



Twin Falls Planning & Zoning Commission Minutes

Tuesday, November 14, 2017, 6:00 PM

City Council Chambers
305 3rd Ave E
Twin Falls, ID 83301

Members -

City Limits: Tom Frank, Chairman, Kevin Grey, Vice Chairman, Danielle Dawson, Craig Hawkins, Gerardo "Tato" Muñoz, Ed Musser

Area of Impact: Ryan Higley, Steve Woods

1) Confirmation of Quorum/Call Meeting to Order

Members Present: Dawson, Woods, Frank, Musser, Higley, Grey, Munoz

Staff Present: Carraway-Johnson, Spendlove, Vitek, Williamdon

2) Consideration of Amendments to Agenda: None

3) General Public Input: None

4) Consent Calendar

a) Approval of minutes from the following meeting: 10-24-17

b) Approval of the Findings of Fact and Conclusions of Law for the following meeting: 10-24-17

- Chipotle Mexican Grill (SUP)
- Powlus, Jon (SUP)

Motion:

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

Commissioner Munoz seconded the motion.

Unanimously Approved

5) Items of Consideration

a) Consideration to **Approve an Alternative** of the requirement to install parking lot landscape islands per Twin Falls City Code Title 10, Chapter 10, Section 11(b) on property located at 511 Hankins Rd South. c/o Glenn Walker, VanAuker Architects on behalf of Jayco, Inc. (app. 2904)

Applicant Presentation:

Glenn Walker, VanAuker Architects, representing the applicant, stated they are requesting approval of an alternative landscaping plan for the new manufacturing facility with the landscaping clustered together so they don't have to have landscaped islands within a gravel parking lot. This request is associated with plans to construct a 240,000 square foot facility for Jayco.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated In September of this year, Jayco contacted staff regarding a large expansion being considered by their management team. Jayco is located at 511 Hankins Road South and is zoned M-2: industrial. Initial site plan review identified the proposed parking lot as gravel with the northern boundary fronting onto Eldridge Avenue. The code requires a minimum of 2 sf per LF of frontage in addition landscaped islands shall be located at the terminus of all parking rows with no more than 15 spaces per row. Attached is a request from Glenn Walker, VanAuker Architects on behalf of Jayco, Inc. who is asking to allow grouping the required landscape islands required within their parking lot and include it with the required landscaping of 1,011 sf with three (3) trees and eleven (11) bushes between Eldridge Ave and the building, as required per code. The parking lot landscaping would require 20 parking islands with one (1) tree per island. The total landscape requirement is twenty-three (23) trees and eleven (11) bushes. As per 10-11-2, at least 50% of the trees and bushes are to be evergreen. The trees shall be a minimum four feet (4') tall when planted.

The applicant is asking for the landscape island requirement be grouped and all the landscaping to be included within the landscaping along Eldridge Ave, as denoted on the site plan. The minimum standards and the tree and bush ratios shall comply with code.

The applicant is bringing this request per City Code 10-10-11(b) which states:

“Required landscape islands may be grouped, subject to approval by the planning and zoning commission.”

Planner I O'Connor stated upon conclusion the Commission is tasked with acting on the request by approving, approving with conditions, or denying the request.

PZ Questions/Comments:

- Commissioner Musser asked if paving would change the requirement.
- Planner I O'Connor explained no it would not change the requirement.
- Commissioner Grey asked to be shown on the overhead where the new facility will be built.
- Commissioner Munoz asked what was defined as an alternative.
- Planner I O'Connor explained this is not an alternative it allows them to group the landscaping.
- Commissioner Grey asked about the size of the landscaping area.
- Planner I O'Connor explained the 1100 sq. ft. needs to be between the building and the street and will be installed in one area.
- Commissioner Munoz asked about maintenance for the landscaping.
- Mr. Walker explained there is already existing irrigation for this area to maintain the landscaping.

Public Hearing: Opened and Closed Without Comment

Deliberations Followed:

- Commissioner Grey asked what staff thought about the request.
- Planner O'Connor explained that this fits the code requirement and it is not any different than what was approved for Chobani.
- Commissioner Munoz explained having the landscaping in one area will meet the goal and make it easier to maintain.

Motion:

Commissioner Dawson made a motion to approve the request, as presented. Commissioner Woods seconded the motion. All members present voted in favor of the motion.

Approved, As Presented

- b) Request for approval of the **Preliminary Plat** for Temple View Subdivision, consisting of 2 residential lots on 2.20 acres (+/-) located at 491 Canyon Rim Road. c/o EHM Engineers, Inc

Applicant Presentation:

Dave Thibault, EHM Engineers, Inc., representing the applicant, stated this is a two lot residential preliminary plat subdivision. This property was recently annexed with an R-2 zoning designation. The R-2 zoning designation is a residential zoning designation and is consistent with the request. They will be providing sewer and water to the site and there is already a private irrigation system on site. They will construct a private pumping station to allow irrigation for each lot. There is already a home on one of the lots and the new lot being created will become another buildable lot. Access will be from Canyon Rim Road with a private drive way to the lot. They have reviewed the staff report and understand and concur with the recommendations from staff.

Staff Presentation:

Planner I O'Conner reviewed the request on the overhead and stated There is very little historical zoning or building data for this parcel. However, aerial imagery from 1950 shows what could be a residence at this location, and County parcel records have a home appraisal for this parcel dated in July 1963. There is a building permit, in city records, from 2003 for a 1,120 sq ft-detached garage.

Recently, the majority of the old Canyon Rim Road was converted to a multi-use pathway as part of the Settlers Ridge Subdivision #3. The small portion of road in front of Mr. Greaves property remained under the jurisdiction and maintenance of the Twin Falls Highway District. In April of this year, this commission forwarded a positive recommendation for annexation with a zoning designation of R-2, to the City Council, who then approved the annexation and zoning designation this past May. Approval of annexation was contingent upon two (2)

conditions: 1) a 15' wide easement adjacent to the Snake River Canyon Rim being recorded, and 2) a warranty deed being recorded for the entire property to be annexed. Both conditions have been completed. On October 16, 2017, the City Council adopted Ordinance 2017-25 annexing the 2.19 (+/-) acres into the city.

This is a request for approval of the Temple View Subdivision preliminary plat, consisting two (2) residential lots on 2.19 (+/-) acres, located at 491 Canyon Rim Road. The Parks in Lieu Contribution was approved by city council on October 16, 2017.

The plat is consistent with other subdivision development in the area and is in conformance with the Comprehensive Plan, which designates this area as "Town Neighborhood or Rural Residential."

This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development. Approval of a preliminary plat does not constitute a commitment by the City to provide water or wastewater services. The current residence is connected to sewer, but not city water. Per City policy, this can remain until the well fails, at which time connection to city water will be required as the house is within 50' of city water. Any development on the new lot will have to be connected to City of Twin Falls water and sewer systems per City Code 10-4-4. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed.

Staff recommends the commission approve the preliminary plat of the Temple View Subdivision, as presented, and subject to the following condition:

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.

PZ Questions/Comments:

- Commissioner Woods asked about hard surfacing.
- Planner I O'Connor explained the area in question is hard surfaced.
- Thibault, explained they will be terminating the vehicular access with a hammerhead turnaround from that point southeasterly will be Canyon Rim Trail access.

Public Hearing: Opened and Closed Without Comment

Deliberations Followed: Without Concerns

Motion:

Commissioner Hawkins made a motion to approve the request, as presented, with staff recommendations. Commissioner Higley seconded the motion. All members present voted in favor of the motion.

Approved, As Presented, With the Following Conditions

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
- c) Request for approval of the **Preliminary Plat** for Z Country Subdivision, consisting of 114 single-family residential lots and 1 tract on 30.10 acres (+/-) located on the south side of the 200 block of Pheasant Road. c/o EHM Engineers, Inc.

Applicant Presentation:

Dave Thibault, EHM Engineers, Inc., representing the applicant, stated this project is located south of Pheasant Road. The property has been annexed recently with an R-4 designation. The development will be constructed in phases with irrigation, sewer and water services. Other improvements will include the widening of Pheasant Road along with a parks in lieu that has been approved.

Staff Presentation:

Planner I O'Conner reviewed the request on the overhead and stated this lot has been an agricultural use since at least 1950. Records indicate the single-family residence was built in 1959. The residential developments to the South and East are part of the Golden Eagle Subdivision, recorded in the mid 2000's. The applicant purchased this property in November 2016 and applied for annexation, which this commission sent a positive recommendation with a zoning designation of R-4 to City Council in April of this year. City Council approved the annexation with the R-4 zoning in May, and Ordinance 2017-018 was adopted in June.

This is a request for approval of the Z Country preliminary plat. The property is zoned R-4 and is located on the south side of the 200 block of Pheasant Road. The preliminary plat consists of 30.1 (+/-) acres with one hundred fourteen (114) lots and one (1) tract. The Parks in Lieu Contribution was approved by city council on October 30, 2017 for 114 single-family units. The R-4 zone allows s/f and duplex dwellings outright and tri-plex and 4-plex dwellings by Special Use Permit. If the property is developed with more than 114 residential units, the city will re-evaluate the parks in-lieu fees. This will be monitored through the building permit process.

This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it,

or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat, including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development. Approval of a preliminary plat does not constitute a commitment by the City to provide water or wastewater services. The current residence is not connected to sewer or city water. Per City policy, this can remain until the septic field and well fails, at which time connection to city water will be required as the house is within 50' of city water and sewer. Any development on the newly platted lots will be required to connect to City of Twin Falls water and sewer systems per City Code 10-4-4. A guarantee of services comes when the City Engineer signs a will-serve letter after final plat construction plans are reviewed and approved.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan, which designates this area as "Town Neighborhood."

Staff recommends the commission approve the preliminary plat of the Z Country Estates Subdivision, as presented, and subject to the following condition:

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.

PZ/Questions & Comments:

- Commissioner Woods asked if there have been any discussions with the state to address the possible traffic increase that will be created by the new growth in this area.
- Assistant City Engineer Vitek explained that he has met with the state and they are in long term planning which is how they plan for the future. They have been told about the growth throughout Twin Falls and this area has been discussed.
- Commissioner Grey asked about the Pheasant Road improvement and if the improvements are made how does that impact the existing home.
- Planner I O'Connor explained yes the widening of Pheasant Road will be required with this plat along the front of the subdivision.
- Assistant City Engineer Vitek explained the existing house is included within the plat so the widening will continue along the front of that property.
- Senior Planner Spendlove explained that the widening of the road in front of the existing home will not make the home non-conforming.
- Commissioner Munoz asked if the existing house has to hook up to city services.
- Planner I O'Connor explained that the house will not have to connect to city services unless their sewer or water system fails.

Public Hearing: Opened

- Lloyd Oler, 227 Pheasant Road, asked about the widening of Pheasant Road. The four houses on the southside of Pheasant Road headed towards Washington Street South

is where the road bottle necks, will it be widened down at that end.

- Mr. Thibault explained the widening of the road and that it is only required along the frontage that is owned by the developer. They do not own the homes that the citizen is speaking of so the road will not be widened along that section.
- Assistant City Engineer Vitek explained to widen that section of the road would require purchasing of property and city funding, which is a long term process, unless the owners come in for a building permit at which time they would be required to address this issue in front of their property.

Public Hearing: Closed

Discussions Followed:

- Commissioner Grey asked where the nearest park is to this development.
- Zoning & Development Manager Carraway-Johnson explained Vista-Bonita is a 7 (+/-) acre park just north of this development. This has been discussed with Parks & Recreation as well as City Council and a Parks-in-Lieu for this development was approved.

Motion:

Commissioner Musser made a motion to approve the request, as presented. Commissioner Woods seconded the motion. All members present voted in favor of the motion.

Approved, As Presented, With the Following Conditions

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.

6) Public Hearings

- a) Request for a **Special Use Permit** to operate an auto sales business on property located at 1102 Kimberly Road. c/o John Andrew Yurivilca (app. 2902)

Applicant Presentation:

John Yurivilca, the applicant, stated he purchased the lot located at 1102 Kimberly Road on September 1, 2016 and since then has replaced the roof, installed siding and done some cosmetic improvements to the building. He has been renovating so that he can use it as an auto repair shop he submitted his application in October for a Special Use Permit. The staff recommendation requirement for four trees and 14 bushes and the 5 parking space. He has room for 4 spaces.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated the building records on

this property indicate that it was a gasoline service station from the early 70's thru the early 1980s. In 1981, the pumps were removed and it was converted to the Chicken Shack Restaurant.

On July 18, 1983, Special Use Permit (SUP) #0124 was issued for a drive-in window for a restaurant run by Roy Miller.

In 1994, the property was remodeled and a Certificate of Occupancy was issued for the Coin-Op and Drop Laundromat.

On October 27, 1998, SUP #0577 was granted to Bill Hart to operate an automobile sales business on this site, as presented. There were three (3) conditions attached to Special Use Permit #0577: 1) Comply with arterial landscaping requirements, 2) Submit an approved parking plan showing traffic flows, and 3) Delete the westerly approach and add a landscaping strip along that portion of the frontage. On June 30, 2000 the Commission unanimously voted to revoke SUP #0577 due to non-compliance with condition 1) Comply with arterial landscaping requirements.

On January 28, 2003, the Commission granted SUP #0800 to David Hall for the purpose of operating an automobile sales business on the subject property, as presented. The permit had the following conditions:

- 1) Assure compliance with all zoning and building code requirements including gateway arterial requirements.
- 2) The westerly curb cut is to be closed and arterial landscaping to be placed across it.
- 3) The shared driveway is to be kept open at all times.

On September 13, 2005, the Commission revoked SUP #0800 due to non-compliance with arterial landscaping requirements. Mr. Hall appealed the request to the City Council. On November 7, 2005, the City Council granted the appeal subject to the original three (3) conditions PLUS the additional three (3) conditions:

- 4) There are to be (4) trees and (19) shrubs or approved alternate landscaping on the site.
- 5) The plantings are to be kept, weeded, watered, and arranged as adaptable to the site.
- 6) The applicant has at least one (1) year to come into compliance with the Special Use Permit.

On August 11, 2009, the Commission voted to revoke SUP #0800 due to non-compliance with arterial landscaping requirements. Mr. Hall appealed the Commission's decision to revoke SUP #0800 to the Council.

On September 8, 2009, the Council voted to uphold Planning and Zoning Commission's decision to revoke Special Use Permit #0800 with an effective date of August 31, 2010. On August 31, 2010, Special Use Permit #0800 expired.

The applicant submitted a new application requesting a new special use permit to operate an

automobile sales business located at 1102 Kimberly Road.

On July 27, 2010, the Commission unanimously denied the applicants request for a special use permit. The applicant again appealed the Commission's decision. The City Council approved the SUP subject to three (3) conditions: Subject to site plan amendments as required by Building, Engineering, Fire and Zoning officials to ensure compliance with all applicable City Code Requirements and Standards. Subject to compliance with City Code 10-7-12; Special Landscaping Requirement for Gateway Arterials or submit an alternative landscaping plan (including plan to maintain, water and keep weed free) to be approved by City Staff no later than September 30, 2010. Subject to applicant maintaining staff approved landscape strip in front of the westerly Kimberly Road access at all times or the approach is to be removed and curb, gutter and sidewalk to be constructed.

None of the conditions were met and the SUP was voided.

The applicant purchased the property in August 2016. Since the applicant purchased the property, he has fixed up the building, opened up the bay door and cleared the lot of weeds. The applicant began operating when he purchased the property. Code Enforcement responded to numerous calls over the past year or so. There have also been multiple violations issued due to the repair, displaying and selling of vehicles on the lot without an SUP. This is a request to establish an automobile sales business that includes minor auto service and minor repair only for the vehicles for sale on this property. The property is zoned C-1, which requires a Special Use Permit to operate an auto sales business. The Gateway Arterial Landscaping requirement also applies to this property, as it is along Kimberly Rd. The applicant has given the building a face-lift, opened up the covered service bay door and removed weeds from the lot. The parking area around the structure is also in need of repair and the applicant has stated he has engaged a contractor to get that updated and fixed. This should be added as a condition if the request is granted.

The site plan provided by the applicant shows gateway arterial landscaping and closure of the western most access point. Since the gateway arterial landscaping requirement is 10', there is no need to request display pads, as vehicles cannot be on display within 15' of the back of sidewalk. The applicant has stated he wishes to be permitted to service and perform minor repair of the vehicles he intends to sell on this property. The exposing of the service bay door and request for minor vehicle repair puts the total required parking at 5 spaces. This property is very limited in size and the site plan only shows 3 total spaces. The Commission has historically placed a condition to require all parts associated with the business and all non-operating vehicles be kept either inside an enclosed building or behind a sight obscuring screening fence. With Kimberly Road and Blue Lakes Blvd intersection both being major arterials it would be appropriate to place this condition if the permit is granted. This is a reasonable request given that this lot has been permitted as a car lot in the past. However, given the overall history of non-compliance with this property, it would be prudent for the commission to require all required improvements be completed prior to issuance of an SUP and/or operation of the business. Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; “Grow With Us” designates this corridor as appropriate for “Commercial.” Commercial is a more intense use than a mixed-use designation as it does not support residential development but encourages retail, restaurant, and hotel operations. Staff has determined this request complies with the 2016 comprehensive plan.

Per City Code 10-4-8:

A Special Use Permit is required to operate an automobile sales business that services and does minor repair on the vehicles for sale on the sales lot.

Per City Code 10-11-1 thru 8:

Required improvements may include access, landscaping, paving, parking, trash enclosure, lighting, drainage and storm water, etc. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal or prior to the city issuing the special use permit.

Staff does not anticipate an increase in negative effects from the operation of an automobile dealership with service and minor auto repair if operated as presented and approved. Considering the history of non-compliance the Commission may consider placing a condition if the special use permit is granted that is be for this applicant only.

Planner I O’Connor stated upon conclusion should the Commission grant this request as presented, staff recommends approval be subject to the following conditions:

1. Subject to the physical closure of the western most access along Kimberly Rd at all times, to be approved by staff, or the approach is to be removed and curb, gutter and sidewalk constructed.
2. Subject to compliance with Gateway Arterial Landscaping.
3. Subject to maintaining staff approved arterial landscape strip along Kimberly Rd.
4. Subject to repair of the parking lot.
5. Subject to minor auto service and minor repair only for the vehicles for sale on this property.
6. Subject to all parts, tools or miscellaneous merchandise associated with the business and all non-operating vehicles kept either inside an enclosed building or behind a sight obscuring screening fence.
7. Subject to this Special Use Permit granted to Mr. John Andrew Yurivilca only. Any change in ownership shall require a new SUP.
8. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.

PZ/Questions & Comments:

- Commissioner Grey asked about access to the carport structure.
- Planner I O’Connor showed on the overhead the access point for the property.
- Commissioner Grey asked about a site obscuring fence and if it would be allowed for

the portion where the access will be blocked.

- Planner I O'Connor explained the applicant has to follow the site obstruction guidelines and but can put his site-obscuring fence where he would like to store parts and cars awaiting repair.
- Commissioner Higley verified that the applicant has to have 5 available parking spaces.
- Planner I O'Connor explained three are for the auto dealership, one bay door requires 1.5 parking spaces and because you can't do a ½ space it requires 2 spaces.
- Commissioner Frank asked if the applicant is aware of the conditions.
- Mr. Yurivilca stated that he is able to comply with the conditions and the landscaping and paving will have to be done during a little warmer season so he will be asking for some leeway for these items to be complete.
- Commissioner Frank explained traditionally the staff will work with an applicant on these types of items and help determine a deadline for completion, knowing that it can be a seasonal issue.

Public Hearing: Opened & Closed Without Comment

Discussions Followed:

- Commissioner Higley asked if the Commission has to decide which method is to be used to block the access.
- Assistant City Engineer Vitek explained that he would prefer that the curb, gutter and sidewalk method because in the past the blocks and fence have not worked and the access has been opened again. However staff is willing to allow it to be blocked, with the understanding that that requirement must be met to operate.
- Commissioner Munoz stated that the applicant also needs to be aware of the issues with the site triangle at this location when planting the landscaping and fencing off the site.
- Senior Planner Spendlove explained the site triangle requirements for site.
- Commissioner Munoz explained that if the conditions need to be met before the Special Use Permit is issued, that means the applicant will not get his SUP until sometime in the spring.
- Commissioner Grey explained that the blocking of the access needs to happen quickly, however if the landscaping is not complete by June 2018 then there is obviously a problem.
- Commissioner Frank explained there should be a hard date for planting. If there is a full requirement for gateway arterial that would leave this lot vacant with weeds.
- Commissioner Grey stated if the hard surfacing is not complete by the middle of summer that would be an issue too.
- Planner I O'Connor explained the hard surfacing for parking and maneuvering area is required by code, if it is being used.
- Commissioner Higley explained that he thinks this is not an appropriate use for this property.

Motion:

Commissioner Grey made a motion to approve the request, as presented, with staff recommendations as amended. Commissioner Woods. Members Dawson, Woods, Frank, Musser, Grey, Munoz voting in favor of the motion with Commissioner Higley voting against the motion.

Approved, As Presented, With the Following Amended Conditions

1. Subject to the physical closure of the western most access along Kimberly Rd at all times, to be approved by staff, or the approach is to be removed and curb, gutter and sidewalk constructed.
 2. Subject to compliance with Gateway Arterial Landscaping.
 3. Subject to maintaining staff approved arterial landscape strip along Kimberly Rd and completed by **May 1, 2018**.
 4. Subject to repair of the parking lot.
 5. Subject to minor auto service and minor repair only for the vehicles for sale on this property.
 6. Subject to all parts, tools or miscellaneous merchandise associated with the business and all non-operating vehicles kept either inside an enclosed building or behind a sight obscuring screening fence.
 7. Subject to this Special Use Permit granted to Mr. John Andrew Yurivilca only. Any change in ownership shall require a new SUP.
 8. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
- b) Request for the Commission's **recommendation on a Zoning Title Amendment** to add "Agritourism" in the AG District 10-4-1.2(A) for permitted uses & (B) as allowed by Special Use Permit and to the SUI District 10-4-2.2(A) for permitted uses & 10-4-2.2(B) as allowed by Special Use Permit and to add to Title 10-2-1 the definition of "Agritourism". c/o Scott Allen, JUB Engineers, Inc. on behalf of Kirk & Heidi Tubbs (app. 2903)

Applicant Presentation:

Heidi Tubbs, the applicant, stated they are here to request that Agritourism be added to the Twin Falls City Code. Twin Falls is historically an agricultural community and there are many challenges for small farms to be profitable. For example years ago people would come through and get fruits and vegetable for canning, now the people come through look at the animals, post photos on YouTube and would rather by the already made jams. Farms are getting creative to remain profitable and maintain the farm. As they are getting creative they have seen an increase in what is called agritourism that includes things like a straw maze, core maze, road side stands and petting zoos that bring people out to the farm. This creative creates a gray area for what is and isn't a farm activity and is currently not addressed in City Code. By addressing this in City Code it will allow some direction for the farmers as well as the

City to follow with regards to agritourism. These types of statutes are being added all over the country. Agritourism has become in some places one of the top producing uses, and is a way to help some of the smaller farms to survive. Adding this will be a great benefit to the community.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated since Ordinance 2012 was first adopted in 1981 the AG and SUI zones were identified as RR; Rural Residential and R-1 43,000; Residential Large Lot Districts. In 2004, as part of an update to the Area of Impact Agreement between the County and the City, the names of those two zoning districts were amended to be AG; Agricultural and SUI; Suburban Urban Interface District. The content of the zones remained unchanged.

The purpose of the AG Zone “.... is intended to preserve the rural integrity of areas adjacent to the city” with land uses described to allow farming in the form of; a-animals on pasture, b-trees and plants, and c-intense agriculture on parcels 5 acres or larger, as well as fish farms with a special use permit.

The purpose of the SUI zone “....is intended to provide a transition district from agricultural land uses to residential land uses within the Area of Impact. This district is also intended as a holding zone for future higher density residential zones, to be annexed and developed when city water and sewer services become available” with land uses that allow minimum one- acre lots per single family residence and allows some cultural and sporting activities by special use permit. The SUI Zone is still considered an agricultural/rural area of town.

In 2013, the state legislature enacted the Idaho Agritourism Promotion Act, which essentially allowed Agritourism as secondary activity in conjunction with an active agricultural operation, and released the owner or operator from liability for the inherent risk in which such an operation presents.

This request looks to add “Agritourism” to the list of land uses in the AG and SUI zones on active agricultural farms.

This request is to add Agritourism to Title 10; Chapter 4 on active agricultural land. The applicant has requested to amend City Code 10-2-1, 10-4-1, and 10-4-2. Agriculture plays a significant role in Idaho’s economy, culture, and history, yet many Idahoans have been removed from that daily experience and do not have the opportunity to interact, with that culture and history. Per the Idaho State Statute 6-3003, the purpose of Agritourism is to provide an opportunity for Idahoans and visitors to Idaho, the chance to understand and experience a working agricultural operation that is still a predominate way of life in Idaho.

After multiple work sessions and phone conversations. The applicant and Staff have developed the following amendments:

Add the term and definition of “Agritourism Activity” as Defined by Idaho State Statute 6-3003 (2013) into City Code 10-2-1: Definitions:

AGRITOURISM ACTIVITY: An accessory use/secondary activity carried out on an active farm or ranch of ten (10) acres or more that allows members of the general public, for recreational, entertainment or educational purposes, to view or enjoy rural activities including, but not limited to, farming, ranching, historic, cultural, on-site educational farming programs, recreational farming programs that may include on-site hospitality services, guided and self-guided tours, bed and breakfast accommodations, farm animal petting zoos, short term farm festivals, corn mazes, “harvest-your-own” events, hayrides, barn parties, horseback riding, fee fishing and camping. An activity is an Agritourism activity whether or not the participant paid to participate in the activity.

Add “Agritourism Activity”, as a land use to City Code 10-4-1.2(A) and 10-4-1.2(B):

10-4-1: AG, AGRICULTURAL DISTRICT:

10-4-1.1: PURPOSE: This district is intended to preserve the rural integrity of areas adjacent to the city.

10-4-1.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Agricultural: Farms - animals on pasture. Farms-plants and trees. Intensive agricultural units of five (5) acres or more without residential facilities. Agritourism Activities located more than 750’ from residentially zoned property or residential uses.

(B) Special Uses: A special use may be granted for a permanent use that is not in conflict with the

Comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses: Agricultural: Farms-Fish Agritourism Activities within 750’ of any residentially zoned property or residential uses or any Agritourism activity involving outdoor amplified sound or music.

Add “Agritourism Activity”, as a land use to the City Code 10-4-2.2(A) & 10-4-2.2(B):

10-4-2: SUI, SUBURBAN URBAN INTERFACE

10-4-2.1: PURPOSE: This district is intended to provide a transition district from agricultural land uses to residential land uses in the area of impact. This district is also intended as a holding zone for future higher density residential zones, to be annexed and developed when city water and sewer services become available. (Ord. 2796, 6-14-2004)

10-4-2.2: USE REGULATIONS:

(A) Permitted Uses: Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following

uses: Agricultural:Farms - animals on pasture.Farms-plants and trees.Intensive agricultural units of five (5) acres or more without residential facilities.Agritourism Activities located more than 750' from residentially zoned property or residential uses.

(B) Special Uses: A special use may be granted for a permanent use that is not in conflict with the

Comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:Agricultural:Farms-Fish Agritourism Activities within 750' of any residentially zoned property or residential uses or any Agritourism activity involving outdoor amplified sound or music.

Staff supports this amendment, as it will allow currently active farms to augment their income and activities to continue their operations while allowing the industry to grow and offer educational opportunities to the younger generation of Magic Valley residents.

However, perhaps the Commission should consider each request prior to operation, either by consideration or by public hearing. The definition, as proposed, offers a minimum size of ten (10) acres or more for an active farm or ranch as it relates to this proposed definition. Title 10 Chapter 2 defines a Farm as 20 acres or more within the Area of Impact. If the Commission feels ten (10) acres is not appropriate, they may motion to amend the minimum acreage of an active farm or ranch to be a more appropriate size for an Agritourism Activity.

In addition, the requirement for a 750' public notice distance is a proposed distance by staff. The Commission may determine this distance is not appropriate, and motion to amend that distance. There is staff recommendation on the number of attendees that would or would not be appropriate. The Commission may wish to add a number of attendees as permitted. If the anticipated attendees exceeds that number, it may be considered by special use permit. Development Standards to address parking plans, lighting, noise, hours of operation, etc. should be taken into consideration as well.

Senior Planner Spendlove stated upon conclusion the Commission may recommend to the City Council the Zoning Title Amendment as requested, recommend a modification of the proposed amendment, as presented (this may require another public hearing before the Commission), recommend the proposed amendment with staff's proposed modifications, or recommend the amendment be denied.

PZ/Questions & Comments:

- Commissioner Grey asked about the 10 acres designation.
- Senior Planner Spendlove explained staff didn't think that anyone could actually have a agritourism activity on anything less than 10 acres without it being a detriment to the surrounding properties.
- Commissioner Grey asked how big was the corn maze off of Grandview Drive.
- Senior Planner Spendlove explained that was approximately 30(+/-) acres and was

approved through a Special Event process. A Special Event has to be approved every year by the police department and is applicable to all properties within the City Limits. If a Special Use Permit is required it is applicable to City Limits as well as Area of Impact properties.

- Commissioner Higley stated he doesn't understand how someone can farm 10(+/-) acres and then having an agritourism as a secondary use. He doesn't think 10(+/-) acres might be too small. The SUI is supposed to be a transitioning zone so he is not sure about the activities that are allowed for each area.
- Senior Planner Spendlove explained that the struggle was with the farms that are in the SUI zone and want to operate with some agritourism activities, staff didn't know how to limit these farms from something another farm would be allowed to do because they are in the agricultural zone. The Special Use Permit items was the method used to try and address the uses without eliminating things completely.
- Commissioner Grey explained if the parcel is not the actual farm and people are invited to come and visit can and make jam.
- Commissioner Higley asked if the farm is 30 and 10 is designated for agritourism activities, or is it 10 completely.
- Senior Planner Spendlove explained the citizen would come into the office and ask about these activities and staff would ask how many acres they have to work with for the proposed use.
- Commissioner Higley explained if it is 10 acres and then all of a sudden you're operating a business your bringing people to the property. Your promoting business within designated areas that are meant to be farm or to be converted to residential properties.
- Commissioner Munoz explained that there are you pick gardens as well as designated garden area where people are planting, picking and taking care of the garden.
- Commissioner Grey asked if a community garden would fall into this category.
- Senior Planner Spendlove explained the right to farm is protected by the state, he is not sure a community garden is protected by this statute.
- Commissioner Higley explained it shouldn't be a problem if this is secondary to the farm and does not become the primary source of income and the definition is enforced as it is written. He is not sure that someone with 10 (+/-) acres is going to produce enough to make a profitable farm, agritourism cannot become a primary source of income, which is why he thinks 10 (+/-) acres may be too small.
- Commissioner Frank asked what protects the agritourism if a community starts growing closer to them.
- Senior Planner Spendlove explained the right to keep farming would remain in place, if they had a Special Use Permit.
- Commissioner Munoz explained that is why the agritourism needs to be secondary.
- Commissioner Frank explained the transformation that has been brought up in the presentation, and agritourism may become the primary use because farming is evolving so that farms can make money.
- Commissioner Munoz explained if someone has 10 (+/-) acres and can farm and have

the agritourism too great. He also asked about the amplified music definition.

- Senior Planner Spendlove explained if it is an amplified music system used by the farm for their event it would require a Special Use Permit. If it is a customer with amplified music that would be a reason for reporting a disturbance.

Public Hearing: Opened

- Louise Ward, Twin Falls County, stated she works a lot with the farming community and it is true they are trying to do things to survive. She is in support of this request.
- Zoning & Development Management Carraway-Johnson explained that the definition is very specific to the types of uses this change would allow.
- Kirk Tubbs, explained that while growing the produce having people come out and pick their pumpkins is part of the entire process. He explained he currently owns 30(+/-) acres that by cutting off of the portions that are within 750 ft of residential, that would leave him with approximately 4 acres that he could do some type of agritourism event without having to get a Special Use Permit.
- Heide Tubbs, explained that if it is your residence and you have a two acre garden the primary use is your residence. If I have a 30 (+/-) acres farm the primary use is a farm that you happen to live on. Someone should not be able to put up a straw maze because they have an acre. The primary use has to be a farm.

Public Hearing: Closed

Discussions Followed:

- Commissioner Frank explained he thinks 750 ft is unreasonable.
- Commissioner Woods explained that 750 ft is borderline.
- Commissioner Frank clarified whether someone would have to come through this body for approval before starting this type of business.
- Senior Planner Spendlove explained that would only apply if the location of the event falls within 750 ft. of a residential area.
- Commissioner Munoz explained that if the 750 ft. is reduced then the number of requests the Commission would see would be minimal.
- Commissioner Grey explained it is very difficult to know that all of the activity is managed beyond the 750 ft. radius.
- Commissioner Higley explained that his issue is that some of the activities could be long term not just seasonal, which is why he has an issue with 10(+/-) acres.
- Commissioner Musser explained wouldn't it just be easier to make all of these require an SUP. It supports the activity but it controls what occurs. He works for an agricultural lender, they don't look at acreage they look at revenue.
- Commissioner Grey explained he understands that there may be very few of these to begin with, maybe requiring an SUP for everything to begin with and over time revisit the 750 ft. concept.
- Senior Planner Spendlove explained that currently people that own farmland in the area of impact don't have a mechanism to request to do this type of thing. Staff is

looking for a way to allow these types of farms to have these types of events with minimal impact to the neighbors by setting the 750 ft. requirements.

- Mr. Tubbs explained they can still operate as a farm and is protected by state statute. This process came into play when they were trying to provide restrooms for the people that come out to the farm to pick. Because the public is using the bathroom it has to be a commercial bathroom.
- Commissioner Munoz explained he thinks the 750 ft is reasonable and doesn't have to be that all of the uses come in for a Special Use Permit.
- Commissioner Woods explained that after listening to the discussion his original feeling was that 750 ft was not big enough however, there are some activities that 10 ft away would be fine because it is low impact, such as picking vegetables.
- Mr. Tubbs explained that they have classes and things that may become more year round type activities, but the goal was to create a list of uses that could have an impact on the neighbors require a Special Use Permit. They have planting, school tours, lady bug releases and these activities help produce revenue for the farm. The other option is to subdivide the property and put in 114 homes. The goal is to preserve these green spaces.
- Senior Planner Spendlove explained that the 750 ft does not prevent the activity from occurring it just requires a Special Use Permit.
- Commissioner Dawson, explained that she thinks this is a great idea and if someone can make this work with 10 acres or even 3 acres that would be fine. As for the distance, currently if someone wants to serve alcohol onsite and they are within 300 ft of a residence they have to come through for an SUP. She thinks 300 ft is sufficient, if you can drink beer and wine within 300 ft can be more impactful than kids visiting a farm.
- Mr. Tubbs explained most likely with all of this in consideration we will have to come through for a Special Use Permit because they rotate their crops. They would just like to have the opportunity to ask to be able to provide this activity. He thinks the 750 ft radius is too much.
- Commissioner Grey stated he doesn't have a problem with everything coming through for an SUP.
- Commissioner Frank explained that he is not sure that is reasonable because there may only be a few of these that come through.
- Commissioner Grey explained 300' should be the limit.
- Commissioner Higley explained he think that the 300' matches code and that the 10 acres should be removed.

Motion:

Commissioner Dawson made a motion to recommend approval, as presented, with an amendment that the 10 (+/-) acre minimum be removed from the proposed change and that the distance requiring a Special Use Permit be limited to 300 ft. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

Recommended Approval, to City Council, As Amended
City Council Public Hearing December 11, 2017

7) Upcoming Meeting(s)

- a) December 12, 2017 Public Hearing
- a) November 28, 2017 Public Hearing
December 12, 2017 Public Hearing

8) Adjournment

Chairman Frank adjourned the meeting at 8:00 pm

Lisa A. Strickland, Administrative Assistant