



NOTICE OF AGENDA
PUBLIC MEETING/WORK SESSION
Twin Falls City Planning & Zoning Commission
April 5, 2017 12:00PM
Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Danielle Dawson Tom Frank Kevin Grey Darren Hall Craig Hawkins Gerardo "Tato" Muñoz Ed Musser
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

-
- I. CALL MEETING TO ORDER:**
1. Confirmation of quorum
 2. Introduction of staff
- II. CONSENT CALENDAR**
1. Approval of Minutes from the following meeting(s): 03-28-17 PH
 2. Approval of Findings of Fact and Conclusions of Law:
 - Cindy Bond (03-28-17 SUP) • Forrest LeBaron (SUP 03-28-17 SUP)
- III. DISCUSSION ITEMS FROM THE COMMUNITY DEVELOPMENT STAFF AND/OR THE PLANNING & ZONING COMMISSION:**
1. General Commission training
- IV. GENERAL PUBLIC INPUT:**
- V. UPCOMING PUBLIC MEETINGS (held at the City Council Chambers unless otherwise posted):**
1. Public Hearing – Tuesday, [April 11, 2017](#)
- VI. ADJOURN MEETING:**

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.**



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
March 28, 2017 6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Danielle Dawson Tom Frank Kevin Grey Darren Hall Craig Hawkins Gerardo "Tato" Muñoz Ed Musser
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

ATTENDANCE

CITY LIMIT MEMBERS

PRESENT

Frank
Grey
Hall
Hawkins
Muñoz
Musser

ABSENT

Dawson

AREA OF IMPACT MEMBERS

PRESENT

Higley
Woods

ABSENT

CITY STAFF: Carraway-Johnson, O'Connor, Spendlove, Strickland, Vitek

I. CALL MEETING TO ORDER:

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.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): 03-14-17 PH
2. Approval of Findings of Fact and Conclusions of Law:
 - CapEd (SUP 03-14-17) Legg (SUP 03-14-17)
 - Allen (SUP 03-14-17) Premier Automotive (SUP 03-14-17)

Motion:

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

Unanimously Approved

III. ITEMS OF CONSIDERATION:

1. Preliminary presentation for a **Zoning District Change and Zoning Map Amendment** from R-4 and R-4 PUD to R-6 ZDA for 4.02 (+/-) acres to develop a planned 4-Plex development on property located on the south side of the 1800 Block of Elizabeth Boulevard. c/o Gerald Martens (app. 2856)

Applicant Presentation:

Dave Thibault, EHM Engineers, Inc. representing the applicant explained on the overhead the location of this property and stated this will be a development under a ZDA and the primary reason for the request is to allow multiple units to be constructed on one lot. It will be a development owned by one entity and the ZDA process allows the applicant to change some of the zoning requirements. They would like to allow for more open space, setback adjustments and multiple units on one lot without the need to subdivide.

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Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated This area was first platted as the Snyder Tract in September 1907. In April 2007, a majority of the land in this application comes under the Tuscarora PUD #244, which currently guides that area's zoning, and land use. Currently has one (1) Residence at 1866 Elizabeth Blvd, while the rest of the land is vacant. The request will supersede previous zoning and change the it from R-4 PUD to R-6 ZDA.

This is a preliminary presentation a public hearing regarding this request will be heard at the regularly scheduled Planning and Zoning Commission public meeting [Tuesday, April 11, 2017](#). Further staff analysis will be provided at that time. Staff makes no recommendation at this time.

PZ Questions/Comments:

Commissioner Grey asked for elevations of the buildings to be provided at the public hearing. Mr. Thibault confirmed he will provide elevations.

Public Hearing: [Opened](#)

Mike Neal, 1872 Elizabeth Blvd, has questions and concerns about how they plan to isolate and or provide a barrier from his property from this development with the access going in and out of this development along the east side of his property. He also asked where the canal is located.

Public Hearing: [Closed](#)

Closing Statement:

Mr. Thibault stated they are proposing to have 5' landscape buffer and there will be some consideration for a fence to delineate the two properties. He explained on the overhead the location of the canal. The traffic volumes will be less for phase I but at total build out there will be approximately 68 units once complete. They are willing to address the issues brought up by Mr. Neal. It is an infill project and will have an impact on the surrounding properties.

IV. PUBLIC HEARINGS:

1. Request for a [Special Use Permit](#) to construct an 8,400 sq. ft. detached accessory building/equestrian arena on property located at 3401 Canyon Ridge Drive West in the City's Area of Impact. [c/o Cindy Bond](#) (app. 2849)

Applicant Presentation:

Cindy Bond, the applicant, stated she is here to request a Special Use Permit for a riding arena. She is surrounded by small acreages that are primarily horse properties. Riding horses is her hobby and she would like a place to ride and work with the horses in a covered arena. The colors will match the existing house and barn. The arena is approximately 60x120 feet with a 10' overhang. This will not be a commercial venture and will be privately used. There will be lights in the arena with one exterior light for safety and they will only be on when she is out riding.

Staff Presentation:

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Planner I O'Connor reviewed the request on the overhead and stated 3401 Canyon Ridge Drive W consists of the W1/2 of the W1/2 of Lots 10 and 12 in the Shoshone Falls Orchard Subdivision, which was recorded in May 1916. The previous owners split the original lots over time and when the applicant purchased the land in January 1996 the two W1/2s of the W1/2s of Lots 10 and 12 were purchased together. The applicant built a single-family residence in 1996; the Certificate of Occupancy was issued in June 1996. An 800 sf detached accessory building was also built and finalized in July 1996.

This is a request to construct an 8400 sf (70' x 120') detached accessory building for personal use as a covered equestrian arena. The applicant is applying for an SUP due to the size of the detached accessory building being larger than 1500 sq. ft. large detached accessory buildings are common in the SUI zone for a variety of purposes and therefore staff has deemed this an appropriate use for the zone.

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for Rural Residential. This zone is described as having characteristics, which allow large open lots with a single residential unit and possibly some minor agricultural uses. This zone is generally not served by city services, and provides a transition from rural open land to increasingly more dense zones of a city. Staff has deemed this request to be in compliance with the 2016 comprehensive plan.

Per City Code 10-4-2: SUI Zoning District

A Special Use Permit is required for any detached accessory building larger than 1500 sq. ft.

Per City Code 10-11-1 thru 8: Required Improvements

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

The applicant does not anticipate any impacts to the surrounding area due to most properties surrounding the applicant lot having similar uses and animals as well. There is no mention of installing lighting either within the covered arena or outside. If lighting is installed outside, it should be downward facing and/or shielded. Staff does not anticipate an increase in negative impacts to the area.

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.
2. Subject to construction of the detached accessory building to be consistent with the submitted drawings/elevations, as presented.
3. Subject to personal use by the occupant of the home and no commercial activity or residential use within the structure.
4. Subject to outside lighting being downward facing and/or shielded.

PZ Questions/Comments: None

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Public Hearing: **Opened & Closed Without Comments**

Deliberations Followed: **Without Concerns**

Motion:

Commissioner Musser made a motion to approve the request, as presented. Commissioner Higley 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.
 2. Subject to construction of the detached accessory building to be consistent with the submitted drawings/elevations, as presented.
 3. Subject to personal use by the occupant of the home and no commercial activity or residential use within the structure.
 4. Subject to outside lighting being downward facing and/or shielded.
2. Request for the **Vacation** of a 15' x 78.52', 1178 sf, utility and drainage easement between Lots 3 and 4 of the J.E. White Subdivision No. 2 on property located at 985 Beverly Circle. c/o Blue Lakes Place, LLC-Jim Paxton (app. 2850)

Applicant Presentation:

David Thibault, EHM Engineers, Inc., representing the applicant explained the location of the property and stated that the original plat has an easement that is north of the cul-de-sac and they would like to vacate this easement. The easement does not have any utilities in it and has not been used to access utilities.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated 985 Beverly Circle is part of the JE White Subdivision, recorded at Twin Falls County in September 1963. The address first appeared in the Polk Directories, a building could be seen in Aerial Imagery, in 1969.

This is a request to vacate a 15' x 78.52', 1178 sf, utility and drainage easement between Lots 3 and 4 of the J.E. White Subdivision No. 2. The Applicant is requesting the easement vacation in order to adjust the lot lines, with the intent of constructing a commercial building. The building will be utilized as a retail showroom and warehousing for the applicant's business. There are no utilities or facilities in or around the subject easement, and all utility providers and the Twin Falls Canal Company have agreed to vacate the easement.

Senior Planner Spendlove stated up on conclusion should the Commission recommend to the City Council, this request be granted as presented, staff recommends approval be subject to the following conditions:

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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: None

Public Hearing: Opened

Mr. Paxton, the applicant, explained that he has acquired property in this location over the years and would like for this to be approved so that he can make improvements to the area.

Public Hearing: Closed

Deliberations Followed: Without Concerns

Motion:

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

Recommended For Approval To The City Council, 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 April 24, 2017

3. Request for a **Special Use Permit** to expand an existing storage unit rental facility on property located at 2716 Addison Avenue East. Addison Storage Facility c/o Forrest LeBaron (app. 2851)

Applicant Presentation:

Forrest LeBaron, the applicant, stated that he has a storage facility at this location. The property where the expansion is going had to be rezoned. The rezone has been completed and they are ready to expand. They are at 88% capacity with approximately 10 cars coming to the site daily.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated Ordinance 2012 was passed in 1981, it created the zoning districts we currently use, and zoned various properties within City Limits. Zoning designations were assigned at that time, or when areas were annexed. This lot is identified as Twin Falls Acres Inside, which makes this one of the older lots located within city limits. This corridor was originally zoned with a 600' in depth C-1 zoning – still existing today.

The first appearance of this address in the Twin Falls City Polk Directory was in 1988 as what appears to be a residence, and the remaining property to the south was likely used as agricultural land. The applicant purchased this property in 2014 and soon thereafter began the process of submitting construction plans for the north half of the parcel establishing Addison Secure Storage. The original SUP 1346 for Addison Secure Storage was approved on January 15th, 2015. A portion of the remaining property was rezoned to C-1 in January 2017. The applicant is returning today requesting another SUP to expand his storage unit facility to include the newly rezoned area.

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This is a request to expand an existing storage unit rental facility. Currently the applicant operates Addison Secure Storage, and has developed Phase 1-3 of 7 proposed phases. According to the phasing plan approval of this SUP will allow the applicant to develop phases 4-7, now that that portion of the property is zoned C-1. The applicant submitted the phasing plan per the conditions set for SUP 1346. The expansion of this storage unit rental facility is what was planned when Addison Secure Storage was granted SUP 1346 and the building plans identified this area as a “proposed future expansion”.

There is a minimum 25' TF Canal Easement along the southern boundary of this property that was not rezoned to C-1. This area shall have screening and/or landscaping along the C-1 zone line. The R-2 property shall remain undeveloped. The applicant has stated, in conversations with staff, the undeveloped R-2 zone will be utilized as farmable land possibly for a variety of berries.

The 2016 Comprehensive Plan; “Grow With Us” designates this corridor as appropriate for “Neighborhood Commercial.” Neighborhood Commercial is described as providing supporting service and small scale commercial for and complementary to the surrounding neighborhood. Though there is a conflict with the scale of this development, in that it is a sizeable operation for rental storage units, Staff has determined the expansion of Addison Secure Storage complies with the 2016 comprehensive plan. This is due to the following reasons; 1) the small scale and limited visual impact this development has and 2) it provides a “supporting service” to the surrounding neighborhoods. The access off Addison Ave E. appears as residential and there is no other access to the development.

Per City Code 10-4-8:

A Special Use Permit is required for a storage unit rental facility in the Commercial Highway District.

Per City Code 10-11-1 thru 8:

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

Staff has not received any complaints since Addison Secure Storage opened. The applicant has stated his desire to maintain the look and feel of the current operation and does not plan to deviate away from this model. The anticipated daily visits will be approximately 10-15 vehicles per day, and the applicant does not anticipate any increase in noise or glare from the expansion of storage units. Staff, does not anticipate negative impacts that could be detrimental to the surrounding area.

Planner I O’Conner 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.
2. Subject to all lighting being downward facing and not to encroach onto surrounding properties.
3. Subject to no “temporary” or off-site rental units being stored on this property.
4. Subject to all storage units located on the property being the same color hue.
5. Subject to no vertical stacking of units allowed.

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6. Subject to required screening material being approved by City Staff prior to installation.
7. Subject to required trash receptacle plan, including screening materials, being approved by City Staff prior to installation.
8. Subject to no outside storage of vehicles or RV trailers being parked on the premises longer than 24 consecutive hours.
9. Subject to a 6' fence with slating along the R-2 and C-1 boundary be installed prior to any storage units being placed on the property.

PZ Questions/Comments:

- Commissioner Munoz asked about water retention for the site.
- Senior Planner Spendlove, explained the water retention is designed to drain under the units.
- Commissioner Munoz asked for clarification on the condition #8.
- Senior Planner Spendlove, explained that that would be a different type of land use and it would have to be addressed through a different process.
- Commissioner Woods asked about the possibility of things being stored taller than the storage units.
- Senior Planner Spendlove explained these are all closed units and this is not an open storage yard.
- Commissioner Hall asked about fire access for fire trucks.
- Senior Planner Spendlove explained that this would be reviewed at the time of building permit. He also clarified that in the first phase of the project there were some issues with lighting that have been addressed and the City has not received any more complaints about the lighting.

Public Hearing: [Opened](#)

Brent Jussel, 935 Meadowview Lane, explained that his neighborhood has an open fence convenience. There has not been a noise impact from this development, there were complaints about the lighting which have mostly been resolved. He stated that a taller fence would have mitigated some of the lighting issues. The neighbors have not had an issue with noise but lighting is still a concern. They would also like to request that a fence be installed before the expansion begins.

Public Hearing: [Closed](#)

Closing Statement:

Mr. LeBaron explained this is the first time he has heard about other lighting issues. The units are 8' tall so they do rise above the fence. Along the east line of the property there is currently a 6' screening fence as well as on the other side. The lights are downward facing and he does understand the concerns. He is now aware of the lighting issue and is willing to work with the Mr. Jussel concerning the lights.

Deliberations Followed:

- Commissioner Hall asked about how tall the lights are currently.
- Planner Spendlove explained that the lighting is attached approximately 8' from the ground on approximately every other. The units should shield the lighting from adjacent properties.
- Commissioner Munoz asked that the citizen contact the applicant when there are issues so that concerns can be addressed sooner.
- Commissioner Woods explained all lights are not created equal possibly the type of light could be considered because each type gives off a different hue.

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Motion:

Commissioner Woods made a motion to approve the request, as presented. Commissioner Musser seconded the request. 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.
2. Subject to all lighting being downward facing and not to encroach onto surrounding properties.
3. Subject to no "temporary" or off-site rental units being stored on this property.
4. Subject to all storage units located on the property being the same color hue.
5. Subject to no vertical stacking of units allowed.
6. Subject to required screening material being approved by City Staff prior to installation.
7. Subject to required trash receptacle plan, including screening materials, being approved by City Staff prior to installation.
8. Subject to no outside storage of vehicles or RV trailers being parked on the premises longer than 24 consecutive hours.
9. Subject to a 6' fence with slating along the R-2 and C-1 boundary be installed prior to any storage units being placed on the property.

V. GENERAL PUBLIC INPUT: None

VI. ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

Zoning & Development Manager Carraway reminded the Commission the next work session is training from the City Attorney Wonderlich.

VII. UPCOMING PUBLIC MEETINGS: (held at the City Council Chamber unless otherwise posted)

1. Work Session- **April 5, 2017 (Training)**
2. Public Hearing- **April 11, 2017**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 6:54 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



BEFORE THE PLANNING & ZONING COMMISSION OF THE CITY OF TWIN FALLS

In Re:)
)
Special Use Permit, Application,) FINDINGS OF FACT,
)
) CONCLUSIONS OF LAW,
Cindy Bond)
Applicant(s)) AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on March 28, 2017 for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of constructing an 8,400 sq. ft. detached accessory building/equestrian arena on property located at 3401 Canyon Ridge Drive West in the City's Aol, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Special Use Permit for the purpose of constructing an 8,400 sq. ft. detached accessory building/equestrian arena on property located at 3401 Canyon Ridge Drive West in the City's Aol
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: March 9, 2017
3. The property in question is zoned SUI Aol pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Rural Residential in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, Canyon Ridge Drive West/Residential; to the south, Residential; to the east, Residential; and to the west, Residential.

Based on the foregoing Findings of Fact, the Planning and Zoning Commission hereby makes the following:

CONCLUSIONS OF LAW

1. The application for a Special Use Permit for the purpose of constructing an 8,400 sq. ft. detached accessory building/equestrian arena on property located at 3401 Canyon Ridge Drive West in the City's Aol is consistent with the purpose of the SUI Aol Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use does constitute a special use as established by zoning requirements for the zone involved as required by Twin Falls City Code 10-13-2.2(D)1.

3. The proposed use will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations as required by Twin Falls City Code 10-13-2.2(D)2

4. The proposed use 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 as required by Twin Falls City Code 10-13-2.2(D)3.

5. The proposed use will not be hazardous or disturbing to existing or future neighboring uses as required by Twin Falls City Code 10-13-2.2(D)4.

6. The proposed use 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 as required by Twin Falls City Code 10-13-2.2(D)6.

7. The proposed use 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 as required by Twin Falls City Code 10-13-2.2(D)7.

8. The proposed use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares as required by Twin Falls City Code 10-13-2.2(D)8.

9. The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance as required by Twin Falls City Code 10-13-2.2(D)9.

10 The proposed use is a proper use in the SUI Aol Zone, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

11. The application for a Special Use Permit for the purpose of constructing an 8,400 sq. ft. detached accessory building/equestrian arena on property located at 3401 Canyon Ridge Drive West in the City's Aol should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls City Planning and Zoning Commission hereby enters the following

DECISION

1. The application for a Special Use Permit for the purpose of constructing an 8,400 sq. ft. detached accessory building/equestrian arena on property located at 3401 Canyon Ridge Drive West in the City's Aol is hereby granted, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

3. The Special Use Permit shall be issued, as presented.

DATE

"EXHIBIT NO. A"

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.
2. Subject to construction of the detached accessory building to be consistent with the submitted drawings/elevations, as presented.
3. Subject to personal use by the occupant of the home and no commercial activity or residential use within the structure.
4. Subject to outside lighting being downward facing and/or shielded.

APPLICATION #2849
SUP# 1426



**CITY OF TWIN FALLS
PLANNING AND ZONING DEPARTMENT**

324 Hansen Street East
P.O. Box 1907
Twin Falls, Idaho 83303-1907

SPECIAL USE PERMIT

Permit No.1426

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on March 28, 2017 to Cindy Bond whose address is 3401 Canyon Ridge Drive West Twin Falls, ID 83301 for the purpose of constructing an 8,400 sq. ft. detached accessory building/equestrian arena on property located at 3401 Canyon Ridge Drive West in the City's Aol and legally described as Twin Falls Shoshone Falls Orchard W ½ W ½, Exc W .08A Lot 10; W ½ W ½ Lot 12 (1-10-17 NW SE)RPO7901000010HA

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

This permit corresponds to Zoning Application No.2849

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.
2. Subject to construction of the detached accessory building to be consistent with the submitted drawings/elevations, as presented.
3. Subject to personal use by the occupant of the home and no commercial activity or residential use within the structure.
4. Subject to outside lighting being downward facing and/or shielded.

CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

This permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

Please contact the Building Department at 735-7238 for further information.

cc: Building Inspection



BEFORE THE PLANNING & ZONING COMMISSION OF THE CITY OF TWIN FALLS

In Re:)
)
Special Use Permit, Application,) FINDINGS OF FACT,
)
) CONCLUSIONS OF LAW,
Addison Secure Storage)
Forrest LeBaron) AND DECISION
Applicant(s))

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on March 28, 2017 for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of expanding an existing storage unit rental facility on property located at 2716 Addison Avenue East, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Special Use Permit for the purpose of expanding an existing storage unit rental facility on property located at 2716 Addison Avenue East,
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: March 9, 2017
3. The property in question is zoned C-1 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Town Neighborhood in the duly adopted Comprehensive Plan of the City of Twin Falls.

4. The existing neighboring land uses in the immediate area of this property are: to the north, Addison Avenue East/Agricultural Use; to the south, Agricultural/Canal/Residential; to the east; Agricultural Use; and to the west, Commercial Use.

Based on the foregoing Findings of Fact, the Planning and Zoning Commission hereby makes the following:

CONCLUSIONS OF LAW

1. The application for a Special Use Permit for the purpose of expanding an existing storage unit rental facility on property located at 2716 Addison Avenue East, is consistent with the purpose of the C-1 Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use does constitute a special use as established by zoning requirements for the zone involved as required by Twin Falls City Code 10-13-2.2(D)1.

3. The proposed use will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations as required by Twin Falls City Code 10-13-2.2(D)2

4. The proposed use 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 as required by Twin Falls City Code 10-13-2.2(D)3.

5. The proposed use will not be hazardous or disturbing to existing or future neighboring uses as required by Twin Falls City Code 10-13-2.2(D)4.

6. The proposed use 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 as required by Twin Falls City Code 10-13-2.2(D)6.

7. The proposed use 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 as required by Twin Falls City Code 10-13-2.2(D)7.

8. The proposed use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares as required by Twin Falls City Code 10-13-2.2(D)8.

9. The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance as required by Twin Falls City Code 10-13-2.2(D)9.

10 The proposed use is a proper use in the C-1 Zone, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

11. The application for a Special Use Permit for the purpose of expanding an existing storage unit rental facility on property located at 2716 Addison Avenue East, should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls City Planning and Zoning Commission hereby enters the following

DECISION

1. The application for a Special Use Permit for the purpose of expanding an existing storage unit rental facility on property located at 2716 Addison Avenue East, is hereby granted, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

3. The Special Use Permit shall be issued, as presented.

CHAIRMAN- TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

"EXHIBIT NO. A"

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.
2. Subject to all lighting being downward facing and not to encroach onto surrounding properties.
3. Subject to no "temporary" or off-site rental units being stored on this property.
4. Subject to all storage units located on the property being the same color hue.
5. Subject to no vertical stacking of units allowed.
6. Subject to required screening material being approved by City Staff prior to installation.
7. Subject to required trash receptacle plan, including screening materials, being approved by City Staff prior to installation.
8. Subject to no outside storage of vehicles or RV trailers being parked on the premises longer than 24 consecutive hours.
9. Subject to a 6' fence with slating along the R-2 and C-1 boundary be installed prior to any storage units being placed on the property.

APPLICATION #2851
SUP# 1427



**CITY OF TWIN FALLS
PLANNING AND ZONING DEPARTMENT**

324 Hansen Street East
P.O. Box 1907
Twin Falls, Idaho 83303-1907

SPECIAL USE PERMIT

Permit No.1427

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on March 28, 2017 to Addison Secure Storage c/o Forrest LeBaron whose address is 2716 Addison Avenue East Twin Falls, ID, 83301 for the purpose of expanding an existing storage unit rental facility on property located at 2716 Addison Avenue East and legally described as Twin Falls Acres Inside Tax #1120, Exc Tax #1682 & Exc N 6' In NW NE (14-10-17) RPT00107140622A

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

This permit corresponds to Zoning Application No.2851

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.
2. Subject to all lighting being downward facing and not to encroach onto surrounding properties.
3. Subject to no "temporary" or off-site rental units being stored on this property.
4. Subject to all storage units located on the property being the same color hue.
5. Subject to no vertical stacking of units allowed.
6. Subject to required screening material being approved by City Staff prior to installation.
7. Subject to required trash receptacle plan, including screening materials, being approved by City Staff prior to installation.
8. Subject to no outside storage of vehicles or RV trailers being parked on the premises longer than 24 consecutive hours.
9. Subject to a 6' fence with slating along the R-2 and C-1 boundary be installed prior to any storage units being placed on the property.

CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

This permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

Please contact the Building Department at 735-7238 for further information.

cc: Building Inspection

PLANNING AND ZONING TRAINING

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 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 date 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>