



Twin Falls Planning & Zoning Commission Agenda

Wednesday, March 7, 2018, 12:00 PM

Members -

City Limits: Danielle Dawson, Craig Hawkins, Gerardo "Tato" Muñoz, Ed Musser, Carolyn Bolton, Curtis Hansen, Craig Kelley

Area of Impact: Ryan Higley, David Detweiler

- 1) Call Meeting to Order
 - a) Confirmation of quorum
 - b) Introduction of staff
 - c) Introduction of New Commission members
- 2) Election of Officers
- 3) Consent Calendar
 - a) Approval of minutes for the following meeting(s):
 - 12-12-17 Amended
 - 02-13-18
- 4) Commissioner Training
 - a) Training Packet
 - b) Commission Role-Duties
 - c) Zoning Action Flow Chart
 - d) Title 10 Zoning & Subdivision Regulations-Chapter List
 - e) Title 10-Chapter 3 Zoning District Designations
 - f) Zoning Matrix
- 5) Upcoming Meeting(s)
 - a)
 - March 13, 2018 Public Meeting.
 - March 27, 2018 Public Meeting

6) Adjournment

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

CITY OF TWIN FALLS

PLANNING & ZONING COMMISSION

Public Hearing Procedures for Zoning Requests

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

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

Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and thereafter removed from the room by order of the Chairman.



Twin Falls Planning & Zoning Commission

Minutes

Amended

Tuesday, December 12, 2017, 6:00 PM

305 3rd Avenue East
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: Woods, Frank, Higley, Grey, Hawkins

Staff Present: Carraway-Johnson, Spendlove, Strickland, O'connor, Vitek, Wonderlich

2) Consideration of Amendments to Agenda

Staff Presentation:

Zoning & Development Manager Carraway-Johnson stated there was an amendment to the agenda, to withdraw agenda item 6e from the public hearings. She explained the Commission can take comments on this item during the General Public Input portion of the agenda if they choose.

Motion:

Commissioner Grey made a motion to approve the request to amend the agenda, Commissioner Hawkins seconded the motion. All members present voted in favor of the motion.

3) General Public Input

Senior Planner Spendlove explained that during the preparation of the staff report and consultation with City Attorney Wonderlich it was determined the request is premature. As a result of this determination the item needed to be removed from the public hearing portion of the agenda and moved to the general public input portion of the meeting. It is up to the Commission's discretion whether or not to allow public comment on the item and to offer input. However, no decision about the status of the permit can be made at this time.

City Attorney Wonderlich clarified the item that was removed from the public hearing section of the Agenda was request regarding the Acorn Learning Center. This item has been moved to the general public input portion of the agenda. There are a lot of people here tonight and they should be allowed to speak on this item.

Public Comment:

- Wali Fedaie, the applicant for this request, stated he does not understand why this was removed and why he was not notified.
- James Jolly, 473 Eastland Drive, explained that he and his wife support this school and are thankful the school is there.

- Rick Kuhn, 635 3rd Avenue East, and his home faces the Bickel School playground and he has never consider the noise from kids playing an issue. He has lived in his home for 30 years and Bickel School is much larger than Acorn Learning Center so he doesn't understand how the children could create enough noise to be disturbing.
- Heidi Campbell, 435 Hailee Avenue, stated she was the board president when the original special use permit was approved and they met the notification requirements for their request.
- Nancy Larson ,573 Eastland Drive, stated she doesn't think children playing is disruptive but the neighbors in the apartments that come in all hours of the night drunk and yelling at each other are much more disturbing.
- Teron Floyd, 667 Sunrise Boulevard North, stated they possibly have 20 kids max out at one time for 15 minutes twice a day.
- Laird Stone, kids were students at this school, he has taken the opportunity to take a look at the school and the distance between the playground and the apartments. The distance between the playground to the apartments is far enough there shouldn't be any impacts to the people that live in the apartments. There is a fence around the play area and he thinks it would be a travesty if their SUP was revoked.
- Wali Fedaie, stated he was not notified originally, the noise level is unbearable, the tenants work grave yard shift and it is unbearable for his tenants. They have armed security for the apartments and they don't allow a disruptive noise level. They have been managing these apartments about 14 years and have not had incidents at the apartments.

Closing Comments:

- Commissioner Frank reminded the people that spoke that this is not a public hearing but that if this item does get scheduled again for a public hearing he encourage them to come and speak at that meeting also.
- Senior Planner Spendlove explained while preparing for the hearing staff discovered that the Special Use Permit was not actually sent to the applicant because they have not yet fulfilled the conditions of the permit, for example blocking off the north access, parking lot striping. Because the conditions have not been completed the Special Use Permit has not been issued, therefore a revocation cannot occur on a Special Use Permit that has not been issued. Acorn Learning Center has been notified of this situation and they are working with staff to rectify the situation.

4) Consent Calendar

a) Approval of minutes from the following meeting:

- 11-14-17 Public Hearing Minutes
- 11-28-17 Public Hearing Minutes

b) Approval of Findings of Fact and Conclusions of Law for the following meeting: 11-04-17

- Temple View (pre-plat)
- Z Country (pre-plat)
- Yurivilca (SUP)
- Locust Grove North (pre-plat)

Motion:

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

Commissioner Higley seconded the motion.

Unanimously Approved

5) Items of Consideration

None

6) Public Hearings

- a) Request for consideration of **Revocation of Special Use Permit #1233**, granted to Afrim Hetemi on June 14, 2011 to allow an indoor recreation facility to operate in conjunction with an existing bar and grocery store outside the permitted retail hours of operation on property located at 139 Shoshone Street North. c/o City of Twin Falls (app. 2455)

Staff Presentation:

- Planner I O'Connor reviewed the request and stated there is no addition analysis from Staff for this item. However, Officer Loosli will be presenting more information as requested by the Commission in October of this year.
- Officer Loosli, stated that they have collected more data on calls for service though December 3, 2017. He explained there are some incidents that are specifically associated and some that are vehicle stops. He reviewed each call for service attributed to this 139 Shoshone Street North address. The calls are associated to the address whether they occur inside the business or outside the business, the majority of the issues occur in the parking lot, which is typical when they have to respond to a bar fight. The calls for service are associated to the business that is open and this is the only business open in this location at the times of the calls.
- Commissioner Frank asked if the issues are the same at this time or is it generally the same.
- Officer Loosli stated he can't say that it is worse.
- Commissioner Grey stated that the business being open is drawing the element, that is clear, however to he does want to recognize the business for reporting the

disturbances in an area that he has no control over, but it is also attributed to the business address.

- Officer Loosli explained that there could be more research on the calls if he has the phone numbers of the business security he could narrow down how many calls they make to the police. In his experience they are not calling as often as has been lead to believe. The calls don't appear to be from the business and if security is calling their names are put in the report. He is not familiar with the security at the business. Considering the weather, the numbers have dropped off a bit, however the real issue typically occur in the warmer months.
- Commissioner Woods reviewed the data and stated it appears the numbers are dropping.
- Commissioner Grey stated he is tempted to let it go for now.
- Commissioner Woods stated he would say let it go but to keep an eye on things, and he would also like to see the business owner install some more lighting.
- Officer Loosli clarified that the data for this time frame is very hard to interpret, he thinks that there will be better data when the weather starts to warm up again. His experience with businesses that cater to people that have consume a lot of alcohol throughout the evening and that come and hangout longer at a place that is open past 1:30 am they cause a lot of problems. He thinks the data is very difficult to use to determine if there has been an improvement. These issues have been going on at this establishment for many years. He would hope that things would change, he and several other officers have tried to speak with them and have been unsuccessful and getting things to change.
- Commissioner Frank asked about the conversations that have taken place.
- Officer Loosli explained they understand they have had problems in the parking lot outside their business. A appointment was set up after the last meeting to work with the owner and he never showed up for the appointment.
- Commissioner Woods asked if this revocation or amendment were to happen would the people just move to another location.
- Officer Loosli explained without other businesses like this operating he couldn't answer that question.
- Commissioner Grey suggested that the Commission follow-up on this situation again in the Spring and Summer. The concern he has is that with all the changes going on downtown and growth Twin Falls is having there are going to be others that want to be open as well which may decentralize the people. There here because its the only place open like this around town.
- Officer Loosli explained he has grown up here and never knew if the downtown plans would work and he is impressed with what has happened so far. The question he has is does this type of business fit into the downtown plans and he doesn't want to limit businesses, but his biggest concern is making it safe. The multiple fights and disturbances in a parking lot pulls the patrol units off the roads where they monitor for drunk drivers. He also knows from experience if there are more of these types of businesses operating this will continue to be a problem.

- Commissioner Woods asked how hard the data is to keep track of the calls for service month to month.
- Officer Loosli explained that pulling data by address is simple but looking at the data to provide more specific information takes a little extra time. He also thinks the data for this time frame is very hard to analyze.

Planner I O'Connor stated upon conclusion the commission is tasked to approve revocation, deny the revocation, or amend SUP #1233. Staff recommends amending the SUP per the Police Department's recommendation and subject to:

1. Subject to removal of condition #3 of SUP #1233
2. Subject to closing down the establishment to all uses and patrons at 1:30 am, with no patrons allowed within the premises beyond the 1:30 am closing time –the PD suggested time per normal bar operating hours.

Public Hearing:

- Berham Hetemi explained winter time is their busiest time of year, they don't have an outside area for people to sit and people want to be inside. His father installed a light on the back of the building shining towards the parking lot area. There have been zero fights in the bar and zero fights in the parking lot. He is not sure where the complaints are coming from, because the bar is dead until 11:30 or so and these calls are at 9:30. They use their addresses for cars that they pull over. They use to have officers come in and check the alcohol and have had several officer come in and stated that things have gotten better. They have been packed for the last few months, other businesses have not complained to them. The no loitering sign has made a difference for his security guards to warn the people they will call the police for hanging out or they need to come back in the building. The big brawls are not happening at their location.
- Commissioner Frank asked if the security is identified and with the light do they have cameras installed.
- Mr. Hetemi explained that he has just installed cameras and the security staff are identified with lime green t-shirts that glow in the dark. He is aware that the City is trying to renovate and revitalize downtown and if this is revoked this will send the wrong message, if we want it to be like Boise and keep people local.
- Commissioner Frank asked about the address association.
- Officer Loosli explained the business owner is correct the data could be calculated that way.

Discussion Followed:

- Commissioner Woods explained the business owner is convinced that he is making an attempt to improve and but monitoring should continue.
- Commissioner Higley agreed.

- Commissioner Frank stated Twin Falls is in transition and he has mixed feelings because the business does draw the people to this location, he is concerned that no other surrounding businesses came up to speak and the quality of the information provided is questionable.
- Commissioner Grey explained that we are focused on the incidences that happen after 1:30 am in comparison to the incidences that happen before 1:30 am at similar establishments. The other question is how do we want Twin Falls to evolve, and do want to allow businesses to be open after 1:30 am.
- Commissioner Hawkins explained that this is difficult there is not a clear solution, it does sound like he is trying to improve, a lot of things are out of his control, but we should continue to monitor the progress.
- Commissioner Frank stated he also thinks the police department should continue monitoring and develop some strategies for dealing with this because this is something the community has not really had to deal with but it will have to eventually as the community grows. He would like more data and make sure the business understands they will be monitored closely.
- Zoning & Development Manager Carraway-Johnson explained that the Commission needs to make a motion on the request and the monitoring can continue.

Motion:

Commissioner Grey made a motion to approve the request, as presented, with staff recommendations. Commissioner Hawkins seconded the motion. Commissioner Hawkins voted in favor of the motion with Commissioners Woods, Frank, Higley & Grey voting against the motion.

Motion Failed

- b) Request for the Commission's **recommendation on a PUD Amendment** to the CSI PUD #262-Section 2, to allow residence halls and rooming houses as a permitted use and to raise the maximum building height from 35' to 50' on property located at 315 Falls Avenue. c/o Spencer Cutler on behalf of the College of Southern Idaho (app. 2906)

Applicant Presentation:

Jeff Harmon, explained they are here to request a PUD Amendment to #262 to allow the building height restriction to be raised to 50' so that they can construct residence halls/rooming houses on the campus.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated CSI has a long history in the Magic Valley but has had a physical presence, at its current location, in Twin Falls since the early '60s. Prior to that, it was agricultural land. The campus has seen steady growth over the decades and has responded over time to such growth. The College of Southern Idaho-North Campus PUD Agreement #254 was adopted in 2008. This PUD rezoned the 87+/- acres north of North College Rd. In 2011 the current CSI PUD #262 was approved

by the City Council. Currently the entire college grounds, referenced as Section 1; the campus north of North College Rd and Section 2; the campus south of North College Rd, are governed by PUD #262. This PUD was recorded in January 2012.

This is a request to amend CSI PUD #262. CSI PUD #262 is separated into two (2) sections; Section 1 is the campus north of North College Rd and Section 2 is the campus south of North College Rd. This proposed amendment is to amend Section 2; the campus south of North College Rd. The proposed amendment is to allow residence halls and rooming houses as a permitted use and to raise the maximum building height from 35' to 50' which would allow for 3-story buildings within Section 2 of the CSI campus. The College has expanded over its existence and new residence halls are required now to meet current and future demands. PUD #262 prohibits building heights over thirty-five feet (35'), basically limiting buildings to no more than 2 stories high. PUD #262 allows residence halls or rooming houses by special use permit. The current PUD regulations met the code at the time of adoption. The College would like to update their PUD Covenants and to allow a new residential hall to proceed in a timelier manner. The allowance of additional building height from 35' to 50' matches the current commercial building heights and would allow for 3-story residence halls. The College stated they feel this is a reasonable request given the changes fit what the C-1 zone currently allow, and also outright permits residences halls on a college campus, rather than requiring an SUP.

The applicant is requesting the following changes to the PUD Agreement:

I. Increase the Allowable Building Height

- A. Under COVENANTS **2. Nature of Property Development** item **B. Building Height**. Revise "thirty- five feet (35') in height" to "fifty feet (50') in height or higher if City of Twin Falls C-I zones are amended higher".
- B. Under COVENANTS **4. Building/Structural Standards** item **B. Building Height**, revise "thirty-five feet (35') in height" to "fifty feet (50') in height or higher if City of Twin Falls C-I zones are amended higher".
- C. Under COVENANTS **4. Building/Structural Standards** item **C. Architectural Standards**, revise "two (2) stories" to "three (3) stories".

II. Change Residence Halls and Rooming Houses to be Permitted Uses

- A. Under **EXHIBIT "C", USE REGULATIONS, (A) Permitted Uses:**
Add a new item - "12. Residential:
 - a. Dwellings - multiple household (5 units or more)
 - b. Residence halls, residence hotels, rooming houses."
- B. Under **EXHIBIT "C", USE REGULATIONS, (B) Special Uses: 4. Residential**
Remove items - b. Dwellings - multiple household (5 units or more)
 - e. Residence halls, ~~residence hotels~~, rooming houses."

Senior Planner Spendlove stated upon conclusion should the Planning and Zoning Commission is tasked with forwarding a recommendation to the City Council. The Commission may recommend approving the request as presented, approving the request with conditions, or

denying the request.

Public Hearing: Opened

- Senior Planner Spendlove read into the record a comment letter from a citizen that has been filed in the application packet.
- Heidi Cambell, 435 Hailey Avenue explained there are several potential student activities that could be provided during the summer and the dormitory space available now limits these opportunities.

Public Hearing: Closed

Discussion Followed: Without Concerns

Motion:

Commissioner Higley made a motion to recommend approval of the request, as presented. Commissioner Hawkins seconded the motion. All members present voted in favor of the motion.

Recommended, Approval to City Council, As Presented

Scheduled for City Council Public Hearing January 8, 2018

- c) Request for the Commissions recommendation on a **Zoning District Change and Zoning Map Amendment** from C-1 PUD to C-1 for a .22 acre tract located at the south east corner of Canyon Falls Road and Harrison Street. c/o Ryan Bybee (app. 2908)

Public Hearing Items 6c & 6D will be presented together but will require separate motions.

- d) Request for **Vacation** of a 15' x 264', 3,960 sq ft, public utility easement to allow commercial development of property located at the southeast corner of Canyon Falls Drive and Harrison Street. c/o Ryan Bybee(app. 2909)

Applicant Presentation:

Ryan Bybee, the applicant explained he would like to rezone Tract A to C-1 and vacate an easement to allow him to build on the lot. He has received letters from all of the utilities in support of this request.

Staff Presentation:

Senior Planner Spendlove reviewed the request and stated There are two parcels the applicant has purchased. They were at one point part of the larger Breckenridge Farm. The slim long sliver parcel was, according to the applicant, the old driveway to access the

Breckenridge farm. The Smaller triangular piece was zoned C-1 PUD when the Northbridge PUD was adopted in 1998. The old driveway was annexed as C-1 in late 2016.

This is a request for a Zoning District Change and Zoning Map Amendment to rezone .22 +/- acres located at the NE corner of Pole Line Rd. and Harrison St N. from C-1 PUD to C-1. The applicant has purchased this tract and wishes to develop a commercial business at this location. To do this the tract needs to be removed from the Northbridge PUD and be zoned to a C-1. In reviewing a request for a Zoning District Change and Zoning Map Amendment the Commission has two (2) main tasks: 1- to determine whether the request is in conformance with the Comprehensive Plan and 2- evaluate the request to determine the extent and nature of the amendment requested.

The Comprehensive Plan indicates this corridor as appropriate for Mixed Uses. There is no development plan to evaluate as this request is to only rezone the property. Any changes will require a full review by staff to determine the extent and nature of the changes. Any change shall comply with the purpose, uses and development standards of the RB Zoning District prior to development.

To make a positive recommendation, the Commission must determine that 1- the request is in conformance with the Comprehensive Plan and 2- the extent and nature of changing the zoning of this property to the Commercial Highway District would allow land development that would be compatible with and not detract from the surrounding area.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Mixed Use." Mixed use is a very broad category, which supports high density residential and commercial development. Staff has determined this request complies with the 2016 comprehensive plan.

Senior Planner Spendlove stated upon conclusion should the Commission is asked to make a recommendation to the City Council on this request

Senior Planner Spendlove stated the second portion of the request is to vacate a 15 foot public utility easement along the eastern boundary and a sign easement on a triangular parcel identified as Tract A. All other utility easements along Harrison St N. and Canyon Falls Dr. will remain in place. The applicant has purchased this tract and the adjacent 60' x 435' +/- parcel and wishes to develop a commercial business at this location. The purpose of vacating the easement is to allow a building to be constructed across the lot lines as seen in the applicant's site plan. The sign easement to be vacated is a private easement for a sign advertising the residential development which is currently not built. Staff has received all the required letters from the utility companies and governmental jurisdictions as well as the required letter for the sign easement, all in agreement for vacation thereof.

Senior Planner Spendlove stated upon conclusion should the Commission recommend to the City Council, this request be granted as presented, staff recommends approval be subject to

the following conditions:

1. 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

Public Hearing: Opened & Closed Without Public Comment

Motion for 6c-ZDC

Commissioner Grey made a motion to recommend approval of the request, as presented. Commissioner Hawkins seconded the motion. All members present voted in favor of the motion.

Recommended Approval to City Council, As Presented

Motion for 6d-VAC

Commissioner Hawkins made a motion to recommend approval of the request, as presented. Commissioner ~~Hawkins~~ Higley seconded the motion. All members present voted in favor of the motion.

Recommended Approval to City Council, As Presented, With the Following Condition

1. 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.

Scheduled for City Council Public Hearing January 8, 2018

- e) Request for consideration of the **Revocation of Special Use Permit#1432**, granted to Acorn Learning Center on May 23, 2017 to operate a private school offering pre-school through 5th Grade in a portion of an existing professional office building on property located at 493 Eastland Drive. c/o Wali Fedaie (app. 2910)

This item was withdrawn and moved to general public input. See general public input for discussion related to this item

- f) Request for the Commission's recommendation on a **Zoning Title Amendment** to add "Wedding Chapel and Event Center" to the SUI Zoning District: 10-4-2.2 (B) 5, to allow by Special Use Permit and to add the definition of "Wedding Chapel and Event Center" to Title 10; Chapter 2; Definitions. c/o BB55, LLC(app. 2911)

Applicant Presentation:

Dave Thibault, EHM Engineer, Inc., representing the applicant, stated that the code presently identified uses allowed and permitted, however wedding chapel and event centers are not listed in the code. they would like to add this particular use to the code section as a special

use item and they have seen these types of amendments have been made in other sections of the code and they ask for a positive recommendation for the request.

Staff Presentation:

Senior Planner Spendlove reviewed the request and stated the R-1 43,000/SUI zone is located within the Area of Impact. The purpose of this zoning 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.

This request is to amend City Code 10-4-2; SUI Zoning District, to allow by Special Permit, Wedding Chapels / Event Centers. The SUI Zone lists the following permitted uses: farming in the form of animals on pasture, trees and plants, and intense agriculture on parcels 5 acres or larger. However, there are limited commercial uses listed under Special Uses, attachment #3.

The applicants state there are limited options for large gathering places for more than 200 people on properties located within this zoning district. This request looks to expand the special uses by adding Wedding Chapels/Event Centers, with a minimum of 3 acres, and meeting specific development standards with regards to fire, water, parking, landscaping, lighting, storm water retention, etc... Approval of this request would amend City Code 10-4-2 as listed below.

1. **10-4-2.1: PURPOSE:** This district is intended to preserve the rural integrity of areas adjacent to the city. (Ord. 2796, 6-14-2004)

10-4-1.2: USE REGULATIONS:

...

(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:

...

1. Public Assembly:
 1. Auditoriums
 2. Religious facility.
 3. Schools – public.
 4. [Wedding Chapel/Event Center with 3 acres or more.](#)

The addition of Wedding Chapel/Event Center into the Special Use category for the SUI zone could have some detrimental effects across the Area of Impact. However, staff feels that since

this request places the use into the Special Use section, each request will be scrutinized based on the conditions of the property, and the proposed development on a case by case basis. This process will place a burden on the Commission to evaluate each request consistently, and mitigate each request for those impacts which contribute to detrimental effects in those areas.

Lastly, if the Commission decides to approve the request, Staff recommends modifying the language to match the Use currently portrayed in City Code: *Wedding chapels and/or reception halls* this will alleviate some confusion within the code, and keep the land use consistent across Zoning Districts. Furthermore, a new definition would not need to be created at this time, as we would be using the terminology currently in use within City Code.

Senior Planner Spendlove stated upon conclusion the Commission may recommend the zoning title amendment as requested, recommend a modification of the amendment as presented (this may require another public hearing before the Commission), recommend with staff's modifications, or recommend the amendment be denied.

Public Hearing: Opened & Closed

Closing Statements:

Mr. Thibault explained he is in support of the Special Use Permit concept because there are some mitigating impacts to surrounding neighbors, and give the Commission some controls.

Discussion Followed: Without Concerns

Motion:

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

Recommended, Approval to City Council, As Presented

Scheduled for City Council Public Hearing January 8, 2018

7) Upcoming Meeting(s)

December 19, 2017 at 2:00 pm Work Session/Special Meeting for Public Hearing
January 3, 2018 12:00 pm Work Session/Special Meeting for Public Hearing

8) Adjournment

Lisa A. Strickland, Administrative Assistant



Twin Falls Planning & Zoning Commission Minutes

Tuesday, February 13, 2018, 6:00 PM

203 Main Avenue East
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: Woods, Dawson, Frank, Musser, Higley, Grey, Hawkins

Staff Present: Carraway-Johnson, Nope, O'Connor, Spendlove, Strickland

Chairman Frank called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff.

2) Consideration of Amendments to Agenda

None

3) General Public Input

None

4) Consent Calendar

- a) Approval of minutes for the following meeting: 01-23-18 PH

Motion:

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

Unanimously Approved

5) Items of Consideration

None

6) Public Hearings

- a) Request for a **Special Use Permit** to operate an Indoor Recreation Facility operating as a nightclub to include a dance floor, alcohol for consumption onsite and extended retail hours of operation to 12:00 midnight on property located in the basement of 132 Main Avenue North. c/o Tim Stastney on behalf of Magic Valley Dining & Entertainment, LLC (app. 2923)

Applicant Presentation:

Tim Stastney, the applicant explained they would like to operate a nightclub, it would be a space that could be rented out and operated like a speak easy style bar in the basement of the Slice

restaurant.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated this address falls in the Model Building which is a contributing building on the Twin Falls Historic Properties list. It was built in the early 1920's. In 1950, the Polk directories listed this address as Brunswick Cigars. In 2011, the P&Z Commission granted a special use permit to operate a hookah lounge with extended hours of operation for 1 year. The SUP expired with no further action requested. The Slice is operating a restaurant at this location.

This is a request to operate an Indoor Recreation Facility operating as a nightclub to include a dance floor, alcohol for consumption onsite and extended retail hours of operation to 12:00 midnight on property located in the basement of 132 Main Avenue North. The request is specific to the basement of 132 Main Ave. N. and does not apply to the operation of Slice, the restaurant at street level of 132 Main Ave. N. The applicant plans to remodel the basement of this building, approximately 1,500 sq. ft. of space, to accommodate a space for private events. There will likely be a bar in the space to allow for a full service bar during events. The applicant also has no plans in the future to operate beyond the requested extended hours of midnight.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Downtown." Downtown is described as promoting infill development in the central business district. Staff has determined this request complies with the 2016 comprehensive plan as it repurposing underutilized space in the central business district.

Per City Code 10-4-7:

Requires an SUP for an indoor recreation facility and extended retail hours as presented.

Per City Code 10-11-1 thru 8:

Required improvements may include access, drainage, landscaping, screening, storm water, etc. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

The applicant nor staff anticipate any increase in negative impacts from a private event facility operating to midnight.

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 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 Musser asked if this is just going to be open for special events or every night.
- Mr. Stastny explained it has to potential to be open Monday-Saturday if someone has booked a private party. If the room is not booked on a Thursday, Friday or Saturday it will be open to the public.
- Commissioner Grey asked if this would be in conflict with the use on the upper floor.
- Planner I O'Connor explained that he is not aware of any conflict, this will be specific to the basement for indoor recreation and extended hours of operation. The upstairs use is an outright permitted use. They will not be serving food downstairs so it will not be an extension of the business upstairs.

Public Hearing: Opened and Closed Without Comments**Deliberations Followed:**

Commissioner Woods explained that his only concern is the door that is along the alley. It should open outwards to the alley and would like to make sure that concern is addressed. Commissioner Frank stated he is excited about the request and has no issues.

Motion:

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

Approved, As Presented, With the Following Conditions

1. 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) Consideration of a request for a **Zoning District Change & Zoning Map Amendment** from C-1 PUD To R-6 & C-1 ZDA to allow a multi-family residential and commercial Planned Development for 12.46 (+/-) acres located at the Northeast corner of Addison Ave E and Carriage Lane North aka 2695 Addison Avenue East. c/o Scott Allen / JUB Engineers, Inc. on behalf of Thad Farnham (app. 2994)

Applicant Presentation:

Scott Allen, JUB Engineers, Inc. representing the applicant, they are here tonight to ask for a recommendation on a rezone for a property located along the northeast corner of Addison Avenue East and Carriage Lane North. He reviewed on the overhead the surrounding zoning and land uses. The proposed uses they have submitted for the site include approximately 7 acres to the north that will be developed as townhomes for rent in the form of 4-plexes and 8-plexes.

There will be clubhouse and a dog park with the entire development retained by one owner. The property to the south of the residential development approximately 5 acres to the south would be developed as storage units and retail/light commercial.

As a Zoning Development Agreement they have included some changes to the underlying zones. The clubhouse as a land use in the R-6 zone currently requires a Special Use Permit, they would like to move this land use to the allowed uses so that a Special Use Permit would not be required. The storage units as a land use in the C-1 zone currently requires a Special Use Permit, they would like to move this land use to the allowed uses so that a Special Use Permit would not be required.

Under the property development standards in the ZDA individual lots would be required for individual buildings in the residential portion of the development. They are also requesting that the multi-family units be permitted on one lot because they will be retained under one ownership. They have also committed to a 6' high screening fence be placed between the residential development and the religious facility. They also have included a 20' landscape buffer in the R-6 and C-1 zone. This property abuts another property to the east that fronts Addison Avenue with restricted access. They have requested a shared common access along the southeast corner to provide access not only to their property but the property to the east of this proposed development. In the northeast portion of the property where the storage units abuts the residential area, normally the setback would be 25' in the ZDA they are requested that be reduced to 15'.

PZ Questions/Comments:

- Commissioner Woods asked for clarification on the master plan.
- Mr. Allen explained it is the deceleration lane for the shared approach.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated this parcel has been in agricultural use since at least 1950 and likely before then. Development has occurred around it and most recently, it is part of the Cedar Park PUD #210, recorded in April 2008.

He explained that the City Code requires 25' setback between residential uses with 5 units or less if they are next to commercial and the applicant is not sure they can meet the 25' setback with the design proposed for the storage units. The code added the 25' setback to help protect the existing residential properties when commercial property is developed adjacent to them.

Per City Code 10-6: Zoning Development Agreements:

Development of a ZDA shall conform to all sections of Title 10 unless specifically addressed within the written zoning development agreement and approved by the City. The agreement shall list ALL requested variations from standard code requirements. The council may add other requirements they deem appropriate.

The applicant shall provide a signed and notarized written Zoning Development Agreement identifying land uses and development requirements that are variations to minimum zoning code requirements. The Zoning Development Agreement shall include a color

Master Development Plan that illustrates the phasing and specific development criteria specific to this project. The Zoning Development Agreement shall also include, a Master Landscaping Plan, a Master Lighting Plan, a Master Parking Plan, building heights-if greater than allowed by code, building materials, identify non-vehicular pathways and any other specific land uses or development criteria -if not permitted by code.

Comprehensive Plan Compliance:

Twin Falls “Grow With Us” 2016 Comprehensive Plan identified this area as both “Neighborhood Commercial” and “Town Neighborhood.” This request complies with both designations in that the C-1 portion of the request is located within the Neighborhood Commercial designated area and the R-6 residential development is generally located within the Town Neighborhood designated area. Staff has determined this project, as presented, complies with the 2016 Comprehensive Plan.

The impacts seen from this development are not unlike any impacts that would be experienced from any other type of residential and commercial development. All new development will inevitably bring an increase in vehicular traffic as residents move in and customers utilize the spaces of the commercial units occupied by businesses. An increase in usage of surrounding public amenities can also be expected. However these impacts cannot be completely mitigated as the growth and development of vacant land in and around the city continues.

If the Commission determines the proposed request as appropriate, you may recommend approval to the City Council, as presented, 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.
2. Subject to a recorded final plat prior to development.
3. Subject to all outside lighting being downward facing and which shall not encroach onto surrounding properties.
4. Subject to no “temporary” or off-site rental units (commonly referred to as PODS) being utilized or stored on this property.
5. Subject to no outside storage allowed.

PZ Questions/Comments:

- Commissioner Grey asked if there were any garages or storage for peoples things.
- Mr. Allen explained that originally there was going to be covered parking in the middle of the parking area but those are now being moved to the front of the units.
- Rick Messer explained each unit has a 5’x5’ storage area on the front of the building for personal storage.

Public Hearing: Opened

- Brad Wills, 816 Cherokee Lane, asked what the storage units will look like from Addison and if there will be any storage of RVs/Boats etc.
- Keven Rosenau, 2692 Joshua Way asked if there are any of the businesses in the retail

section going that are going to be open 24 hours and if they have an estimate of how many people will actually live in the townhomes.

- Elaine Malory, 2683 Whispering Pine, asked about the height of the storage units and has some questions about flooding along this area from when the property was used for farming.

Public Hearing: Closed

Closing Statements:

Mr. Allen showed a visual of the storage units and there is a 35' landscape requirement along Addison Avenue. The units will be used for standard household storage no open for RVs or Boats. He also explained the City has standard business hours and if there are 24 hours operations a Special Use Permit is required. Currently, they don't have any 24 hour users. As for the number of people there are several combinations of sizes on the units however there will be 96 units. The height on the storage units will be 8'-12' high. Part of the development will include widening out Carriage installing curb, gutter and sidewalk which will most likely will address and alleviate the flooding issue.

Deliberations Followed:

- Commissioner Grey explained that one single lot allows for one ownership.
- Assistant City Engineer, Troy stated it would be difficult to parcel off and a one ownership development is the best approach.
- Commissioner Frank explained we need more of this type of housing; we are downsizing but not getting rid of stuff. The design looks nice because it adds architectural character.

Motion:

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

Recommended Approval, As Presented, With 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.
2. Subject to a recorded final plat prior to development.
3. Subject to all outside lighting being downward facing and which shall not encroach onto surrounding properties.
4. Subject to no "temporary" or off-site rental units (commonly referred to as PODS) being utilized or stored on this property.
5. Subject to no outside storage allowed.

Scheduled for City Council March 12, 2018

7) Upcoming Meeting(s)

a) February 27, 2018 Public Hearing

b) March 7, 2018 Work Session

8) Adjournment

Chairman Frank informed the Commission that there are interviews scheduled for the vacancies on the Commission and that a selection of the new members will be complete prior to the first meeting in March. He adjourned the meeting at 6:48 pm.

Lisa A. Strickland, Administrative Assistant

PLANNING AND ZONING TRAINING – Fritz Wonderlich

1. CONFLICT OF INTEREST

The specific law concerning conflict of interest is contained in the Local Planning Act, Idaho Code 67-6506. It reads as follows:

§ 67-6506. Conflict of interest prohibited

A governing board creating a planning, zoning, or planning and zoning commission, or joint commission shall provide that the area and interests within its jurisdiction are broadly represented on the commission. A member or employee of a governing board, commission, or joint commission shall not participate in any proceeding or action when the member or employee or his employer, business partner, business, associate, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. A knowing violation of this section shall be a misdemeanor.

This section disqualifies a planning and zoning member from voting on issues where the member, his/her relatives or business associates have an economic interest in the outcome of a decision. If a member does have a conflict, the member should step down and may not participate, except as a citizen. It is not sufficient to participate in the hearing and then abstain from voting.

The Twin Falls City Code has a similar provision, in TFCC §10-17-3, in the Planning and Zoning Bylaws, Article VIII:

A member of the Commission shall not participate in any proceeding or action when the member, his employer, or his employee, business partner or associate, his business, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any action or potential interest in any proceedings shall be disclosed at or before any meeting, duly entered and recorded in the minutes, at which the action is being heard or considered.

The prohibition against receiving gifts is contained in the "Bribery and Corrupt Influence Act" in Idaho Code §18-1351, et seq. Planning and zoning members are specifically listed as persons subject to this law, in subsection (3) below:

§18-1351. Bribery and corrupt practices -- Definitions: Unless a different meaning plainly is required in this chapter:

- (1) "Benefit" means gain or advantage, or anything regarded by the beneficiary as gain or advantage, including benefit to any other person or entity in whose welfare he is interested, but not an advantage promised generally to a group or class of voters as a consequence of public measures which a candidate engages to support or oppose.*
- (2) "Confidential information" means knowledge gained through a public office, official duty or employment by a governmental entity which is not subject to disclosure to the general public and which, if utilized in financial transactions would provide the user with an advantage over those not having such information or result in harm to the governmental entity from which it was obtained.*

- (3) "Government" includes any branch, subdivision or agency of the government of the state or any locality within it and other political subdivisions including, but not limited to, highway districts, planning and zoning commissions and cemetery districts, and all other governmental districts, commissions or governmental bodies not specifically mentioned in this chapter.*
- (4) "Harm" means loss, disadvantage or injury, including loss, disadvantage or injury to any other person or entity in whose welfare he is interested.*
- (5) "Official proceeding" means a proceeding heard or which may be heard before any legislative, judicial, administrative or other governmental agency or official authorized to take evidence under oath, including any referee, hearing examiner, commissioner, notary or other person taking testimony or deposition in connection with any such proceeding.*
- (6) "Party official" means a person who holds an elective or appointive post in a political party in the United States by virtue of which he directs or conducts, or participates in directing or conducting party affairs at any level of responsibility.*
- (7) "Pecuniary benefit" is any benefit to a public official or member of his household in the form of money, property or commercial interests, the primary significance of which is economic gain.*
- (8) "Public servant" means any officer or employee of government, including legislators and judges, and any person participating as juror, advisor, consultant or otherwise, in performing a governmental function; but the term does not include witnesses.*
- (9) "Administrative proceeding" means any proceeding, other than a judicial proceeding, the outcome of which is required to be based on a record or documentation prescribed by law, or in which law or regulation is particularized in application to individuals.*

Idaho Code §18-1352 provides that it is unlawful to accept any gift or pecuniary benefit in consideration for a vote or recommendation.

§18-1352. Bribery in official and political matters

A person is guilty of bribery, a felony, if he offers, confers or agrees to confer upon another, or solicits, accepts or agrees to accept from another:

- (1) Any pecuniary benefit as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official or voter; or*
- (2) Any benefit as consideration for the recipient's decision, vote, recommendation or other exercise of official discretion in a judicial or administrative proceeding; or*
- (3) Any benefit as consideration for a violation of a known legal duty as public servant or party official.*

It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way whether because he had not yet assumed office, or lacked jurisdiction, or for any other reason.

A similar section also makes it unlawful to solicit or accept compensation for advice or assistance relating to any matter where the member will vote.

§18-1357. Compensating public servant for assisting private interests in relation to matters before him.

- (1) Receiving compensation. A public servant commits a misdemeanor if he solicits, accepts or agrees to accept compensation for advice or other assistance in preparing or promoting a bill, contract, claim, or other transaction or proposal as to which he knows that he has or is likely to have an official discretion to exercise.*
- (2) Paying compensation. A person commits a misdemeanor if he pays or offers or agrees to pay compensation to a public servant with knowledge that acceptance by the public servant is unlawful.*

The Idaho Ethics in Government Law also has specific provisions that may apply to actions by Planning and Zoning Commissioners. The policy is set forth as follows:

§74-402. POLICY AND PURPOSE. It is hereby declared that the position of a public official at all levels of government is a public trust and it is in the public interest to:

- (1) Protect the integrity of government throughout the state of Idaho while at the same time facilitating recruitment and retention of personnel needed within government;*
- (2) Assure independence, impartiality and honesty of public officials in governmental functions;*
- (3) Inform citizens of the existence of personal interests which may present a conflict of interest between an official's public trust and private concerns;*
- (4) Prevent public office from being used for personal gain contrary to the public interest;*
- (5) Prevent special interests from unduly influencing governmental action; and*
- (6) Assure that governmental functions and policies reflect, to the maximum extent possible, the public interest.*

§74-403. DEFINITIONS. For purposes of this chapter:

- (1) "Official action" means any decision on, or proposal, consideration, enactment, defeat, or making of any rule, regulation, rate-making proceeding or policy action or nonaction by a governmental body or any other policy matter which is within the official jurisdiction of the governmental body.*
- (2) "Business" means any undertaking operated for economic gain, including, but not limited to, a corporation, partnership, trust, proprietorship, firm, association or joint venture.*
- (3) "Business with which a public official is associated" means any business of which the public official or member of his household is a director, officer, owner, partner, employee or holder of stock over five thousand dollars (\$5,000) or more at fair market value.*
- (4) "Conflict of interest" means any official action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit of the person or a member of the person's household, or a business with which the person or a member of the person's household is associated, unless the pecuniary benefit arises out of the following:*
 - (a) An interest or membership in a particular business, industry, occupation or class required by law as a prerequisite to the holding by the person of the office or position;*
 - (b) Any action in the person's official capacity which would affect to the same degree a class consisting of an industry or occupation group in which the person, or a member of the person's household or business with which the person is associated, is a member or is engaged;*

(c) Any interest which the person has by virtue of his profession, trade or occupation where his interest would be affected to the same degree as that of a substantial group or class of others similarly engaged in the profession, trade or occupation;

(d) Any action by a public official upon any revenue measure, any appropriation measure or any measure imposing a tax, when similarly situated members of the general public are affected by the outcome of the action in a substantially similar manner and degree.

(5) "Economic gain" means increase in pecuniary value from sources other than lawful compensation as a public official.

(6) "Governmental entity" means:...

(b) Counties and municipalities of the state of Idaho, all other political subdivisions including, but not limited to, highway districts planning and zoning commissions or governmental bodies not specifically mentioned in this chapter.

(7) "Members of a household" means the spouse and dependent children of the public official and/or persons whom the public official is legally obligated to support.

(8) "Person" means an individual, proprietorship, partnership, association, trust, estate, business trust, group or corporation, whether operated for profit or not, and any other legal entity, or agent or servant thereof, or a governmental entity.

(9) "Public office" means any position in which the normal and usual duties are conducted on behalf of a governmental entity.

(10) "Public official" means any person holding public office in the following capacity:...

(c) As an appointed public official meaning any person holding public office of a governmental entity by virtue of formal appointment as required by law; or

§74-404. REQUIRED ACTION IN CONFLICTS.

A public official shall not take any official action or make a formal decision or formal recommendation concerning any matter where he has a conflict of interest and has failed to disclose such conflict as provided in this section. Disclosure of a conflict does not affect an elected public official's authority to be counted for purposes of determining a quorum and to debate and to vote on the matter, unless the public official requests to be excused from debate and voting at his or her discretion. In order to determine whether a conflict of interest

exists relative to any matter within the scope of the official functions of a public official, a public official may seek legal advice from the attorney representing that governmental entity or from the attorney general or from independent counsel. If the legal advice is that no real or potential conflict of interest exists, the public official may proceed and shall not be subject to the prohibitions of this chapter. If the legal advice is that a real or potential conflict may exist, the public official:...

(5) If he is an appointed or employed public official of a county or municipality, he shall prepare a written statement describing the matter required to be acted upon and the nature of the potential conflict, and shall deliver the statement to his appointing authority. The appointing authority may obtain an advisory opinion from the attorney for the appointing authority, or, if none, the attorney general. The public official may then act on the advice of the attorney general or attorney for the appointing authority or independent counsel.

2. OPEN MEETING LAW.

The Idaho Open Meeting Law is set forth in Idaho Code 67-2340, et seq. Because of the nature of decisions to be made by planning and zoning, all meetings of the Planning and Zoning Commission will be open meetings.

§74-203. Governing bodies -- Requirement for open public meetings

(1) Except as provided below, all meetings of a governing body of a public agency shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by this act. No decision at a meeting of a governing body of a public agency shall be made by secret ballot.

§74-202. Open public meetings -- Definitions

As used in this act:

- (1) "Decision" means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present, but shall not include those ministerial or administrative actions necessary to carry out a decision previously adopted in a meeting held in compliance with sections 67-2342 through 67-2346, Idaho Code.*
- (2) "Deliberation" means the receipt or exchange of information or opinion relating to a decision, but shall not include informal or impromptu discussions of a general nature which do not specifically relate to a matter then pending before the public agency for decision.*
- (3) "Executive session" means any meeting or part of a meeting of a governing body which is closed to any persons for deliberation on certain matters.*
- (4) "Public agency" means:*
 - (a) any state board, commission, department, authority, educational institution or other state agency which is created by or pursuant to statute, other than courts and their agencies and divisions, and the judicial council, and the district magistrates commission;*
 - (b) any regional board, commission, department or authority created by or pursuant to statute;*
 - (c) any county, city, school district, special district, or other municipal corporation or political subdivision of the state of Idaho;*
 - (d) any sub agency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act.*
- (5) "Governing body" means the members of any public agency which consists of two (2) or more members, with the authority to make decisions for or recommendations to a public agency regarding any matter.*
- (6) "Meeting" means the convening of a governing body of a public agency to make a decision or to deliberate toward a decision on any matter.*
 - (a) "regular meeting" means the convening of a governing body of a public agency on the date fixed by law or rule, to conduct the business of the agency.*
 - (b) "special meeting" is a convening of the governing body of a public agency pursuant to a special call for the conduct of business as specified in the call.*

The Open Meeting Law sets some very specific requirements for notices and posting of a meeting agenda before a meeting.

§74-204. Notice of meetings

(1) Regular meetings. *No less than a five (5) calendar day meeting notice shall be given unless otherwise provided by statute. Provided however, that any public agency that holds meetings at regular intervals of at least once per calendar month scheduled in advance over the course of the year may satisfy this meeting notice by giving meeting notices at least once each year of its regular meeting schedule. A forty-eight (48) hour agenda notice shall be required in advance of each regular meeting, however, additional agenda items may be added after completion of the agenda up to and including the hour of the meeting, provided that a good faith effort is made to include in the notice all agenda items known at the time to be probable items of discussion. The notice requirement for meetings and agendas shall be satisfied by posting such notices and agendas in a prominent place at the principal office of the public agency, or if no such office exists, at the building where the meeting is to be held.*

(2) Special meetings. *No special meeting shall be held without at least a twenty-four (24) hour meeting and agenda notice, unless an emergency exists. An emergency is a situation involving injury or damage to persons or property, or immediate financial loss, or the likelihood of such injury, damage or loss, when the notice requirements of this section would make such notice impracticable, or increase the likelihood or severity of such injury, damage or loss, and the reason for the emergency is stated at the outset of the meeting. The notice required under this section shall include at a minimum the meeting date, time, place and name of the public agency calling for the meeting. The secretary or other designee of each public agency shall maintain a list of the news media requesting notification of meetings and shall make a good faith effort to provide advance notification to them of the time and place of each meeting.*

(3) Executive sessions. *If an executive session only will be held, a twenty-four (24) hour meeting and agenda notice shall be given according to the notice provisions stated in subsection (2) of this section and shall state the reason and the specific provision of law authorizing the executive session.*

For any proceeding that requires a public hearing, including requests for amendment of the zoning ordinance or map, comprehensive plan or map, special use permit, etc., the Local Planning Act requires additional notice, as set forth in Idaho Code 67-6509.

§67-6509. Recommendation and adoption, amendment, and repeal of the plan

(a) *The planning or planning and zoning commission, prior to recommending the plan, amendment, or repeal of the plan to the governing board, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction. The commission shall also make available a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice of intent to adopt, repeal or amend the plan shall be sent to all political subdivisions providing services within the planning jurisdiction, including school districts, at least fifteen (15) days prior to the public hearing scheduled by the commission. Following the commission hearing, if the commission makes a material change in the plan, further notice and hearing shall be provided before the commission forwards the plan with its recommendation to the governing board. A record of the hearings, findings made, and actions taken shall be maintained.*

- (b) The governing board, prior to adoption, amendment, or repeal of the plan, shall conduct at least one (1) public hearing using the same notice and hearing procedures as the commission. The governing board shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendments, or repeal until recommendations have been received from the commission. Following the hearing of the governing board, if the governing board makes a material change in the plan, further notice and hearing shall be provided before the governing board adopts the plan.*
- (c) No plan shall be effective unless adopted by resolution or ordinance by the governing board. An ordinance enacting a plan or part of a plan may be adopted, amended, or repealed by reference as provided for in sections 31-715 and 50-901, Idaho Code, three (3) copies of which shall be on file with the city clerk or county clerk.*
- (d) Any person may petition the commission or, in absence of a commission, the governing board, for a plan amendment at any time. The commission may recommend amendments to the plan to the governing board not more frequently than every six (6) months to correct errors in the original plan or to recognize substantial changes in the actual conditions in the area. The commission may recommend amendments to other ordinances authorized by this chapter to the governing board at any time.*

The Twin Falls City Council has adopted additional open meeting requirements for itself and its commissions in its Transparency in City Government Resolution. Section 2 of the Transparency Resolution requires, in addition to the physical posting of meeting notices and agendas, the inclusion of Council and commission meetings on the calendar on the City's website (www.tfid.org), with hyperlinks to agendas and staff reports. Section 4 of the resolution requires, in addition to written minutes, the streaming and video recording of Council and commission meetings (with the exception of executive sessions, Airport Advisory Commission and Youth Council). As a practical matter, this means that all Council and commission meetings will be held in the Council chambers.

Section 3 of the resolution eliminates all "subcommittees" unless they are created by a vote of the Council or commission. Any such subcommittees will be subject to the requirements of the Open Meeting Law and Resolution 1912:

The Idaho Open Meeting Law applies only to meetings of the governing board of a public agency or subagency which is created by statute, ordinance, or other legislative act, with the authority to make decisions for or recommendations to a public agency regarding any matter. The Idaho Attorney General, in the Idaho Open Meeting Law Manual, states that "the Open Meeting Law does not apply to voluntary, internal staff meetings if the group is not created by or pursuant to statute, ordinance or other legislative act, even though the discussions may lead to recommendations to the governing body." A subcommittee is a creation of, and is responsible to, the agency that created it.

In order to provide more transparency in City government, neither the Twin Falls City Council nor any of its commissions will permit the formation of ad hoc volunteer groups intended to report back to the City Council or commission, unless that group is formed as a committee or commission, created by a vote of the City Council or commission. No more than two elected City Council persons may serve on any committee, including ad hoc groups and subcommittees created by statute, ordinance, or other legislative act. The City Council, and its committees and commissions, shall always comply with all requirements of the Idaho Open Meeting Law.

3. EX PARTE CONTACT WITH APPLICANTS OR OTHERS

Members of the Planning and Zoning Commission should avoid any discussion of any pending or potential property specific issues to come before them with anyone. In addition to the creation of an appearance of impropriety, such contact may also result in a violation of an applicant's constitutional right to due process. Although issues involving major changes to the zoning ordinance and which are not property specific are generally considered a legislative function, all issues that are property specific are "quasi-judicial". The Idaho Supreme Court discussed this issue in a 1994 case entitled Chambers v. Kootenai County Bd. of Comm'rs, 125 Idaho 115, 867 P.2d 989 (1994).

The district court on review determined that the commissioners did not comply with due process standards as established by this Court and remanded the case back to the commissioners for further proceedings. We agree.

In Cooper v. Board of County Comm'rs of Ada County, 101 Idaho 407, 411, 614 P.2d 947, 951 (1980), we held that a decision by a zoning board applying general rules or specific policies to specific individuals, interests or situations, are quasi-judicial in nature and subject to due process constraints. The commissioners entered an order granting Quad Park a conditional use permit for the use of high-powered lighting. This action by the commissioners was the application of specific policies, the circumvention of a county ordinance through the granting of a conditional use permit, to a specific interest. This can be distinguished from the annexation of land by a county that was held to be a legislative action, rather than a quasi-judicial decision. Burt v. City of Idaho Falls, 105 Idaho 65, 665 P.2d 1075 (1983). Therefore, due process safeguards must be followed.

This Court, in setting a standard of due process for quasi-judicial proceedings, held that: (a) a board of commissioners' failure to provide notice of its second meeting regarding an application (after the public hearing) where staff views were expressed; (b) the absence of a transcribable verbatim record of the proceedings; and (c) the failure to make specific finding of facts and conclusions upon which a decision was based, did not comport with notions of procedural due process. Cooper, 101 Idaho at 411, 614 P.2d at 951. In addition, the opportunity to present and rebut evidence, which is inferred from the right to notice and specific findings of fact, is an element of due process. Gay v. County Comm'rs of Bonneville County, 103 Idaho 626, 651 P.2d 560 (Ct.App.1982).

A Planning and Zoning member who receives information outside a public hearing has denied the applicant the ability to rebut that information. In Allred v. Twin Falls County, the District Court reversed a decision of the County Commissioners approving a conditional user permit to OK Paving to allow a business to stockpile gravel and other materials on land in the AG zone. Among other reasons given for reversing the decision of the County Commissioners, the District Court found that it was a violation of procedural due process for a County Commissioner to visit the property that was subject to the zoning application prior to making his decision. In many or most cases, our Planning and Zoning Commission members are generally aware of the property being discussed, and may even drive by it on the way to work each day. Commission members should never offer information during a public hearing concerning their observations of the subject property. This information can usually be elicited by asking questions of witnesses or staff members at the public hearing.

4. APPROVAL OR DENIAL TO BE BASED UPON EXPRESS STANDARDS IN WRITING

The Local Planning Act requires all decisions made by the Planning and Zoning Commission to be based upon express standards and to be in writing.

§ 67-6535. APPROVAL OR DENIAL OF ANY APPLICATION TO BE BASED UPON EXPRESS STANDARDS AND TO BE IN WRITING.

(1) The approval or denial of any application required or authorized pursuant to this chapter shall be based upon standards and criteria which shall be set forth in the comprehensive plan, zoning ordinance or other appropriate ordinance or regulation of the city or county. Such approval standards and criteria shall be set forth in express terms in land use ordinances in order that permit applicants, interested residents and decision makers alike may know the express standards that must be met in order to obtain a requested permit or approval. Whenever the nature of any decision standard or criterion allows, the decision shall identify aspects of compliance or noncompliance with relevant approval standards and criteria in the written decision.

(2) The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.

(a) Failure to identify the nature of compliance or noncompliance with express approval standards or failure to explain compliance or noncompliance with relevant decision criteria shall be grounds for invalidation of an approved permit or site-specific authorization, or denial of same, on appeal.

(b) Any applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days. Such written request must identify specific deficiencies in the decision for which reconsideration is sought. Upon reconsideration, the decision may be affirmed, reversed or modified after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied. A decision shall not be deemed final for purposes of judicial review unless the process required in this subsection has been followed. The twenty-eight (28) day time frame for seeking judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.

(3) It is the intent of the legislature that decisions made pursuant to this chapter should be founded upon sound reason and practical application of recognized principles of law. In reviewing such decisions, the courts of the state are directed to consider the proceedings as a whole and to evaluate the adequacy of procedures and resultant decisions in light of practical considerations with an emphasis on fundamental fairness and the essentials of reasoned decision making. Only those whose challenge to a decision demonstrates actual harm or violation of fundamental rights, not the mere possibility thereof, shall be entitled to a remedy or reversal of a decision. Every final decision rendered concerning a site-specific land use request shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code. An applicant denied an application or aggrieved by a final decision concerning matters identified in section 67-6521(1)(a), Idaho Code, may, within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek judicial review under the procedures provided by chapter 52, title 67, Idaho Code. An appeal shall be from the final decision and not limited to issues raised in the request for reconsideration.

Certain applications in the City Code require very specific Findings of Fact.

For example, a Variance under TFCC §10-13-2.1 requires Findings of Fact as follows:

4. A narrative statement and documentation demonstrating that the building or site is on a national, State or local register of historic places or sites or that the requested variance conforms to all the following standards:

a. 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.

b. 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.

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

d. 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.

e. 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.

A Variance shall not be granted unless the Commission makes specific findings of fact based directly on the particular evidence presented to it which support conclusions that all the above mentioned standards and conditions have been met by the applicant.

TFCC §10-13-2.2 providing for Special Use Permits requires the following:

D) Standards Applicable to Special Uses: The Commission shall review the particular facts and circumstances of each proposed special use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

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

2. Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.

3. 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.

4. Will not be hazardous or disturbing to existing or future neighboring uses.

- 5. 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.*
- 6. 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.*
- 7. 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.*
- 8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.*
- 9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.*

5. PRELIMINARY PLAT APPROVAL

Idaho Code 50-1308(1): ... If the city or county has established a planning commission, then all plats must be submitted to said commission in accordance with provisions of chapter 65, title 67, Idaho Code. ...

Idaho Code 67-6513 SUBDIVISION ORDINANCE. Each governing board shall provide, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, for standards and for the processing of applications for subdivision permits under sections 50-1301 through 50-1329, Idaho Code.

Twin Falls City Code 10-12-2-3: PRELIMINARY PLAT:

- (A) Application:*** The subdivider shall file with the Administrator a complete subdivision application form and preliminary plat data as required in this Title.
- (B) Combining Preliminary And Final Plats:*** The applicant may request that the subdivision application be processed as both a preliminary and final plat if all the following exist:
 - 1. The proposed subdivision does not exceed ten (10) lots;*
 - 2. No new street dedication or street widenings are involved;*
 - 3. No major special development considerations are involved, such as development in a flood plain or a hillside development; and*
 - 4. All required information for both preliminary and final plat is complete and in an acceptable form.*

A request to combine both preliminary plat and final plat into one application shall be acted upon by the Commission after receiving a recommendation by the Administrator.

(C) Content Of Preliminary Plat: *The contents of the preliminary plat and related information shall be in such form as stipulated by the Commission; however, additional maps or data as deemed necessary by the Administrator may also be required.*

The subdivider shall submit to the Administrator at least the following:

- 1. Ten (10) copies of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated; each copy of the preliminary plat shall be on good quality paper, shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100'), shall show the drafting date and a north arrow.*
- 2. A written application requesting approval of the preliminary plat.*
- 3. Appropriate information that sufficiently details the proposed development within any special development area, such as hillside, planned unit development, flood plain, cemetery, mobile home, large scale development, hazardous and unique areas of development.*
- 4. To ensure adequate water supply to each new subdivision/development, all subdivision/development preliminary plat applications to the City will include water modeling results which indicates the new subdivision/development can be developed in a manner that will provide adequate water supply for domestic water and fire protection and the new subdivision/development will not adversely affect the City's ability to continue to provide adequate domestic water and fire protection to the existing water system users.*
- 5. To ensure adequate sewer treatment service by the City, each subdivision/development preliminary plat application to the City will include sewer service treatment modeling results which indicates the new subdivision/development can be developed in a manner that will provide adequate sewer service and sewer treatment capacity by the City and the new subdivision/development will not adversely affect the City's ability to continue to provide adequate sewer treatment capacity to the existing sewer system users.*
- 6. The cost of the water and sewer modeling will be the responsibility of the developer.*

(D) Requirement Of Preliminary Plats: *The following shall be shown on the preliminary plat or shall be submitted separately together with any other pertinent information requested by the Administrator:*

- 1. The name of the proposed subdivision, which does not duplicate the name of any other subdivision in Twin Falls County.*
- 2. The names, addresses and telephone numbers of the subdividers, the engineer or surveyor who prepared the plat, and any other professional persons involved in the subdivision.*
- 3. The names and addresses of all surrounding property owners both adjacent to and beyond any public thoroughfares from the subject property on record in the County Assessor's office.*
- 4. The legal description of the subdivision by section, township and range.*
- 5. A statement of the intended use of the proposed subdivision, such as: residential single-family, two-family and multiple housing, commercial, industrial, recreational or agricultural and a showing of any sites proposed for parks, playgrounds, schools, churches or other public uses.*
- 6. A map of the entire area scheduled for development if the proposed subdivision is a portion of a larger holding intended for subsequent development.*
- 7. A vicinity map showing the relationship of the proposed plat to the surrounding area (covering at least a 4 square mile area).*

8. *The land use and existing zoning of the proposed subdivision and the adjacent land.*
 9. *Existing streets, street names, rights of way and roadway widths, including adjoining streets or roadways, along with type of surface and the existence of any curb-gutter and/or sidewalks.*
 10. *Approximate location and length of the boundary lines of each lot, parcel or site and the proposed lot and block numbers. Approximate acreage enclosed by subdivision.*
 11. *Contour lines, shown at five foot (5') intervals where land slope is greater than twenty percent (20%) and at two foot (2') intervals where land slope is twenty percent (20%) or less, referenced to an established bench mark of the City vertical control system, including its location and elevation.*
 12. *A site report as required by the appropriate health district where individual wells or septic tanks are proposed.*
 13. *Location, size and direction of flow of all existing utilities, including, but not limited to, storm and sanitary sewers, irrigation laterals, ditches, drainages, bridges, culverts, water mains, fire hydrants, gas lines, power, telephone and streetlights. If utilities are not on or adjacent to the property, indicate direction and distance to nearest ones that can serve the subdivision.*
 14. *A copy of any proposed restrictive covenants and/or deed restrictions.*
 15. *Any dedications to the public and/or easements both public and private, together with a statement of location, dimensions and purpose of such on both, the subject property and surrounding properties.*
 16. *Any additional required information for special developments as specified in this Title.*
 17. *A statement as to whether or not any variance will be requested with respect to any provision of this Title describing the particular provision, the variance requested, and the reasons therefor.*
 18. *Location, right-of-way width and name of all public or private traffic ways, the location, right-of-way width and use of any proposed public or private pedestrian ways or special ways, and a statement of intended improvements to be made thereto.*
 19. *A statement as to what improvements will be made to existing utilities and what other on-site improvements will be made.*
 20. *Approximate lot corner and easement locations of all adjacent subdivisions*
 21. *Location, size and direction of flow of all drainage, irrigation, sewer and water line improvements which will be part of the subdivision development*
 22. *For additional drainage requirements see Section 10-11-8 of this Title.*
- (E) *Fees: A fee for processing and checking a preliminary plat shall be due at the time upon submittal of the preliminary plat to the Administrator. The amount of the fee shall be established by resolution of the Council.*
- (F) *Administrator Review:*
1. *Certification: Upon receipt of the preliminary plat, and all other required data as provided for herein, the Administrator, after review by the City Engineering Department, shall certify the application as complete and shall affix the date of application acceptance thereon. He shall, thereafter, place the preliminary plat on the agenda for consideration at the next regular meeting of the Commission. One copy of the preliminary plat shall be delivered by the subdivider to each member of the Commission at least five (5) days prior to the meeting for plat consideration.*

2. Review By Other Agencies: The Administrator shall refer the preliminary plat and application to as many agencies as deemed necessary. Such agencies may include the following:

- a. Other governing bodies having joint jurisdiction;*
- b. The appropriate utility companies, irrigation companies or districts and drainage districts;*
- c. The superintendent of the school district; and*
- d. Other agencies having an interest in the proposed subdivision.*

3. Recommendation: Upon expiration of the time allowance for department and agency review, the Administrator shall prepare a recommendation to the Commission.

(G) *Notification To Property Owners: The subdivider shall certify to the Administrator that he has notified all adjoining property owners of the proposed subdivision. Such written notification shall be mailed at least ten (10) days prior to the Commission meeting.*

(H) *Commission Action:*

- 1. Hearing By Commission: The Commission shall review the preliminary plat, comments from the concerned persons and agencies and the report from the Administrator to arrive at a decision on the preliminary plat.*
- 2. 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:*
 - a. The conformance of the subdivision with a Comprehensive Plan;*
 - b. The availability of public services to accommodate the proposed development;*
 - c. The continuity of the proposed development with the capital improvement program;*
 - d. The public financial capability of supporting services for the proposed development; and*
 - e. The other health, safety or environmental problems that may be brought to the Commission's attention.*
- 3. Action On Preliminary Plat: The Commission may approve, conditionally approve, disapprove or table for additional information when acting on the preliminary plat. If tabled, approval or disapproval shall occur at the regular meeting following the meeting at which the plat is first considered by the Commission. The action, and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant. The Administrator shall also forward a statement of the action taken and the reasons for such action together with a copy of the preliminary plat to the Council for its information and record. Upon granting or denying a preliminary plat the Commission shall specify:*
 - a. The regulations and standards used in evaluating the application;*
 - b. The reasons for approval or denial; and*
 - c. The actions, if any that the applicant could take to obtain plat approval.*
- 4. Action On Combined Preliminary And Final Plat: If the Commission's conclusion is favorable to the subdivider's request for the subdivision to be considered as both a preliminary plat and final subdivision, then a recommendation shall be forwarded to the Council in the same manner as herein specified for a final plat. The Commission may recommend that the combined application be approved, approved conditionally or disapproved.*

(I) Approval Period:

- 1. Failure to file and obtain the certification of the acceptance of the final plat application by the Administrator within two (2) years after action by the Commission shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for by the subdivider and granted by the Commission. Only one (1) extension may be granted by the Commission for a term of two (2) years.*
- 2. In the event that the development of the preliminary plat is made in successive contiguous segments in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of two (2) years may be considered for final approval without resubmission for preliminary plat approval.*

6. COMPREHENSIVE PLAN.

Idaho Code 67-6508 PLANNING DUTIES.

It shall be the duty of the planning or planning and zoning commission to conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan, hereafter referred to as the plan. The plan shall include all land within the jurisdiction of the governing board. The plan shall consider previous and existing conditions, trends, desirable goals and objectives, or desirable future situations for each planning component.

The plan with maps, charts, and reports shall be based on the following components as they may apply to land use regulations and actions unless the plan specifies reasons why a particular component is unneeded.

(a) Property Rights -- An analysis of provisions which may be necessary to ensure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of property and analysis as prescribed under the declarations of purpose in chapter 80, title 67, Idaho Code.

(b) Population -- A population analysis of past, present, and future trends in population including such characteristics as total population, age, sex, and income.

(c) School Facilities and Transportation -- An analysis of public school capacity and transportation considerations associated with future development.

(d) Economic Development -- An analysis of the economic base of the area including employment, industries, economies, jobs, and income levels.

(e) Land Use -- An analysis of natural land types, existing land covers and uses, and the intrinsic suitability of lands for uses such as agriculture, forestry, mineral exploration and extraction, preservation, recreation, housing, commerce, industry, and public facilities. A map shall be prepared indicating suitable projected land uses for the jurisdiction.

(f) Natural Resources -- An analysis of the uses of rivers and other waters, forests, range, soils, harbors, fisheries, wildlife, minerals, thermal waters, beaches, watersheds, and shorelines.

(g) Hazardous Areas -- An analysis of known hazards as may result from susceptibility to surface ruptures from faulting, ground shaking, ground failure, landslides or mudslides; avalanche hazards resulting from development in the known or probable path of snowslides and avalanches, and floodplain hazards.

(h) Public Services, Facilities, and Utilities -- An analysis showing general plans for sewage, drainage, power plant sites, utility transmission corridors, water supply, fire stations and fire fighting equipment, health and welfare facilities, libraries, solid waste disposal sites, schools, public safety facilities and related services. The plan may also show locations of civic centers and public buildings.

(i) Transportation -- An analysis, prepared in coordination with the local jurisdiction(s) having authority over the public highways and streets, showing the general locations and widths of a system of major traffic thoroughfares and other traffic ways, and of streets and the recommended treatment thereof. This component may also make recommendations on building line setbacks, control of access, street naming and numbering, and a proposed system of public or other transit lines and related facilities including rights-of-way, terminals, future corridors, viaducts and grade separations. The component may also include port, harbor, aviation, and other related transportation facilities.

(j) Recreation -- An analysis showing a system of recreation areas, including parks, parkways, trailways, river bank greenbelts, beaches, playgrounds, and other recreation areas and programs.

(k) Special Areas or Sites -- An analysis of areas, sites, or structures of historical, archeological, architectural, ecological, wildlife, or scenic significance.

(l) Housing -- An analysis of housing conditions and needs; plans for improvement of housing standards; and plans for the provision of safe, sanitary, and adequate housing, including the provision for low-cost conventional housing, the siting of manufactured housing and mobile homes in subdivisions and parks and on individual lots which are sufficient to maintain a competitive market for each of those housing types and to address the needs of the community.

(m) Community Design -- An analysis of needs for governing landscaping, building design, tree planting, signs, and suggested patterns and standards for community design, development, and beautification.

(n) Agriculture -- An analysis of the agricultural base of the area including agricultural lands, farming activities, farming-related businesses and the role of agriculture and agricultural uses in the community.

(o) Implementation -- An analysis to determine actions, programs, budgets, ordinances, or other methods including scheduling of public expenditures to provide for the timely execution of the various components of the plan.

(p) National Interest Electric Transmission Corridors -- After notification by the public utilities commission concerning the likelihood of a federally designated national interest electric transmission corridor, prepare an analysis showing the existing location and possible routing of high voltage transmission lines, including national interest electric transmission corridors based upon the United States department of energy's most recent national electric transmission congestion study pursuant to sections 368 and 1221 of the energy policy act of 2005. "High-voltage transmission lines" means lines with a capacity of one hundred fifteen thousand (115,000) volts or more supported by structures of forty (40) feet or more in height.

(q) Public Airport Facilities -- An analysis prepared with assistance from the Idaho transportation department division of aeronautics, if requested by the planning and zoning commission, and the manager or person in charge of the local public airport identifying, but not limited to, facility locations, the scope and type of airport operations, existing and future planned airport development and infrastructure needs, and the economic impact to the community.

Nothing herein shall preclude the consideration of additional planning components or subject matter.

7. TWIN FALLS CITY CODE 10-17-4: PROCEDURES FOR THE CONDUCT OF HEARINGS:

The following rules hereby established, shall be observed in the conduct of any public hearing before the city council of the city of Twin Falls and the planning and zoning commission of the city of Twin Falls, hereinafter referred to as the hearing body. The following rules shall be known as the "Twin Falls rules of procedure":

(A) Prior to opening the public hearing, the presiding officer shall review the public hearing process.

(B) The applicant shall not make any changes to the application or proposal after publication of the notice of public hearing. If the applicant wishes to make a change to the application after the publication of the notice of public hearing, the applicant shall notify the administrator and the hearing shall be canceled, to be rescheduled after the changes are submitted for staff review.

(C) All persons permitted to testify or speak before the hearing body at a public hearing shall write their name and residential address thereafter on sign up sheets to be provided by the city. This rule shall not apply to staff or technical witnesses directed by the presiding officer to give evidence or information to the hearing body.

(D) No person shall be permitted to speak before the hearing body at a public hearing until such person has approached the microphone at the podium and been recognized by the presiding officer.

(E) All public hearing proceedings shall be recorded electronically or stenographically and all persons speaking at such public hearings shall speak before a microphone in such a manner as will assure that the recorded testimony or remarks will be accurate and trustworthy.

(F) Any exhibit introduced by any person shall be retained by the hearing body and made a part of the record therein.

(G) The applicant will be limited to fifteen (15) minutes for the initial presentation, unless a written request for additional time is submitted prior to the hearing and the hearing body grants the request for additional time. The staff report shall follow the applicant's presentation. Members of the hearing body may then ask questions regarding the application. Testimony from the public may be limited by the presiding officer to no less than two (2) minutes per person. Five (5) or more persons receiving written notice of the public hearing may appoint a person to speak for them, which person shall be limited to fifteen (15) minutes for their presentation. Written comments, including e-mail, shall be either read into the record or displayed to the public on the overhead projector at the completion of public comment. Members of the hearing body may ask questions of any person who has testified. The applicant will be permitted five (5) minutes for rebuttal. After all testimony has been given, the public hearing shall be closed and no additional information may be requested or given, unless the public hearing is reopened.

(H) The speaker shall not be interrupted by members of the hearing body until his time limit has been expended or until he has finished his statement.

(I) At the conclusion of a speaker's comments, each member, when recognized by the presiding officer, may be allowed to question the speaker and the speaker shall be limited to answers to the questions asked. The presiding officer may limit the time permitted for the answer. The question and answer period shall not be included in the speaker's time limit, as established.

(J) Any person not conforming to any of the above rules may be prohibited from speaking before the public hearing. Should any person refuse to comply with such prohibition, he/she may be asked to leave the hearing, and thereafter removed from the room by order of the presiding officer.

(K) The main motion on the application shall be in the affirmative, to approve the application, and may include conditions from the staff report. The main motion may be amended to establish or remove conditions. If the motion passes, the application is approved. If the motion fails, the application is deemed denied. Motions on appeals shall also be in the affirmative to approve the zoning action requested by the applicant.

(L) The approval or denial of any application requiring a public hearing provided for in this title shall be based upon standards and criteria which shall be set forth in the comprehensive plan, zoning ordinance, or other appropriate ordinance or regulation of the city.

(M) The approval or denial of any application requiring a public hearing provided for in this title shall be in writing in the form of findings of fact and conclusions of law that explain the criteria and standards considered relevant, state the facts relied upon, and explain the justification for the decision based on the criteria, standards and facts set forth. The comprehensive plan, the zoning ordinance, the zoning map, and all prior acts of the hearing body shall be considered, and are, a part of the record of any public hearing.

(N) For those applications that require an ordinance, staff will prepare and place on the next council agenda an ordinance with implementing language including all conditions as specified in the zoning action. The ordinance shall be published at the next available publication date.

(O) A transcribable verbatim record of the public hearing shall be made and kept for a period of not less than six (6) months after a final decision on the matter. Upon written request and within the time period provided for the retention of the record, any person may have the record transcribed at his expense.

8. ADDITIONAL RESOURCES ONLINE:

- Idaho Code: <http://legislature.idaho.gov/idstat/TOC/IDStatutesTOC.htm>
- City of Twin Falls: <http://www.tfid.org/>
- Twin Falls City Code:
http://www.sterlingcodifiers.com/codebook/index.php?book_id=379
- Association of Idaho Cities – Guide to Growth and Management:
<https://www.idahocities.org/DocumentCenter/Home/View/192>
- Idaho Ethics in Government Manual:
<http://www.ag.idaho.gov/publications/legalManuals/EthicsInGovernment.pdf>
- Idaho Open Meeting Law Manual:
<http://www.ag.idaho.gov/publications/legalManuals/OpenMeeting.pdf>
- Idaho Public Records Law Manual:
<http://www.ag.idaho.gov/publications/legalManuals/PublicRecordsLaw.pdf>
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10-17-2: PLANNING AND ZONING COMMISSION:

THERE IS HEREBY CREATED, A PLANNING AND ZONING COMMISSION AND THROUGHOUT THIS TITLE IS REFERRED TO AS THE COMMISSION. THE COMMISSION SHALL BE CONSTITUTED AND SHALL FUNCTION ACCORDING TO THE BYLAWS HEREIN SET FORTH AND SHALL HAVE ALL OF THE POWER OR AUTHORITY TO CONSIDER ORDINANCES OR TO RECOMMEND AMENDMENTS TO OR REPEAL OF ANY PORTION OF THIS TITLE. THE COMMISSION SHALL PROVIDE GUIDANCE AND ASSISTANCE TO THE COUNCIL, HOLDING PUBLIC HEARINGS AS REQUIRED BY LAW, AND SHALL GRANT OR DENY APPLICATIONS PRESENTED TO THE COMMISSION, AND SHALL MAKE TIMELY WRITTEN RECOMMENDATIONS TO THE COUNCIL IN ALL MATTERS RELATING TO THIS TITLE IN WHICH THE COUNCIL HAS FINAL DECISION MAKING POWERS. ANY ACTION TAKEN BY THE COMMISSION WHICH WOULD BE FINAL UNLESS APPEALED MAY BE REVIEWED AND HEARD BY THE COUNCIL WHEN AN APPEAL IS NOT MADE BUT THE COUNCIL DETERMINES, WITHIN FIFTEEN (15) DAYS OF COMMISSION ACTION, THAT THERE MAY BE SIGNIFICANT ADVERSE IMPACT AS A RESULT OF THE COMMISSION ACTION. (ORD. 2012, 7-6-1981)

Planning and Zoning Commission Actions **ZONING ACTION REQUESTS**

www.tfid.org

Commission DECISION, to Council **ONLY** on an Appeal

- | | | | |
|----|--|---|-----------------|
| 1. | Special Use Permits. |) | |
| | |) | PUBLIC |
| 2. | Variances. |) | |
| | |) | HEARING |
| 3. | Non-Conforming Building Expansion Permits. |) | |
| | |) | REQUIRED |
| 4. | Permit Revocation |) | |
| | |) | |
| 5. | Appeal of Administrative Decision |) | |

No Noticed Public Hearing Required:

6. Preliminary Plats. (10-12-2.3(G) 10 day notice to property owners)
7. Reactivation of Expired Special Use Permit

Commission RECOMMENDATION ONLY. AUTOMATICALLY Goes to Council

- | | | | |
|----|---------------------------------|---|-------------------------------|
| 1. | Rezones / PUD AMENDMENT / ZDA's |) | |
| | |) | |
| 2. | Annexations |) | PUBLIC |
| | |) | |
| 3. | Comprehensive Plan Amendments. |) | HEARING |
| | |) | |
| 4. | Zoning Title Amendments |) | REQUIRED |
| | |) | |
| | |) | |
| 5. | Vacations. |) | FORMAL PUBLIC HEARINGS |
| | |) | AS REQUIRED BY |
| | |) | IDAHO STATE LAW |

CITY COUNCIL DECISION ONLY

- | | | | |
|----|--|---|-----------------------------|
| 6. | Final & Conveyance Plats |) | NOT A Public Hearing |
| 7. | Deferral Agreements – site improvements | | |
| 8. | Waiver of a Residential Non-Conforming Building Expansion Permit | | |

ZONING REQUESTS FOR PROPERTY LOCATED WITHIN THE

AREA OF IMPACT

Planning & Zoning Commission AND City Council RECOMMENDATION ONLY.

AUTOMATICALLY Goes to Board of County Commissioners for a DECISION

1. **Rezones / ZDA's**

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PUBLIC

HEARING

REQUIRED

2. **Appeals of SUP's in Aol**

3. **Vacations.**

Public row in Aol is regulated by TF Hwy Dist

A PH before TFHwy Dist is required before Cnty Decision

(Lance LeBaron-Hagen)

FORMAL PUBLIC HEARINGS

AS REQUIRED BY

IDAHO STATE LAW

No Noticed Public Hearing Required:

1. **Final Plats**

2. **Conveyance Plats**

Title 10 - ZONING AND SUBDIVISION REGULATIONS

-  Chapter 1: GENERAL ZONING PROVISIONS
-  Chapter 2: ZONING DEFINITIONS
-  Chapter 3: ZONING DISTRICTS, MAP
-  Chapter 4: ZONING DISTRICT REGULATIONS
-  Chapter 5: ZONING SUBDISTRICTS, MAP
-  Chapter 6: ZONING SUBDISTRICT REGULATIONS
-  Chapter 7: ZONING SUPPLEMENTARY REGULATIONS
-  Chapter 8: AREA OF CITY IMPACT
-  Chapter 9: SIGN REGULATIONS
-  Chapter 10: OFF STREET PARKING AND LOADING
-  Chapter 11: REQUIRED IMPROVEMENTS
-  Chapter 12: GENERAL SUBDIVISION PROVISIONS
-  Chapter 13: ZONING PERMITS
-  Chapter 14: ZONING AMENDMENTS
-  Chapter 15: ANNEXATION REGULATIONS
-  Chapter 16: VACATIONS AND DEDICATIONS
-  Chapter 17: ADMINISTRATION AND ENFORCEMENT
-  Chapter 18: CITY OF TWIN FALLS IMPACT FEES

TITLE 10; ZONING & SUBDIVISION REGULATIONS

Chapter 3; ZONING DISTRICTS, MAP

[10-3-1: ZONING DISTRICT DESIGNATION:](#)

[10-3-2: ZONING DISTRICT MAP:](#)

[10-3-3: CONFORMANCE WITH ZONING DISTRICTS:](#)

[10-3-4: NONCONFORMING USES OR BUILDINGS:](#)

10-3-1: ZONING DISTRICT DESIGNATION:

For the purpose of promoting health, safety, morals and general welfare of the community there is hereby established the following zoning districts for the city:

Zoning Districts	Short Title	Section
Agricultural	AG	10-4-1
Suburban-urban interface	SUI	10-4-2
Residential single household	R1-VAR	10-4-3
Residential single household or duplex	R2	10-4-4
Residential medium density	R4	10-4-5
Residential multi-household	R6	10-4-6
Commercial central business	CB	10-4-7
Commercial highway	C1	10-4-8
Manufacturing, light	M1	10-4-9
Manufacturing, heavy	M2	10-4-10
Open space	OS	10-4-11
Airport	AP	10-4-12
Old Town	OT	10-4-13
Commercial mixed use	CM	10-4-14
Residential mixed use	RM	10-4-15
College Of Southern Idaho	CSI	10-4-16
Residential business	RB	10-4-23

Overlay Districts	Short Title	Section
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Mobile Home Overlay-One	MHO-1	10-4-17
Professional Office Overlay	PRO	10-4-18
Canyon Rims Overlay	CRO	10-4-19
Wellhead Protection Overlay	WPO	10-4-20
Neighborhood Commercial Overlay	NCO	10-4-21
Warehouse Historic Overlay	WHO	10-4-22

(Ord. 2526, 5-20-1996; amd. Ord. 2608, 5-3-1999; Ord. 2796, 6-14-2004; Ord. 2998, 1-3-2011)

WITHIN EACH ZONING DISTRICT IS A LIST OF **PERMITTED LAND USES, LAND USES ALLOWED BY **SPECIAL USE PERMIT** AND IF LAND USES NOT IDENTIFIED THEN THEY ARE **NOT ALLOWED**. ADMINISTRATOR MAY MAKE JUDGEMENT DECISIONS IF A UNDECLARED LAND USE IS SIMILAR TO WHAT IS IN THE CODE.**

SHOW MATRIX TO EXPLAIN THE NEXT PAGE....

Title 10; Chapter 2; Definition of “CHANGE OF USE”:

A Change Of Use From One Of The Following LAND USE CATEGORIES To Another:

- (A) Agricultural.**
- (B) Agricultural processing.**
- (C) Communications and utilities.**
- (D) Cultural facilities.**
- (E) Governmental facilities.**
- (F) Manufacturing.**
- (G) Medical facilities.**
- (H) Miscellaneous.**
- (I) Parks.**
- (J) Public assembly.**
- (K) Residential.**
- (L) Retail trade.**
- (M) Services.**
- (N) Sports facilities.**
- (O) Transportation.**
- (P) Wholesale facilities. (Ord. 2526, 5-20-1996)**

City of Twin Falls Title 10 Zoning and Land Use Matrix

(Current as of November 25, 2015)

PERMITTED USES
 PERMITTED USE WITH A SPECIAL USE PERMIT
 NOT PERMITTED

P
 S

LAND USE	AG (§10-4-1.2)	SUI (§10-4-2.2)	R-1 VAR (§10-4-3.2)	R-2 (§10-4-4.2)	R-4 (§10-4-5.2)	R-6 (§10-4-6.2)	CB (§10-4-7.2)	C-1 (§10-4-8.2)	M-1 (§10-4-9.2)	M-2 (§10-4-10.2)	OS (§10-4-11.2)	AP (§10-4-12.2)	OT (§10-4-13.2)	CM (§10-4-14.2)	RM (§10-4-15.2)	CSI (§10-4-16.2)	PRO (§10-4-18.2)	PRO - Addison Ave and Blue Lakes Blvd (§10-4-18.2B5)	CRO (§10-4-19.3)	NCO (§10-4-21.2)	RB (§10-4-23.2)
1. AGRICULTURAL																					
Farms - animals on pasture	P	P							P	P	P	P									
Farms - fish	S								S	P	S	S									
Farms - plants and trees	P	P							P	P	P	P									
Intensive agriculture units of five (5) acres or more without residential facilities	P	P							P	P	P	P									
2. AGRICULTURAL PROCESSING																					
Dairy product processing									S	P											
Fish, meat, & poultry processing									S	P											
Grain & seed processing									S	P											
Livestock sales										P											
3. COMMUNICATIONS & UTILITIES																					
Radio and television stations without transmission and receiving towers							P	P	P	P			P								P
Radio and television stations with wireless communications facilities								S	S	S											
Transmission and receiving towers over thirty-five feet (35') tall, provided that they are located near other tall structures.											S										
Telegraph centers and telegraph stations							P	P	P	P			P								
Telephone exchange stations							P	P	P	P			P								
Underground and aboveground transmission lines	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P
Utility owned buildings and structures less than twenty five (25') square feet in area and less than three (3') feet aboveground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P
Utility owned buildings and structures more than twenty five (25') square feet in area or more than three (3') feet aboveground	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			S	S	S
4. CULTURAL FACILITIES																					
Botanical gardens and arboretums	S	S	S	S	S	S	P	P	P	P	S	P	P	P	S	S			P	S	P
Cemeteries	S							S	P	P	S	S		S							
Historic sites and monuments	P	S	S	S	S	S	P	P	P	P	S	P	P	P	S	S			P	S	P
Libraries, museums and art galleries			S	S	S	S	P	P	P	P			P	P	S	S			P	S	P
Planetariums and aquariums			S	S	S	S	P	P	P	P			P	P	S	S			P	S	
Zoos	S	S					S	S	S	S	S			S	S	S					
5. GOVERNMENTAL FACILITIES																					
City, county, highway district - open storage yards									S	P											
City, county, highway district - shops									P	P											
Fire stations and police stations	S	S	S	S	S	S	P	P	P	P		P	S	P	S	S				S	S
Governmental office buildings						S	P	P	P	P		P	P	P						S	P
Jails, detention centers, work release centers							S	S	S	P											
Judicial facilities						S	P	P	P	P				P							
Sewage treatment plants										S	S										
Water treatment plants	S	S	S	S	S	S	S	S	P	P	S	P	S	S	S	S				S	S
Uses by the City of Twin Falls- All permitted uses on real property owned and/or operated by the City of Twin Falls (§10-7-19B)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Uses by the City of Twin Falls- New uses on real property owned and/or operated by the City of Twin Falls, not already permitted by other provisions (§10-7-19C)	Must be approved at a City of Twin Falls public hearing by the City Council																				

LAND USE	AG (\$10-4-1.2)	SUI (\$10-4-2.2)	R-1 VAR (\$10-4-3.2)	R-2 (\$10-4-4.2)	R-4 (\$10-4-5.2)	R-6 (\$10-4-6.2)	CB (\$10-4-7.2)	C-1 (\$10-4-8.2)	M-1 (\$10-4-9.2)	M-2 (\$10-4-10.2)	OS (\$10-4-11.2)	AP (\$10-4-12.2)	OT (\$10-4-13.2)	CM (\$10-4-14.2)	RM (\$10-4-15.2)	CSI (\$10-4-16.2)	PRO (\$10-4-18.2)	PRO -Addison Ave and Blue Lakes Blvd (\$10-4-18.2B5)	CRO (\$10-4-19.3)	NCO (\$10-4-21.2)	RB (\$10-4-23.2)
6. MANUFACTURING																					
Business park PUD only								P													
Apparel and related items									S	P			S								
Building materials									S	P											
Chemicals and chemical products (H-1 and H-7(2)) facilities not closer than three hundred feet (300') to a dwelling but excluding the residential uses allowed by subsections (A)10c & (B)9a of this section										S											
Concrete products									S	P											
Food products									S	P											
Furniture and fixtures									S	P			S								
Handcrafted furniture							S	S	S	P			S								S
Metal products									S	P											
Miscellaneous products									S	P			S								
Paper products									S	P			S								
Petroleum products									S	P											
Plastic products									S	P			S								
Professional and scientific products									S	P			S								
Recycling center									S	S											
Rubber products									S	P			S								
Sand and gravel yards									S	P											
Textile products									S	P			S								
Wrecking yards, automobile salvage yards and junkyards, but prohibited within canyons, within two hundred feet (200') of canyon rims and on land with slopes greater than fifteen percent (15%) grade										S											
7. MEDICAL FACILITIES																					
Acupuncture facilities approved by South Central District Health Department or other State regulatory agency							P	P	P	P			P	P							P
Ambulance service						S	P	P	P	P											S
Animal hospital - small animal							S	S	P	P			S	S							S
Animal hospital - large animal								S	S	P											
Doctors offices							P	P	P	P			P	P		S	S	S		S	P
Drug and alcohol treatment centers							P	P	P	P			P	S		S					P
Hospitals and clinics							P	P	S	S			P	P		S				S	
Prosthetics - sales, service and construction							S	S	P	P			P	S							S
Rehabilitation services							P	P	P	P			P	P		S				S	P
8. MISCELLANEOUS																					
Any facility with drive-through service							S	S	S	S		S	S	S		S				S	S
Any facility with drive through service in the Canyon Rim Overlay Zoning District adjacent to Rock Creek Canyon																			S		
Construction yards									S												
Notwithstanding the foregoing list of permitted uses, any such use which broadcasts amplified music or sound by speakers to the exterior of the building shall also require a Special Use Permit							S	S	S	S			S	S					S	S	S
Outside commercial painting (§10-7-18)																					
Inside commercial painting (spray booth) (§10-7-18)							S	S	S	S			S								

LAND USE	AG (\$10-4-1.2)	SUI (\$10-4-2.2)	R-1 VAR (\$10-4-3.2)	R-2 (\$10-4-4.2)	R-4 (\$10-4-5.2)	R-6 (\$10-4-6.2)	CB (\$10-4-7.2)	C-1 (\$10-4-8.2)	M-1 (\$10-4-9.2)	M-2 (\$10-4-10.2)	OS (\$10-4-11.2)	AP (\$10-4-12.2)	OT (\$10-4-13.2)	CM (\$10-4-14.2)	RM (\$10-4-15.2)	CSI (\$10-4-16.2)	PRO (\$10-4-18.2)	PRO -Addison Ave and Blue Lakes Blvd (\$10-4-18.2B5)	CRO (\$10-4-19.3)	NCO (\$10-4-21.2)	RB (\$10-4-23.2)
9. PARKS																					
Amusement parks							S	S	S	S											
Open space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P
Park concessions	S	S	S	S	S	S	P	P	P	P	S	S	P	P	S	S			S	S	
Private parks and playgrounds without crowd attracting facilities	P	P	P	P	P	P	P	P	P	P	S	P	P	P	P	P				P	P
Public parks and playgrounds without crowd attracting facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P
Public parks and playgrounds with crowd attracting facilities	S	S	S	S	S	S	S	P	P	P	S	S		S	S	S				S	
10. PUBLIC ASSEMBLY																					
Auditoriums	S	S	S	S	S	S	P	P	P	P			P	P	S	S			S	S	
Exhibition halls							S	S	P	P			P	S					S		
Exposition and recreational vehicle shows													S								
Fairgrounds								S	P	P				S							
Farmer's markets, flea markets													S								
Funeral chapels							P	P	P	P			P	P					P		P
Religious facilities	S	S	S	S	S	S	S	P	P	P			S	P	S	S			P	S	P
Schools - private vocational and/or academic							P	P	P	P			P	P		S				S	P
Schools - private academic				S	S	S															
Schools - private, single purpose							P	P	P	P			P	P						S	P
Schools - public	S	S	S	S	S	S	P	P	S	S			P	P	S	S				S	P
Sports arena							S	S	P	P		S		S							
Theaters - indoor							P	P	S	S			P	P						S	
Theaters - outdoor							S	S	S	S				S							
Wedding chapels and/or reception halls							P	P	P	P			P	P							P
11. RESIDENTIAL																					
Accessory buildings (less than 1,500 square feet), personal swimming pools and other accessory uses	P	P										P							Any use permitted outright or by special use in the base zoning district		
Detached accessory buildings (more than 1,500 square feet) i.e., garages and other accessory buildings	S	S										S									
Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses			P	P	P	P	P	P			S			P	P	P					P
Accessory buildings (less than 1,000 square feet) i.e., garages and other accessory buildings except those physically attached garages that are built at the same time the home is built											S			P	P	P					P
Detached accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings			S	S	S	S	S	S						S	S	S					S
Accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings except those physically attached garages built at the same time the home is built														S	S	S					S
Bed and breakfast facilities	S	S	S	S	S	S	P	P					P	P	S	S		S			P
Dwellings - attached single household dwellings on lots fronting on an arterial or collector street		S	P	P	P	P	S						S	P	P	P					
Dwellings - detached single household	P	P	P	P	P	P						P			P	P					
Dwellings - duplex				P	P	P	S						S	P	P	P					
Dwellings - triplex and fourplex					S	P	S						S	P	P	P					
Dwellings - multiple household (5 units or more)						P	P	P					S	P	P	P					

LAND USE	AG (\$10-4-1.2)	SUI (\$10-4-2.2)	R-1 VAR (\$10-4-3.2)	R-2 (\$10-4-4.2)	R-4 (\$10-4-5.2)	R-6 (\$10-4-6.2)	CB (\$10-4-7.2)	C-1 (\$10-4-8.2)	M-1 (\$10-4-9.2)	M-2 (\$10-4-10.2)	OS (\$10-4-11.2)	AP (\$10-4-12.2)	OT (\$10-4-13.2)	CM (\$10-4-14.2)	RM (\$10-4-15.2)	CSI (\$10-4-16.2)	PRO (\$10-4-18.2)	PRO -Addison Ave and Blue Lakes Blvd (\$10-4-18.2B5)	CRO (\$10-4-19.3)	NCO (\$10-4-21.2)	RB (\$10-4-23.2)
11. RESIDENTIAL (continued)																					
Home occupations	S	S	S	S	S	S	P	P	P	P		S		P	S	S					P
Household units existing at the time this Title was adopted							P	P	P	P	P	P									P
Household units in same building as an allowed use and occupied by the owner or an employee of the allowed use							P	P	P	P			P	P			S	S			P
Household units in upper floors of commercial or professional buildings							P	P					P	P		P		S		P	P
Mobile homes, if accessory to and located on the same property of an allowed use and occupied by the owner or an employee of the allowed use.									S	S											
Motels and transient hotels							P	S					S	S					S		
Nursing homes and rest homes						S	P	P					S	P	S	S			P		S
R.V. and camping parks								S	S					S							
Residence halls, residence hotels, rooming houses						S	P	P	S				S	P	S	S			S		
Residential PUD, not to exceed SUI density		S									S										
Shelter homes						S	S	S	S				S	S							S
12. RETAIL TRADE																					
Agricultural equipment sales and service							S														
Alcoholic beverages, when consumed on premises where sold							P		S	S		P	S	S					S	S	
Alcoholic beverages when consumed on the premises where sold if located less than three hundred feet (300') from residential property								S													S
Alcoholic beverages when consumed on the premises where sold if located three hundred feet (300') or more from residential property								P													P
Antique shop																	S				P
Apparel and accessories							P	P	P	P			P	P					P	S	P
Art galleries and frame shops																	S				P
Automobile and recreational vehicle rental / storage yard								S	S	S											
Automobile and truck sales and /or rentals							S	S	P	P				S							
Automobile parts store							P	P	P	P			P	P							P
Bakery							P	P	P	P			P	P					P	P	P
Bookstore							P	P	P	P			P	P			S		P	P	P
Car wash facilities							S	S	P	P				S						S	
Commercial greenhouses							S	P	P	P				P						S	
Cottage businesses																	S				P
Craft shop																	S				
Craft shop, in conjunction with retail business							P	P	P	P			P	P					P	P	P
Eating places							P	P	P	P			P	P					P	P	P
Equipment rental							S	S	P	P			S	S							
Fabric and pattern shop																	S				P
Farm and garden supplies							P	P	P	P			P	P						S	
Florist shop							P	P	P	P			P	P			S		P	P	P
Food, drugs, etc.							P	P	P	P			P	P						P	P
Fuel sales (bulk)							S	S	P	P				S							
Gasoline service stations							S	S	P	P				S						S	
General merchandise							P	P	P	P			P	P						P	P
Hardware store							P	P	P	P			P	P						P	P
Hobby and toy store							P	P	P	P			P	P			S		P	P	P
Home decor, excluding appliances																	S				
Home furnishings and equipment							P	P	P	P			P	P							P
Ice cream store							P	P	P	P			P	P					P	P	P
Import store							P	P	P	P			P	P					P	P	P

LAND USE	AG (\$10-4-1.2)	SUI (\$10-4-2.2)	R-1 VAR (\$10-4-3.2)	R-2 (\$10-4-4.2)	R-4 (\$10-4-5.2)	R-6 (\$10-4-6.2)	CB (\$10-4-7.2)	C-1 (\$10-4-8.2)	M-1 (\$10-4-9.2)	M-2 (\$10-4-10.2)	OS (\$10-4-11.2)	AP (\$10-4-12.2)	OT (\$10-4-13.2)	CM (\$10-4-14.2)	RM (\$10-4-15.2)	CSI (\$10-4-16.2)	PRO (\$10-4-18.2)	PRO -Addison Ave and Blue Lakes Blvd (\$10-4-18.2B5)	CRO (\$10-4-19.3)	NCO (\$10-4-21.2)	RB (\$10-4-23.2)
12. RETAIL TRADE (continued)																					
Large implement and heavy equipment sales and/or rentals								S	P	P											
Laundering and dry cleaning							P	P	P	P			P	P						P	P
Laundromats							P	P	P	P			P	P						P	P
Lumber, plumbing and/or electrical supply stores							S	P	P	P			S	S							
Manufactured/mobile homes sales and/or rentals							S	S	S	P				S							
Mobile/manufactured home sales and/or rentals in the Rock Creek CRO between Martin Street and 2750 East																			S		
Music store							P	P	P	P			P	P					P	P	P
Pawnshop							P	P	P	P			P	P							
Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.							S	S	P	P			S	S					S		S
Pet shop							P	P	P	P			P	P					S	P	P
Sporting goods store							P	P	P	P			P	P						P	P
Sporting vehicles and motorcycles - sales and/or rentals							S	S	P	P			S	S							
Storage unit rentals							S	S	P	P			S	S							
Taxidermy studio							P	P	P	P			P	P					P	S	P
Temporary automobile, truck and recreational vehicle sales permitted with staff approval, provided that there shall be state approval, no parking or display of vehicles in landscaped areas, and no sight obstructions								P													
Tire shops							S	S	P	P				S							
Truck stop									P	P											
13. SERVICES																					
Advertising							P	P	P	P			P	P					P	S	P
Apparel repair and alteration							P	P	P	P			P	P					P	S	P
Appliance repair							S	S	P	P			P	P							
Auctions and/or public sales								S	S	S			S								
Automobile and truck service and/or repair							S	S	S	S			S								
Automobile impound facility										S											
Beauty and barber shops							P	P	P	P			P	P			S	S	P	P	P
Building care contracting offices							P	P	P	P			P	P					P		P
Business associations							P	P	P	P			P	P					P		P
Civic, social and fraternal organizations							S	P	P	P			P	S					P		P
Commercial daycare facilities and preschools																S	S				S
Construction trade offices							P	P	P	P			P	P					P		P
Construction yards									S	P											
Consumer credit collection offices							P	P	P	P			P	P			S	S	P		P
Copy center - self service							P	P	P	P			P	P						P	P
Day care services							P	P	S	S			P	P		S			P	P	S
Dog grooming and/or kennels							S	P	P	P				S						S	S
Duplicating and stenographic offices							P	P	P	P			P	P					P	P	P
Employment agency							P	P	P	P			P	P			S	S		S	S
Finance and investment offices							P	P	P	P			P	P		S	S	S	P	S	P
Furniture repair/upholstery							S	S	S	P											
Horticultural services							P	P	P	P			P	P							P
In home daycare services	S	S	S	S	S	S	P	P	S	S			P	P	S	S			P	P	P
Insurance and related business							P	P	P	P			P	P		S	S	S	P	S	P
Labor unions and organizations							P	P	P	P			P	P					P		P
Photography studios							P	P	P	P			P	P			S	S	P	P	P
Professional organizations							P	P	P	P			P	P					P	S	P
Professional services							P	P	P	P			P	P		S	S	S	P	S	P
Publishing and printing business							S	S	P	P			P	S							S

LAND USE	AG (§10-4-1.2)	SUI (§10-4-2.2)	R-1 VAR (§10-4-3.2)	R-2 (§10-4-4.2)	R-4 (§10-4-5.2)	R-6 (§10-4-6.2)	CB (§10-4-7.2)	C-1 (§10-4-8.2)	M-1 (§10-4-9.2)	M-2 (§10-4-10.2)	OS (§10-4-11.2)	AP (§10-4-12.2)	OT (§10-4-13.2)	CM (§10-4-14.2)	RM (§10-4-15.2)	CSI (§10-4-16.2)	PRO (§10-4-18.2)	PRO -Addison Ave and Blue Lakes Blvd (§10-4-18.2B5)	CRO (§10-4-19.3)	NCO (§10-4-21.2)	RB (§10-4-23.2)
13. SERVICES (continued)																					
Real estate and related business							P	P	P	P			P	P		S	S	S	P	S	P
Seamstress																		S			P
Sporting vehicle and motorcycle service and/or repair							S	S	S	P			S								
Tattoo parlors or dermagraphic studios approved by the South Central District Health Department or other state regulatory agency							S	S	S	S										S	
Testing laboratories							S	S	P	P			P								S
Tourist information center							P	P	P	P	S		P	P							P
Welfare and charitable facilities							S	P	P	P			P	S					P	S	S
14. SPORTS FACILITIES																					
Athletic areas	S						S	P	P	P	S	S	S	S		S			S		
Equestrian facilities and/or riding stables	S										S										
Go-cart tracks								S	S	P											
Golf courses and country clubs	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S			S		
Golf driving ranges	S				S		S	S	S	S	S	S		S	S	S			S		
Gun clubs										S		S									
Indoor recreation facility							S	S	S	S			S	S						S	S
Miniature golf courses	S						S	P	P	P	S		S	S	S	S			S	S	
Outdoor, public and commercial ice and roller skating facilities	S	S	S	S	S	S	S	P	P	S	S		S	S	S	S			S	S	
Outdoor, public and commercial swimming pools	S	S	S	S	S	S	S	P	P	S	S		S	S	S	S			S	S	
Outdoor, public and commercial tennis courts	S	S	S	S	S	S	S	P	P	S	S		S	S	S	S			S	S	
Racetracks										P		S									
Zip lines operated by outfitters and guides licensed by the Idaho outfitters and guides licensing board											S										
15. TRANSPORTATION																					
Airport and related facilities												S									
Airport supplemental uses- Supplemental uses shall be allowed on Joslin Field, Magic Valley Regional Airport in conjunction with the use of the airport as recommended by the Airport Advisory Commission and approved by the City Council and County Commissioners												P									
Bus facilities including pick-up shelters	S	S	S	S	S	S	P	P	P	P			P	P					P	S	
Freight transfer points							S	S	P	P			S	S							
Open parking lot or garage for automobiles							S	P	P	P			P	S							
Open parking lot or garage for trucks and buses							S	S	P	P			S	S							
Open parking lot or garage for trucks and equipment									P	P											
Packing and crating							S	S	P	P			S	S							
Railroad buildings, equipment and yards									S	P											
Taxicab office							P	P	P	P			P	P					S	S	
Ticket and arrangement facilities							P	P	P	P			P	P					S		
Trucking facilities							S	S	P	P				S							
16. WHOLESALE FACILITIES																					
H-1 and H-7(2) facilities not closer than three hundred feet (300') to a dwelling but excluding the residential uses allowed by subsections (A)10c and (B)9a of this section										S											
Wholesale distribution and warehousing, excluding H-1 facilities							S	S	P					S							
Wholesale distribution and warehousing, excluding H-1 and H-7(2) facilities										P											