



Twin Falls Planning & Zoning Commission Agenda

Wednesday, June 6, 2018, 12:00 PM

203 Main Avenue East
Twin Falls, ID 83301

Members -

City Limits: Danielle Dawson, Vice-Chair; Craig Hawkins; Gerardo "Tato" Muñoz, Chairman; Ed Musser; Carolyn Bolton; Curtis Hansen; Craig Kelley

Area of Impact: Ryan Higley; David Detweiler

- 1) Confirmation of Quorum/Call Meeting to Order
- 2) Training
 - a)
 - Power Point Presentation
 - Code Discussion
- 3) Upcoming Meeting(s)
 - a) June 12, 2018 Public Hearing
- 4) 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.

LLUPA, THE COMPREHENSIVE PLAN & THE ZONING ORDINANCE

*A brief training for City of Twin Falls Planning &
Zoning Commissioners*
June 6, 2018



A Brief History of Planning & Zoning in General

- In 1908 the City of Los Angeles passed the first municipal zoning ordinance in the U.S.
 - *Established residential and industrial districts.*
- The Standard State Zoning Enabling Act (1922) provided that zoning regulations be in "accordance with a comprehensive plan".
 - *The nature of the comprehensive plan was not yet clear.*
- Euclid v. Ambler Realty (1926) validated the legality of zoning.
- The Standard City Enabling Act (1928) indicated that a zoning plan should be included with the master plan and that the zoning commission should become part of the planning commission.
 - *No indication of the essential difference between zoning as regulation of existing land uses and comprehensive planning as a long view of what those uses should be.*



A Brief History of Planning & Zoning in Idaho

- The State of Idaho passed its first planning and zoning legislation in 1935.
 - *Failed to define a comprehensive plan and lacked procedures for adopting plans and ordinances.*
- The 1967 Idaho legislature passed a variety of planning laws in an effort to address emergent problems related to growth.
 - *Too many gaps in the regulations and the ordinances written were often a result of a specific problem rather than a long-range plan.*
- In 1973 Gov. Cecil Andrus gave a speech entitled, “The need for land use planning”,
 - *Idaho Legislature formed a committee that conducted 14 hearings around the state to gauge public opinion and concerns.*



LLUPA: Idaho's Local Land Use Planning Act

- The Local Land Use Planning Act (LLUPA), was enacted in 1975.
- The purpose of LLUPA consists of protecting property rights, ensure the economy of the state was protected, protect state wildlife, avoid undue water and air pollution, along with other purposes the state legislature considered essential to pursue.
- LLUPA “requires” that (67-0503):
 - *Every city and county in the state to participate in planning and zoning.*
 - HOWEVER, there is no direct penalty for failure to comply.
 - *There will not be direct state involvement.*



LLUPA Continued...

- Powers and duties of the Planning & Zoning Commission per LLUPA include:
 - *Prepare/Update a comprehensive plan*
 - *Adopt a zoning ordinance*
 - *Issue special use permits*
 - *Issue permits for planned unit developments*
 - *Grant variances from zoning criteria*



Two Distinct Things: The Zoning Ordinance & Comprehensive Plan

- The **Comprehensive Plan** is a statement of policy and a guide to decision making regarding long range growth.
 - *“The plan shall consider previous and existing conditions, trends, desirable goals and objectives, or desirable future situations for each planning component.” – Idaho Code 67-6508*
 - *Currently there are 17 different planning “components”.*
 - Includes: Property Rights, Population, School Facilities, Economic Development, Land Use, Natural Resources, Hazardous Areas, Public Services, Transportation, Recreation, Special Areas/Sites, Housing, Community Design, Agriculture, Implementation, National Interest Electric Transmission Corridors, and Public Airport Facilities
- The **Zoning Ordinance** is a regulatory framework to address current planning issues and implement the comprehensive plan.
 - *Zoning ordinances and decisions are “in accordance with” the comprehensive plan (Idaho Code 67-6511 & City of Twin Falls 10-1-5(B)).*



Necessary Updates

- Recently we did a significant update to the Comprehensive Plan.
 - *Adopted “Twin Falls: Grow With Us” Comprehensive Plan on 11/07/2016*
- Now is the time to do a significant update to the Zoning Ordinance.
 - *As we update the Zoning Ordinance we must:*
 - Ensure it mirrors the vision, goals, and policies of the Comprehensive Plan.
 - Ensure it is current with today’s changing world.
 - *Twin Falls’ first zoning ordinance was enacted in 1978 (to meet LLUPA’s requirements), then was refined in 1981, since then the code has undergone various minor modifications.*
 - (glue, bandaids, and twine).

