the land uses supported by the comprehensive plan and compatible with anticipated growth patterns.

The property is surrounded by a mix of single-family and multifamily residential uses. The lot is an existing residential lot that has been vacant for approximately 15 years. Adding a fourplex to the lot would revitalize the property and blend well with the surrounding area. It is located within the city limits and would be able to obtain service required by the code to adequately serve the development. Connections to these services will be the responsibility of the developer and will not be an added burden to the public or its facilities. As this property is located along an arterial that supports a high volume of traffic, the addition of the fourplex will not create a noticeable change to the surrounding area. Access to the property will be required to meet city codes and standards and designed to avoid creating undo interference

with existing traffic patterns. Considering the zoning district, comprehensive plan designation and the possible impacts related to the proposed land use Staff anticipates the addition of a fourplex will not adversely impact the surrounding area.

Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project. Upon conclusion, should the Commission approve the request as presented, Staff recommends approval be subject to:

1. Site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.

Applicant Presentation:

Kahler Nield from EHM Engineers, Inc presented on behalf of the applicant. He feels this is a good blend to Washington St. This lot has been vacant for over 15 years and this would be a good use for it.

PZ/Questions & Comments:

- Commissioner Bulkley asked about the plat map and what is on the back half of the lot.
- Kahler Nield replied they are only allowed to build on the front portion currently. Ty would like to leave the back big enough to build on it in the future.

Public Hearing: Opened and closed with no public input.

Discussions Followed:

Commission feels this is a good fit and shouldn't be a problem in the area.

MOTION: Commissioner Weatherford moved to approve the request for a Special Use Permit to allow a Fourplex on property located at 1445 Washington St S. c/o Kahler Nield on behalf of Derrick Ellis. Commissioner Zimmerman seconded the motion. Roll call vote showed all members present voted.

Approved 6 to 0.

- d) Request for a Zoning Title Amendment to repeal and replace Title 10. Items to include are regulations pertaining to "Supplemental Regulations" and "Wellhead Protection Overlay District". c/o City of Twin Falls

Staff Presentation:

Senior Planner Klaver presented the request for a Zoning Title Amendment to repeal and replace Title 10. Items to include are regulations pertaining to "Supplemental Regulations" and "Wellhead Protection Overlay District". c/o City of Twin Falls

Per 10-14-2, Title amendments may only be initiated by the Planning and Zoning Commission, City Council, or a property owner. This amendment was initiated by City Council in February 2018.

Per 10-14-4, Zoning amendments shall be amended in the following manner:

- A. Requests for an amendment to this title shall be submitted to the commission which shall evaluate the request to determine the extent and nature of the amendment requested;
- B. If the request is in accordance with a comprehensive plan, the commission may recommend and the council may adopt or reject the ordinance amendment under the notice and hearing procedures as herein provided; and
- C. If the request is not in accordance with a comprehensive plan, the request shall be submitted to the commission or, in its absence, the council which shall recommend and the council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures provided in section 10-7-20 of this title.

Per 10-14-5, the Commission shall hold a public hearing and make recommendations on proposed zoning amendments.

- A. Zoning Title Amendment: The commission, prior to recommending a zoning title amendment to the council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. Notice for public hearings shall be provided as set forth in section 10-7-20 of this title. Following the commission's hearing, if the commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the commission forwards the amendment with its recommendation to the council.

N/A

N/A

The Commission is tasked with making a recommendation to Council on the proposed text amendment. The Commission may recommend approval, approval with conditions, denial, or table the item to a date certain.

Sample main motions:

1. *Move to recommend approval for the proposed zoning text amendment to the Supplemental Regulations & Wellhead Protection Overlay District chapters of Title 10 as presented;*
2. *Move to recommend approval with conditions for the proposed zoning text amendment to the Supplemental Regulations & Wellhead Protection Overlay District chapters of Title 10; or*
3. *Move to table the item to a date certain of _____*

PZ/Questions & Comments:

- Commissioner Rambur asked about panhandling and if it's addressed in Title 10 right now.
- Senior Planner Klaver replied it is not in Title 10.

Public Hearing: Opened and closed with no public input

Discussions Followed:

Commission feels this was covered well.

MOTION: Commissioner Weatherford made a motion to recommend approval of the request, as presented, with staff recommendations. Commissioner Rambur seconded the motion. Roll call vote showed all members present voted.

Approved 6 to 0.

6) Upcoming Meeting(s)

- a) June 4, 2025 - Work Session - This will be a public hearing for Title 10 rewrite.
June 10, 2025.

7) Adjournment

The meeting adjourned at 07:57 PM

Jody Green, Planning Technician