



**MINUTES**  
**PUBLIC MEETING/WORK SESSION**  
Twin Falls City Planning & Zoning Commission  
**Wednesday, July 2, 2014 12:00PM**  
Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, ID 83301

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**PLANNING & ZONING COMMISSION MEMBERS**

**CITY LIMITS:**

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Christopher Reid Jolinda Tatum  
**Chairman Vice-Chairman**

**AREA OF IMPACT:**

Ryan Higley Steve Woods

**City Council Liaison**

Rebecca Mills Sojka

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**ATTENDANCE**

**CITY LIMIT MEMBERS**

Present Absent

Boyd Munoz

Derricott

Frank

Grey

Reid

Tatum

**AREA OF IMPACT MEMBERS**

Present Absent

Higley

Woods

**CITY COUNCIL LIAISON(S):** Mills Sojka

**CITY STAFF:** Carraway, Spendlove, Strickland, Wonderlich

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**I. CALL MEETING TO ORDER:**

Chairman Frank called the meeting to order at 12:00 PM and confirmed a quorum. He asked staff if there were any changes made to the agenda.

Zoning & Development Manager Carraway stated the Findings of Fact and Conclusion of Law were added to the agenda to be signed for the Canyon Retirement Community Special Use Permit request approved at the last public hearing. She also explained that the agenda order was changed so that the General Commission Training could be reviewed first, the Zoning Title Amendment Discussion could be reviewed second and if time allows she will identify upcoming Planning & Zoning Agenda Item. The amended agenda was accepted.

**II. DISCUSSION ITEMS FROM THE COMMUNITY DEVELOPMENT STAFF AND/OR THE PLANNING & ZONING COMMISSION:**

1. General Commission Training

Zoning & Development Manager Carraway reviewed the 10-13-2.2(D); Standards Applicable to Special Uses. She stated the Commission when reviewing a request for a Special Use Permit need to consider the following when determining whether or not it should be approved.

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1. Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
2. Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
3. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

**Discussion Followed:**

- Commissioner Woods stated he thinks that all of these items have been considered and discussed especially for the recent request for a retirement community. His only question is how you determine if a use will not be hazardous to future neighboring uses.
- Zoning & Development Manager Carraway stated the code and zoning of property is constantly being modified to fit the current community and growth. The best advice is to consider all of the information provided and try to make the best decision possible based on that information. Questions can all be asked of the applicant and conditions can be made so that the Special Use Permit is issued to the individual to ensure things are done, as presented. If there are questions during the hearing use these guidelines to help ask the questions.
- Commissioner Frank stated if while reviewing the reports questions come up related to these items don't hesitate to ask the staff for clarification at the meeting.

2. Discussion on proposed Zoning Title Amendments

Zoning & Development Manager Carraway stated that on Monday's City Council Agenda an item was discussed regarding the ZOAC Committee that was formed in 2012 by the

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City Council. This committee was comprised of two City Council Members, two Planning & Zoning Commissioners and two Citizens at large and city staff. This committee was tasked with reviewing potential code amendments, which were comprised of Title 10 Zoning & Subdivision Regulations. The committee made very good headway and provided an updated list of proposed amendments to be reviewed for discussion by the City Council. There was a review of transparency issues back in December to make sure all public meetings are publicly noticed. The ZOAC committee was not a noticed public hearing item although they were always open to the public. At Monday's public meeting City Council decided that the Planning & Zoning Commission could assume this task, and review proposed code amendments as they come through the process. There was some discussion about having more than one meeting per month to accommodate this new responsibility but they left that up to the Commission to decide.

### Discussion Followed:

- Commissioner Grey asked if there are enough items to warrant an additional meeting per month.
- Zoning & Development Manager Carraway reviewed the proposed list of items and did a general overview of why the item is on the list and stated the building height and parking code amendments are scheduled for public hearing on July 8, 2014.
- Planner I Spendlove explained that the parking code amendment consists mostly of re-organizing that section of the code book so that it flows better and adding to the list of uses to make it easier to determine parking requirements.
- Commissioner Frank stated that in his opinion after being involved with the ZOAC committee that they were able to get a lot done with one meeting. He thinks that one meeting a month for an hour and a ½ would be ample time to get things done. For example based on the current work session agenda, upcoming items for the Agenda takes minimal time, as for special training if necessary the entire meeting could be devoted to just that topic, but otherwise he thinks adding a ½ hour to this meeting would work well. This group devotes a lot of volunteer time, and he wants to be respectful of that when asking for additional time.
- Council Liaison Mills Sojka stated the City Council recognizes that this group volunteers a lot of time and they don't want the group to get burned out. She also thinks staff has done a great job so far with recommendations for code changes and feels that they would be the guiding force through the process. There were two City Council members that encouraged two meetings a month but the majority were comfortable with letting the Commission decide. The reality of it is that this committee has been in place since 2012 and there has been no progress since last

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October. The City Council would like to see progress. The topics that have been reviewed by the ZOAC committee were not part of a public process and she asked the Council if these items should be re-addressed to offer the public more of an opportunity to give input and no one disagreed with that. There have been several meetings regarding the Canyon Rim Overlay and there were 100's of people at those discussions that were not happy with the decisions that were made. As someone who is elected to represent those people she is sure there is some way to compromise, it is not perfect, and she encourages the Commission to read the Comprehensive Plan because it talks about creating more open space and larger setbacks to preserve the Canyon Rim. There was a lot of public input on this item and she would encourage more public discussion on this item and any of the other items that have already been reviewed by ZOAC. Whatever time the Commission is willing to volunteer for this task is appreciated by the City Council.

- Commissioner Woods asked for Commissioner Derricott's opinion on the recommendation made by Commissioner Frank and for any other input he may have to offer because he participated in the ZOAC meetings as well.
- Commissioner Derricott stated he would agree that an additional ½ hour added to the work session meeting would be sufficient. He feels like the ZOAC group spent a lot of time on recommendations that never moved forward once it went beyond the group because there are people that don't agree with what was decided. There were lots of discussions and lots of input given to the items that were discussed, and the public was able to give input.
- Commissioner Frank agreed that support will need to come from the City Council and Staff in order for things to progress to the next level. This forum will provide a more formal process and possibly help things move along. If the recommendations are sent forward and rejected that is fine, but we need to move forward.
- Zoning & Development Manager Carraway stated in the future the agenda's for the work session will address what items are going to be discussed and things would be included as part of the packet, posted online and the public will be able to offer more input.
- Council Liaison Mills Sojka stated that is why the topic was brought up because no progress was being made by the ZOAC group.
- Commissioner Derricott stated he felt progress was being made by staff as well as the ZOAC committee. Progress stopped when dissention among the City Council occurred, because of political issues. If the discussion involves the Canyon Rim Overlay the meeting will take longer than an hour and a 1/2. It was a concise group with varied opinions and he doesn't believe in management by committee.

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- Council Liaison Mills Sojka stated Commission Derricott makes a good point, however the ZOAC committee was not advertised to the public so it never received a lot of Council input or public input so when it made it to City Council they stated they never asked for these changes. This is why the City Council has asked that the Planning & Zoning Commission take charge of this task. The work sessions are noticed and open to the public and if people show up or don't show up it will let the Commission know the temperament of the community.
- Commissioner Frank stated the things that were not controversial progressed; it was the stuff that had controversy that didn't move forward. The discussions were tough there were disagreements and then some things were just dropped. This will provide a formal system of action to get things to the next level. We are not all going to agree, and some of these items are more sensitive than others but this will at least provide a mechanism for getting things moving.
- Commissioner Woods stated because the public is going to be involved more how the meetings get advertised for public input.
- Zoning & Development Manager Carraway stated the items for discussion will not be published in the paper like a public hearing item however the Agenda's will be posted online for the public to review.
- Planner I Spendlove stated that the Agenda is also sent out to a public notice group.
- Commissioner Frank stated that the meeting will get notice like all of the other meetings the items just won't be posted as public hearing items in the paper.
- Commissioner Derricott also clarified that in the past with the ZOAC committee after deliberations occurred a public open house was advertised and would be scheduled to allow people to come here what is being recommended and give input, so to say that the public didn't get an opportunity to give input is not correct.
- Zoning & Development Manager Carraway stated that the Commission could also provide the same opportunity, public advertisement could be done.
- Commissioner Grey stated he can understand how the noon hour may not work for everyone.
- Commissioner Frank stated that the Commission will never be able to make everyone happy and if someone truly is interested and cares they will make arrangements for to attend.
- Commissioner Woods stated that maybe there should be a notice that there is a change in process and it will provide an additional opportunity for public input.
- Zoning & Development Manager Carraway stated on the City website an announcement could be posted.

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- Commissioner Boyd stated to start notifying the public about a process that the majority of people never new existed could be confusing. The ZOAC committee was only around for a short period of time, it would probably just be better to make it clear that this will provide another avenue for public input. As for the extra half hour, that can be a good productive amount of time, less would get done with two one hour meetings.
- Zoning & Development Manager Carraway stated if the Commission felt it to be necessary to have an additional work session because of the topic being discussed one can be scheduled as a special meeting and posted so that a public meeting could occur.
- Commissioner Woods stated it sounds as though adding ½ hour to this meeting would be a good place to start.
- Commissioner Frank stated nothing is being done currently, so anything that gets done from this point forward is progress.
- Commissioner Grey stated there have been times that the meetings have almost run over in the past the extra ½ hour would probably be just right.
- Commissioner Frank stated managing the time and the meeting in this setting will be the key to staying on track and making progress.
- Planner I Spendlove stated that the packet that was provided to the Commission today has the City of Twin Falls Land Use Matrix and sample of other City's Land Use Matrix. The samples provided are of City's similar in size and within the state because they have to operate under the same state regulations. The empty matrix in the book is something staff would like to see in the future. Staff would like the Commission to make some decisions about what type of uses they think should be allowed as permitted uses, conditional uses, or special uses. Staff would like to allow for some items to be permitted as conditional uses that do not require a public hearing.
- Commissioner Frank stated it would make the code more user friendly, but still protect the surrounding property owners.
- Commissioner Grey asked what if the original property owner had a conditional use permit and they sell will the conditional use permit still be valid.
- Planner I Spendlove explained yes, and that currently there are some uses that require a special use permit that are given the same conditions whenever that type of request is made. For example an accessory buildings >1000 sq. ft. the code could list conditions like the main building setback needs to be maintained, it needs to be similar colors to the main building and it can only be a certain height. These conditions would be listed up front so that they would not have to go through a public hearing process.

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- Commissioner Frank stated that is a perfect example, he cannot recall a time that one of these types of request has been denied. If the conditions are listed the applicant could move forward without a public hearing.
- Zoning & Development Manager Carraway reminded the Commission that part of the purpose of the Special Use Permit for large accessory buildings in residential zones is to allow for a review and the neighbors can be given assurance that it's not going to turn into a large gray metal building in a nice residential neighborhood. She stated she thinks the point is valid but without a permit on it enforcement is sometimes tricky. She also explained the list provided in the City of Twin Falls Matrix is what is currently in City Code Title 10, the specific verbiage that exists today. The proposal has other land uses that don't have definitions or descriptions so that would need to be included as part of the amendment. There are lots of land uses in the current Matrix that are old and some need to go away. The last time this chapter was amended occurred in 1994; which was more or less to organize the chapter and not to amend or add uses. This will be a huge undertaking, but it is exciting.
- Council Liaison Mills Sojka stated she doesn't recall the City Council being in support of conditional uses, and removing the public input, because if the person meets the conditions the use is allowed no matter how the neighbors feel about the issue. Before a lot of work has been put into the conditional use permits, she suggested that the idea be revisited with City Council.

3. Identify upcoming P&Z Agenda Items

- Zoning & Development Manager Carraway displayed on the overhead the public notice information that gets posted in the paper. The items shown on the overhead were a summary of the public hearings listed for the July 8<sup>th</sup> and July 22<sup>nd</sup> Planning & Zoning Public Commission Meetings. She also explained that on July 28<sup>th</sup> there will be an appeal heard at the City Council meeting regarding the previously approved Special Use Permit for a C-store proposed to be located at Meadowview Lane and Kimberly Road. She stated that she will provide the public notices to the Commission as things get scheduled.

**III. UPCOMING PUBLIC MEETINGS (held at the City Council Chambers unless otherwise posted):**

1. Upcoming Public Hearings – Tuesday, July 8, 2014 & July 22, 2014

**IV. ADJOURN MEETING:**

Chairman Frank adjourned the meeting at 1:00 PM

Lisa A Strickland  
Administrative Assistant  
Planning & Zoning Department