



Twin Falls Planning & Zoning Commission Agenda

Tuesday, February 11, 2020, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

Council Chambers

Members -

City Limits: Danielle Titus, Chairperson; Craig Kelley, Vice-Chair; Ed Musser; Carolyn Bolton; Curtis Hansen; Marilu Perez

Area of Impact: Ryan Higley; David Detweiler

- 1) Confirmation of Quorum/Call Meeting to Order
- 2) Consent Calendar
 - a) **ACTION ITEM:** Approval of minutes from the following meeting: January 28, 2020
- 3) Items of Consideration
 - a) **INFORMATIONAL:** Preliminary Presentation for a Zoning District Change & Zoning Development Agreement from C-1 PUD to C-1 ZDA for the Westpark Subdivision No. 11 c/o EHM Engineers, Inc. on behalf of Bach Homes. (PZ20-0001)
By: Jonathan Spendlove
- 4) Public Hearings
 - a) **ACTION ITEM:** Request for a Zoning District Change & Zoning Development Agreement from C1 & CRO PUD to Twin Falls County West Annex C1 & CRO ZDA for property located at 630 Addison Avenue West c/o Bob Beer on behalf of Twin Falls County (PZ19-0167).
By: Brock Cherry, City Planner
 - b) **ACTION ITEM:** Request for a Zoning District Change and Zoning Development Agreement from SUI & CRO PUD to Molivia SUI & CRO ZDA for 95.75 acres (+/-) on property located at 2746 4200 N c/o EHM Engineers, Inc. on behalf of Molivia, LLC (PZ19-0165)
By: Brock Cherry, City Planner
 - c) **ACTION ITEM:** Request for a Zoning Title Amendment to repeal and replace City Code 10-8-4, 10-8-5, and 10-17-3 Administration and Enforcement Regulations c/o City of Twin Falls Planning and Zoning Department (PZ20-0002).
By: Jonathan Spendlove, PZ Director
- 5) Upcoming Meeting(s)
 - a) Monday, February 24 - Joint Worksession with City Council (Title 10 Code Rewrite)
Tuesday, February 25
- 6) Adjournment

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

CITY OF TWIN FALLS

PLANNING & ZONING COMMISSION

Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor or Chair shall review the public hearing procedures.
 2. Individuals wishing to testify or speak before the City Council or Planning & Zoning Commission shall wait to be recognized by the Mayor or Chair, approach the microphone/podium, state their name, and then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.
 3. A City Staff Report shall summarize the application and history of the request.
 4. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The 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.**
 5. Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor or Chairman.
 6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.
 7. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chair may limit public testimony to no less than two (2) minutes per person.
 - **Individuals are not permitted to give their time to other speakers.**
 - **However, five (5) or more individuals that received written notice of the public hearing may appoint, by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the Mayor or Chair. The spokesperson shall be limited to 15 minutes.**
 - **Written comments, including e-mail, received by 12:00 p.m. on the date of the hearing shall be either read into the record or displayed to the public on the overhead projector.**
 8. Following the Public Testimony, the applicant is permitted five (5) minutes to respond.
 9. Following the Public Testimony and Applicant's response, Council or Commission members, as recognized by the Mayor or Chair, shall be allowed to question the Applicant, Staff or anyone who has testified. Responses shall be limited to answering the questions asked. The Mayor or Chair may limit the time permitted for the answer.
 10. The Mayor or Chair shall close the Public Hearing. The City Council or Planning & Zoning 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 Mayor or Chairman.



Twin Falls Planning & Zoning Commission Minutes

Tuesday, January 28, 2020, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301
Council Chambers

Members -

City Limits: Danielle Titus, Chairperson; Craig Kelley, Vice-Chair; Ed Musser; Carolyn Bolton; Curtis Hansen; Marilu Perez

Area of Impact: Ryan Higley; David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Vice Chair Kelley called the meeting to order at 6:00 pm
A quorum was present.

Members Present: *Higley, Bolton, Kelley, Perez, Detweiler, Hansen*

Staff Present: *Spendlove, Cherry, Ebersole, Nope, Vitek*

2) Consent Calendar

Commissioner Hansen made a motion to approve the consent calendar, as presented.
Commissioner Perez seconded the motion.

Consent Calendar approved by a vote of 4-0-2

a) Approval of Minutes from the following meeting: January 14, 2020

3) Items of Consideration

a) Preliminary Presentation for a Zoning District Change and Zoning Development Agreement from SUI & CRO PUD to Molivia SUI & CRO ZDA for property located at 2746 E 4200 N c/o EHM Engineers, Inc. on behalf of Steve Shotwell, Molivia, LLC (PZ19-0165)

Staff Presentation:

PZ Director Spendlove presented the Preliminary Presentation for a Zoning District Change and Zoning Development Agreement from SUI & CRO PUD to Molivia SUI & CRO ZDA for property located at 2746 E 4200 N c/o EHM Engineers, Inc. on behalf of Steve Shotwell, Molivia, LLC (PZ19-0165)

Per Twin Falls City Code 10-6-1.4(E) Approval of a ZDA Sub-District requires a preliminary presentation to the Planning and Zoning Commission for a review of the proposed changes. The Commission is allowed, and may grant the public the ability, to ask questions and give suggestions to applicant about the proposed project during the preliminary presentation. A public hearing shall be held before the Commission for a recommendation to the Council to amend the zoning district and the zoning map, amend with recommendations or deny the request.

This is a preliminary presentation for a request for a Zoning District Change & Zoning Development Agreement from SUI & CRO PUD to Molivia SUI & CRO ZDA for property located

at Parcels RP09S17E300660, RPO23010000010 & RP09S17E310610.

City Code requires that the applicants make a preliminary presentation to the Commission and to the public.

This presentation allows the Commission and the public to become familiar with the proposed planned development project prior to the actual public hearing. The Commission can also give suggestions to the applicants on the project outside of the hearing process. No action is taken at the presentation meeting.

A public hearing regarding this request will be heard at the regularly scheduled Planning and Zoning Commission public meeting February 11th, 2020. Further staff analysis will be provided at that time.

Staff makes no recommendation at this time.

Applicant Presentation:

Tim Vawser, EHM Engineers, representing applicant, presented the preliminary presentation for a Zoning District Change and Zoning Development Agreement from SUI & CRO PUD to Molivia SUI & CRO ZDA for property located at 2746 E 4200 N c/o EHM Engineers, Inc. on behalf of Steve Shotwell, Molivia, LLC (PZ19-0165). This is a proposed development with a subdivision of 80 residential lots.

PZ/Questions & Comments:

- Commissioner Higley asked if this property is hooked to city water and sewer.
- PZ Director Spendlove stated this property is not on city services as it is still outside city limits.

- b) Preliminary Presentation for a request for a Zoning District Change & Zoning Development Agreement from C1 & CRO PUD to Twin Falls County West Annex C1 & CRO ZDA for property located at 650 Addison Ave West. c/o Bob Beer on behalf of Twin Falls County. (PZ19-0167)

Staff Presentation:

City Planner Cherry presented the Preliminary Presentation for a request for a Zoning District Change & Zoning Development Agreement from C1 & CRO PUD to Twin Falls County West Annex C1 & CRO ZDA for property located at 650 Addison Ave West c/o Bob Beer on behalf of Twin Falls County. (PZ19-0167)

Per Twin Falls City Code 10-6-1.4(E) Approval of a ZDA Sub-District requires a preliminary presentation to the Planning and Zoning Commission for a review of the proposed changes. The Commission is allowed, and may grant the public the ability, to ask questions and give suggestions to applicant about the proposed project during the preliminary presentation. A public hearing shall be held before the Commission for a recommendation to the Council to amend the zoning district and the zoning map, amend with recommendations or deny the request.

This is a preliminary presentation for a request for a Zoning District Change & Zoning Development Agreement from C1 & CRO PUD to Twin Falls County West Annex C1 & CRO ZDA for property located at Parcels RPT00107086001, RPT2641000007D & RPT2921003010B.

City Code requires that the applicants make a preliminary presentation to the Commission and to the public. This presentation allows the Commission and the public to become familiar with the proposed planned development project prior to the actual public hearing. The Commission can also give suggestions to the applicants on the project outside of the hearing process. No action is taken at the presentation meeting.

A public hearing regarding this request will be heard at the regularly scheduled Planning and Zoning Commission public meeting February 11th, 2020. Further staff analysis will be provided at that time.

Staff makes no recommendation at this time.

Applicant Presentation:

Bob Beer, representing applicant, presented the preliminary presentation for a request for a Zoning District Change & Zoning Development Agreement from C1 & CRO PUD to Twin Falls County West Annex C1 & CRO ZDA for property located at 650 Addison Ave West. c/o Bob Beer on behalf of Twin Falls County. (PZ19-0167)

4) Public Hearings

- a) Request for a recommendation to City Council to vacate a portion of a public utility, irrigation, and drainage easement on property located at 430 Parkway Circle c/o Dustyn L. Brownlee. (PZ19-0154)

Staff Presentation:

City Planner Cherry presented the Request for a recommendation to City Council to vacate a portion of a public utility, irrigation, and drainage easement on property located at 430 Parkway Circle c/o Dustyn L. Brownlee. (PZ19-0154)

All procedures will follow the process as described in TF City Code: 10-16-1

Vacations & Dedications require a public hearing before the Planning Commission where the public and the applicant will have the opportunity to make a presentation, ask questions, or voice their concerns. The Planning & Zoning Commission will make a recommendation to the City Council that the vacation be granted or it may recommend a modification to the vacation, or it may recommend that the vacation be denied.

The North Park #1 Subdivision was platted in 1976. The easement in question was part of that original plat.

This is a request to vacate a platted utilities, irrigation, and drainage easement within the northern portion of Lot 20, Block 1 in the North Park #1 Subdivision located at 430 Parkway Circle. The purpose of the proposed vacation is to have a greater building envelope for a

detached garage.

The applicant has provided approval letters from all appropriate utility providers, with no objections.

Should the Commission recommend approval to the City Council as presented, staff recommends approval be subject to the following conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.

Applicant Presentation:

Dustyn Brownlee, applicant, presented the request for a recommendation to City Council to vacate a portion of a public utility, irrigation, and drainage easement on property located at 430 Parkway Circle. He would like to build a detached garage on the property.

PZ/Questions & Comments:

- Commissioner Perez asked how the utilities are contacted and asked if all were contacted.
- City Planner Cherry stated the utilities are contacted by letter, and all approval letters have been received.

Public Hearing: Opened and Closed without input

Discussions Followed: without concerns

MOTION: Carolyn Bolton moved for a recommendation to City Council to vacate a portion of a public utility, irrigation, and drainage easement on property located at 430 Parkway Circle c/o Dustyn L. Brownlee. (PZ19-0154).

Commissioner Detweiler seconded the motion.

Unanimously Approved

- b) Request for a Special Use Permit to allow a Home Occupation on property located at 435 Fillmore Street c/o Darcy Thomas. (PZ19-0157)

Staff Presentation:

City Planner Cherry presented the Request for a Special Use Permit to allow a Home Occupation on property located at 435 Fillmore Street c/o Darcy Thomas. (PZ19-0157)

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

Per County Records the primary residence on this property was constructed in 1947.

This is a request to establish a home occupation for a professional dog grooming business on the property located at 435 Fillmore Street within the R-2 Zoning District.

The applicant will operate her business inside her shed just to the west of her residence.

The applicant intends to be with the dogs at all times. All waste will be disposed of promptly. The applicant intends to regularly operate 7 A.M. to 5 P.M. Monday through Friday with an occasional Saturday. The applicant intends to serve approximately two (2) clients every hour.

Letters submitted in favor, none in opposition.

If the Commission approves this request as presented, then staff recommends the following conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.
2. Subject to no more than (4) dogs being on the subject property at one time.

Applicant Presentation:

Darcy Thomas, applicant, presented the request for a Special Use Permit to allow a home occupation on property located at 435 Fillmore Street. She stated she has 20 years of experience and is ready to start own business.

PZ/Questions & Comments:

- Commissioner Hansen asked the applicant the number of dogs she owns. If city code only allows four (4) dogs at a time, how will applicant comply?
- Applicant Thomas stated she has three (3) dogs. She will only service one (1) dog at a time. She stated she will keep in contact with customers to comply with city code requirements.
- Commissioner Detweiler asked the location of grooming business.
- Applicant Thomas stated the business will operate in the shed on the property.

Public Hearing: Opened and Closed without input

Discussions Followed: without concerns

MOTION: Commissioner Higley moved to approve the request for a Special Use Permit to allow a Home Occupation on property located at 435 Fillmore Street c/o Darcy Thomas. (PZ19-0157) Commissioner Detweiler seconded the motion.

Unanimously Approved

- c) Request for a Special Use Permit to allow alcohol beverage sales and consumption on property located at 302 3rd Avenue South c/o Kate Hahn on behalf of Chad Babcock. (PZ19-0158)

Staff Presentation:

City Planner Cherry presented the Request for a Special Use Permit to allow alcohol beverage sales and consumption on property located at 302 3rd Avenue South c/o Kate Hahn on behalf of Chad Babcock. (PZ19-0158)

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal. Per County Records the building housing the proposed use was built in 1995. The subject property was issued a special use permit (SUP #853) for the retail sale of alcoholic beverages when consumed on the premises where sold on property before in 2003. However, because SUP #853 has been inactive for more than a year the use was discontinued.

The current indoor recreation facility (JumpTime), which the proposed use would be accompanying, has been in place since 2017.

This is a request to allow the retail sale of alcoholic beverages when consumed on the premises where sold on property located at 302 3rd Avenue South. The subject property is within the Old Town (O-T) Zoning District.

Per the applicant the purpose of the requested special use permit is to sell beer and wine on the subject property.

The hours of operation for the proposed use are Monday 10:00 AM – 8:00 PM, Tuesday 4:00 PM – 8:00 PM, Wednesday 4:00 PM – 8:00 PM, Thursday 10:00 AM – 8:00 PM, Friday 10:00 AM – 10:00 PM, Saturday 10:00 AM – 10:00 PM, and Sunday 10:00 AM – 10:00 PM.

500 to 1000 customers visit the subject property on a normal week.

If the Commission approves this request as presented, then staff recommends the following conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.

Applicant Presentation:

Kate Hahn, Facility Manager, representing applicant, presented the request for a Special Use Permit to allow alcohol beverage sales and consumption on property located at 302 3rd Avenue South. They are asking for this SUP to grow company and increase revenue. She stated this is a way to help get the parents involved. She stated the Meridian location has not had issues. Wristbands will be worn by customers drinking alcohol, and all customers ordering alcohol will be ID'd.

PZ/Questions & Comments:

- Commissioner Bolton asked if there is food service at the facility.
- Applicant stated there is currently food service.

Public Hearing: Opened and Closed without input**Discussions Followed: without concerns****MOTION:**

Commissioner Hansen moved to approve the request for a Special Use Permit to allow alcohol beverage sales and consumption on property located at 302 3rd Avenue South c/o Kate Hahn on behalf of Chad Babcock. (PZ19-0158)
Marilu Perez seconded the motion.

Unanimously Approved

- d) Request for a Special Use Permit to allow a Commercial Daycare Facility and Preschool on property located at 733 Addison Avenue c/o Jeff Jones on behalf of Joni Schwertfeger-Jones. (PZ19-0161)

Staff Presentation:

City Planner Cherry presented the Request for a Special Use Permit to allow a Commercial Daycare Facility and Preschool on property located at 733 Addison Avenue c/o Jeff Jones on behalf of Joni Schwertfeger-Jones. (PZ19-0161)

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

Per County records the primary building on the property was built in 1948. The building was

most recently used as professional office.

This is a request to for a special use permit to establish a commercial daycare facility and preschool on property located at 733 Addison Avenue. The subject property is located in the R-2 (Residential Single Household) Zoning District with PRO (Professional Office) Overlay.

The applicant plans to operate from 6:00am to 6:00pm Monday through Friday. Two (2) staff members will be present during operating hours.

If the Commission approves this request as presented, then staff recommends the following conditions:

1. Subject to all State and Federal requirements pertaining to the proposed use.

Applicant Presentation:

Jeff and Joni Jones, applicants, presented the request for a SUP a Commercial Daycare Facility and Preschool on property located at 733 Addison Avenue. Denise Johnson, building owner, also presented for the applicant.

The applicants stated they have been in business for nine (9) years serving over 100 children in the Magic Valley. The applicants need to move to a new location as the current building they are in on Addison Ave. is being sold. They stated the hours of operation are Monday-Friday from 6:00 am -6:00 pm. The students are dropped off at various times. They stated the main entrance is off of Addison Avenue, with no entrance on Pierce St. There is now a six foot (6') wooden fence along back of property to block headlights from neighbors. The applicants stated they will landscape per code and put in a fenced area for children to play for 15-30 minutes at a time. The exterior of the building to remain the same.

Denise Johnson, building owner, owns the Fillmore Inn and the property at 733 Addison Avenue. She stated that she is not worried about decrease in the value of neighboring properties, with a day care nearby. She stated the applicants have had no complaints from neighbors during their years in business. She addressed parking off of Pierce St. stating that parking is not allowed. She has no concern of additional noise pollution as there is a school across Addison nearby. She believes this will be a great addition to neighborhood.

PZ/Questions & Comments:

- Commissioner Higley asked how many children will be at the daycare. Does the State set the maximum number of students allowed?
- The applicant stated there are 27 children enrolled at this time.
- Commissioner Higley asked about the location of the playground area.
- The applicant stated they are planning to have playground area in the back of the building, but are not opposed to putting in side yard.
- Commissioner Perez asked if people walk to day care to drop off students.
- The applicant stated they are not aware of how the students are dropped off.
- Commissioner Hansen asked about maximum capacity.
- The applicant stated with the building size and remodel, believes not over 20 students at one time.

Public Hearing: Opened

- Citizen Jan Leutel, 115 Pierce St., stated her opposition to the proposed SUP. She stated she submitted list of 11 neighbors that she is representing. She stated the neighbors are concerned with public safety and that the traffic on Pierce St. and the public alley will be affected. She stated there is no parking allowed on Pierce St. and there is a concern with parents parking in front of their homes. She also stated she has a concern for safety of the driveway on Addison Ave. She stated she does not believe there is not adequate fencing on property for play area. She feels there is a pollution issue for the children with dangerous emissions from Hwy. 93. She also stated a concern for proper sleep for the children, and does not believe this building is good fit for school. She stated that there is a website for the business that states they also have after school care.

Ms. Leutel also stated the neighbors have a concern of loss of property value if there is a day care next door. The neighbors would like to see a business commiserate with the area.

- Citizen Kristen Baker, 102 Fillmore Street, is in favor of this request. She stated she believes the applicant is following all of the rules. She stated that Pierce St does not touch the parking lot and there should be no issue as there is no parking allowed. She addressed the pollution concern: currently there is a school 5 blocks away and there does not seem to be an issue. She addressed real estate value concern by stating she believes this is great for prospective buyers with children and easy to walk to if family lives nearby.

Applicant closing statement:

Applicant Jones addressed the citizens' concerns. They stated they have not had a website since 2011, and there is no afterschool care. The oldest child they serve is six (6) years old. Regarding the noise concerns, there is a city park at end of Pierce St. where children play nearby, so the noise from the children playing will be similar to what is already in the area.

Public Hearing: Closed**Discussions Followed:**

- Commissioner Higley stated his concerns. He does not believe the Professional Overlay was not meant for daycare. He does not believe there is a sufficient area for a playground. He does not believe this is a good fit for the area.
- Commissioner Hansen stated there is a reasonable expectation to follow the law regarding no parking on Pierce St. He stated he is in favor of the request.
- Commissioner Bolton stated she believes there is always a need for good child care. She stated she is in favor of the request.
- Commissioner Perez stated she understands the neighbors' concerns. She is not concerned with additional noise. She compared the traffic to the equivalent of having two additional houses on the street. She does not think there is concrete evidence to prove the property value decrease with the day care.
- Commissioner Detweiler stated his concern is with the parking. He is not sure if this location is the best fit for the business or applicant. He has safety concerns and is worried about traffic back up on Addison Ave. He is not in favor of this request.
- Commissioner Perez stated she believes there will be fencing around side of property

and there is no access from the side on Pierce St.

- Commissioner Bolton stated the check in sheet shows the children are dropped off at different times, so that should help with traffic.
- Commissioner Hansen stated applicant's business is currently on Addison Ave. and is not aware of any complaints brought forward. He believes staggered drop off times will help with traffic. He stated that the commission has never been brought proof of a property value drop with a daycare nearby.
- Commissioner Kelley stated he is in favor of the request and asked if they can put in a condition for parking.
- Commissioner Perez stated the applicant stated they are going to put in landscaping per building code.
- Commissioner Kelley stated the landscaping is already a requirement.
- PZ Director Spendlove stated that the parking concern on Pierce St. is covered in Condition #1. He stated that the commission can condition landscaping.
- City Planner Cherry stated the commission would have to put a condition for the location of the landscaping.
- Commissioner Detweiler stated his biggest concern is the front area on Addison Avenue. He would like a buffer of landscaping along front or fencing.
- Commissioner Higley does not want anything to obstruct view.
- City Planner Cherry stated he has spoken to applicant about landscaping.
- Commissioner Bolton stated she does not see the space available to dictate noise buffers.

MOTION: Commissioner Hansen moved to approve the request for a Special Use Permit to allow a Commercial Daycare Facility and Preschool on property located at 733 Addison Avenue c/o Jeff Jones on behalf of Joni Schwertfeger-Jones. (PZ19-0161)
Marilu Perez seconded the motion.

Request Approved by a vote of 4 to 2.

5) Upcoming Meeting(s)

- a) Worksession: Wednesday, February 5, 2020
Tuesday, February 11, 2020
Monday, February 24 - joint worksession with City Council at 5:00 pm to give update during first hour.

6) Adjournment

The meeting adjourned at 07:28 PM

Kelli Ebersole, Administrative Assistant



Date: Tuesday, February 11, 2020
To: Planning and Zoning Commission
From: Planning & Zoning Department

INFORMATIONAL

Request:

Preliminary Presentation for a Zoning District Change & Zoning Development Agreement from C-1 PUD to C-1 ZDA for the Westpark Subdivision No. 11 c/o EHM Engineers, Inc. on behalf of Bach Homes. (PZ20-0001)

Time Estimate:

10-15 minutes between staff and the applicant.

Background:

This is a preliminary presentation to allow the commission the chance to ask questions and the applicant to modify the request before the public hearing. The public hearing is scheduled for Tuesday, November 12th, 2019.

Approval Process:

Per Twin Falls City Code 10-6-1.4(E) Approval of a ZDA Sub-District requires a preliminary presentation to the Planning and Zoning Commission for a review of the proposed changes. The Commission is allowed, and may grant the public the ability, to ask questions and give suggestions to applicant about the proposed project during the preliminary presentation. A public hearing shall be held before the Commission for a recommendation to the Council to amend the zoning district and the zoning map, amend with recommendations or deny the request.

Budget Impact:

NA

Regulatory Impact:

N/A

History:

N/A

Analysis:

N/A

Conclusion:

Staff make no recommendation at this time.

Attachments:

1. Vicinity Map
2. Applicant Narrative
3. ZDA Document

4. Conceptual Master Development Plan MDP
5. Building Elevations
6. Site Photos

WESTPARK COMMERCIAL SUBDIVISION NO. 11
BACH HOMES ZDA AMENDMENT
APPLICATION NARRATIVE

3.a. The reason for the request is to provide clarify the intent of the original agreement and master plan. The original master plan and accompanying elevations depicted triplex and duplex units although the ZDA documents did not point that out. The original parking count was also depicted which requires approval due to counts being slightly less than those required by code. It's important to note that cross-use parking will be allowed with the previously constructed Rivercrest apartments facility. The new residential development on Lot 1, Block 1 has 105 residential units with a total of 130 available parking spaces, driveways able to accommodate 24 vehicles, and garages able to accommodate 40 vehicles. The existing development to the west has 180 total residential units with a total of 194 available parking spaces, carports able to accommodate 175 vehicles, and garages able to accommodate 24 vehicles.

3.b. The current ZDA and master plan are being submitted. The ZDA depicts highlighted changes. The master plan depicts only a change in the parking lot showing landscape islands required by the parking ordinance.

3.c. This change does not affect the development from what was original intended, it only clarifies the units and parking counts required as originally depicted.

3.d. The changes to the ZDA are minor and the master plan submitted is as originally approved. The ZDA has changes that depict items that were originally depicted but not clarified in the document. These changes should not have any effect on the surrounding area from what was originally approved.

Bach Homes ZDA

A C-1 & C-1 CRO Mixed-use Residential & Commercial Zoning Development Agreement Amendment

This Zoning Development Agreement (ZDA) **Amendment** is made and entered into this ____ day of _____, 20__, by and between the city of Twin Falls, State of Idaho a municipal corporation, hereinafter called "City" and Bach Homes, an Idaho General Partnership (hereinafter called "Developer") for the purpose of amending a Zoning Development Agreement for a Mixed-use Development of Residential & Commercial uses on property located West of and adjacent to Canyon Crest Drive, North of Pole Line Road, known as Westpark Commercial No. 11 a PUD.

NOW THEREFORE:

1. All future development, improvements, and uses shall conform to the standards and regulations of the Twin Falls City Code Title 10 – Chapter 4 – Section 8; Commercial Highway District or as amended, and City Code Title 10 – Chapter 4 – Section 19; Canyon Rim Overlay District or as amended, and all references to other sections therein including the following deviations:

2. C-1, Commercial Highway District modified as follows; and the CRO, Canyon Rim Overlay modified only where applicable;

a. Permitted uses;

i. Residential 1. Dwellings – fourplexes, **triplexes, and duplexes**

b. Special uses;

i. Miscellaneous

1. Any Permitted or Special non-residential use requesting hours of operation outside the hours of seven o'clock A.M. (7:00 A.M.) to ten o'clock P.M. (10:00 P.M.)

c. Prohibited uses; i. Animal Hospital - Large Animal

ii. Bulk Fuel Sales

iii. In Home Day Care Centers

iv. Cemeteries

v. Fairgrounds

vi. Go Cart Tracks

vii. Jails, Detention Centers, Or Work Release Centers

viii. Judicial Facilities

ix. Outdoor Amplified Sound systems (permanent

x. Outdoor Theaters

xi. RV And Camping Parks

xii. Shelter Homes and/or Facilities

xiii. Stand Alone Drug and Alcohol Treatment facilities

xiv. Tattoo Parlors

xv. Zoos

d. Property Development Standards

i. Building Height;

1. No building shall exceed a height of sixty (60) feet unless authorized by the City of Twin Falls through the "Additional Height Process".

ii. Landscaping;

1. A ten-foot (10') landscaping buffer directly behind the sidewalk shall be installed along Canyon Crest Drive. This buffer shall adhere to tree and bush counts as noted in City code Title 10, Chapter 11, Section 2.

Bach Homes ZDA

A C-1 & C-1 CRO Mixed-use Residential & Commercial Zoning Development Agreement Amendment

a. Trees and shrubs may be grouped, with a maximum of seventy-five feet (75') between groupings

2. A ten-foot (10') landscaping buffer shall be installed between commercial uses and residential uses. This buffer shall adhere to tree and bush counts as noted in City code Title 10, Chapter 11, Section 2.

a. Trees and shrubs may be grouped, with a maximum of seventy-five feet (75') between groupings

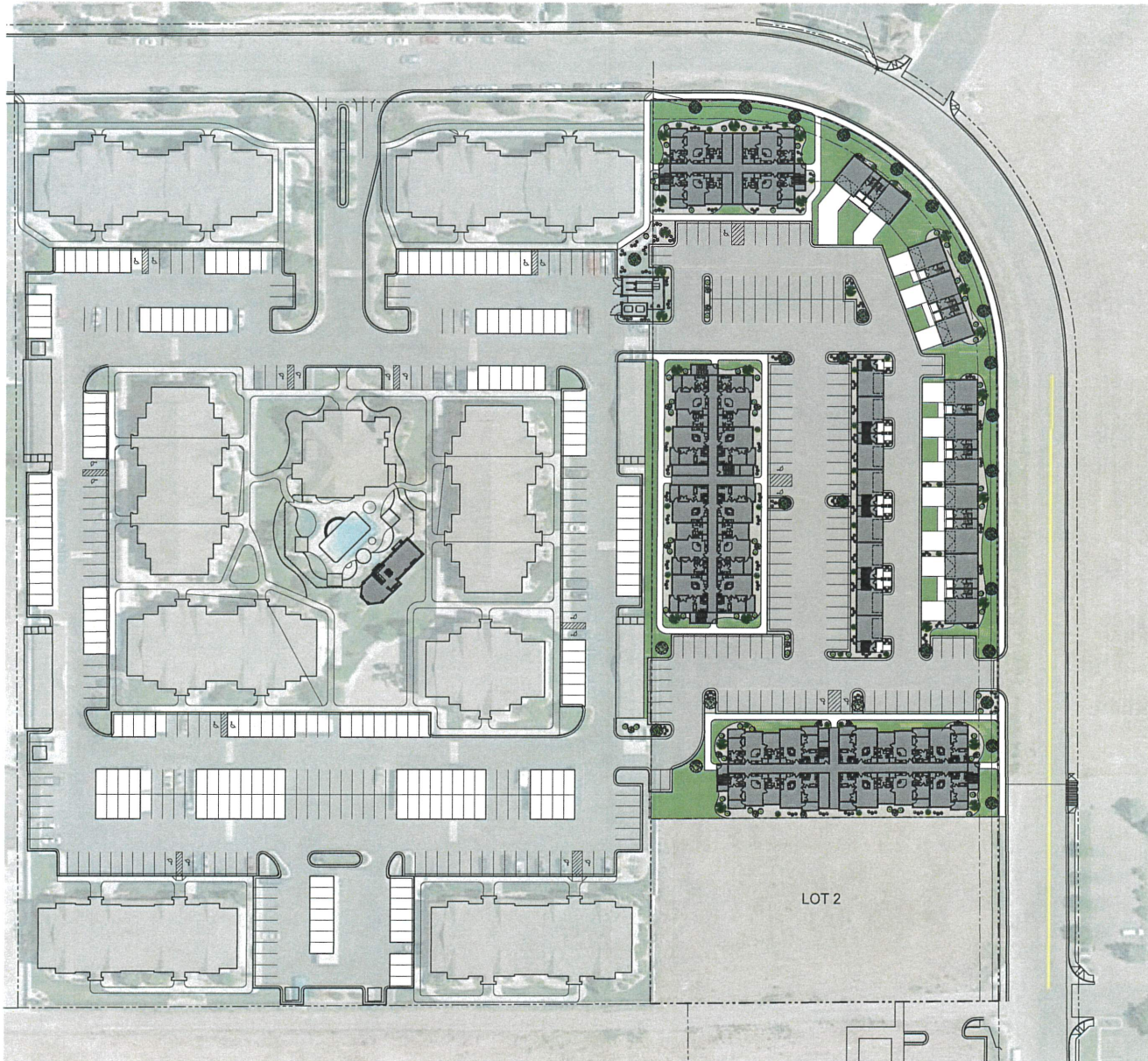
b. This buffer shall also include a screening fence.

iii. Parking;

1. Parking shall be in conformance and per the counts shown on the attached "Exhibit B". The residential development within Lot 1 as depicted on "Exhibit B" contains 125 standard parking stalls, 5 accessible parking stalls, and 24 driveway stalls serving 105 total residential units with several units having garages.

e. Signs

i. Each vehicular entrance to the development may have one development sign, not to exceed one hundred (100) square feet. However, the number of development signs shall not exceed three (3) and must be 100 feet (100') or more apart. Development signs shall not be internally illuminated. The maximum height of the development sign shall not exceed ten (10) feet as measured from the adjacent top of curb.



RIVERCREST 2

"EXHIBIT B" AMENDED MASTER DEVELOPMENT PLAN - SCALE: 1"=40'

BACH
HOMES
11650 South State Street,
Suite 300
Draper, Utah 84020
(801) 727-8300
www.bachhomes.net

AN APARTMENT COMMUNITY BY
BACH HOMES
THE BACH HOMES ARE THE PROPERTY OF BACH HOMES, INC. ALL RIGHTS RESERVED. © 2014 BACH HOMES, INC.

"EXHIBIT B" MASTER
DEVELOPMENT PLAN

DRAWN: PG 131211
REVISION: -

SHEET NO.



BUILDING J - FRONT & BACK ELEVATION

NOT TO SCALE

Rivercrest Apartments - Proposed Addition
Twin Falls, ID

Building J





1 BUILDING K - FRONT & BACK ELEVATION
1/8" = 1'-0"



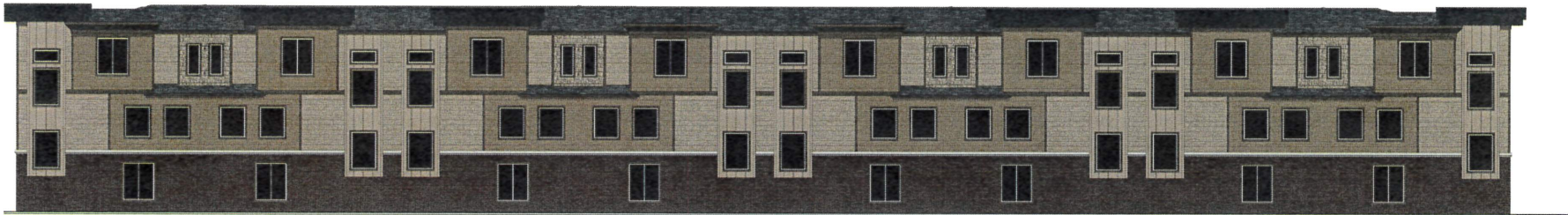
2 BUILDING L - FRONT & BACK ELEVATION
1/8" = 1'-0"

Rivercrest Apartments - Proposed Addition
Twin Falls, ID

Building's K & L



1
1/8" = 1'-0"
BUILDING M - FRONT ELEVATION



2
1/8" = 1'-0"
BUILDING M - BACK ELEVATION



BUILDING P - FRONT ELEVATION

1
CE-104 1/8" = 1'-0"



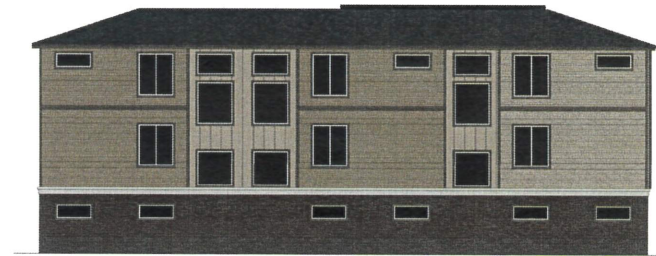
BUILDING P - BACK ELEVATION

2
CE-104 1/8" = 1'-0"



1
CE-105L 1/8" = 1'-0"

BUILDING Q - FRONT ELEVATION



2
CE-105L 1/8" = 1'-0"

BUILDING Q - BACK ELEVATION



3
CE-105L 1/8" = 1'-0"

BUILDING R - FRONT ELEVATION



4
CE-105L 1/8" = 1'-0"

BUILDING R - BACK ELEVATION



SE Corner looking NW



SW Corner looking NE



NE Curve Looking SW



NW Corner looking SW



Date: Tuesday, February 11, 2020
To: Planning and Zoning Commission
From: Brock Cherry, Planner

ACTION ITEM

Request:

Request for a Zoning District Change & Zoning Development Agreement from C1 & CRO PUD to Twin Falls County West Annex C1 & CRO ZDA for property located at 630 Addison Avenue West c/o Bob Beer on behalf of Twin Falls County (PZ19-0167).

Time Estimate:

Five (5) minutes for Staff and Applicant presentation; Five (5) minutes for public hearing; Ten (10) minutes for Commission questions, discussion, and decision.

Background:

Per the Canyon Rim Overlay District, any development occurring within the district is required to obtain a Zoning Development Agreement, by way of multiple public hearings. As indicated in the History, this property was originally developed as the Twin Falls Hospital in the 1950's. The requirement for a PUD/ZDA came later in the 1990's.

With the recent acquisition, and modernization, of the property by Twin Falls County, many of the land uses established by them had been *Permitted*. Recently, the discussion of expanding the types of County functions on the property led to issues with possible non-compliance with the Canyon Rim Overlay. As a result, a ZDA has been drafted with future County uses in mind, while still maintaining the character of the Canyon Rim, and the established development.

Approval Process:

The applicant is required to present a preliminary review to the Planning and Zoning Commission in which the commission may give suggestions and ask questions of the applicant about the proposed ZDA. A public hearing shall be held before the Commission for a recommendation to City Council to; amend the zoning district and the zoning map, amend with recommendations or deny the request.

Budget Impact:

NA

Regulatory Impact:

If approved as presented, the County property will be required to follow the Rules and Regulations as defined in this ZDA Document.

History:

Per County records the primary building on the subject property was built in 1950 as the Twin Falls Hospital.

Currently, the building serves as the Twin Falls County West Annex which houses a variety of county functions and support services.

Analysis:

The requested ZDA proposes to comply with the use standards of the underlying C-1 (Commercial Highway) Zoning district and an increase of outright permitted uses including:

- Juvenile Detention Center
- County Owned Automobile/Truck Repair
- County Testing Laboratories
- Exhibition Hall
- Indoor Recreation Facility
- Outdoor Recreation Area that is 50' from the Canyon Rim
- Shelter Home

Further the ZDA proposes the following allowed uses per a special use permit:

- Adult Detention Center
- Work Release Center

Finally, the proposed ZDA will comply with the property development standards of the underlying C-1 and CRO (Canyon Rim Overlay) Districts.

Conclusion:

If the Commission determines the proposed request appropriate, you may recommend approval to the City Council, as presented, subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.

Attachments:

1. PZ19-0167 ZDA Staff Report
2. Vicinity Map
3. Proposed ZDA Language
4. Site Plan
5. Photos



Comprehensive Staff Report

To: Planning & Zoning Commission

Presenter: Brock Cherry, City Planner

Request: Preliminary presentation for a request for a **Zoning District Change & Zoning Development Agreement** from C1 & CRO PUD to Twin Falls County West Annex C1 & CRO ZDA for property located at Parcels RPT00107086001, RPT2641000007D & RPT2921003010B.

Application: PZ19-0167

Twin Falls County

c/o Bob Beer

Twin Falls County

P.O. Box 126

Twin Falls, ID 83303

Public Hearing: 2/11/2020

Analysis

This is a preliminary presentation for a request for a Zoning District Change & Zoning Development Agreement (ZDA) from C1 & CRO PUD to Twin Falls County West Annex C1 & CRO ZDA for property located at Parcels RPT00107086001, RPT2641000007D & RPT2921003010B.

The requested ZDA proposes to comply with the use standards of the underlying C-1 (Commercial Highway) Zoning district and an increase of outright permitted uses including:

- Juvenile Detention Center
- County Owned Automobile/Truck Repair
- County Testing Laboratories
- Exhibition Hall
- Indoor Recreation Facility
- Outdoor Recreation Area that is 50' from the Canyon Rim
- Shelter Home

Further the ZDA proposes the following allowed uses per a special use permit:

- Adult Detention Center
- Work Release Center

Finally, the proposed ZDA will comply with the property development

standards of the underlying C-1 and CRO (Canyon Rim) Overlay Districts.

A preliminary presentation regarding the requested ZDA was presented to the Commission on 1/28/2020.

History

Per County records the primary building on the subject property was built in 1950 as the Twin Falls Hospital.

Currently, the building serves as the Twin Falls County West Annex which houses a variety of county functions and services.

Approval Process

The applicant is required to present a preliminary review to the Planning and Zoning Commission in which the commission may give suggestions and ask questions of the applicant about the proposed ZDA. A public hearing shall be held before the Commission for a recommendation to City Council to; amend the zoning district and the zoning map, amend with recommendations or deny the request.

Applicable Regulations or Codes

Per City Code 10-6: Zoning Development Agreements: A ZDA shall conform to all sections of Title 10

unless specifically addressed within the written zoning development agreement and approved by the City. The agreement shall list all requested deviations from city code. The council may add other requirements they deem appropriate.

Per City Code 10-7-20: Public Hearing Notice Requirements: The applicant must follow all public notice requirements per state and city regulations.

Comprehensive Plan Compliance & Potential Impacts

The proposed uses of this ZDA are not anticipated to increase the overall impact on the surrounding properties. The proposed changes are similar to the allowed uses with the more impactful uses still requiring a public hearing. Further, the property development standards of the CRO Overlay will still be enforced allowing for continued preservation of the canyon rim aesthetic.

Public Hearing: 2/11/2020

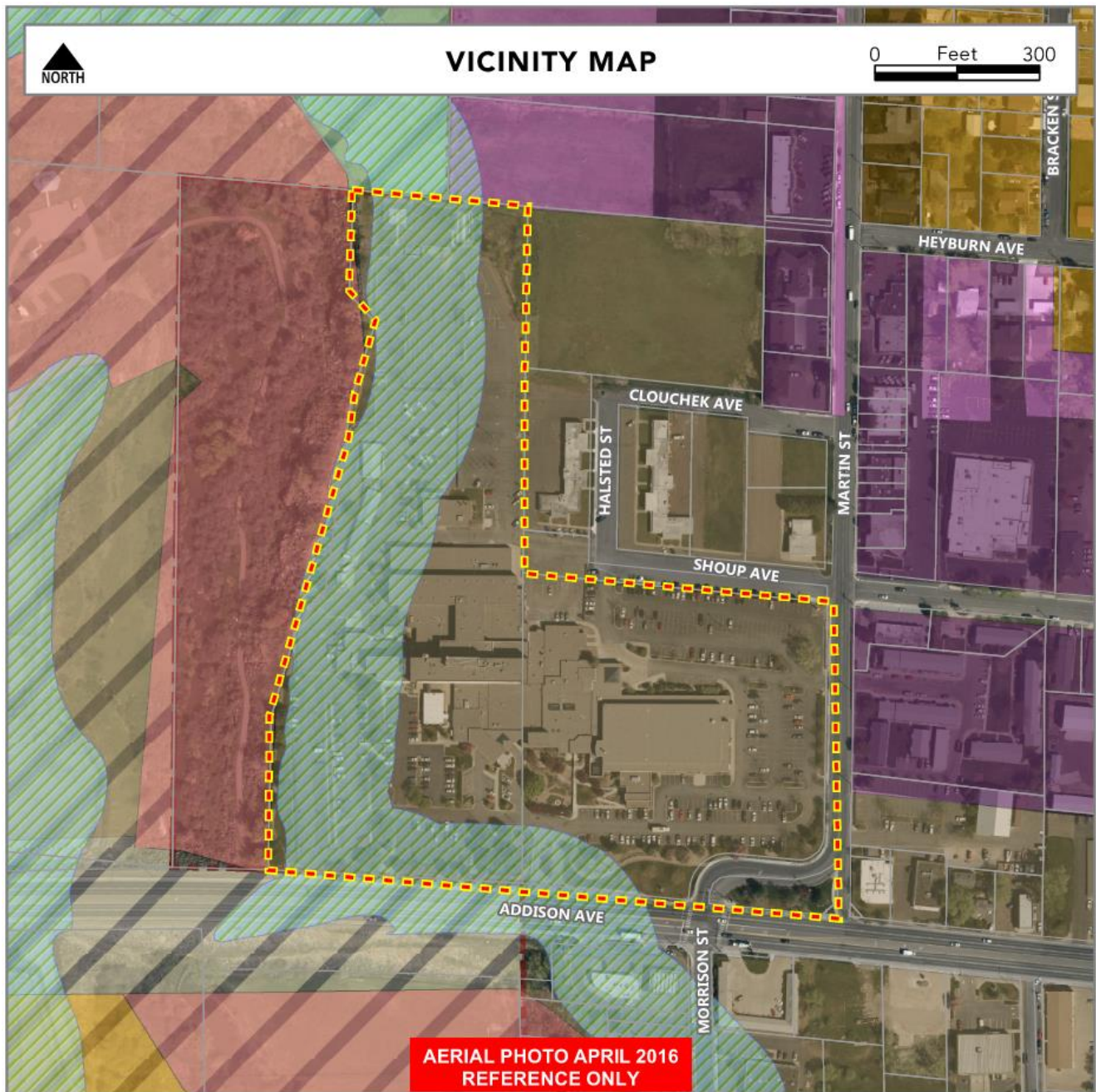
Conclusion

If the Commission determines the proposed request appropriate, you may recommend approval to the City Council, as presented, subject to the following conditions.

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.

Attachments

1. Vicinity Map
2. Proposed ZDA Language
3. Site Plan
4. Photos



	CRO		R-4
	PRO		R-6
	C-1		SUI
	OS		AOI

Current Zoning: C-1, CRO

Comprehensive Plan: Mixed Use & Neighborhood Commercial

Existing Land Use: Government Services

Proposed Land Use: ZDA – Government Services

Surrounding Zoning Designations & Land Use(s)

North: OS & R-6, Vacant
South: Addison Avenue

East: C-1 & R-6, Residential/Office
West: O-S, Open Space



Twin Falls County West Annex ZDA

A Multi-Use Development to provide for the continued administration and expansion of the diverse services provided to the citizens of Twin Falls County

ZONING DEVELOPMENT AGREEMENT PURPOSE: The purpose of the County West Annex C-1 ZDA is to fully utilize the vacant space located on the County West Annex property to better benefit the taxpaying public by:

- Having the majority of county services and social support groups under “one roof”.
- Create affordable office space for regional nonprofit and charitable organizations.
- Allow for the growth and expansion of County provided services.

NOW THEREFORE:

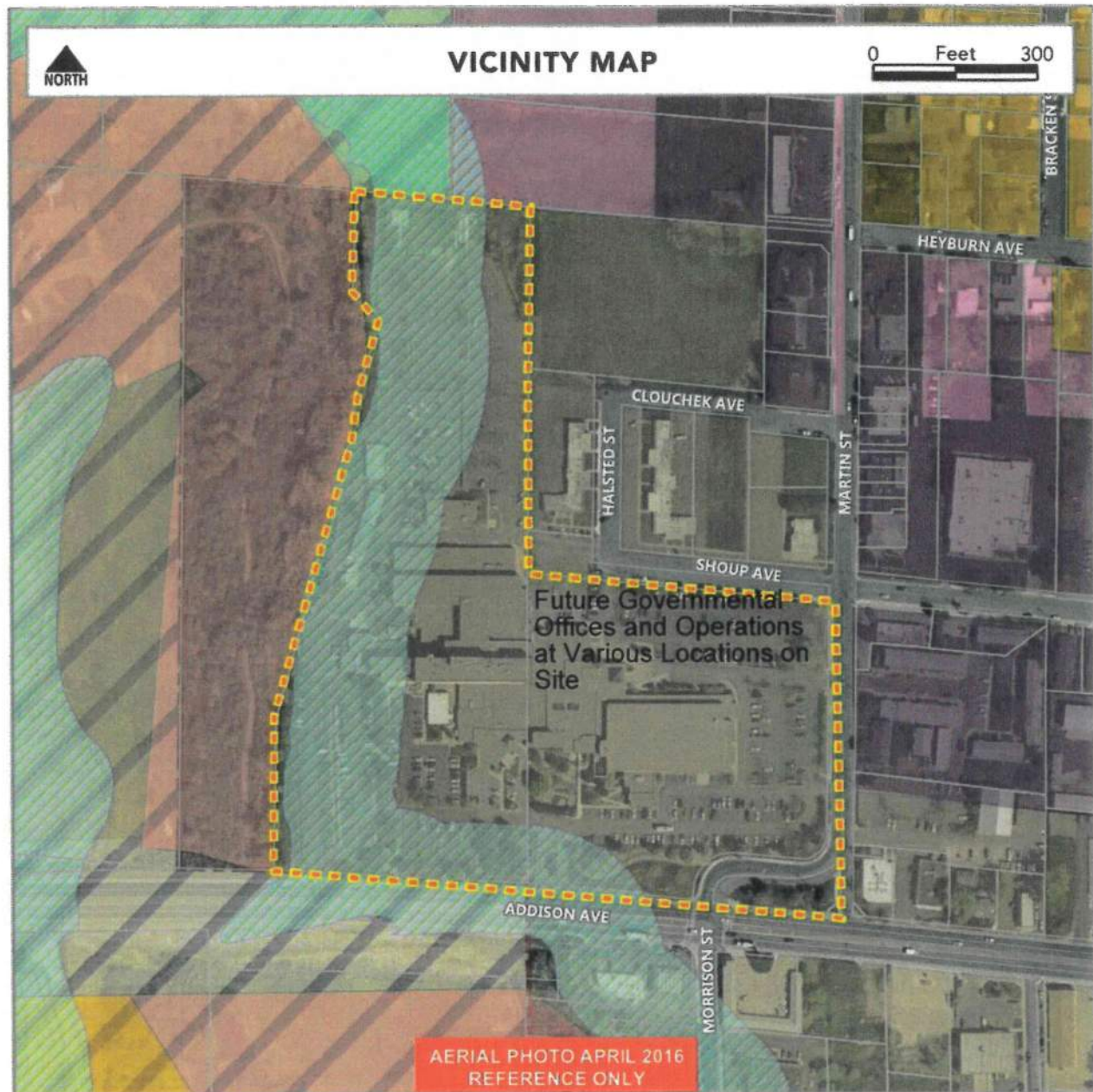
1. All future development and improvements shall conform to the standards and regulations of Twin Falls City Code Title 10 – Chapter 4 – Section 8: Commercial Highway District and Title 10 – Chapter 4 – Section 19: Canyon Rims Overlay for the area designated as “County West Annex C-1 ZDA”, or as amended, and all references to other sections therein except for the following:
2. Property Uses: The Canyon Rims Overlay District List of Uses shall not apply. Only the List of Uses of the underlying Commercial Highway District shall apply with the following modifications:
 - a. Permitted Uses
 - i. Government Facilities
 1. Juvenile Detention Center
 - ii. Services
 1. Automobile and truck service and/or repair of County owned vehicles that is located fifty (50) feet from the Canyon Rim.
 2. Testing Laboratories operated by County personnel or designees.
 - iii. Public Assembly
 1. Exhibition halls
 - iv. Sports Facility
 1. Indoor Recreation Facility
 2. Outdoor Recreation Area that is located fifty (50) feet from the Canyon Rim.
 - v. Residential
 1. Shelter Home

b. Uses Requiring a Special Use Permit

i. Government Facilities

- 1. Adult Detention Center**
- 2. Adult Work Release Center**

- 3. Property Development Standards: The property development standards of the underlying Commercial Highway and Canyon Rims Overlay Districts shall apply.**



	CRO		R-4
	PRO		R-6
	C-1		SUI
	OS		AOI

Current Zoning: C-1, CRO

Existing Land Use: Government Services

Comprehensive Plan: Mixed Use & Neighborhood Commercial

Proposed Land Use: ZDA – Government Services

Surrounding Zoning Designations & Land Use(s)

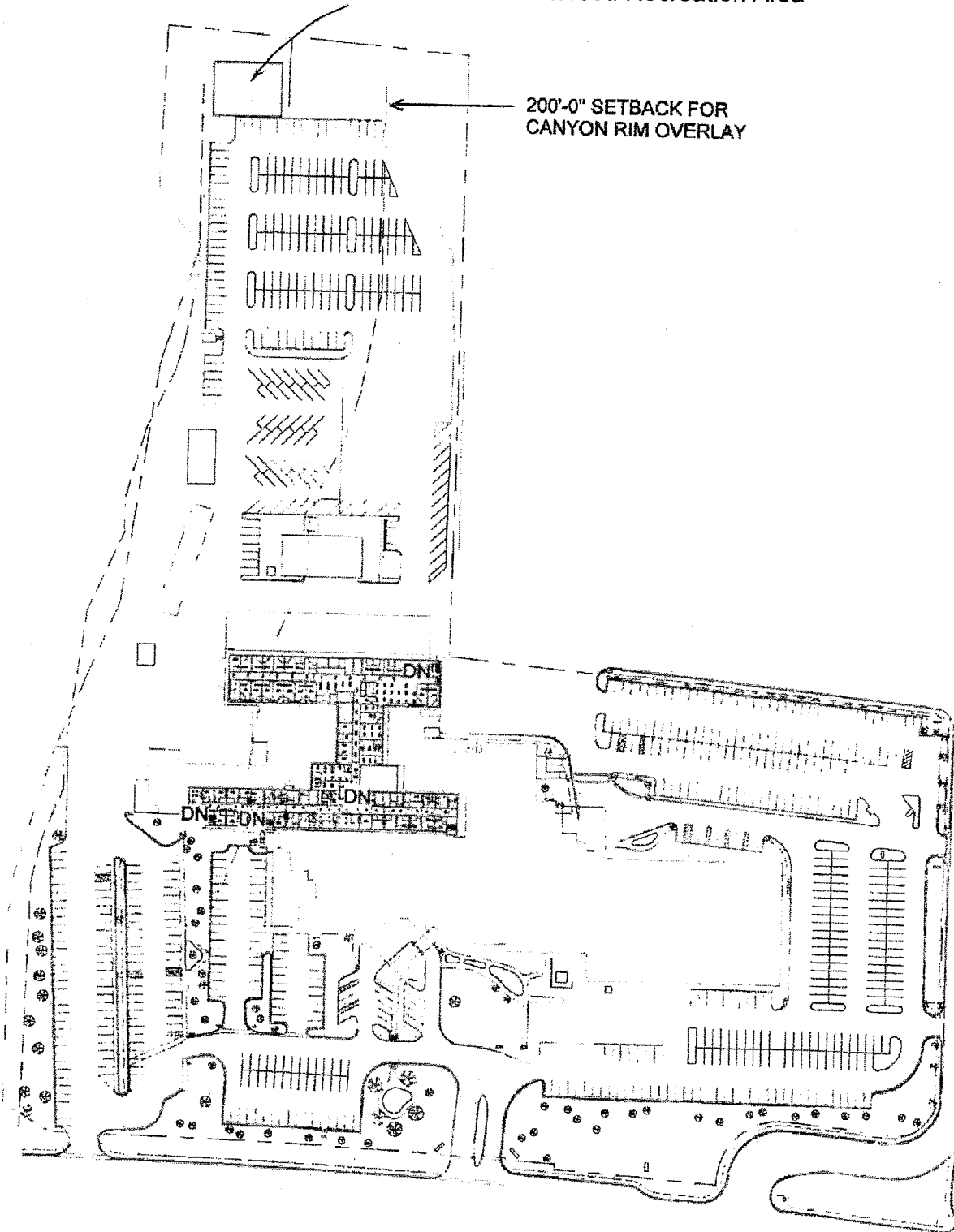
North: OS & R-6, Vacant

East: C-1 & R-6, Residential/Office

South: Addison Avenue

West: O-S, Open Space

Chain Link Enclosed Recreation Area





SE Corner looking NW



NE Corner looking SW



Center of Western Corner Boundary



Northernmost NE Corner looking SW



NW Corner looking SE



SW Corner looking NW



Date: Tuesday, February 11, 2020
To: Planning and Zoning Commission
From: Jonathan Spendlove, Planning and Zoning Director

ACTION ITEM

Request:

Request for a Zoning District Change and Zoning Development Agreement from SUI & CRO PUD to Molivia SUI & CRO ZDA for property located at 2746 E 4200 N c/o EHM Engineers, Inc. on behalf of Steve Shotwell, Molivia, LLC (PZ19-0165)

Time Estimate:

Five (5) to ten (10) minutes for Staff and Applicant presentation; Five (5) minutes for Commission questions and discussion.

Background:

NA

Approval Process:

Per Twin Falls City Code 10-6-1.4(E) Approval of a ZDA Sub-District requires a preliminary presentation to the Planning and Zoning Commission for a review of the proposed changes. The Commission is allowed, and may grant the public the ability, to ask questions and give suggestions to applicant about the proposed project during the preliminary presentation. A public hearing shall be held before the Commission for a recommendation to the Council to amend the zoning district and the zoning map, amend with recommendations or deny the request.

Budget Impact:

N/A

Regulatory Impact:

If approved, the area under this ZDA would be available for development according to the Conceptual Development Plan. The property would be required to follow, the rules and regulations of Twin Falls City Code, and the language within the ZDA Documents.

History:

The zoning of this property as SUI CRO was reaffirmed with the last Area of Impact Agreement in 2004. There is no other known zoning history at this time.

Analysis:

This is a request for a Zoning District Change & Zoning Development Agreement from SUI & CRO PUD to Molivia SUI & CRO ZDA.

The applicant is required to obtain a ZDA when any development is located within the CRO Zone.

The applicant has declared two (2) deviations from the applicable City Code.

(1)A modification to cantilevered / overhanging elements of a home into the Canyon Rim setback. (see Attachment 6).

(2)A modification to the parks dedication process.

The deviations from current code are not anticipated to create undue impacts to surrounding properties.

Staff does feel the language of the “cantilever setback deviation” could be made more clear and would like to work with the applicant on drafting a clearer version while maintaining the same elements requested.

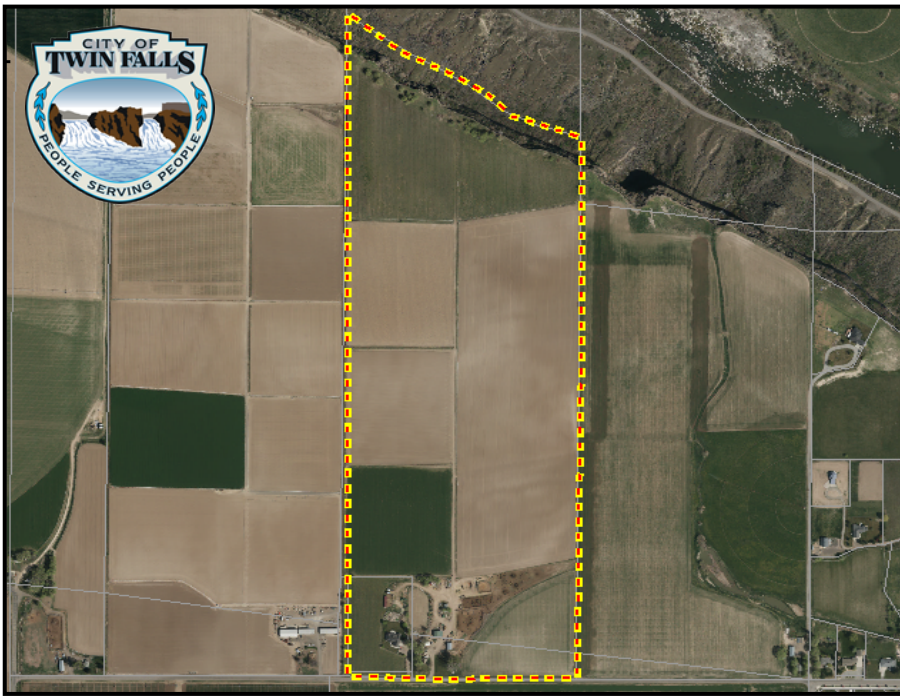
Conclusion:

If the Commission recommends approval of this request as presented, staff would encourage the following conditions:

1. Subject to continued compliance with all local, state and federal code requirement and other standards as applicable.
2. Subject to final review of the “cantilever setback deviation” language by City Staff to ensure clarity of intent

Attachments:

1. PZ19-0165 ZDA Staff Report
2. Vicinity Map
3. Narrative
4. Site Plan
5. Photos
6. Proposed ZDA Language
7. Molivia ZDA - Height and Setback Exhibit



Comprehensive Staff Report

To: Planning & Zoning Commission

Presenter: Jonathan Spendlove, Director

Request: Preliminary presentation for a request for a **Zoning District Change & Zoning Development Agreement** from SUI & CRO PUD to Molivia SUI & CRO ZDA for property located at 2746 E 4200 North.

Application: PZ19-0165

Steve Shotwell, Molivia, LLC

c/o Tim Vawser

EHM Engineers

621 North College Rd, ste 100

Twin Falls, ID 83301

208.734.4888

tvawser@ehmnc.com

Prelim. Presentation: 1/28/2020; Public Hearing: 2/11/2020

Analysis

This is a request for a Zoning District Change & Zoning Development Agreement from SUI & CRO PUD to Molivia SUI & CRO ZDA for property located at 2746 E 4200 N.

The applicant is required to obtain a ZDA when any development is located within the CRO Zone.

The applicant has declared two (2) deviations from the applicable City Code.

- (1) A modification to cantilevered / overhanging elements of a home into the Canyon Rim setback. (see Attachment 6).
- (2) A modification to the parks dedication process.

The modification to the cantilevered elements of a home will allow for a deck or other element of a home to extend fifteen (15) feet into the Canyon Rim Setback area. Current code limits this extension to three (3) feet. This desired deviation comes from the result of dedicating land for a trail. The applicant desires to maintain the view of the Canyon Rim while not sacrificing the safety of home owners. The foundations of the homes will remain at the fifty (50) foot setback as required by current code.

The second modification will allow for the dedication of a tract of land along the

canyon rim to meet the park dedication required by code.

Approval Process

Per Twin Falls City Code 10-6-1.4(E) Approval of a ZDA Sub-District requires a preliminary presentation to the Planning and Zoning Commission for a review of the proposed changes. The Commission is allowed, and may grant the public the ability, to ask questions and give suggestions to applicant about the proposed project during the preliminary presentation. A public hearing shall be held before the Commission for a recommendation to the Council to amend the zoning district and the zoning map, amend with recommendations or deny the request.

History

The zoning of this property as SUI CRO was reaffirmed with the last Area of Impact Agreement in 2004. There is no other known zoning history at this time.

Applicable Regulations or Codes

Per City Code 10-4-19: All development except existing residential lots in the canyon rims overlay district shall be part of an approved zoning development agreement.

Per City Code 10-6-1 A preliminary presentation of the request is required before a public hearing in front of the Planning & Zoning Commission.

Per City Code 10-7-20: Public Hearing Notice Requirements: The applicant must follow all public notice requirements per state and city regulations.

Per city code 10-14-1 thru 8: Any application for a zoning district change shall follow the procedures outline in these sections. The commission shall ensure any favorable recommendations are in accordance with the objectives and goals of the adopted Comprehensive Plan.

Comprehensive Plan Compliance

The 2016 Comprehensive Plan "Grow With Us" designates this area as "Rural Residential". This designation is appropriate for homes located on lots larger than one (1) Acre as an appropriate transition from Agriculture to Town Neighborhoods.

Potential Impacts:

The deviations from current code are not anticipated to create undue impacts to surrounding properties.

Staff does feel the language of the "cantilever setback deviation" could be made more clear and would like to work with the applicant on drafting a clearer version while maintaining the same elements requested.

Prelim. Presentation: 1/28/2020; Public Hearing: 2/11/2020

The most notable impact from this proposed development will be traffic on the local road network in the form of daily trips by the residential homes. The surrounding network is not anticipated to degrade to an unacceptable level of service. Additionally, staff has received an approval letter from the Twin Falls Highway District, the authority on roads outside City Limits.

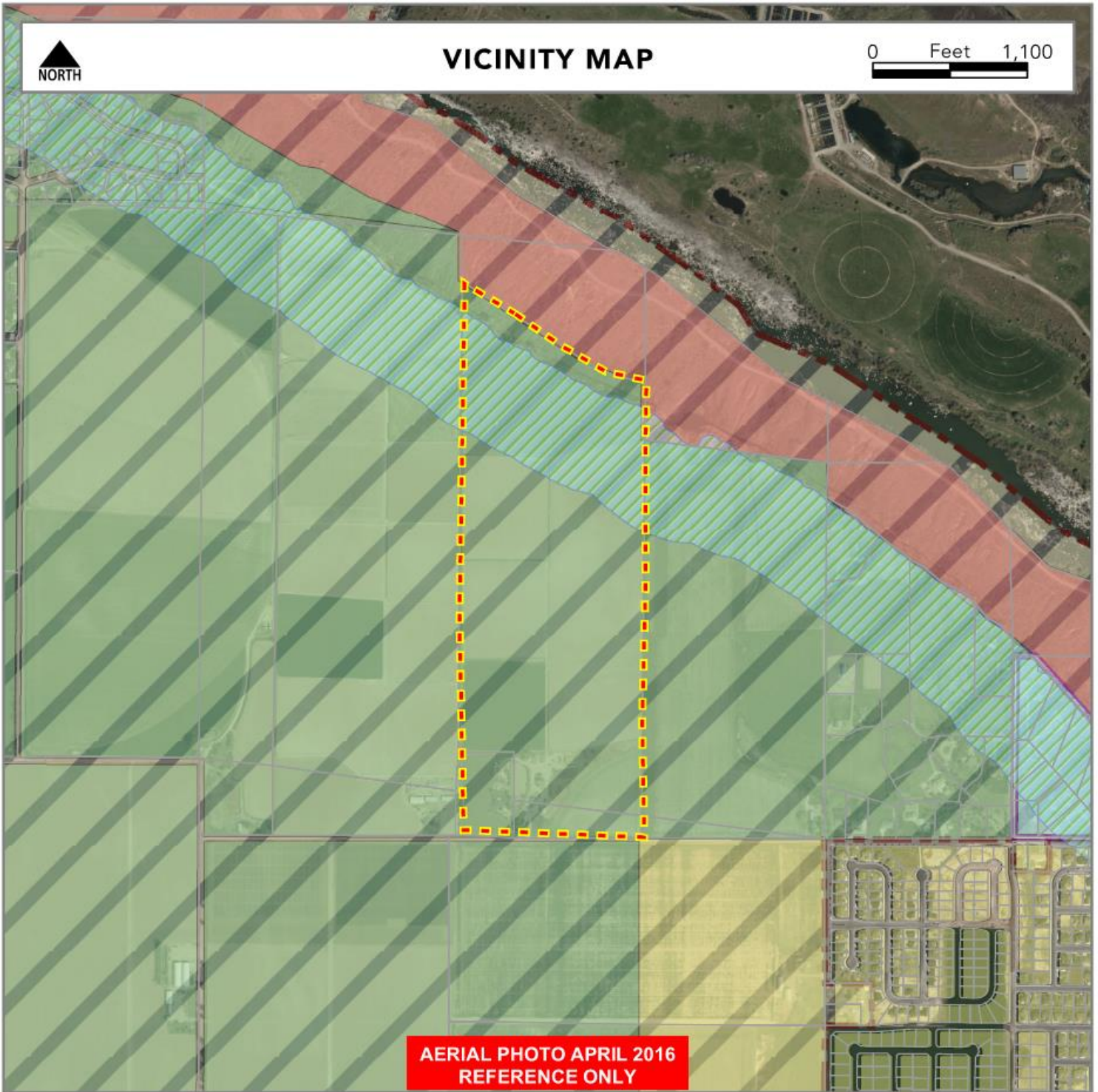
Conclusion

If the Commission recommends approval of this request as presented, staff would encourage the following conditions:

1. Subject to continued compliance with all local, state and federal code requirements and other standards as applicable.
2. Subject to final review of the “cantilever setback deviation” language by City Staff to ensure clarity of intent.

Attachments

1. Vicinity Map
2. Narrative
3. Site Plan
4. Photos
5. Proposed ZDA Language
6. Cantilever Setback Deviation Exhibit



- | | | | |
|--|-----|--|-----|
| | CRO | | R-2 |
| | PUD | | SUI |
| | OS | | AOI |

Current Zoning: SUI & CRO

Comprehensive Plan: Rural Residential

Existing Land Use: Single Family, Agriculture, Vacant/Undeveloped
Proposed Land Use: Single Family Residential

Surrounding Zoning Designations & Land Use(s)

North: OS, Snake River Canyon	East: Single Family, Agriculture/Undeveloped
South: SUI, Agriculture/Undeveloped	West: Single Family, Agriculture/Undeveloped

Applicable Regulations
 10-4-2, 10-4-19, 10-6

MOLIVIA SUI & CRO, ZDA
APPLICATION NARRATIVE

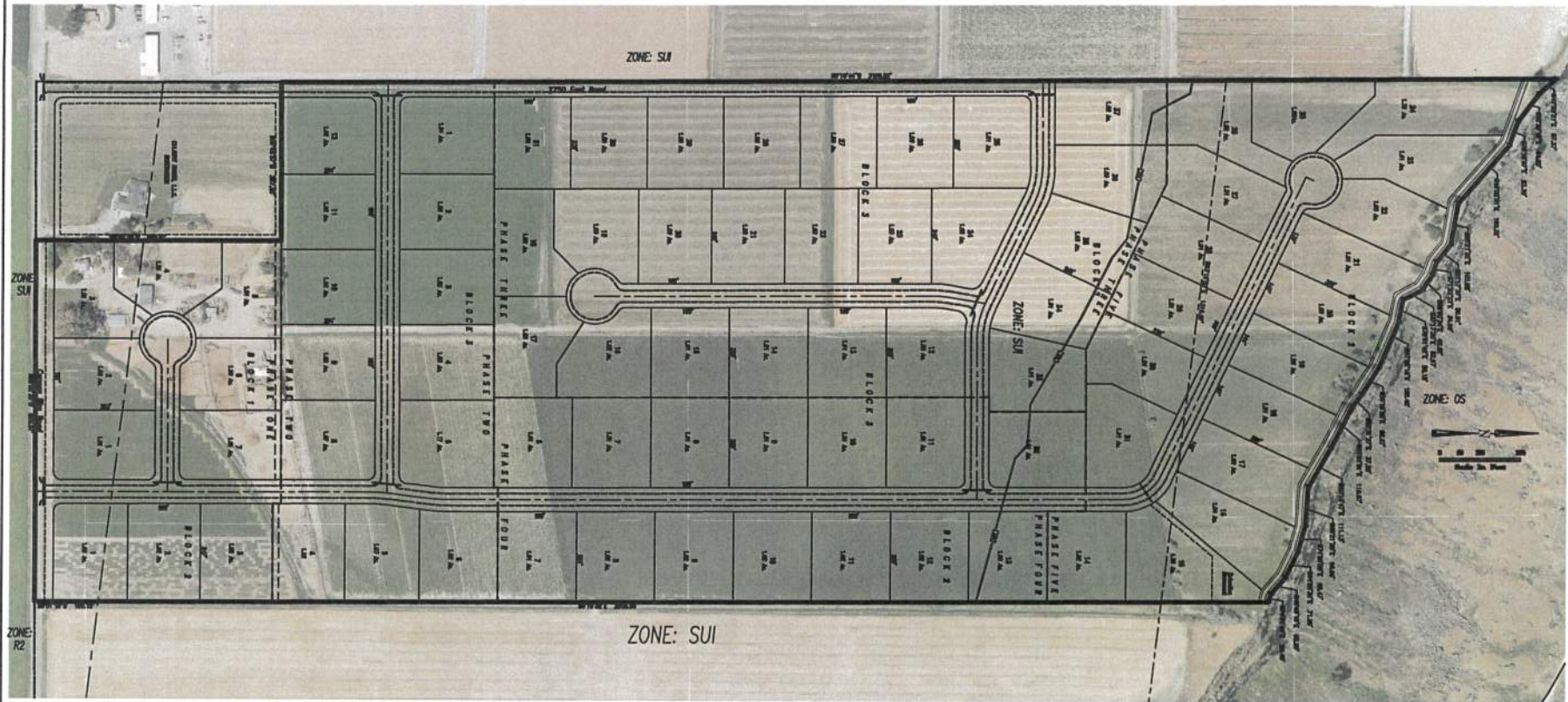
4.a. The reason for the request is to clarify the uses and development requirements intended for the parcel. With developers being unsure of what the future holds for properties within the impact area as far as zoning and development standards this application is intended to create a certainty that can be counted on going forward in the platting process. It reiterates that roads will be to Twin Falls Highway District standards and that all pressure irrigation will be private to the subdivision. It also establishes building setback lines adjacent to the Canyon Rim.

4.b.i. The proposed change to the development is compatible with the Comprehensive Plan in the Rural Residential land use defined in the future land use map in the comprehensive plan.

4.b.ii. This development would be compatible with the neighboring properties as the develop out in conformance with the comprehensive plan since the plan calls for residential uses for this property as well as those surrounding this property as they are developed.

4.b.iii. The intended use of the development is for single family homes on one acre or larger lots. The plan is to develop the property over several phases.

4.b.iv. Specific exceptions of uses include a roadway development to be in accordance with the Twin Falls Highway District, private pressure irrigation and distribution system as opposed to a City operated system, phasing allowances of development, and setbacks adjacent to any land that would dedicated to a path system along the Snake River Canyon Rim.



PHASES / LOT COUNT
 PHASE 1 10 LOTS
 PHASE 2 10 LOTS
 PHASE 3 10 LOTS
 PHASE 4 10 LOTS
 PHASE 5 10 LOTS
 5 PHASES OF 10 LOTS EACH

EXISTING ZONE FOR PROPERTY: SUI W/ CRO
 PROPOSED ZONE FOR PROPERTY: SUI W/ CRO, ZDA

EXHIBIT A

McCLIVIA ZDA
 Located In
 W2 E2, Section 30
 And
 NW4 NW4, Section 31
 T. 9 S., R. 17 E., RM.
 Twin Falls County, Idaho

Preliminary Plat For:	
McCLIVIA, LLC:	
Twin Falls, Idaho:	
 EHM Engineers, Inc. Engineers / Surveyors / Planners 601 North College Road, Suite 100, Twin Falls, Idaho 83301 p (208) 735-4800 fax (208) 735-4808 web ehmeng.com	PREPARED BY DATE CHECKED BY DATE APPROVED BY DATE
	PREPARED BY DATE CHECKED BY DATE APPROVED BY DATE
	PREPARED BY DATE CHECKED BY DATE APPROVED BY DATE
	PREPARED BY DATE CHECKED BY DATE APPROVED BY DATE
	PREPARED BY DATE CHECKED BY DATE APPROVED BY DATE



SW Corner looking NE



SE Corner looking NW



NE Corner looking SW



Interior Traffic Circle

Molivia ZDA

A SUI Residential

Zoning Development Agreement

This Zoning Development Agreement (ZDA) is made and entered into this ____ day of _____, 20__, by and between the city of Twin Falls, State of Idaho a municipal corporation, hereinafter called "City" and MOLIVIA LLC, an Idaho Limited Liability Company (hereinafter called "Developer") for the purpose of developing a Development of Residential uses on property located West of Grandview Drive North and adjacent to Canyon Rim Road.

NOW THEREFORE:

1. All future development, improvements, and uses shall conform to the standards and regulations of the Twin Falls City Code Title 10 – Chapter 4 – Section 2; Suburban-Urban Interface District or as amended, and City Code Title 10 – Chapter 4 – Section 19; Canyon Rim Overlay District or as amended, and all references to other sections therein including the following deviations:
2. SUI, Suburban-Urban Interface District and the CRO, Canyon Rim Overlay Modified as follows;
 - i. Building Setbacks and Horizontal Projections;
 1. Based on an approved geological study the Canyon Rim building setback will be allowed to be reduced to fifty (50) feet from the identified Canyon Rim. A twenty five (25) foot wide strip of land will be dedicated to the City of Twin Falls for a path. The width of such land shall not count against the Canyon Rim setback and shall include a setback easement. Rear yard setbacks may be reduced in order to accommodate land dedicated for paths where an accepted geological study proves fifty (50) feet is adequate. Horizontal and Architectural projections will be allowed to project over the Canyon Rim setback line. The maximum allowable projection shall be fifteen (15) feet beyond the building line and into the established setback. See attached Exhibit B.
3. Property Development Standards;
 - i. Roadways;
 1. Per Twin Falls Highway District standards. No curb, gutter, or sidewalk will be required.
 - ii. Pressure Irrigation;
 1. Pressure Irrigation pump and delivery system will be private, owned and maintained by the Homeowner's Association.
 - iii. Common Area, Canyon Rim Trail;
 1. Common area will be dedicated to the City of Twin Falls for a Canyon Rim Trail. Construction of the trail shall be through a separate agreement negotiated between the City of Twin Falls and the Developer. The dedication of land adjacent to the Canyon Rim shall fulfill all obligations of the Developer for parks or common area requirements and/or payments.

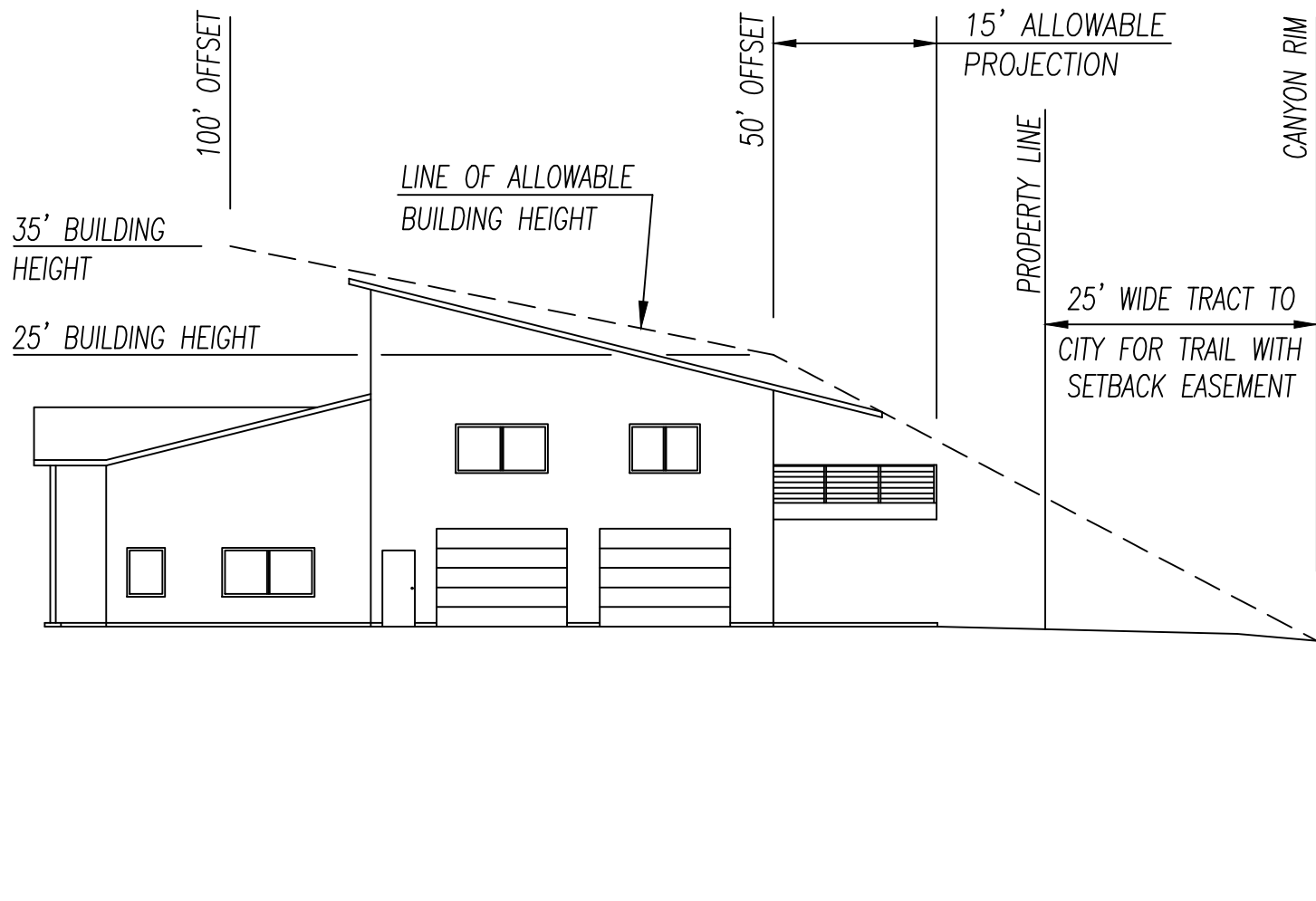


EXHIBIT B



Date: Tuesday, February 11, 2020
To: Planning and Zoning Commission
From: Jonathan Spendlove, Planning and Zoning Director

ACTION ITEM

Request:

Request for a Zoning Title Amendment to repeal and replace City Code 10-8-4, 10-8-5, and 10-17-3 Administration and Enforcement Regulations c/o City of Twin Falls Planning and Zoning Department (PZ20-0002).

Time Estimate:

Five (5) minutes for Staff presentation; Five (5) minutes for Council questions, deliberation, and decision.

Background:

During the latter half of 2019, Twin Falls County had begun discussions with City Staff on the processing of applications for Building and Zoning related permits within the Area of Impact. It was their intention to begin receiving those types of applications on January 1, 2020. As this issue is pertaining to enforcement of the land outside city Limits, the jurisdiction and decision ultimately rests with the Board of Commissioners for Twin Falls County.

Their desire to receive the applications requires a modification to code sections in order to adequately declare the Code Administrator, and the process by which permits will be reviewed.

Approval Process:

The process for Zoning Title Amendments shall follow Title 10 Chapter 14.

A public hearing with the Planning and Zoning Commission shall be held, their recommendation is then forwarded to the City Council for a final decision to take place after a public hearing is held.

Budget Impact:

N/A

Regulatory Impact:

Per the current Area of Impact Agreement, the City of Twin Falls Zoning Code (Title 10) will still be in effect for the area of impact. These proposed modifications do not change the zoning of property or the rules that will be followed, it simply changes who enforces those rules.

The proposed change to the number of Commissioners will reduce the Planning Commission membership to seven. A quorum will now be met when four members of the commission are present.

History:

N/A

Analysis:

The issue of which entity receives, reviews and issues permits in the Area of Impact has been decided by the County previously. They have authority over these matters for all lands located outside City limits. Our proposed code change is in response to their previous decision.

The modification of the makeup of our Planning Commission is a result of recent research into complying with State Statute 67-6526 -(g). We are required to have proportional representation on our Planning and Zoning commission for the ratio of residents within the City Limits vs area of impact. By our accounts, the current makeup of two (2) area of impact commissioners on a nine (9) member board is an over representation. By going to one (1) in seven (7), we are more in line with the ratio required by State Statute.

Conclusion:

The Commission is tasked with making a recommendation to the City Council. The Commission may recommend approval as presented, approval with conditions, denial, or table the item for more information.

Attachments:

1. Proposed Title Amendment

10-8-4: ADMINISTRATION:

- (A) The board of commissioners for Twin Falls County hereby appoints the city planning administrator to administer the provisions of this title, as adopted by reference herein for the area of city impact, to provide assistance and guidance to the area of city impact commission, and to perform the same duties for the area of city impact that are performed for the city of Twin Falls.
- (B) The board of commissioners of Twin Falls County hereby appoints and authorizes the city of Twin Falls and its agents and employees to issue zoning and building permits required by the regulations adopted herein, and to charge and collect fees for such administrative duties. The city of Twin Falls accepts the appointment and authorization. The building permit fees for the area of impact shall be the same as established for the county. Any portion of the building permit fee in excess of the fee charged by the city shall be paid over to the county on a monthly basis. (Ord. 2793, 7-19-2004)
- (C) The board of commissioners of Twin Falls County hereby appoints the Twin Falls city planning and zoning commission as the area of city impact commission to administer the area of city impact. The city of Twin Falls accepts the appointment. Two (2) of the area of city impact commission members shall serve as representatives of the area of impact. The two (2) area of impact members shall be appointed by the county commissioners with the concurrence of the Twin Falls city council. The two (2) area of impact members so appointed shall serve a term of three (3) years and may succeed themselves for one full term. A county appointee appointed to fill a vacated but unexpired term shall serve the balance of the term of three (3) years. Members appointed by the county commissioners shall be residents within the area of impact, residing outside the city limits, and shall vote on all issues coming before the commission.
- (D) All applications for preliminary plats of subdivisions, vacations, rezones, special use permits and variances shall be submitted to the city planning and zoning commission. All applications for final and conveyance plats of subdivisions, for vacations and for the rezoning of property within the area of city impact shall be submitted to the city council for their recommendation, prior to submission to the board of county commissioners. The board of county commissioners may approve the application as recommended by the city council, deny the application or remand the application to the city for further proceedings. (Ord. 2922, 10-22-2007)
- (E) Any person directly aggrieved and affected by a final decision of the planning and zoning commission regarding property located within the area of city impact may appeal to the board of county commissioners. The board of county commissioners shall not make a decision on the appeal until it has received a recommendation from the city council. All appeal hearings shall be based upon the record established by the city planning and zoning commission. (Ord. 2793, 7-19-2004)
- (A) The administration of the codes applicable to the City of Twin Falls Area of Impact shall be as appointed and authorized by the Board of Commissioners for Twin Falls County.
- (B) As required by State Code {67-6526-(g)}

The Council of the City of Twin Falls hereby appoints one (1) seat, of the seven (7) member City of Twin Falls Planning and Zoning Commission, as the City Area of Impact representative.

Appointments shall follow the process, schedule, and term limits found in City Code 10-17-3 - Article II.

10-8-5: ENFORCEMENT:

The board of commissioners of Twin Falls County appoints and authorizes the city of Twin Falls and its employees and agents to enforce compliance with the provisions of this chapter and the regulations adopted herein, and to institute civil action in district court on behalf of Twin Falls County, provided that the city pays all costs associated with such enforcement action and, further, the city agrees to indemnify Twin Falls County from all compliance enforcement actions. The city of Twin Falls accepts the appointment and authorization. (Ord. 2793, 7-19-2004)

The enforcement of the codes applicable to the City of Twin Falls Area of Impact shall be as appointed and authorized by the Board of Commissioners for Twin Falls County

10-17-3 – Article II

The commission shall consist of ~~nine (9)~~ seven (7) members. ~~Seven (7)~~ All members shall be appointed by the mayor and confirmed by a majority vote of the full council. ~~Area of impact members shall be chosen as provided in section 10-8-4 of this title.~~