



Si desea esta información en español, llame Leila Sanches al (208) 735-7287
Any person(s) needing special accommodations to participate in the above noticed meeting should contact Lisa A. Strickland at (208) 735-7267 at least two (2) working days before the meeting.

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 and address, then commence with their comments. Following their statements, they shall write their name and address 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.**

Proposed New ZDA Section

Will replace the PUD sections in its entirety

10-2-1: DEFINITIONS:

ZONING DEVELOPMENT AGREEMENT: A written commitment by a property owner or developer concerning the use or development of a subject parcel. A Zoning Development Agreement may be required as a condition of rezoning of a subject parcel where a variety of uses may be desired in a preplanned environment with more flexible standards than normally apply to the use of land in a standard zoning district.

10-6-1: ZDA, ZONING DEVELOPMENT AGREEMENT:

10-6-1.1: PURPOSE:

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

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

10-6-1.2: UNDERLYING ZONING DISTRICT:

Each ZDA shall accompany a request to rezone a subject property to one or more underlying zoning districts that comply with the Comprehensive Plan.

10-6-1.3: USE REGULATIONS:

Land uses in a ZDA shall conform to the standards and regulations of the underlying zoning district(s), unless otherwise approved and included within the ZDA.

10-6-1.4: ZDA STANDARDS:

The following property development standards shall apply to all land and buildings in a ZDA:

- (A) Development requirements for each ZDA shall be set forth in the written commitment document and may include, but not be limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, multi-modal transportation access and pathways, screening, landscaping, architectural standards, project phasing or scheduling, management associations, and other requirements as the Planning & Zoning Commission and/or the City Council may deem appropriate.
- (B) The ZDA shall conform to all sections of City Code Title 10 unless specifically addressed in the written commitment document. All applications to the City shall list all requested variations from the standard requirements. Applications without this list may be considered incomplete.
- (C) A ZDA subject parcel shall be a minimum of two (2) acres unless the Planning & Zoning Commission recommends and the City Council finds that property of less than two (2) acres is suitable as a PUD-ZDA by virtue of:

1. Unique character; or
2. In-fill development; or
3. Topography or landscaping features; or
4. Qualifying as an isolated problem area.

10-6-1.5: ZDA CONCEPTUAL DEVELOPMENT PLAN:

A ZDA shall include a Conceptual Development Plan that illustrates the standards contained therein. This plan shall be submitted by the applicant at the time of the zoning and ZDA request. The plan shall show the applicant's intent for the use(s) of the land within the proposed ZDA in a visual manner and be supported by written documentation of proposals and standards for development. Dependent on the nature of the ZDA request, this plan may be submitted as a residential plan, non-residential plan, or a mixed-use combination plan. For a mixed-use development, the plan shall comply with requirements for both the residential and non-residential plans.

- (A) **Residential Conceptual Development Plan** - A Conceptual Development Plan for residential land use shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. The plan may include, but is not limited to, the proposed general land use, streets, thoroughfares, storm drainage, and preliminary lot arrangements. The applicant shall submit text material to further explain the characteristics of the plan, which may include, but shall be not limited to: multi-modal transportation access and pathways, density, building height, screening, landscaped areas, project scheduling, parks and open space, and other pertinent development data. The applicant may also submit renderings or elevations to illustrate proposed architectural standards or requirements.
- (B) **Non-Residential Conceptual Development Plan** - A Conceptual Development Plan for non-residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. The applicant shall also submit text material to further explain the characteristics of the plan. The plan and text material may include, but is not limited to, the types of use(s), topography and boundary of ZDA subject parcel, the size, type and location of buildings and building sites, proposed ingress and egress, physical features of the site, existing streets, storm water management, alleys and easements, location of future public facilities, multi-modal transportation access and pathways, building height and location, parking, landscaping, screening, project scheduling and other information to adequately describe the proposed development and to provide data for approval that is to be used in preparing the final development plan(s). The applicant may also submit renderings or elevations to illustrate proposed architectural standards or requirements.

10-6-1.6: CONFORMANCE TO THE CONCEPTUAL DEVELOPMENT PLAN:

Final development plans, including plats, construction plans, and/or site plans, submitted for the development of the ZDA subject parcel shall conform to the approved Conceptual Development Plan. Details on the final development plan(s) with minor variations from the Conceptual Development Plan may be approved by the Administrator, or designated City official without public hearing. If it is determined that a proposed change(s) does not conform to the Conceptual Development Plan and/or the development standards ~~in one (1) or more of the following ways~~, the ZDA written commitment document shall be adequately amended, using the initial approval process contained herein, prior to approval of the final development plan(s). Changes to any of the following items constitute a departure from the Conceptual Development Plan and/or development standards, thus changing the basic relationship of the proposed development to the adjacent property:

- ~~(A) the basic relationship of the proposed development to adjacent property,~~
- (B)(A) _____ the permitted uses,
- (C)(B) _____ increase in density,
- (D)(C) _____ increase in building height,
- (E)(D) _____ increase in building coverage of the site,
- (F)(E) _____ reduction in the off-street parking ratio,

- (G)(F) _____ reducing the building setbacks provided at the boundary of the site,
- (H)(G) _____ ~~significantly alter reduction of~~ any open space plans, or
- (H)(H) _____ ~~Significantly a~~Alter the overall design theme, ~~major primary~~ architectural elements, or building materials.

10-6-1.7: PROCEDURE:

- (A) Any applicant requesting approval of a ZDA shall schedule a pre-submittal meeting with the Administrator, or his/her designee.
- (B) The procedure for establishing a ZDA shall follow the procedure for zoning map amendments as set forth in City Code 10-14 with the following addition. The Planning & Zoning Commission shall complete a preliminary review of the proposed Conceptual Development Plan at a meeting prior to the public hearing for a zoning district and zoning map amendment.
- (C) Each ZDA written commitment document shall be signed and notarized by the property owner(s) and shall include the following:
1. A legal description of the ZDA subject parcel boundary, including legal descriptions of each underlying zoning district, if multiple underlying districts are included.
 2. A statement as to the purpose and intent of the ZDA.
 3. A list of the ZDA development requirements that vary from the standard development requirements of the underlying zoning district.
 4. A Conceptual Development Plan.
 5. An expected development schedule. If no development has occurred on the ZDA subject parcel within the time identified, the Planning & Zoning Commission and City Council may review the original ZDA development requirements and Conceptual Development Plan to ensure their continued validity. If the City determines the concept is no longer valid, then:
 - a. The City may initiate a process to change the zoning classification, or
 - b. New ZDA development requirements and/or a new Conceptual Development Plan may be required to be approved prior to the City issuing a building permit for any portion of the ZDA subject parcel.
 6. A statement, signed by the property owner(s) and notarized, indicating a commitment to develop the subject parcel in conformance with the ZDA.
- (D) The City Council shall not adopt an ordinance rezoning the subject parcel until the property owner/developer has submitted a complete and signed ZDA written commitment document. The signed ZDA written commitment document shall be attached as an exhibit to the rezoning ordinance and recorded in the office of the County Recorder.
- (E) Approval of a ZDA shall be based on the following standards:
1. The proposed uses shall not be detrimental to any surrounding uses; nor shall they be detrimental to the health, safety and general welfare of the public.
 2. Any variation from the underlying zoning district development requirements must be warranted by the design and amenities incorporated in the conceptual development plan.
 3. The underlying zoning district and the Conceptual Development Plan shall conform to the Comprehensive Plan.

4. Existing and/or proposed streets and utility services must be suitable and adequate for the proposed development.

10-7-17: WIRELESS COMMUNICATIONS FACILITIES:

(A) Regulations:

1. Use: The placement, use or modification of any wireless communication facility is subject to the provisions of this section.
 - a. Residential zones: New freestanding towers are prohibited. Wireless communication facilities attached to utility poles, existing towers or facades attached to nonresidential buildings are permitted subject to the provisions of this section.
 - b. Nonresidential zones: Lattice towers are prohibited. Other wireless communication facilities are permitted subject to the provisions of this section.
2. Preferred Locations And Facility Types:
 - a. Site Selection Criteria: A master development plan is to be created, prior to any wireless communication facility permit request, based upon engineering constraints and desired areas of service. Wireless communication facilities shall be located on a master development plan in the following priority order:
 - (1) Collocation on an existing tower, structure or building. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate as described in this section.
 - (2) Publicly owned property.
 - (3) Other nonresidential buildings or vacant nonresidentially zoned land.
 - b. Priority Order: Facility types are preferred in the following priority order:
 - (1) Roof mounted.
 - (2) Facade mounted.
 - (3) Utility pole mounted.
 - (4) Freestanding.
3. Collocation: Collocation is considered to be a visually unobtrusive installation method because the equipment is attached to an existing structure. Collocation of a wireless communication facility shall require only approval of the administrator.
4. New Freestanding Towers: No new tower shall be permitted unless the applicant demonstrates that no existing tower or structure can accommodate the applicant's proposed wireless communication facility. Evidence submitted to demonstrate the unavailability of other towers or structures shall address all of the following:

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

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

5. Prohibitions: The following are prohibited or restricted:

a. Lattice towers are prohibited.

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

c. Freestanding towers within residentially zoned areas are prohibited.

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

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

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

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

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

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

5. Certification from the applicant's engineer that collocation of additional antennas for at least one additional provider is possible on the proposed pole, and a signed and notarized statement by the applicant agreeing to accommodate collocation of additional antennas on the tower and that the applicant agrees to enter into leases with other providers allowing use of the tower at a monthly lease rate not to exceed one-half ($\frac{1}{2}$) the capital cost of the tower, excluding the equipment to be used exclusively by the applicant, paid over fifteen (15) years

at (7 percent interest) an interest rate not to exceed the Dow Jones twenty (20) year bond index, as published by the Wall Street Journal thirty (30) days prior to the lease date, plus one-half ($\frac{1}{2}$) the land lease. The maximum monthly lease rate shall be included in the application.

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

(C) Standards:

1. Roof Mounted:

- a. Height: Roof-mounted wireless communications facilities may extend above the highest portion of the roof, including parapet walls, by a distance equal to its distance to the nearest exterior wall. The maximum height for any roof-mounted facility, including the building, shall be one hundred feet (100'). (Ord. 2700, 7-16-2001)
- b. Setback: Roof-mounted wireless communications facilities shall be set back from the edge of the building the height of the antenna and support system.
- c. Lighting: Lighting of antennas or support structures shall be prohibited except as required by the FAA.

2. Facade Mounted:

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

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

Should Facade Mounted antenna's have a different requirement than Monopole and Utility Poles?

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

3. Utility Pole Mounted:

- a. Height: Maximum height of one hundred thirty three percent (133%) of the height of the original utility pole or an additional fifteen feet (15'), whichever is greater.
- b. Lighting: Lighting of antennas or support structures shall be prohibited except as required by the FAA.
- c. Attachment: ~~The antenna shall be either fully concealed within the utility pole or face~~

~~mounted (not to exceed 18 inches from the face of the pole). Standoffs and amps platforms are prohibited.~~

6' Standoffs are now very common throughout town. We could assume it is the industry standard at this point. Should it be our standard for the future?

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

e. Equipment Enclosures: Aboveground equipment enclosures on utility poles in the right of way shall not exceed twelve (12) cubic feet in volume and shall be constructed so as to minimize their visual impact. Aboveground equipment enclosures off the right of way shall meet building line setbacks in the underlying district, and shall be finished to blend in with the surrounding area. If a security fence is installed, landscaping and screening shall be installed to visually screen the aboveground equipment enclosure. Landscaping and screening shall consist of a combination of trees, foliage and shrubs of dense spacing in the form of either: 1) a screening wall or fence surrounded by a five foot (5') wide landscape planter; or 2) a ten foot (10') wide landscape planter without a screening wall or fence. All landscaping shall be watered, fertilized and maintained as necessary. All dead plantings shall be replaced within thirty (30) days.

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

4. Freestanding:

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

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

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

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

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

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

by the FAA.

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

- (D) Modification: Modification to any existing wireless communication facility, which includes construction involving the replacement of support structure apparatus, antennas or any exterior alteration, shall comply with all the requirements of this chapter.
- (E) Abandonment: Upon abandonment or discontinuation of use, the carrier shall physically remove the wireless communication facility within ninety (90) days of the date of abandonment or discontinuation of use, and restore the site to its original condition. The carrier shall provide to the city, prior to issuance of a permit, a performance bond in the amount of twenty thousand dollars (\$20,000.00) or a bond equal to a written estimate from a qualified tower removal contractor to guarantee that the facility will be removed when no longer in use. The city shall be named as an obligee in the bond and must approve the bonding company. (Ord. 2850, 2-21-2006)