

COUNCIL MEMBERS:

SHAWN BARIGAR	DON HALL	SUZANNE HAWKINS	GREGORY LANTING	JIM MUNN, JR.	REBECCA MILLS SOJKA	CHRIS TALKINGTON
<i>Vice Mayor</i>			<i>Mayor</i>			



AGENDA
 Meeting of the Twin Falls City Council
Tuesday, November 12, 2013
 City Council Chambers
 305 3rd Avenue East -Twin Falls, Idaho

5:00 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 INTRODUCTION OF STAFF
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA

PROCLAMATIONS:

November 21, 2013 - Grief Awareness Day – Request made by Revis Turner.
 National Hospice and Palliative Care Month – Request made by Tom Mikesell.

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u>		
1. Consideration of a request to approve the accounts payable for November 5 – 12, 2013, total: \$280,759.42 and November 7, 2013, payroll, total: \$117,321.98.	Action	Sharon Bryan
2. Consideration of a request to approve the October 28, 2013, City Council Minutes.	Action	Leila A. Sanchez
3. Consideration of a request to approve the Findings of Fact, Conclusions of Law, and Decision for the Final Plat of the Dunthorn Subdivision.	Action	Mitchel Humble
4. Consideration of a request for the approval of the Annual Festival of Lights Parade to be held on Friday, December 6, 2013.	Action	Sgt. Ryan Howe
5. Consideration of a request to approve the 23 rd Annual Christmas in the Night Time Sky Event to be held at 2862 Addison Avenue East on November 29, 2013.	Action	Sgt. Ryan Howe
II. <u>ITEMS FOR CONSIDERATION:</u>		
1. Consideration of a request to acquire property for the purpose of placing a water storage reservoir at 183 Hankins Road.	Action	Jacqueline Fields
2. Discussion and possible direction regarding the Zoning Ordinance Amendment Committee's progress on drafting an amendment to City Code 10-4-19: Canyon Rims Overlay District.	Discussion/ Direction	Mitchel Humble
3. Discussion on the Idaho Open Meeting Law and possible action on a resolution (attached) requiring meetings of committees, subcommittees, and work groups of the City to publicly notice and post their meetings, keep minutes, and open such meetings to the public except as otherwise provided in the Open Meeting Law.	Discussion/ Possible Action	Rebecca Mills Sojka
4. Public input and/or items from the City Manager and City Council.		
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> None		
V. <u>ADJOURNMENT:</u>		

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

Twin Falls City Council-Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor shall review the public hearing procedures.
 2. Individuals wishing to testify or speak before the City Council shall wait to be recognized by the Mayor, approach the microphone/podium, state their name and address, then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the City Clerk. The City Clerk shall make an audio recording of the Public Hearing.
 3. 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.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.
 4. A City Staff Report shall summarize the application and history of the request.
 - The City Council may ask questions of staff or the applicant pertaining to the request.
 5. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor may limit public testimony to no less than two minutes per person.
 - Five or more individuals, having received personal public notice of the application under consideration, may select 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. The spokesperson shall be limited to 15 minutes.
 - Written comments, including e-mail, shall be either read into the record or displayed to the public on the overhead projector.
 - Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
 6. Following the Public Testimony and Applicant's response, the hearing shall continue. The City Council, as recognized by the Mayor, shall be allowed to question the Applicant, Staff or anyone who has testified. The Mayor may again establish time limits.
 7. The Mayor shall close the Public Hearing. The City Council 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.

*Office of the Mayor
City of Twin Falls, Idaho*

Proclamation

Grief Awareness Day

WHEREAS, one out of 20 children will experience the death of a parent before they graduate from high school and one out of 5 children will face the death of someone close to them during these early years.

WHEREAS, children who have experienced the loss of a loved one, especially a friend or close family member, may carry that loss with them forever as they struggle to understand why their loved one was taken away and are in need of emotional support to help them cope with the aftermath of losing a loved one and facilitate the reconstruction of their lives; and

WHEREAS, Kids Count Too!, Inc., a non-profit organization, volunteers to provide grief support for children, teens and families who have experienced the loss of a loved one and call attention to the issue of children's grief, to increase awareness that children are not left alone or forgotten in the midst of their grief, and are asking our citizens to wear the color blue as a sign of solidarity.

THEREFORE, I, Gregory L. Lanting, Mayor of the City of Twin Falls, therefore proclaim November 21, 2013, as Grief Awareness Day and encourage the citizens of Twin Falls to increase their understanding and awareness of this day with the appropriate activities and programs.

In witness whereof I have hereunto set my hand and caused this seal to be affixed.

Mayor Gregory L. Lanting

Attest:

Leila A. Sanchez

Date: November 12, 2013

*Office of the Mayor
City of Twin Falls, Idaho*

Proclamation

National Hospice and Palliative Care Month

WHEREAS, hospice and palliative care offer the highest quality services and support to patients and family caregivers facing serious and life-limiting illness and palliative care providers take the time to ask what's important to those they are caring for – and listen to what their patients and families say;

WHEREAS, skilled and compassionate hospice and palliative care professionals—including physicians, nurses, social workers, therapists, counselors, health aides, and clergy—provide comprehensive care focused on the wishes of each individual patient;

WHEREAS, through pain management and symptom control, caregiver training and assistance, and emotional and spiritual support, allowing patients to live fully up until the final moments, surrounded and supported by the faces of loved ones, friends, and committed caregivers and the provision of quality hospice and palliative care reaffirms our belief in the essential dignity of every person, regardless of age, health, or social status, and that every stage of human life deserves to be treated with the utmost respect and care;

WHEREAS, every year more than 1.5 million Americans living with life-limiting illness, and their families, received care from the nation's hospice programs in communities throughout the United States and more than 468,000 trained *volunteers contribute 22 million hours of service to hospice program annually*;

WHEREAS, hospice and palliative care providers encourage all people to learn more about options of care and to share their wishes with family, loved ones, and their healthcare professionals;

WHEREAS, the National Hospice and Palliative Care Organization and our family of affiliate organizations based at the National Center for Care at the End of Life all work to help NHPCO's more than 44,000 members work towards a shared vision of a world where individuals and families facing serious illness, death, and grief will experience the best that humankind can offer.

NOW, THEREFORE, be it resolved that the City of Twin Falls does hereby proclaim November 2013 as **National Hospice and Palliative Care Month** and encourage citizens to increase their understanding and awareness of care at the end of life and to observe this month with appropriate activities and programs.

*In witness whereof I have hereunto set my
hand and caused this seal to be affixed.*

Mayor Gregory L. Lanting

Attest:

Leila A. Sanchez

Date: November 12, 2013

COUNCIL MEMBERS:

SHAWN BARIGAR	DON HALL	SUZANNE HAWKINS	GREGORY LANTING	JIM MUNN, JR.	REBECCA MILLS SOJKA	CHRIS TALKINGTON
<i>Vice Mayor</i>			<i>Mayor</i>			



Minutes
Meeting of the Twin Falls City Council
Monday, October 28, 2013
City Council Chambers
305 3rd Avenue East -Twin Falls, Idaho

5:00 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG
CONFIRMATION OF QUORUM
INTRODUCTION OF STAFF
CONSIDERATION OF THE AMENDMENTS TO THE AGENDA
PROCLAMATIONS: "Pancreatic Cancer Awareness Month". Request made by Ken Stokesberry.

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u>		
1. Consideration of a request to approve the accounts payable for October 22 – 28, 2013.	Action	Sharon Bryan
2. Consideration of a request to approve the October 14, 2013, City Council Minutes.	Action	Leila Sanchez
II. <u>ITEMS FOR CONSIDERATION:</u>		
1. Update on the Hanging Flower Basket project along Shoshone Street.	Update	Dennis Bowyer
2. Discussion and possible action on the Canyon Rim Trail Plan from the Magic Valley Trail Enhancement Committee (MVTEC).	Discussion/ Possible	Dennis Bowyer
3. Consideration of a request to approve the draft of a five year development plan for the Twin Falls Historic Preservation Commission.	Action	Randall Watson HPC
4. Consideration of a request to approve the 2014 Certified Local Government application to the Idaho State Historical Society from the Twin Falls City Historic Preservation Commission	Action	Randall Watson HPC
5. Consideration of a request for the Council's consideration of the Final Plat of Desmond Estates Subdivision, 3.37 (+/-) acres consisting of three (3) lots on property located at 2851 Pole Line Road East.	Action	Mitchel Humble
6. Public input and/or items from the City Manager and City Council.		
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u>		
V. <u>ADJOURNMENT:</u> Executive Session 67-2345(1) (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. <i>(Specifically to conduct deliberations to acquire an interest in real property which is not owned by a public agency.)</i>		

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Present: Shawn Barigar, Don Hall, Suzanne Hawkins, Greg Lanting, Jim Munn, Rebecca Mill Sojka, Chris Talkington
Absent:
Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitchel Humble, Parks & Recreation Director Dennis Bowyer, Public Information Officer Josh Palmer, Assistant to the City Manager Mike Williams, Deputy City Clerk/Recording Secretary Leila A. Sanchez

Mayor Lanting called the meeting to order at 5:00 P.M. He then invited all present, who wished to, to recite the pledge of Allegiance to the Flag with him and with Troop 81. A quorum was present. Mayor Lanting introduced staff.

Troops 81, TF 7th Ward Stake House, were present.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None

PROCLAMATIONS: "Pancreatic Cancer Awareness Month". Request made by Ken Stokesberry.

Mayor Lanting read the proclamation and presented it to Ken Stokesberry.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of a request to approve the accounts payable for October 22 – 28, 2013, total:\$1,217,682.77
September 25, 2013, Payroll, total: \$130,205.43
September, 2013, total: \$61,007.30
2. Consideration of a request to approve the October 14, 2013, City Council Minutes.

MOTION:

Councilperson Talkington made a motion to approve the Consent Calendar as presented. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Councilperson Barigar stepped down at 5:08 p.m. from his Council seat.

II. ITEMS FOR CONSIDERATION:

1. Update on the Hanging Flower Basket project along Shoshone Street.

Parks & Recreation Director Bowyer gave the presentation and reviewed the City's expenses.

Shawn Barigar, Chamber President, explained the Chamber's expenses.

Staff is planning to partner with the Chamber of Commerce on the Hanging Flower Baskets project next year unless otherwise directed.

Council discussion followed.

Shawn Barigar stated that he spoke with Dana Moss from Moss Greenhouse and she described the plans for next year's pots.

The Council are in agreement to have staff move forward to partner with the Chamber of Commerce for the 2014 Hanging Flower Basket Project.

Shawn Barigar took his Council seat at 5:17 p.m.

2. Discussion and possible action on the Canyon Rim Trail Plan from the Magic Valley Trail Enhancement Committee (MVTEC).

Parks & Recreation Director Bowyer explained the request.

Council discussion followed.

- Fencing (wooden poles)
- Reimbursement to the City from the developer for trail construction
- Discussion to add trail project to the impact fee list
- Grant process
- Land and Water Conservation Funds grant program

Vice Mayor Hall asked what type of fencing will be placed and if the City builds the trail would the City be reimbursed by the developer.

Parks & Recreation Director Bowyer stated that the City builds the fence unless the developer chooses to enhance the fence as outlined in the "Enhanced Canyon Rim Trail Corridor Guidelines."

City Manager Rothweiler stated that staff has made an attempt to contact the property owner of the Pillar Falls development to discuss construction of the trail to add to the selling price. The funds could then be recovered and at some point and time be applied back to the trail system. The City cannot request reimbursement for the trail and fencing without an agreement with the developer if the City makes the improvements before the development constructs.

In regards to adding trail projects to the impact fee list, City staff will further discuss the Impact Fee Program to finalize any proposed changes. Then City staff will meet with the Impact Fee Committee on Thursday, November 14, 2013, to go over any proposed changes to the Impact Fee Program. If the Impact Fee Committee has any recommendations, then their request will go before the Council at a future date.

Staff and the members of the Magic Valley Trail Enhancement Committee are recommending the following in order for the development of sections of the Snake River Canyon Rim Trail system:

1. Pursue the grant possibility with the State Parks and Recreation Department and other grants; use some of the matching funds from the MVTEC and the Twin Falls Community Foundation for the Pillar Falls section. Details on how much funding the City would be requested in the grant process have not been determined nor how much of matching funds from the two groups should be used. Use additional funds of the remaining funds from the two groups along with City funds to construct the fencing for this section of trail. Combination of the paving the trail estimate and the fencing is approximately \$78,000. Dependent on the grant process, the worst case scenario would be for the City to expend approximately \$48,000 to complete the Pillar Falls trail section.
2. Complete the trail section that runs from the newly ending trail section of Pillar Falls that ends on Pole Line Road to the Preserve section. This is approximately 320' in length; it is recommended to be 10' in width and constructed in asphalt to keep the surface consistency for the canyon rim trails and no fencing is required on this section. With the estimate of \$75 per linear foot for trails, the estimated cost would be \$24,000. Staff believes this section will be lower than the estimate as no major rock work will have to occur on this section.
3. Work out an agreement with the owner of the Preserve to allow a temporary trail through the development from the corner of Pole Line Road and Eastland Drive North to the Evel Knievel jump site. This temporary section of trail would be approximately 7,000' in length. No cost estimates on a temporary trail or fence has been calculated at this time.
4. Develop the Evel Knievel section of trail that runs west from the end of the Centennial trail to the Preserve site. This is all dependent on if anyone uses the jump site for an attempted jump over the canyon; this project might have to be put on hold for a while.

Staff is seeking approval to move forward with the first two recommendations. If an agreement with the developer of the Preserve can be reached, staff would get estimates for a temporary trail and fencing and report back to the Council before moving forward on the temporary trail across the Preserve.

Council discussion followed.

- Disbursement of funds
- Trail at the north end of Harrison Street North
- Rock Creek signs vandalized

Parks & Recreation Director Bowyer stated that he will look into placing regrind for a temporary trail at the north end of Harrison Street North that connects with the trail along the Perrine Coulee. The signs along the Rock Creek Canyon trail will be removed.

MOTION:

Vice Mayor Hall made a motion to allow staff to move forward with the grant application process with the State Parks and Recreation Department and other grants; use some of the matching funds from the MVTEC and the Twin Falls Community Foundation for the

Pillar Falls section and to complete the trail section that runs from the newly ending trail section of Pillar Falls that ends on Pole Line Road to the Preserve section. The motion was seconded by Councilperson Hawkins and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

3. Consideration of a request to approve the draft of a five year development plan for the Twin Falls Historic Preservation Commission.

Randall Watson, Chairman for the HPC, explained the request. He introduced Commission members Debbie Lattin, Nancy Taylor, Wendy Rice, and former member Darrell Buffaloe.

- Focus Area 2 – Learning Community, (Initiative: LC1.1 The City will support efforts of others in creating a well-educated and trained community.)
- Focus Area 6 – Prosperous Community (Objective PC1.B: Protect the historic character of the downtown)
- Focus Area 7 – Responsible Community, (Objective RC1.1A: Develop a community engagement program that expands community outreach to all segments of the community, using education efforts, market and promotional opportunities.)

Staff recommends approval of the draft five year plan and that the final plan is submitted for approval.

Council discussion followed.

-Create a Historic Overlay District for the Historic City Park District

Councilmember Talkington stated that when he served on the Historic Commission with Darrell Buffaloe, the overlay districts in the past have been somewhat controversial, in limiting the property owners to sell, renovate, and reconstruct their homes. He asked Randall Watson what limitations he envisions with the age and value of the home.

Randall Watson stated that the design guidelines used in the Warehouse District give the property owner options to replace or retrofit. He envisions that the historic residential district guidelines will give property owners options and he does not see them as restrictive.

Vice Mayor Hall stated that as liaison to the HPC, the Commission works with the property owner to keep the historic character of the building and he understands that many times the buildings need to be renovated to be utilized for new businesses. There are now event centers that have kept the character of the building.

-Develop plan and cost/donation estimate for a Mobile City Museum and develop a construction and operation plan

Vice Mayor Hall stated that discussion was held on a permanent museum site but the Commission would like something mobile to take around to schools and other locations.

Councilperson Talkington stated his concern of the guidelines not being very specific.

MOTION:

Vice Mayor Hall made the motion to approve the draft of a five year development plan for the Twin Falls Historic Preservation Commission. The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

4. Consideration of a request to approve the 2014 Certified Local Government application to the Idaho State Historical Society from the Twin Falls City Historic Preservation Commission.

Randall Watson, Chairman for the HPC, explained the request.

Each year the Historic Preservation Commission (HPC) has submitted a Certified Local Government (CLG) grant application for historic preservation activities. For 2014 the proposed application has two projects taken from our five year plan.

The first priority is the rehabilitation of the Lincoln Street streetlights. There are ten (10) historic street lights listed on the National Register of Historic Places that are in danger of deterioration beyond saving. This grant will make repairs to the lights that will allow for the implementation of a preventive maintenance program to preserve them for many years. The requested grant funding for this project is \$5,788.

The second priority is the development of design guidelines for the Historic City Park District. The (HPC) Five-Year Plan includes a desire to codify a City Park Historic District. The guidelines will be used when this district becomes a codified overlay district when/if the City codifies a Park District. Currently, this district is listed on the National Register of Historic Places but not in the local zoning code as an overlay district. The requested grant funding for this project is \$6,000.

The Historic Preservation Commission recommends that the Council approve and authorize the Mayor to sign the 2014 CLG application.

Council discussion followed.

- Spending of funds in the priority as listed
- Codify an overlay district
- Lincoln Street streetlights

City Manager Rothweiler stated that the Commission has the ability to submit an addendum and request to use funds in a different manner and submit to the State Historical Society for authorization of the grant funds.

Darrell Buffaloe, former HPC member, stated that whether or not the overlay district is approved, the guidelines will help assist property owners on how to maintain their property and the value of their property.

Randall Watson stated that the Lincoln Street streetlights, if the grant is approved, should be completed within the fiscal year.

MOTION:

Vice Mayor Hall made a motion to approve the 2014 Certified Local Government application to the Idaho State Historical Society from the Twin Falls City Historic Preservation Commission. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

5. Consideration of a request for the Council's consideration of the Final Plat of Desmond Estates Subdivision, 3.37 (+/-) acres consisting of three (3) lots on property located at 2851 Pole Line Road East.

Community Development Director Humble explained the request.

This item was scheduled for consideration by the Council at their October 14, 2103, meeting. At that meeting, the item was tabled so staff could provide additional requested information regarding the Canyon Rim Trail that will be located near this property. A question was asked about why this final plat did not include any trail dedication for the Canyon Rim Trail when the property is located along the Canyon Rim. City Code 10-12-4-2 includes a list of those improvements that are required to be provided when property is subdivided. One of the required improvements on this list is bicycle pathways. City Code 10-12-4-2(D) says: "Bicycle Pathways: A bicycle pathway shall be provided within all subdivisions, as part of the public right of way or separate easement, as may be specified in an overall bicycle plan as adopted by the council."

The City has adopted an overall bicycle plan. It is included in Chapter 9 of the Comprehensive Plan and is titled, "Map 9-3: Existing and Proposed Recreational Trails." Per City Code 10-12-4-2(D), the City can require dedication and construction of bicycle paths as designated on this trail plan. Attached is an exhibit showing the designated Canyon Rim Trail location overlaid onto an aerial photo of the subject and surrounding property.

From the exhibit, the location of the Canyon Rim Trail is identified as running east/west through "The Preserve" development to the south of the subject property. It then turns north and reaches the Canyon Rim again immediately east of the subject property. Along its north/south alignment, the trail is intended to follow the subject property's eastern property line. At that point, the trail could be located on either side of the property line, but should generally be located parallel and close to it. The trail plan does not show the trail coming back to the rim west of the subject property, nor following the rim along the subject property. Therefore, City Code does not allow the City to require dedication of the trail in those locations.

In addition, "The Preserve" planned unit development was created before the trail plan was adopted. Therefore, the trail plan was created incorporating what was already planned in that PUD. That PUD requires the developer of that property to construct an internal trail system that connects trails to Eastland Drive, Hankins Road, Carriage Lane and the Canyon Rim Trail. The PUD does not set specific alignments within the property, but rather only requires the trail connections to be detached from the internal streets.

Since City Code does not require trail dedication from this property along the Canyon Rim, and since the adjacent property is required to provide the trail connection from Eastland to the Canyon Rim Trail at the jump site, no trail dedication was required from the developer of the Desmond Estates Subdivision.

Council discussion followed.

Councilperson Mills Sojka asked if the Council would have the opportunity to "exact" right of way, review, make changes to the path and require access to the canyon rim.

City Attorney Wonderlich stated that he does not like the term "exacting right of way," because this is not done unless a condemnation is taken place. The City does require that developments that are adjacent to public infrastructure, if they are going to use the infrastructure, complete the infrastructure, and if they don't, then they are not capable of development. Ordinarily in larger subdivisions where there are substandard roads, the City requires the developer to dedicate additional right of way, because the existing roads will not support that subdivision. The lot that the property is on was probably created 20 to 30 years ago. This is a 3 acre parcel and he is not sure where the trail can be placed.

Councilperson Mills Sojka asked if it was possible to go down the northern boundary then down the lot line of Lot 1.

City Attorney Wonderlich stated that looking at the distance between the house, yard, and the rim, (1) he is not sure there is room to place a trail, and (2) if he were the property owner he would say never mind.

Councilperson Mills Sojka stated that's okay too. It's their property.

Council discussion followed.

MOTION:

Councilperson Barigar made a motion to recommend approval to the Board of County Commissioners the final plat of the Desmond Estates Subdivision, as presented, subject to the five conditions recommended by the Planning & Zoning Commission.

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to final technical review and amendments as required by Engineering officials of the development of the private bridge over the waterway.
3. Subject to final technical review and amendments as required by Engineering officials to ensure compliance with all applicable City Code requirements and standards of the development of the private drive to the proposed subdivision.
4. Subject to final approval by the Twin Falls Board of County Commissioners.
5. Subject to a note being placed on the final plat that no building permits will be issued until the roadway improvements for the road and bridge are completed.

The motion was seconded by Councilperson Hawkins.

MOTION:

Councilperson Mill Sojka made an amendment to the motion to require trail improvements on the northern boundary of the lot and coming in the line of Lot 1 and Lot 2. The motion failed due to a lack of a second.

Council discussion followed.

-Distance between the house and the east property line is approximately 220 square feet.

Mayor Lanting stated he agrees with Councilperson Mills Sojka to have as much as the canyon rim as possible. At some point it will come down fairness as well, because The Preserve will be required to build a trail.

Councilperson Hawkins stated that for the amount of footage the City will gain this is a huge expense. This isn't a developer but a private property owner; when they bought the property did not know they were going to sell off part of their land.

Vice Mayor Hall said he agrees with Councilperson Hawkins. He stated that it is okay to have interior trails.

Roll call vote showed Councilperson Barigar, Hall, Hawkins, Lanting, Munn, and Talkington. Councilperson Mills Sojka voted against the motion. Approved 6 to 1.

6. Public input and/or items from the City Manager and City Council.

City Manager Rothweiler stated that the City Forum on Bike Path Connectivity will be held on Wednesday, November 6, 2013, at 7:00 P.M.

Vice Mayor Hall stated that Zip the Snake received a Special Use Permit recently, and he asked staff who would be taking noise complaints. Community Development Director Humble stated that the Planning & Zoning Department can be contacted.

Councilperson Barigar stated that the Jump the Canyon RFQ has been reviewed by a work group that met today. The work group is recommending that the applicants make their presentation before the Council in a public comment forum.

City Manager Rothweiler recommended meeting November 21, 2013, with the applicants, when the start time can be 3:00 p.m. or 3:30 p.m., and the Council not meet the week of November 25, 2013.

Council concurred with the recommendation.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

VI. PUBLIC HEARINGS:

V. ADJOURNMENT:

Executive Session 67-2345(1) (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.

(Specifically to conduct deliberations to acquire an interest in real property this is not owned by a public agency.)

MOTION:

Vice Mayor Hall made the motion to adjourn to Executive Session 67-2345(1) (c) To conduct deliberations to acquire an interest in real property which is not owned by a public agency. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

The meeting adjourned at 6:44 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:)	
)	
<u>Final Plat Application,</u>)	FINDINGS OF FACT,
)	
<u>Dunthorn Subdivision</u>)	
<u>c/o P&J Property Investments, LLC</u>)	CONCLUSIONS OF LAW,
Applicant(s).)	
)	AND DECISION

This matter having come before the City Council of the City of Twin Falls, Idaho on October 21, 2013 for consideration of the final plat of the Dunthorn Subdivision, approximately 1.52 (+/-) acres located at the southwest corner of 4th Avenue West, and the City Council having heard testimony from interested parties, having received written Findings from the Planning and Zoning Commission and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has requested approval of the final plat of the Dunthorn Subdivision, approximately 1.52 (+/-) acres located at the southwest corner of 4th Avenue West.
2. The property in question is zoned R-6 MHO CRO pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Townsite in the duly adopted Comprehensive Plan of the City of Twin Falls.
3. The existing neighboring land uses in the immediate area of this property are: to the north, 4th Avenue West; to the south, Residential; to the east, Oak Street/Residential; to the west, Rock Creek Canyon.
4. The City Engineering Office has reviewed the final plat and has approved the proposed street accesses and public utility extensions, subject to availability of such services at the time of development. The developer will pay all costs of public improvements, including but not limited to streets, curb gutter and sidewalks,

sewer, water and pressurized irrigation systems. The proposed development includes dedication of additional right-of-way in compliance with the Master Street Plan.

Based on the foregoing Findings of Fact and the regulations and standards set forth below, the City Council hereby makes the following

CONCLUSIONS OF LAW

1. The final plat of the Dunthorn Subdivision, approximately 1.52 (+/-) acres located at the southwest corner of 4th Avenue West is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.

2. The final plat is in conformance with the Comprehensive Plan as required by Twin Falls City Code §10-12-2.3(H)(2)(a).

3. Public services are currently available to accommodate the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (b). Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity.

4. The development of streets, sewer, water, irrigation, dedication of park land and other public improvements at the cost of the developer will not adversely affect any capital improvement plan and will integrate with existing public facilities, as required by Twin Falls City Code §10-12-2.3(H)(2)(c).

5. There is sufficient public financial capability of supporting services for the proposed development, as required by Twin Falls City Code §10-12-2.3(H)(2)(d).

6. There are no other health, safety or environmental problems associated with the proposed ~~development that were brought to the City Council's attention, per Twin Falls City Code §10-12- 2.3(H)(2)(e).~~

7. The final plat is in conformance with the Preliminary Plat. Based on the foregoing Conclusions of Law, the Twin Falls City Council hereby enters the following

DECISION

The request for approval of the final plat of the Dunthorn Subdivision, approximately 1.52 (+/-) acres located at the southwest corner of 4th Avenue West is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein. 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.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

"EXHIBIT NO. A"

1. Subject to final technical review and amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.



Date: Tuesday, November 12, 2013, Council Meeting
To: Honorable Mayor and City Council
From: Sergeant Ryan Howe, Twin Falls Police Department

Request:

Consideration of a request for approval of the Annual Festival of Lights Parade to be held on Friday, December 6, 2013. This annual event is sponsored by the Times-News.

Time Estimate:

Staff requests that this agenda item be placed on the Consent Calendar.

Background:

On October 29, 2013, a Parade Application was received from Lucinda Freeborn, on behalf of the Times-News, for the annual Festival of Lights Parade. This event is to be held on Friday, December 6, 2013, at 6:00 p.m. The parade will begin on Main Avenue in the area of Kregel's True Value Hardware Store and will travel west on Main Avenue to the area of the Magic Valley High School.

There will be an estimated 40 floats that will be decorated with holiday lights, with approximately 200 to 300 people in the parade. It is estimated that 2,000 to 5,000 people will be in attendance to observe the parade, depending on weather conditions. The parade application fee has been paid.

The Twin Falls Police Department did not receive any calls for service related to the Festival of Lights Parade in 2012.

Main Avenue East/South will be closed from Murtaugh Street where the staging area will be located in the 600 Block of Main Avenue. Main Avenue will be closed from Murtaugh Street to Castleford Street where the parade floats will disperse.

The Twin Falls City Street Department will provide the traffic cones and barricades for the event.

The Twin Falls Fire Department will also assist with traffic control at the intersections of 2nd Avenue East/North and Shoshone Street and at 2nd Avenue West/South and Shoshone Street.

A required Certificate of Liability Insurance, naming the City of Twin Falls as the certificate holder, has been provided for this event.

Agenda Item for November 12, 2013
From Sergeant Ryan Howe
Page Two

Approval Process:

N/A

Budget Impact:

This event will require a total of nine (9) Twin Falls Police Officers, four (4) non-sworn Police Department employees, and Citizens on Patrol volunteers. A briefing will be held at 4:30 p.m.; the street closures will take place at 5:00 p.m. The parade is scheduled to start at 6:00 p.m. and is estimated to conclude by 7:30 p.m. Total overtime cost for the Twin Falls Police Department will be \$1,572.00. This cost has been included in the Twin Falls Police Department's overtime budget.

Regulatory Impact:

N/A

Conclusion:

Several relevant City Staff members, as well as the Twin Falls Police Department Staff, have met and approved this Parade Application.

Attachments:

None

RH:aed



Date: Tuesday, November 12, 2013, Council Meeting
To: Honorable Mayor and City Council
From: Sergeant Ryan Howe, Twin Falls Police Department

Request:

Consideration of a request to approve the 23rd Annual Christmas in the Night Time Sky Event sponsored by Kimberly Nurseries to be held at 2862 Addison Avenue East on November 29, 2013.

Time Estimate:

Staff requests that this item be placed on the Consent Calendar.

Background:

Dave and Sherry Wright have submitted a Special Events Application requesting to hold the 23rd Annual Christmas in the Night Time Sky Event. The festivities will be held at the Kimberly Nurseries location of 2862 Addison Avenue East. This is a nonprofit event that will benefit needy children in our community, as it is the Valley's largest toy fundraiser. The festivities begin at 5:00 p.m. The hosts will serve a chili/potato dinner beginning at 5:30 p.m. in exchange for an unwrapped toy. There will be live amplified music played during the event on the property of Kimberly Nurseries, as well as a bonfire. A choreographed fireworks display will follow at approximately 7:30 p.m. The fireworks show will take place north of Kimberly Nurseries in a vacant field located on the north side of Addison Avenue East. The estimated crowd size for this event is 2,500 people, depending on the weather. Event organizers will be responsible for providing advanced notification to all business owners and residents affected by the street closure due to this event. Event organizers will provide transportation by school bus from the K-Mart parking lot to Kimberly Nurseries for the event and will provide transportation back to K-Mart at the conclusion of the event.

In 2012, the Twin Falls Police Department did not receive any calls for service related to the Christmas in the Night Time Sky Event.

Addison Avenue East will be closed from Eastland Drive to Hankins Road from 5:00 p.m. until approximately 9:00 p.m. Carriage Lane and Carriage Lane North will also be closed at the intersections of Addison Avenue East. Road closures will be controlled by traffic cones, barricades, Twin Falls Police Department Officers and employees, officers from other agencies, and volunteers.

The Twin Falls City Street Department will provide the traffic cones and barricades for the event.

The Twin Falls Fire Department will be on scene for the bonfire and for the fireworks display.

Agenda Item for November 12, 2013
From Sergeant Ryan Howe
Page Two

Approval Process:

Consent by the City Council

Budget Impact:

This event will require a total of eleven (11) Twin Falls Police Officers, four (4) non-sworn Police Department employees, Citizens on Patrol volunteers, and other law enforcement agencies. A briefing will be held at 4:30 p.m., and the street closures will take place at 5:00 p.m. The event is estimated to conclude by 9:00 p.m. Total overtime cost for the Twin Falls Police Department will be \$2,756.00, which has been included in the Twin Falls Police Department's overtime budget.

Regulatory Impact:

N/A

Conclusion:

This Special Events Application has been approved by several relevant City Staff members and the Twin Falls Police Department Staff. It is recommended that this request be approved by the City Council as presented.

Attachments:

None

RH:aed



Date: Tuesday November, 12, 2013
To: Honorable Mayor and City Council
From: Jacqueline D Fields, City Engineer

Request:

Consideration of a request to acquire property for the purpose of placing a water storage reservoir at 183 Hankins Rd.

Time Estimate:

The staff presentation will take approximately 5 minutes.

Background:

Communities use water supply reservoirs to address peak flows, fire flow and emergency storage. The City is in need of additional storage. Money was placed in the water department budget to acquire land. Optimally, a site will be located close to existing pumping facilities for efficiency, reduced initial capital costs and reduced operational costs. A site has been located due south of the existing Hankins pump station and reservoir property. The negotiated price of the property is \$450,000.

Approval Process:

Budget Impact:

The Water Department has \$350,000 budgeted for this purpose and will fund the remainder with reserves.

Regulatory Impact:

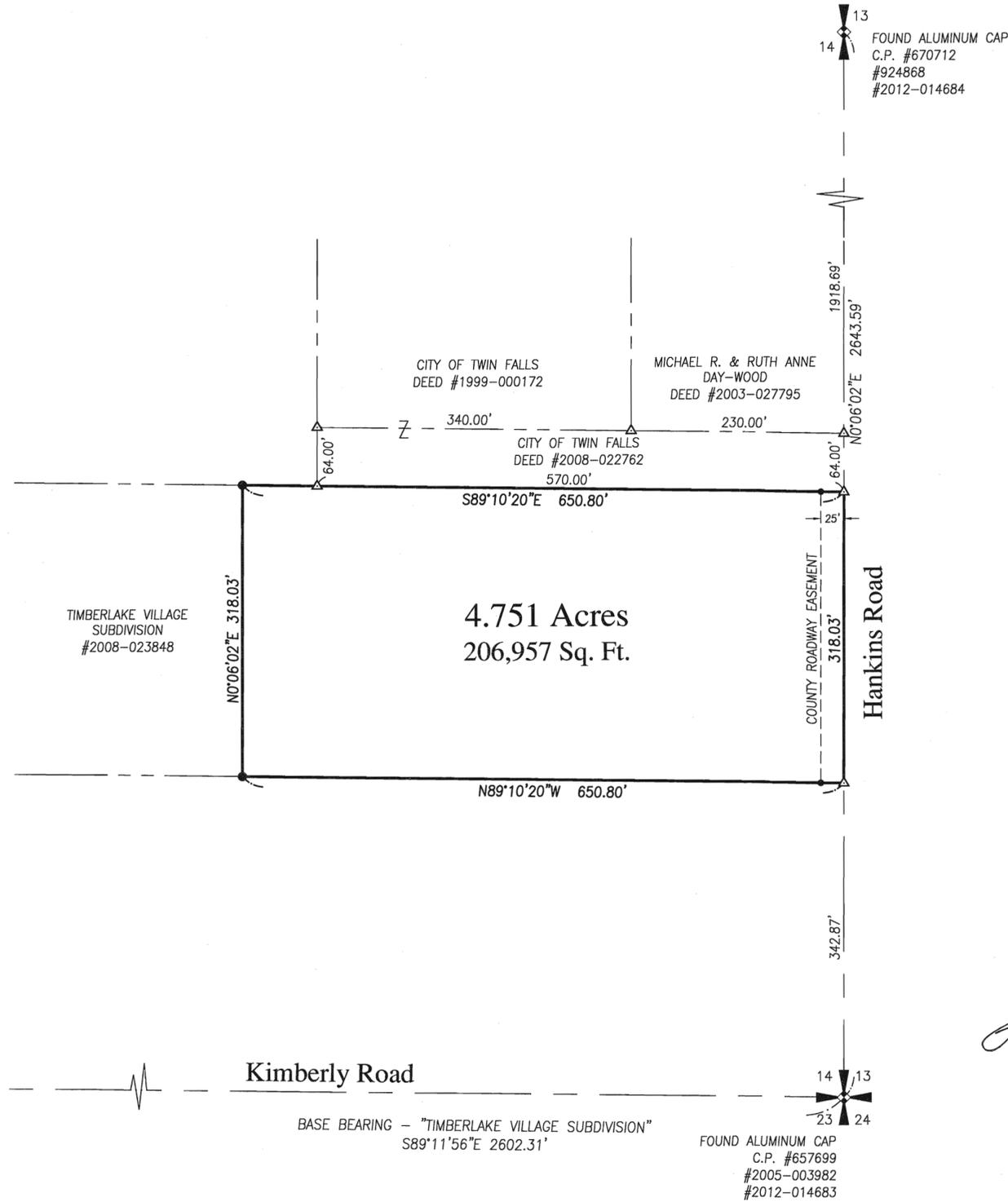
Conclusion:

Staff recommends that the Council approve the request to acquire the property south of the Hankins pump station facility.

Attachments:

1. Record of survey

Located In
 A Portion of
 SE 4 SE 4, Section 14
 Township 10 South, Range 17 East
 Boise Meridian
 Twin Falls County, Idaho
 2013



Legend

- SURVEY BOUNDARY LINE
- SECTION LINE
- COUNTY ROADWAY EASEMENT LINE
- ADJACENT PROPERTY LINE
- CALCULATED POINT (NOT SET)
- FOUND 5/8" REBAR (AS NOTED)
- SET 5/8" x 24" REBAR & CAP - LS 1000
- SET 1/2" x 24" REBAR & CAP - LS 1000
- FOUND ALUMINUM CAP (LS 1000)

Survey References

TIMBERLAKE VILLAGE SUBD.
 ITD PROJECT ST-7282 (601)

Deed References

#2006-006789



I, ROGER A. KRUGER, DO HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND ACCURATE MAP OF THE LAND SURVEYED UNDER MY SUPERVISION AND DIRECTION.

Record of Survey
 for
 City of Twin Falls - Wood Property

EHM Engineers, Inc.
 BUILDING THE FUTURE ON A FOUNDATION OF EXCELLENCE
 Engineers / Surveyors / Planners
 621 North College Road, Suite 100 Twin Falls, Idaho 83301
 p (208)-734-4888 fax (208)-734-6049 web: ehminc.com

JOB NO.	354-13
APPROVED	
DESIGN	
DRAWN	DJS
DATE	NOV 2013
SCALE	As Shown
	V-354-13 ROS
Sheet No.:	1



MONDAY November 12, 2013

To: Honorable Mayor and City Council

From: Mitchel Humble, Community Development Director

Request:

Discussion and possible direction regarding the Zoning Ordinance Amendment Committee's progress on drafting an amendment to City Code 10-4-19: Canyon Rims Overlay District.

Time Estimate:

The staff report for this item will take about five minutes. This item has the potential to generate a lengthy discussion following the brief presentation. The committee members plan to attend the meeting to be available for questions.

Background:

The Zoning Ordinance Amendment Committee (ZOAC) has been meeting and drafting Code amendments since October 2012. The ZOAC has been drafting Code amendments that had been previously authorized by the Council. In April, the ZOAC began working on an amendment to the City's Canyon Rims Overlay District. The Mayor had asked that when this topic came up, Cheri Condie be invited to participate in the committee work. Cheri was invited to attend. She also, at times, brought others from the Concerned Citizens Committee to the meetings to participate. The ZOAC worked on this Code amendment at various meetings from April 24 to August 28.

Throughout these meetings, the ZOAC discussed many topics, including building materials, color, design standards, big box uses, view corridors, trail development, PUDs, available CRO property, landscaping, feelings about current CRO development, difference between Rock Creek and Snake River Canyons, examples from other cities, and many others. The ZOAC members had a very difficult time agreeing on acceptable standards to include in an amendment for any of the items discussed. The ZOAC was no closer to completing an amendment at the 8/28 meeting than they were at the 4/24 meeting.

Much of the discussion centered on how the current developments along the Canyon Rim had occurred through the PUD process. There was a general consensus that the PUD process has its flaws, but has been used in the past to generate pretty good development along the Rim and the PUD process can continue to do so in the future. There was also discussion regarding the amount of undeveloped property along the Rims that the CRO would apply to and that changes to the CRO could impact. The feeling was that there are simply very few properties left that will be impacted by a change.

Since there was no agreement that any specific changes were needed, that few properties would be impacted by an amendment, and that the PUD process is still required for CRO development and will be used for any future development along the Rims, the ZOAC members voted unanimously that the Code should not be amended. Specifically, committee member Dane made a motion that 1) no change is necessary, 2) if a future change does come up, the City should notify the Concerned Citizens Committee for their input, and 3) that the City should continue to use the PUD process to mitigate impacts of proposed CRO developments. This motion was seconded by committee member Mahler. All committee members present voted in favor. Committee member Frank was not present at the 8/28 meeting, so the vote was 5-0.

This report is a very brief summary of an obviously lengthy topic. The committee members and I will provide more details during the discussion. I have provided several attachments to the report as well. These attachments include the current Code, some recommendations from Cheri, and City staff notes from some of the meetings.

Budget Impact:

There is no significant budget impact associated with this agenda item.

Regulatory Impact:

The committee believes that no Code amendment is necessary regarding the Canyon Rims Overlay District. Therefore, there is no regulatory impact with this agenda item.

Conclusion:

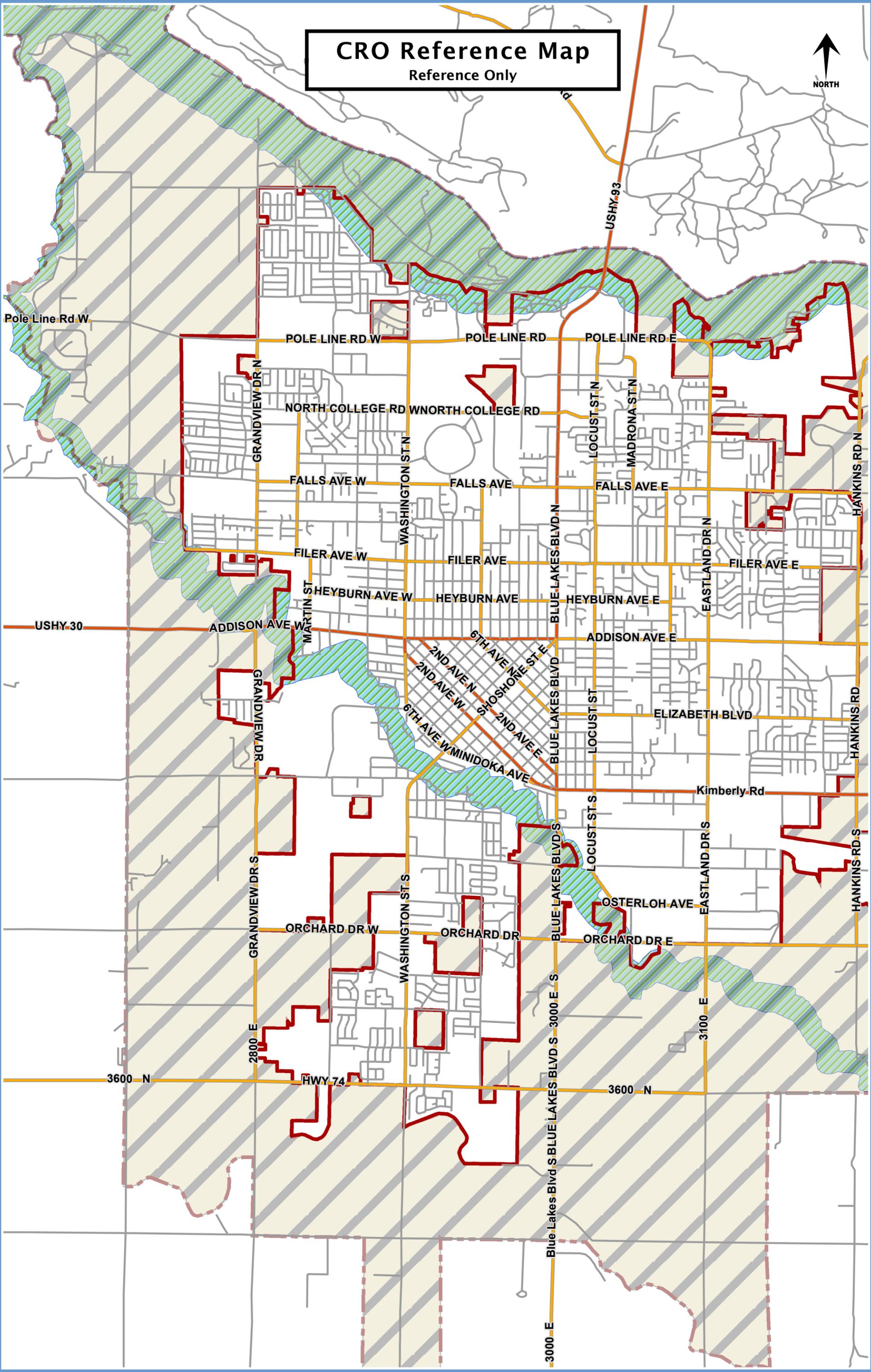
As this item is a discussion item, no action is necessary. The Council may provide feedback or direction to the Zoning Ordinance Amendment Committee as the Council determines is appropriate.

Attachments:

1. CRO Reference Map
2. CRO Reference Map with Aerial Photo
3. City Code 10-4-19, as it currently exists
4. Recommendation Handout from Cheri Condie (Concerned Citizens Committee), includes page of recommendations and two similar ordinances from the City of Frisco, Texas that I drafted while working there
5. Committee meeting notes from Jon and Renee from several meetings where the committee discussed this topic

CRO Reference Map

Reference Only



Pole Line Rd W

POLE LINE RD W

POLE LINE RD

POLE LINE RD E

NORTH COLLEGE RD W NORTH COLLEGE RD

FALLS AVE W

FALLS AVE

FALLS AVE E

FILER AVE W

FILER AVE

FILER AVE E

HEYBURN AVE W

HEYBURN AVE

HEYBURN AVE E

ADDISON AVE W

ADDISON AVE E

ELIZABETH BLVD

Kimberly Rd

ORCHARD DR W

ORCHARD DR

ORCHARD DR E

3600 N

HWY 74

3600 N

2800 E

3000 E

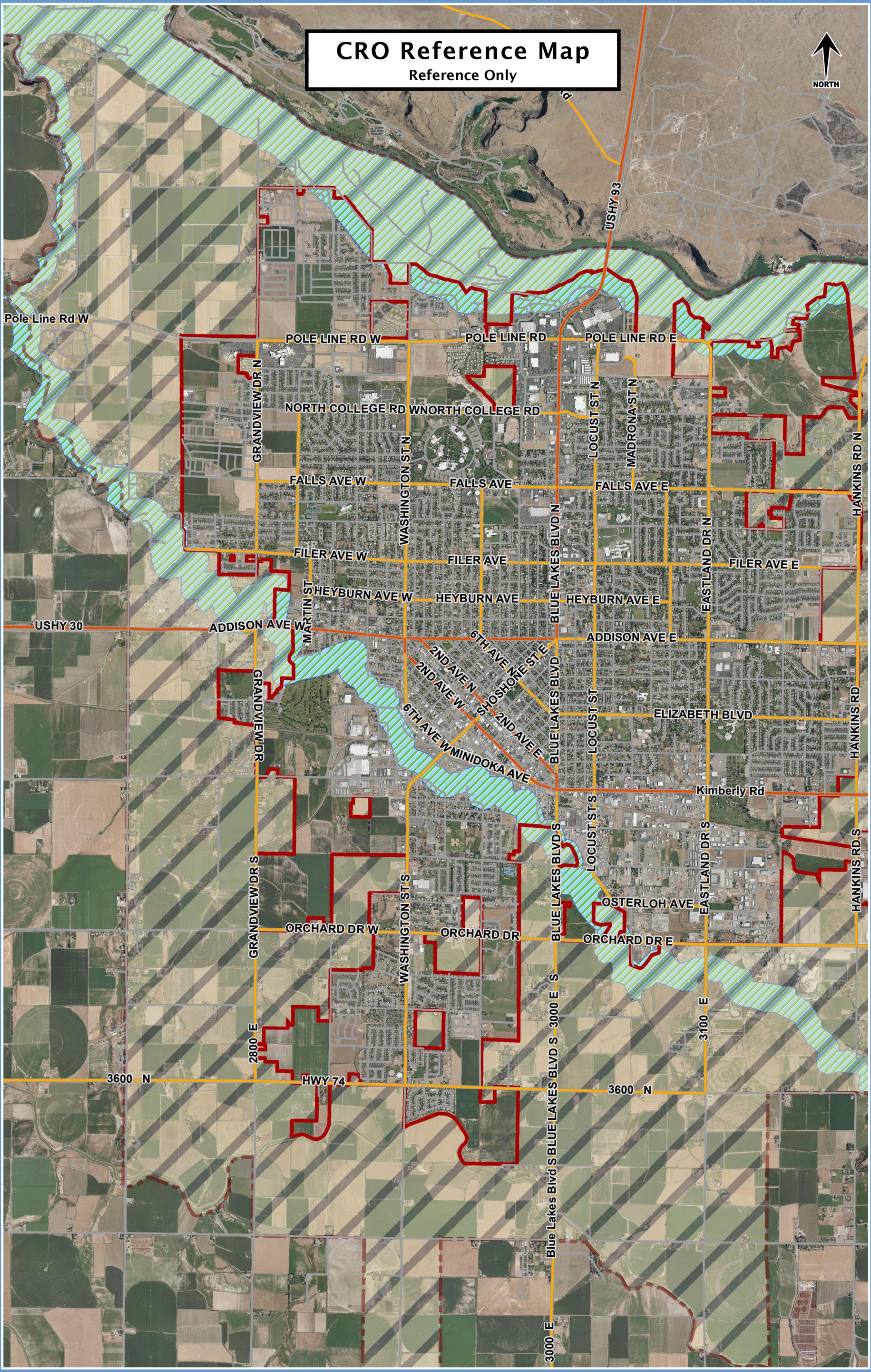
Blue Lakes Blvd S

BLUE LAKES BLVD S 3000 E S

3100 E

CRO Reference Map

Reference Only



Pole Line Rd W

POLE LINE RD W

POLE LINE RD

POLE LINE RD E

NORTH COLLEGE RD W NORTH COLLEGE RD

FALLS AVE W

FALLS AVE

FALLS AVE E

FILER AVE W

FILER AVE

FILER AVE E

HEYBURN AVE W

HEYBURN AVE

HEYBURN AVE E

ADDISON AVE W

ADDISON AVE E

GRANDVIEW DR

2ND AVE N

2ND AVE W

6TH AVE W

MINIDOKA AVE

6TH AVE NE

2ND AVE E

SHOSHONE ST E

2ND AVE E

BLUE LAKES BLVD N

BLUE LAKES BLVD

BLUE LAKES BLVD S

3000 E S

3100 E

3000 E

3100 E

ELIZABETH BLVD

Kimberly Rd

ORCHARD DR W

ORCHARD DR

ORCHARD DR E

OSTERLOH AVE

3600 N

HWY 74

3600 N

2800 E

3000 E

3100 E

GRANDVIEW DR S

GRANDVIEW DR

GRANDVIEW DR N

WASHINGTON ST S

WASHINGTON ST N

LOCUST ST S

LOCUST ST

LOCUST ST N

EASTLAND DR S

EASTLAND DR N

HANKINS RD S

HANKINS RD

HANKINS RD N

USHY 30

USHY 93

10-4-19: CRO, CANYON RIMS OVERLAY DISTRICT:

10-4-19.1: PURPOSES:

The purposes of the canyon rims overlay district are as follows:

- (A) To protect the public and private property owners from the natural hazards of rock fall and slope failure along the Snake River Canyon and Rock Creek Canyon.
- (B) To protect views and create a unique visual environment along the canyon rims.
- (C) To preserve and improve the aesthetic appearance of the canyon rims for the enhancement of the quality of life in the community.
- (D) To provide development standards that enhance the value of canyon rim areas to the developer and the community.

10-4-19.2: LOCATION:

The canyon rims overlay district shall include all of that area within the city and its area of impact located within two hundred feet (200') of the Rock Creek Canyon rim and within seven hundred feet (700') of the Snake River Canyon rim which carries a residential or C-1 zoning designation. (Ord. 2526, 5-20-1996)

10-4-19.3: USE REGULATIONS:

- (A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

Residential: Any residential use permitted in the zoning district upon which the overlay is placed.

Commercial: The following commercial uses are permitted if the zoning district upon which the overlay is placed permits the use. Retail trade uses operating between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. as follows:

1. Communications And Utilities:

- a. Underground and aboveground transmission lines.
- b. Utility-owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.

2. Cultural Facilities:

- a. Botanical gardens and arboretums.
- b. Historic sites and monuments.
- c. Libraries, museums and art galleries.
- d. Planetariums and aquariums.

3. Parks:

- a. Open space.
- b. Public parks and playgrounds without crowd attracting facilities.

4. Public Assembly:

- a. Funeral chapels.
- b. Religious facilities.

5. Residential:

a. Nursing homes and rest homes.

6. Retail Trade:

- a. Apparel and accessories.
- b. Bakery.
- c. Bookstore.
- d. Craft shop, in conjunction with retail business.
- e. Eating places.
- f. Florist.
- g. Hobby and toy store.
- h. Ice cream store.
- i. Import store.
- j. Music store.
- k. Taxidermy studio.

7. Services:

- a. Advertising.
- b. Apparel repair and alteration.
- c. Beauty and barbershops.
- d. Building care contracting offices.
- e. Business associations.
- f. Civic, social and fraternal organizations.
- g. Construction trade offices.
- h. Consumer credit collection offices.
- i. Daycare services.
- j. Duplicating and stenographic offices.
- k. Finance and investment offices.
- l. In-home daycare services.
- m. Insurance and related business.
- n. Labor unions and organizations.
- o. Photography studios.
- p. Professional organizations.
- q. Professional services.
- r. Real estate and related business.
- s. Welfare and charitable facilities.

8. Transportation:

- a. Bus facilities, including pick up shelters.

Notwithstanding the foregoing list of permitted uses, any such proposed use which

broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit. (Ord. 2620, 8-2-1999)

(B) Special Uses: A special use may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

Residential: Any use permitted by special use in the zoning district upon which the overlay is placed.

Commercial: Any of the following commercial uses may be permitted by special use permit if permitted outright or by special use in the zoning district upon which the overlay is placed.

1. Communications And Utilities:

- a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.

2. Miscellaneous:

- a. Any facility with drive-through service in the canyon rim overlay zoning district adjacent to Rock Creek Canyon.

3. Parks:

- a. Park concessions.

4. Public Assembly:

- a. Auditoriums.
- b. Exhibition halls.

5. Residential:

- a. Motels and transient hotels.
- b. Residence halls, residence hotels, rooming houses.

6. Retail Trade:

- a. Alcoholic beverages, when consumed on the premises where sold.
- b. Permitted retail/trade uses listed in subsection (A) of this section operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- c. Pet shop.
- d. Mobile/manufactured home sales and/or rentals in the Rock Creek Canyon CRO between Martin Street and 2750 East.

7. Sports Facilities:

- a. Athletic areas.
- b. Golf courses and country clubs.
- c. Golf driving ranges.
- d. Miniature golf courses.
- e. Outdoor, public and commercial ice and roller skating facilities.
- f. Outdoor, public and commercial swimming pools.
- g. Outdoor, public and commercial tennis courts.

8. Transportation:

a. Taxicab office.

b. Ticket and arrangement facilities. (Ord. 2620, 8-2-1999; amd. Ord. 2859, 5-1-2006)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection [10-17-1\(F\)](#) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-19.4: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the canyon rims overlay district:

(A) Lot Area: Same as the basic zoning district upon which the overlay is placed.

(B) Lot Occupancy: Same as the basic zoning district upon which the overlay is placed, but note that the landscaping requirements of these standards also affect lot coverage. (Ord. 2526, 5-20-1996)

(C) Building Height: No building shall exceed thirty five feet (35') in height or the maximum building height limitation set forth below, whichever is less. All heights are to be measured from the existing canyon rim elevation or the existing ground level elevation at the building site, whichever is greater.

1. Rock Creek Canyon: Twenty five feet (25') above the canyon rim at fifty feet (50') from the canyon rim and rising evenly to thirty five feet (35') at one hundred feet (100') from the rim.

2. Snake River Canyon from Rock Creek to the centerline of 3300 East, extended: Twenty five feet (25') above the canyon rim at fifty feet (50') from the canyon rim and rising evenly to thirty five feet (35') at one hundred feet (100') from the rim.

3. Snake River Canyon east of the centerline of 3300 East, extended: Twenty five feet (25') above the canyon rim at one hundred feet (100') from the canyon rim and rising evenly to thirty five feet (35') at two hundred feet (200') from the rim.

4. Building height exception: Notwithstanding the foregoing:

a. Additional building height beyond one hundred feet (100') from the canyon rim may be allowed for hotel/convention centers, through the PUD process, in the canyon rim overlay zone within one thousand feet (1,000') of state administered highways serving as gateway arterials, as defined in section [10-7-12](#) of this title. For purposes of this section, the term "hotel/convention center" shall be defined as a full service hotel with a convention center designed to accommodate a minimum of five hundred (500) convention attendees. A citizens' design review committee, appointed by the mayor, shall make recommendations to the planning and zoning commission for any building higher than thirty five feet (35').

b. Additional building height beyond fifty feet (50') from the canyon rim may be allowed in that portion of the canyon rim overlay district located between Washington Street North and Blue Lakes Boulevard North through the PUD process, in a PUD that consists of more than ten (10) acres and that constitutes a private/public mixed use development. The term "private/public mixed use development" is defined as a development which promotes a mixture of cultural and commercial activities in the PUD through:

(1) A combination of multiple buildings and public access across open space to the canyon rim trail system; and

(2) Promotion of community interaction among members of the public, through a combination of required PUD property uses; open spaces and canyon rim trail system access. Permitted uses

in such PUD shall include commercial, professional, residential and cultural activities. A citizens' design review committee, appointed by the mayor, shall make recommendations to the planning and zoning commission for any building higher than twenty five feet (25'). (Ord. 2851, 3-6-2006)

(D) Building Setbacks:

1. Yards: Same as that of the basic zoning district upon which the overlay is placed.
Geological Report: The minimum canyon rim setback in the CRO district shall be one hundred feet (100') without a geological report meeting the following requirements:
 - a. The name, address, and telephone number of the responsible Idaho licensed geological engineer;
 - b. The qualifications of the Idaho licensed geological engineer, including a list of similar studies and references;
 - c. A certificate of professional liability insurance for the individual or firm preparing the report;
 - d. A location map, showing the relation of the site studied to the surrounding area, including the topography and drainage pattern of that area, and the location of any off site observations (wells, soil observation pits, etc.) used in preparing the findings of the report;
 - e. A parcel map, showing the parcel boundaries, the proposed canyon rim setback, building envelope, or building location, the proposed location of any on site sewage disposal facilities, any watercourses or drainageways across or adjacent to the parcel, and the location of any soil observation pits, wells, or other observations used in preparing the findings of the report;
 - f. A description of the geologic setting of the parcel;
 - g. A description of the methods used to arrive at the findings, including the sampling procedure used to determine the sites used for observations; and
 - h. A clear statement that buildings behind the proposed canyon rim setback, within the proposed envelope, or at the proposed building location are not subject to significant hazard from slope movements and that construction on the site will not present a significant hazard to people or properties.
 - i. The findings shall be qualified, as necessary, with recommendations for site stabilization, drainage, and building construction techniques or specifications that will minimize any potential hazard.
 - j. The information used as a basis for the findings may be integrated with the findings or presented separately.
 3. Canyon Rim Setback: The minimum canyon rim setback in the CRO district with a geological report meeting the requirements set forth above shall be either the minimum setback recommended in the geological report or the minimum setback set out below, whichever is greater:
 - a. Rock Creek Canyon: Fifty feet (50').
 - b. Snake River Canyon from Rock Creek Canyon to the centerline of 3300 East, extended: Fifty feet (50').
 - c. Snake River Canyon east of the centerline of 3300 East, extended: One hundred feet (100').
- (E) Landscaping: Overall, twenty percent (20%) of the total area included in any commercial or mixed use development in the canyon rims overlay district shall be devoted to landscaped open space. That space shall meet the requirements of section [10-11-2](#) of this title and shall include the following elements:
- Street Buffers: Commercial uses shall provide a minimum thirty foot (30') landscaped buffer along arterial and collector streets. Residential uses shall provide a minimum fifty foot (50') landscaped buffer along arterial streets.
- Use Buffers: There shall be a minimum fifty foot (50') landscaped buffer between residential and commercial elements of a mixed use canyon rims overlay district

development.

Use Of Buffers: Roads and utilities may cross landscaped buffers, sidewalks and trails may run through them, and permitted freestanding signs and minor utility installations may be based in them.

Parking Areas: Parking areas including twenty four (24) or more spaces shall be broken into separate bays by landscaped areas and pedestrian walks that comprise at least ten percent (10%) of the area devoted to parking.

Canyon Rim Setback Area: The canyon rim setback area may be included as part of the twenty percent (20%) landscaping requirement if the area is landscaped to meet the minimum requirements of subsection [10-11-2\(A\)](#) of this title or if planted with native vegetation. (Ord. 2526, 5-20-1996)

(F) Signs: See the sign code in [chapter 9](#) of this title. (Ord. 3005, 6-6-2011)

(G) Additional Development Standards:

1. Form: Buildings that have a footprint of more than three thousand (3,000) square feet shall be designed to reduce their apparent mass using one or more of the following techniques:

- a. Varying Height: Buildings may be "stepped back" in height from the setback line to reduce their apparent mass and visual competition with the canyon wall.
 - b. Varying Setback: The building line facing the canyon rim may be varied (i.e., different portions of the building would be different distances from the setback line).
 - c. Landscaping: Mass plantings and earthworks can be designed and sited to effectively break the apparent mass of a building.
2. Outdoor Sales And Storage: There shall be no outdoor sales or display areas in the Canyon Rims Overlay District. All outdoor storage, including solid waste containers, shall be fully screened from public view by some combination of location on the site, fences or walls, and landscaped buffers.
3. Fences: Fences in the yard created by the setback from the canyon rim shall be limited in height by a line extended from the building roofline or the maximum legal building roofline, whichever is lower, to the canyon rim. Fences in the Canyon Rims Overlay District shall be subject to subsection [10-4-19.4\(G\)1](#) of this Section.

10-4-19.5: PUD REQUIREMENT:

All development except existing residential lots in the Canyon Rims Overlay District shall be part of an approved planned unit development. (Ord. 2526, 5-20-1996)

8 TF City Code Canyon Rim Overlay District Amendment Priorities – requires visionary city leadership

Below is a listing (although not complete and strictly for initial discussion purposes) of priorities and measurable objectives that our Concerned Citizens Committee feel should be included in revisions to the current Twin Falls City codes for the canyon rim overlay district.

Define Canyon Rim Properties:

1. To include all perimeter boundaries remaining on Snake River Canyon
2. To include all perimeter boundaries remaining on Rock Creek Canyon
3. To impact any re-designation of canyon property for another business if currently used for a different purpose or business

Building Requirements:

1. Square footage limits so as to NOT allow further Big Box stores
2. Spacing between buildings to require a visibility corridor of at least 100 feet
3. Maximum height limits – 35 feet??
4. No “rear” or “backs” of buildings are allowed adjacent to canyon rim
5. Property designs must require building orientation to face the canyon and incorporate the canyon into the development design and landscaping

Business Options:

1. No Gas Stations and/or Convenience stores
2. No Fast Food Restaurants on the actual rim property

Exterior Appearance and Materials:

1. See 11.02 requirements for Frisco, TX as guidelines – to include secondary materials restrictions
2. Buildings and landscaping will use neutral/natural colors to complement the canyon and canyon wall landscaping

Circulation and Parking Requirements:

1. See 11.06 requirements for Frisco, TX as guidelines
2. Landscaping requiring large caliper trees – spaced 30 feet apart
3. 20% hardscape versus softscape
4. Utilize a recycling water system
5. Parking Banks are limited in parking space number and length to avoid a “sea of parking”
6. Landscaping is to be incorporated into all parking banks
7. Bicycle parking slots are to be provided
8. All parking areas are to be pedestrian friendly with separate walking areas from driving lanes

Landscaping Requirements:

1. See 11.07 Frisco TX requirements as guidelines
2. Landscaping must be at least and no less than 20% of the property
3. Public art must be part of all new projects

CITY OF FRISCO, TEXAS

ORDINANCE NO.: _____

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING ARTICLE IV, SECTION 9 (SPECIAL AND ADDITIONAL SUPPLEMENTARY REQUIREMENTS) OF THE COMPREHENSIVE ZONING ORDINANCE NO. 00-11-01; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that Article IV, Section 9 (Special and Additional Supplementary Requirements) of the City of Frisco, Texas ("Frisco") Comprehensive Zoning Ordinance No. 00-11-01 should be amended; and

WHEREAS, Frisco has complied with all notices and public hearings as required by law; and

WHEREAS, the City Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Frisco to amend Frisco's Comprehensive Zoning Ordinance No. 00-11-01 as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein:

SECTION 2: Amendment to Frisco's Comprehensive Zoning Ordinance No. 00-11-01. Article IV, Section 9 (Special and Additional Supplementary Requirements) of Frisco's Comprehensive Zoning Ordinance No. 00-11-01 is hereby amended to create Section 9.15 (Nonresidential and Multifamily Development Adjacent to a Major Creek) to read as follows:

9.15 NONRESIDENTIAL AND MULTIFAMILY DEVELOPMENT ADJACENT TO A MAJOR CREEK

A. Major Creeks within the City of Frisco shall be defined as:

- Cottonwood Creek
- Panther Creek
- Parvin Branch
- Rowlett Creek
- Stewart Creek

Each Major Creek begins at its headwater (as determined by the Federal Emergency Management Agency and/or the U.S. Army Corps of Engineers) as is generally depicted on Flood Insurance Rate Maps (FIRM) as provided by the Federal Emergency Management Agency.

- B. All nonresidential and multifamily lots developing adjacent to the 100-year floodplain of a major creek shall comply with the requirements listed below. Multifamily-zoned property that develops as single-family is not subject to these requirements, but shall comply with the Section 7.08 of the Subdivision Regulation Ordinance, as it exists or may be amended.
1. Retaining walls, where provided, shall be constructed of clay-fired brick, stone, patterned concrete, modular concrete block, or split faced concrete masonry units. This requirement does not apply to walls constructed within the channel of the creek to control water flow.
 2. Three (3) inch caliper trees planted on thirty (30) foot centers and three (3) gallon shrubs planted on five (5) foot centers shall be provided between parking and the flood plain when parking is located directly adjacent to the flood plain. The trees and shrubs are not required to be planted in a single row; they may be planted in groups. Existing trees in healthy growing condition and of a species from the list of Recommended Plant Materials in Article IV, Section 2 of this ordinance, as it exists or may be amended, may be counted toward this requirement.
 3. Maintenance access, as required by the City Engineer, or his/her designee, shall be provided to the flood plain, hike and bike trail, and creek.
 4. The development shall incorporate a connection to the major creek's hike and bike trail by way of a sidewalk, stairs, and/or ramps. The connection shall comply with ADA accessibility requirements. The Director of Parks & Recreation or his/her designee may waive this requirement if he/she determines that a connection is not needed due to the property size, configuration and constraints, or land use.
 5. Open space areas adjacent to the floodplain that have been improved with patios, courtyards, or additional landscaping listed in Section 9.15(C)(1) and Section 9.15(C)(6) below may be used to meet minimum open space requirements.
 6. Loading areas located adjacent to the major creek shall be screened from the flood plain by a solid living screen to reach a minimum of fourteen (14)

feet tall within two (2) years. Existing trees in healthy growing condition and of an evergreen species from the list of Recommended Plant Materials in Article IV, Section 2 of this ordinance, as it exists or may be amended, may be counted toward this requirement. For Industrial development, this requirement may be waived by the Planning & Zoning Commission upon site plan approval if the adjacent property on the opposite side of the creek is zoned Industrial or designated on the Future Land Use Plan as Industrial, unless zoned other than Industrial.

- C. Multifamily, except those multifamily properties that are developed as single-family, and office development adjacent to a major creek shall provide four (4) of the amenities listed below. Retail and commercial development adjacent to a major creek shall provide three (3) of the amenities listed below. Industrial development adjacent to a major creek shall provide two (2) of the amenities listed below. Amenity selection is subject to approval by the Planning & Zoning Commission upon preliminary site plan or site plan approval.
1. A thirty (30) foot landscape edge adjacent to the floodplain of the major creek with a double row of three (3) inch caliper trees planted on thirty (30) foot centers. Existing trees in healthy growing condition and of a species from the list of Recommended Plant Materials in Article IV, Section 2 of this ordinance, as it exists or may be amended, may be counted toward this requirement.
 2. A minimum of 25% of the surface area of walls that face the major creek to be provided as windows.
 3. Construction of a hike and bike trail in accordance with the City's Hike and Bike Trail Master Plan. Escrow for the construction of the hike and bike trail may be accepted upon approval by the Director of Parks & Recreation or his/her designee.
 4. A visibility corridor of at least one hundred (100) feet shall be required between and/or adjacent to buildings adjacent to the flood plain. This visibility corridor can include parking, landscape medians or areas, amenities, and drive aisles.
 5. Trail Head Park. A trailhead park shall have minimum dimensions of fifty (50) feet and be located adjacent to the hike and bike trail. Park benches shall be provided. Trailhead parks are subject to review and approval by the Director of Parks & Recreation or his/her designee.
 6. A common patio, balcony, courtyard, or terrace a minimum of 750 square feet located between the building and the major creek.
 7. Building orientation such that the entire side of the building adjacent to the flood plain is not the back of the building.
 8. Building to have the same building materials and architectural elements on all four sides.

9. Creek restoration (plan shall be designed and implemented according to USACE standards and approved by Army Corps of Engineers).
 10. Other amenities not listed may be approved by the Planning & Zoning Commission in conjunction with a preliminary site plan if they determine that the proposed amenity meets the intent of these requirements.
- D. The Planning & Zoning Commission may grant variances to the requirements of this section (Article IV, Section 9.15), as it exists or may be amended, upon preliminary site plan or site plan approval only if they determine that conforming to these requirements is not possible due to the property size, configuration, topography, constraints, or land use and that no other alternative is available. The decision by the Planning & Zoning Commission may be appealed to the City Council using the site plan appeal process described in Article IV, Section 1, as it exists or may be amended.

SECTION 3: Savings/Repealing Clause: Frisco's Comprehensive Zoning Ordinance No. 00-11-01 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

SECTION 4: Severability: Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5: Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance or any provision of Frisco's Comprehensive Zoning Ordinance No. 00-11-01, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not

preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: Effective Date: This Ordinance shall become effective from and after its adoption and publication as required by law the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this _____ day of _____, 2003.

E. MICHAEL SIMPSON, Mayor

ATTESTED TO AND
CORRECTLY RECORDED BY:

APPROVED AS TO FORM:

NAN PARKER
City Secretary

ABERNATHY, ROEDER, BOYD & JOPLIN, P.C.
RICHARD M. ABERNATHY
City Attorneys

DATE OF PUBLICATION: _____, *Frisco Enterprise*

SECTION 11
DESIGN & DEVELOPMENT STANDARDS FOR RETAIL

11.01 APPLICABILITY (ZA2001-0006)

The regulations provided in this section shall apply to all retail, restaurant, and commercial development. These regulations shall also apply to office uses located within a retail/commercial development. Where the regulations of this section conflict with other sections of this Ordinance, the regulations of this section shall apply. Where the regulations of this section conflict with regulations of an overlay district, the overlay district regulations shall apply.

11.02 EXTERIOR APPEARANCE OF BUILDINGS AND STRUCTURES

- A. Primary exterior materials shall conform to the requirements found in Article IV, Section 9.09. In addition to these requirements, the use of Exterior Insulated Finishing System (EIFS) is not permitted below nine (9) feet above finished grade, and the use of EIFS above nine (9) feet is limited to high impact EIFS.
- B. Secondary materials used on the façade of a building are those that comprise less than 10% of an elevation area. Permitted secondary materials are all primary materials, aluminum or other metal, or other materials as approved by the Director of Planning or his/her designee.
- C. All buildings shall be designed to incorporate no less than four (4) of the architectural elements from the list below. Buildings over fifty thousand (50,000) square feet must include a minimum of six (6) of the referenced architectural elements. Buildings over one hundred thousand (100,000) square feet must include a minimum of seven (7) of the referenced architectural elements:
 - Canopies, awnings, or porticos;
 - Recesses/projections;
 - Arcades;
 - Peaked roof forms;
 - Arches;
 - Outdoor patios;
 - Display windows;
 - Architectural details (such as tile work and moldings) integrated into the building facade;
 - Articulated ground floor levels or base;
 - Articulated cornice line;
 - Integrated planters or wing walls that incorporate landscape and sitting areas;
 - Offsets, reveals or projecting rib used to express architectural or structural bays;
 - Accent materials (minimum 15% of exterior facade);
 - Varied roof heights;
 - Or other architectural features approved by the Director of Planning or his/her designee.
- D. All retail/commercial buildings shall be architecturally finished on all four (4) sides with same materials, detailing, and features if only one (1) row of trees is planted on the perimeter behind the building.
- E. All retail/commercial buildings shall be architecturally finished on all four (4) sides with same materials, detailing, and features except the rear if two (2) rows of trees are planted on the perimeter behind the building. In this case, the architectural finish must match the remainder of the building in color only. A double row of trees on offset fifty (50) foot centers in a fifteen (15)

ARTICLE IV - SITE DEVELOPMENT REQUIREMENTS
SECTION 11 – DESIGN & DEVELOPMENT STANDARDS FOR RETAIL

foot landscape edge, where 50% of the trees are canopy evergreen trees. This is for facades that are not visible from public streets and apply to anchor buildings and attached in line spaces only. Does not include "out" buildings.

- F. Windows shall have a maximum exterior visible reflectivity of 20%. Pink and gold glass is not permitted.
- G. All retail/commercial buildings with facades greater than two hundred (200) feet in length shall incorporate wall plane projections or recesses that are at least six (6) feet deep. Projections/recesses must be at least 25% of the length of the facade. No uninterrupted length of facade may exceed one hundred (100) feet in length.
- H. All buildings within a common retail development, as shown on a Concept Plan or Preliminary Site Plan, shall have similar architectural styles, materials, and colors.
 - 1. Conceptual facade plans and sample boards shall be submitted with the Preliminary Site Plan application for all non-residential uses. The purpose of the conceptual facade plan is to ensure consistency and compatibility for all buildings within a single development. Facade plans will be used only to ensure minimum standards are met.
 - 2. A final facade plan and sample boards shall be submitted with the Final Site Plan application for all non-residential and multifamily uses. Facade plans will be used only to ensure minimum standards are met.
- I. Corporate identities that conflict with the building design criteria shall be reviewed on a case-by-case basis and approved by the Director of Planning or his/her designee. The applicant can appeal the decision to the Planning & Zoning Commission and City Council.

11.03 GAS PUMPS AND CONVENIENCE STORES WITH GAS PUMPS REQUIREMENTS

- A. Roofs of convenience store building and pump canopy shall be pitched.
- B. Canopy columns shall be fully encased with masonry that is complimentary to that used on the main building.
- C. The canopy band face shall be a color consistent with the main structure or an accent color and may not be backlit or used as signage.
- D. Convenience Stores with Gas Pumps/Service Stations shall be prohibited in a Vertical Mixed-Use development except where permitted along S.H. 121, U.S. 380, FM 423, and the Dallas North Tollway.
- E. Limited to two (2) corners of intersecting Major Thoroughfares where zoning permits.
- F. Gas pump islands must be within two hundred (200) feet of the right-of-way lines of the intersecting major thoroughfares.

11.04 BIG BOX REQUIREMENTS

- A. Big Box uses are defined as single tenant retail buildings over 70,000 square feet.
- B. Big Box uses are permitted by right with appropriate zoning if:

ARTICLE IV - SITE DEVELOPMENT REQUIREMENTS
SECTION 11 – DESIGN & DEVELOPMENT STANDARDS FOR RETAIL

1. The lot has frontage on the Dallas North Tollway, S.H. 121, or U.S. 380,
 2. The use is located within a retail center that has frontage on F.M. 423 and the entire Big Box building, all of its required parking, and its required loading area are located within 1,650 feet of F.M. 423, or
 3. The use is located within the area bounded by the Dallas North Tollway, Warren Parkway, Ohio Drive, and S.H. 121.
- C. Big Box uses are permitted by Specific Use Permit (SUP) in other areas where zoning is appropriate.

11.05 **PAD SITE REQUIREMENTS**

- A. A pad site is defined as a retail building of 6,000 square feet or less.
- B. Pad sites at retail centers shall be limited to one for every five (5) acres, or portion thereof, of the overall development.
- C. City Council can approve a variance to this requirement.

11.06 **CIRCULATION AND PARKING REQUIREMENTS**

- A. See Article IV, Section 4 for parking size and amount requirements.
- B. Parking aisles shall be designed as to be perpendicular to the front of the primary building in the development.
- C. All parking spaces for a building must be located within three hundred and fifty (350) feet of walking distance from the building's public entrance. Big Box uses are excluded from this requirement.
- D. Parking spaces that face and are adjacent to a building shall utilize wheel stops and/or bollards.
- E. Speed bumps are not permitted within a fire lane.
- F. No more than 10% of the required parking can be located in the service/loading area of a building except for buildings located on the street.
- G. Drive aisles in front of buildings cannot be longer than three hundred (300) feet continuous without a thirty (30) foot offset, traffic circle, or other acceptable traffic-calming feature approved by the Director of Planning or his/her designee.
- H. Retail developments containing between 100,000 and 400,000 square feet of retail floor area may reduce their parking ratio from five (5) spaces per 1,000 square feet to four (4) spaces per 1,000 square feet of floor area. For developments that contain over 400,000 square feet of floor area, parking can be reduced to four and a half (4.5) spaces per 1,000 square feet of floor area. The space that would otherwise be used for parking shall be left as open space with plans to convert it to parking if determined necessary by the property owner or the Director of Planning or his/her designee.
- I. Main building in-line restaurants may reduce their parking from one (1) space per one hundred (100) square feet of floor area to one (1) space per two hundred (200) square feet of floor area. This reduction is available for up to 10% of the main building's total floor area. This reduction is

not available to Private Clubs.

- J. Bicycle parking slots shall be provided at retail centers at a rate of one (1) slot for every twenty (20) required parking spaces.

11.07 LANDSCAPING AND OPEN SPACE REQUIREMENTS

- A. See Article IV, Section 2 for general landscaping requirements.
- B. Required parking lot trees may be consolidated into groups under the following conditions:
 - 1. The number of required trees is one (1) per ten (10) parking spaces.
 - 2. Consolidated tree islands require one hundred and eighty (180) square feet per tree.
 - 3. The maximum run of parking spaces is increased from fifteen (15) to thirty (30).
 - 4. This consolidation does not include the tree islands at the end of a row of parking or along perimeter parking rows that face a drive aisle or street.
 - 5. A consolidated tree island shall not be located closer than five (5) parking spaces from an end of row tree island.
- C. For nonresidential development, 7% of the net lot area is required to be provided as open space. The open space may consist of any element that is not one of the following:
 - 1. Vehicular paving.
 - 2. Required parking lot tree islands.
 - 3. Building footprint.
 - 4. Utility yards.
 - 5. Required landscape edges.
 - 6. Detention ponds without a constant water and not located between the building and street.

11.08 ACCESS REQUIREMENTS

- A. All retail/commercial driveways served by a median opening shall be divided.
- B. All retail/commercial driveways shall have access to a median opening either directly, or through cross access.
- C. All non-residential lots shall provide cross access drive aisles to adjacent non-residential properties.
 - 1. If used as a fire lane, the cross access drive aisle shall meet all the criteria for a fire lane.
 - 2. A shared driveway located along a common property line is encouraged and would satisfy the requirement for cross access.
- D. A drive connection is required between adjacent retail/commercial and residential properties unless otherwise approved by the Director of Planning or his/her designee.

11.09 SCREENING REQUIREMENTS FOR UTILITIES, MECHANICAL, AND SERVICE FACILITIES

- A. All loading and service areas shall be screened from view from adjacent public streets. Screening shall be by walls with complimentary landscaping that is compatible with the project design.
 - 1. Screening walls shall be fourteen (14) feet tall with one row of perimeter evergreen trees adjacent to the loading area.
 - 2. A screening wall is not required if a double row of perimeter evergreen trees is provided on offset fifty (50) foot centers within a fifteen (15) foot landscape edge. Fifty percent (50%) of

the trees shall be canopy evergreen trees.

B. Trash and Recycling Collection Areas:

1. Trash and recycling collection areas shall be located to minimize visibility.
2. Trash and recycling receptacles shall be screened with a six (6) foot clay fired brick or stone wall of a color that is consistent with the color of the primary building. Screening enclosures shall be visually and aesthetically compatible with the overall project.
3. Trash compactors shall be screened with an eight (8) foot clay fired brick or stone wall of a color that is consistent with the color of the primary building. Screening enclosures shall be visually and aesthetically compatible with the overall project.
4. Collection area enclosures shall contain permanent walls on three (3) sides with the service opening not directly facing any public right-of-way or any residentially zoned property. The fourth side will incorporate a metal gate to visually screen the dumpster or compactor.

C. Exposed conduit, ladders, utility boxes, and drain spouts shall be painted to match the color of the building or an accent color. Natural metal finishes are an acceptable alternative to paint.

D. All mechanical equipment shall be screened from view at a point six (6) feet above ground level at the property line. If a parapet does not accomplish this screening, a screening wall equal to the height of the equipment shall be provided. Buildings adjacent to single family zoned property or property that is designated as single family on the Future Land Use Plan shall provide a screening wall equal to the height of the equipment on all sides that face the residential property.

E. Property located within an existing or proposed overlay district shall relocate existing overhead utility lines underground upon development in compliance with the Subdivision Regulation Ordinance, Section 7.09(15).

F. All new utilities shall be buried underground as specified in the Subdivision Regulation Ordinance, Section 7.09(15).

11.10 RETAIL MARKET STUDY REQUIREMENTS

A. A Retail Market Study shall be submitted for all retail/commercial zoning requests.

1. A Retail Market Study is not required if the subject property is already zoned to allow retail development.
2. A Retail Market Study is not required for any new development along S.H. 121, U.S. 380, FM 423, the Dallas North Tollway, and Preston Road between Eldorado Parkway and S.H. 121.

B. The following parameters should be included in the preparation of the Retail Market Study:

1. The Study shall define the market study area being analyzed and all retail properties in the study area with their building square footage areas;
2. The total retail square footage that is part of the proposed development, including local, neighborhood, regional, and "super" retail types;
3. Study area is defined in Chapter 5 of Millennium Plan (page 85);
4. The Study should use a Floor Area Ratio (FAR) of 0.25 for all undeveloped retail sites within the study area;
5. The Study should use agricultural zoning shown as Retail on Future Land Use Plan (FLUP) at 0.25 FAR at fifteen (15) acres;
6. The Study should identify the specific residential density (number of residential units) within

ARTICLE IV - SITE DEVELOPMENT REQUIREMENTS
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- the study area;
7. The Study should use agriculture zoning shown as Residential Future Land Use Plan (FLUP) calculated at a density of 3.0 units/acre;
 8. Multi-family areas one corner if agriculturally zoned as shown in Future Land Use Plan (FLUP); and
 9. In determining the appropriate amount of retail, the Study shall use a ratio of thirty (30) gross leasable square feet of retail per person as a target ratio for the study area.
- C. The results of the Retail Market Study will not guarantee approval or denial of a zoning request. They are only part of the overall evaluation criteria.

Jason, Don Hall, Kwin, Renee, Tom Franks, Chris Walker
Cherie Condie, Kelly, Jon, Mitch.

~~20AC~~ 4/24/13

Height - Tom Franks wants to see it
Come before P#2. 10-7-3 is not PH
just goes to council.

~~They~~ want to chy 10-7-3 to go to P#2 as PH.
Recommendation to council.
Setbacks ok.

Height amendment will go to Fritz.

Parking - not really ready - landscaping islands.
office rate chgs. hair salon, gas station.
flexibility when old homes are converted to different
uses.

PUD - purpose statement chy.
infill development lets you do less than 2 acres.
ready to go.

CRO. - Chris brought up moratorium again. He is
convinced a moratorium is not the way to go.
Tom - wants to draw attention to Rock
Creek Canyon too.

CRO doesn't overlap industrial now.
Committee requested a map showing what property
city owns in canyon.
lots of discussion of design guidelines.

Thurs
~~Wed~~ 9th May.

Kelly Weeks

Subject: ZOAC - CRO Meeting
Location: Hansen Classroom

Start: Thu 5/9/2013 11:30 AM
End: Thu 5/9/2013 1:00 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Jonathan Spendlove

Required Attendees: Cherie Condi; Chris Talkington; Don Hall; Doug Vollmer; Jason Derricott; Kelly Weeks; Kevin Dane; Kevin Mahler; Mitch Humble; Renee Carraway; Tom Frank

Cherie, Kathy,

Jon

We will discuss the CRO section with a focus on the design elements of buildings.

looked at map to see what properties city owns.

The example ord. are yes & no questions - no personal opinions.

Kathy - vision & quality of life that brings people in & keeps them here.

Mitch. PUD's are required if you want to develop on CRO.

Possible illimitation of PUD to develop on CRO.

Bdy reg. - SF limits - or frontage width.
Map heights

Business Options - no gas stations and/or convenience stores. - both.
fast food Rest. - Allowed in Rock Creek.

Wed.
29th
11:30.

Kelly Weeks

Subject: ZOAC
Location: Hansen Classroom
Start: Wed 5/29/2013 11:30 AM
End: Wed 5/29/2013 1:00 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Jonathan Spendlove

Required Attendees: Cherie Cond, Chris Talkington, Don Hall, Doug Vollmer, Jason Derricott, Kelly Weeks, Kevin Dane, Kevin Mahler, Mitch Humbie, Renee Carraway, Tom Frank

This is your reminder appointment. We have a meeting tomorrow at 11:30 here in the Hansen Building. We will be discussing the Canyon Rim Overlay Zone again.

Define Big Box w/o using term Big Box -

CRO Applies to GI & R does not Apply to

total sq 50,000 35' ~~150~~ Canyon setback. 100' Between Bldgs.
unattached. frontage.

If we do design review they always have PUD process to get around what they don't like.
all bldgs front canyons.

adj. 1:10.

June 13th Thurs.

ZOAC 6/12/13

Materials - ^{100%} Masonry in Frisco.
no metal discussed.

earth tones reflective of the canyon environment.

They went back to materials

take pictures of existing bldgs
to see % of different materials.

next meeting will be PUS & parking amendments
instead of CEO.

July 11th or 10th

Renee Carraway

Subject: ZOAC - CRO
Location: Council Overflow

Start: Wed 8/28/2013 11:30 AM
End: Wed 8/28/2013 1:00 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Jonathan Spendlove
Required Attendees: Cherie Condi; Chris Talkington; Don Hall; Doug Vollmer; Jason Derricott; Kathy Macmillan; Kelly Weeks; Kevin Dane; Kevin Mahler; Lisa Strickland; Mitch Humble; Renee Carraway; Tom Frank

cc

DIFFERENT LOCATION - Council Overflow

Canyon Rim Overlay is on the Agenda. You will see an update of this calendar item soon. It will contain your homework assignment.

① Kevin Mahler -
② Kevin Dane -

② Cheri & Kathy notified -

① Keep CRO code unchanged

③ the condition back to purposes of CRO -

5-0-

Aug 28 2013

- Standards for CRO
- materials? Bldg size?
NO solid # of size of Bldg
- colors & distinct areas on rim
may not always work.
- Development isn't so bad - KM.
Likes what has been done.
- Trail System exists because of commercial development. If it was residential it would be private.
- what area is that bad? Mall area/Best buy is OK & we have the trail to enjoy.
- Reminder of purpose of CRO. Why we are talking about it can we defend some things?
- area we would change is ~~the~~ small Breckenridge & East of Bridgeview.
- Rock creek? ~~the~~ little commercial and

- more discussion on Frisco standards.

• General consensus is to not change CRD.

- Cheri asking about all the discussion we have had.

- Chris saying it could all change back who knows what Council will do in 20 yrs.

- That's why Cheri wants codified.

- way to get standards like what they want is to have PUD.

- change to PUD will allow some of these to happen.

- Cheri wants a vote on keeping or

Kevin M motion

Kevin Dane 2nd

1. No change

2. MOTION Chem's group on any

3. PWD is still the main process
to mitigate impacts & deal
with ~~exactions~~ changes.
on specific properties.

KM all voted for previous
motion.

Don
Chris

R.D

Jason

2 weeks. for next ~~meeting~~ ^{meeting}

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REQUIRING MEETINGS OF COMMITTEES, SUBCOMMITTEES, AND WORK GROUPS OF THE CITY TO PUBLICLY NOTICE AND POST THEIR MEETINGS, KEEP MINUTES, AND OPEN SUCH MEETINGS TO THE PUBLIC EXCEPT AS OTHERWISE PROVIDED IN THE IDAHO OPEN MEETING LAW.

WHEREAS, Idaho Code §§ 67-2340 states that “the legislature finds and declares that it is the policy of this state that the formation of public policy is public business and shall not be conducted in secret;” and,

WHEREAS, the Open Meeting Law defines “meeting” to mean “the convening of a governing body of a public agency to make a decision or to deliberate toward a decision on any matter,” (§ 67-2341(6)) and defines “governing body” to include “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” (§ 67-2341(5)); and,

WHEREAS, Idaho Code §§ 67-2341(2) defines the term “deliberation” as the “receipt or exchange of information or opinion relating to a decision;” and,

WHEREAS, advisory committees and work groups, whether created by a legislative act of the city council or created solely by the Mayor, receive information and opinions, may deliberate toward a decision and make recommendations to the Twin Falls City Council regarding public business and the creation of public policy; and,

WHEREAS, The Office of the Attorney General Idaho Open Meeting Law Manual quotes the California Court of Appeals decision in Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, 69 Cal. Rptr. 480, 485 (Cal. Ct. App. 1968): “It [California’s open meeting law] declares the law’s intent that deliberation as well as action occur openly and publicly. Recognition of deliberation and action as dual components of the collective decision-making process brings awareness that the meeting concept cannot be split off and confined to one component only, but rather comprehends both and either;” and,

WHEREAS, The Office of the Attorney General Idaho Open Meeting Law Manual quotes a similar decision by the Florida Supreme Court in City of Miami v. Berns, 245 So.2d 38 (Fla. 1971): “[i]t is the law’s intent that any meetings, relating to any matter on which foreseeable action will be taken, occur openly and publicly;” and,

WHEREAS, The Idaho Attorney General has found that “[t]he same considerations must be applied with respect to the Idaho Open Meeting Law;” and,

WHEREAS, the Idaho Attorney General advises: “The requirement that the Open Meeting Law be complied with whenever a quorum of a governing body meets to deliberate or to make a decision should not be evaded by holding smaller meetings with less than a quorum present;”

and,

WHEREAS, administrative committees, boards, or commissions that merely carry out the formation of public policy that has already been established by a governing body are exempt from Open Meeting Law; and,

WHEREAS, specific statutory exemptions exist for matters necessitating closed meetings, providing executive sessions for deliberation of qualifying subject matter (Idaho Code § 67-2341(1)); and,

WHEREAS, the Twin Falls City Council wishes to uphold the intent of Idaho's Open Meeting Law and wishes to insure that Twin Falls City government remains open to the citizens it serves.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF
THE CITY OF TWIN FALLS, IDAHO:

That henceforth, all committees, sub-committees, and work groups of the Twin Falls City Council or any of its commissions or committees, whether created by action of the city council or any of its commissions, or by appointment of the Mayor or chairman of any city commission or committee, shall publicly notice and post their meetings in advance, keep written minutes of the meetings, and open such meetings to the public, except as otherwise provided in the Idaho Open Meeting Law.

PASSED BY THE CITY COUNCIL
SIGNED BY THE MAYOR

, 2013.
, 2013.

MAYOR

ATTEST:

DEPUTY CITY CLERK