

CITY OF KIMBERLY

PLANNING & ZONING COMMISSION
MEETING AGENDA

AUGUST 6, 2013
6:00PM

Planning & Zoning Commission meetings are televised, videotaped and/or recorded

Location: 242 Highway 30, Kimberly, Idaho 83341

CALL TO ORDER

WELCOME – PLEASE TURN OFF CELL PHONES – THANK YOU.

ROLL CALL OF COMMISSION MEMBERS

1. APPROVE -

- a. Minutes from May 7, 2013 and June 18, 2013 Meetings.

2. PUBLIC HEARINGS –

- a. Consideration of an ordinance for a City of Kimberly initiated text amendment to Kimberly City Code, Title 1: Chapter 1.12 Official Newspaper: Section 1.12.010, to amend the official newspaper of the city to be “The Times News.”
- b. Public Hearing and Consideration of an ordinance for a City of Kimberly initiated text amendment to Kimberly City Code, to add under Chapter 17.12 Subdivision Provisions, new Section 17.12.060: Lot Line Adjustments, to replace current 17.12.060 Water Regulations and renumbering that section to be Section 17:12.070 Water Regulations. New Section 17.12.060 would establish procedure for lot line adjustments, in an effort to establish a user-friendly and uniform criteria. Any lot line adjustment would be required to meet the lot line adjustment definition which is proposed to be added to Chapter 17.02 Definitions, Section 17.02.010: Terms Defined.
- c. Public Hearing and Consideration of an ordinance for a City of Kimberly initiated text amendment to Kimberly City Code, the amendment to add under Chapter 17.17 Administration and Enforcement: Section 17:17.060 Procedures for Noticing Planning and Zoning Actions. The new section provides that applicants of planning and zoning actions provide required time-sensitive notice of such hearings/actions. The section provides that the city planning staff provide either an electronic or a single hard copy of the official notices to be sent or posted to the applicant and provide notice to the official city newspaper, along with notice to political subdivisions (public agencies) providing services within the planning jurisdiction of appropriate planning applications.
- d. Public Hearing and Consideration of an ordinance for a City of Kimberly initiated text amendment to Kimberly City Code Chapter 17.04 District Regulations, add sub-sections 17.04.060 D. Color Pallet Requirements and 17.04.080 D. Color Pallet Requirements. Both sub-sections would state 1. Each building with its trim, and features, shall be earth-tone colors consistent with the earth-tone color pallet in this regulation. The color pallet is proposed to be added at Chapter 17.07 Supplementary Regulations: Section 17.07.120 Color Pallet as part of this text amendment.

e.

5. UNFINISHED / OLD BUSINESS -

a. None

6. SEPTEMBER MEETING: –

a. September 3, 2013

7. ADJOURNMENT

Questions concerning items appearing on this Agenda or requests for accommodation of special needs to participate in the meeting should be addressed to the Office of the City Clerk, 242 Highway 30, Kimberly, Idaho 83341 or call 208-423-4151.

Ted Wasko	Leland Belin	Perry Dangerfield	Candy Weth	VACANT	Cindy Schmidt	Dan Shewmaker
		<i>Co-Chair</i>	<i>Chairperson</i>		<i>Area of Impact</i>	<i>Area of Impact</i>

Posted Aug. 3, 2013

KIMBERLY PLANNING AND ZONING

May 7, 2013

Call to Order

Roll Call of Commission Members:

Members present were Ted Wasko, Candy Weth, Perry Dangerfield, Cindy Schmidt and Leland Belin. Impact Area representative Dan Shewmaker was also present.

1. Approve:

A motion to approve the minutes of the April 2013 meeting was made by Ted Wasko and seconded by Cindy Schmidt.

2. Public Hearing:

City Administrator Larry Hall gave a presentation of the new Comprehensive Plan for the City of Kimberly. The Comprehensive Plan shows direction the city envisions for future growth with some history and the city's current situation. He stressed that the plan is required by statute and should be revised regularly to reflect changes in the city's condition.

The meeting was open to the Public. Several residents were in attendance and voiced concern that the Comprehensive Plan changed the zoning on Polk Street East (3750 North road). Tom Davis, Dan Lewin, Dominik Unger, Tiffany Unger, and Trudy Hunt all residents living on or near 3750 North road all expressed concern that the Comprehensive Plan would change the zoning on the east end of Polk Street from Ag to Commercial and would impact them negatively. The Commission explained that the Comprehensive Plan would not change the zoning but suggests that the Plan is a vision for the future. The residents were insistent that the map associated with the Comprehensive Plan be changed to remove the Commercial zoning on the east end of Polk Street and left as Ag zoning. After lengthy discussion the Commission agreed that the zoning will be left as it now is zoned. The meeting was closed to the public while the Commission discussed the zoning of the east end of Road 3750N.

3. Action:

Cindy Schimdt moved that the Commission approve the Comprehensive Plan as presented with the removal of the Commercial zoning on the east end of Polk Street. The motion was seconded by Leland Belin and passed unanimously.

4. Unfinished/Old Business:

Update on the Centennial subdivision was postponed.

5. New Business:

Larry Hall informed the Commission that the new Zoning Administrator, Bart Bingham, will begin work on May 8, 2013.

Adjournment:

The meeting was adjourned at 7:20pm.

Respectfully submitted,

Perry Dangerfield

KIMBERLY PLANNING AND ZONING
JUNE 18, 2013

Call to Order:

The meeting was called to order at 6:02pm.

Roll Call of Commission Members:

Members present were Ted Wasko, Leland Belin, Candy Weth and Perry Dangerfield. Impact Area Representatives Dan Shewmaker and Cindy Schmidt were also present.

1. Approve:

A.) The minutes from the May 2013 meeting were not available to approve. Approval pending.

2. Public Hearing:

A.) A Public Hearing and consideration of an ordinance to create and R2 Residential Planned Unit Development subdistrict and a preliminary plat application submitted by Brad Wills of Wills Land Company, LLLP. proposing to subdivide as an R2 Residential Planned Unit Development 4.29 acres (+or-) into 16 various sized lots, to be known as Centennial Subdivision, located with the present Residential Limited (R2) Zoning District and legally described as beginning at a point that is thence S 00 degrees 13' 36" E. 1321.94 feet along the section line from the NE corner of said Section 29 and running 00 degrees 13' 36" E 132.00 feet along said section line; thence N 89 degrees 41' 47" W 659.91 feet; thence N 00 degrees 13' 15" W 132.00 feet; thence N 00 degrees 13' 11" W 300.83 feet; thence N 89 degrees 46' 24" E 329.91 feet; thence S 00 degrees 13' 24" E 303.88 feet; thence S 80 degrees 41' 47" E 329.95 feet to the POINT OF BEGINNING. More broadly, the property is located in a portion of the NE1/4, Section 29, Township 10 South, Range 18 East of the Boise Meridian, City of Kimberly, Twin Falls County, Idaho.

Mr. Wills stated that the Comprehensive Plan shows a need for Mixed Use Development in the city of Kimberly and this

project strives to provide that in this subdivision. He stated that this subdivision will provide lots for single family homes and a multi-family retirement facility.

The meeting was opened to the public. Mr. Rocky Mets of 550 S. Main Street expressed his concern about adding another street so close to a street just south of this project and that school children will be forced to cross the street proposed in the subdivision. He stated that the children have to cross Brentwood and then pass one house before having to cross the street leading into Centennial subdivision. He feels that is too many and it is not safe. His other concern is the presence of runoff from rain and snowmelt. There is always water at the northeast corner of the subdivision and that there is flooding in the area on Main Street that needs to be addressed. He stated that his basement has flooded and many of his neighbors complain of water problems during the year from snow and rain. He is worried that the 12" pipe mentioned by Mr. Wills will not be large enough to handle any runoff or heavy rain. Mr. Wills address these complaints by saying the 12" pipe he mentioned is for the irrigation lateral that runs through the property and he will work with the City Engineer to make sure that storm drains installed in the subdivision will be large enough of handle any runoff in the area.

With no more public input the meeting was closed to the public. A letter concerning the flooding in the area of the subdivision will be added to the public record.

The Commission discussed the proposal. The Commission wanted to make sure the City Engineer will be consulted about any drainage in the subdivision. The Commission was concerned about the proposed Cul-de-Sac, but was told that there is no public access to the Northwest and therefore a Cul-de-Sac was necessary and that it conforms to City Ordinances and the Fire Marshall will have a key to a gate at the Northwest for full access to the subdivision.

3. Action:

Cindy Schmidt moved that the Commission approve the PUD and the

preliminary plat. The motion is on record at City Hall. Perry Dangerfield seconded the motion. A roll call was held. Lelend Belin voted No. Ted Wasko voted Yes, Candy Weth voted Yes and Perry Dangerfield voted Yes. The motion was approved.

4. Unfinished/Old Business:

There was no Old Business to discuss.

5. New Business:

The July meeting will be held on the 16th of July because of the holiday on the 4th. The Commission was informed that work on the traffic signal light at Red Cap Corner would start immediately and be finished by the end of August.

Adjournment:

The meeting was adjourned at 6:56pm.

Respectfully submitted,

Perry Dangerfield, Co-chair.

STAFF REPORT

TO: Kimberly Planning and Zoning Commission

FROM: Bart Bingham, Community Development Director

RE: Kimberly City Code - The City of Kimberly initiated text amendment to amend Title 1: Chapter 1.12 Official Newspaper: Section 1.12.010, to amend the official newspaper of the City of Kimberly from the "East County Chronicle" to "The Times News."

HEARING: August 6, 2013

Notice

Notice for the public hearing was published in the Times News on July 23, 2013 and mailed to public agencies and area media on July 23, 2013.

Proposal

The amendment is to Kimberly City Code, to amend Title 1: Chapter 1.12 Official Newspaper: Section 1.12.010, to amend the official newspaper of the City of Kimberly from the "East County Chronicle" to "The Times News."

Background

The Times News is now utilized by the City of Kimberly for notices and publications, as the "East County Chronicle" no longer provides services.

Procedural History

The text amendment will be considered by the Planning and Zoning Commission on August 6, 2013.

Department Comments

The official newspaper needs to be amended.

Summary

The Commission is required to hold a public hearing and determine whether the proposed amendment is in accordance with the applicable standards of evaluation and make a recommendation to the Council that the proposed amendment be granted or denied, or that a modified amendment be granted.

Motion Language

Approval:

P&Z

Motion to recommend the City Council approve the proposed amendment to Kimberly City Code, Title 1: Chapter 1.12 Official Newspaper: Section 1.12.010, to amend the official newspaper of the City of Kimberly from the “East County Chronicle” to “The Times News.”, finding that the amendments will promote the public health, safety and general welfare.

Denial:

P&Z

Motion to recommend the City Council deny the proposed amendment to Kimberly City Code, Title 1: Chapter 1.12 Official Newspaper: Section 1.12.010, to amend the official newspaper of the City of Kimberly from the “East County Chronicle” to “The Times News.”, finding that the amendments will not promote the public health, safety and general welfare.

Continuation:

Motion to continue the public hearing upon the proposed amendment to Kimberly City Code, Title 1: Chapter 1.12 Official Newspaper: Section 1.12.010, to amend the official newspaper of the City of Kimberly from the “East County Chronicle” to “The Times News, to _____ [the Commission should specify a date].

Table:

Motion to table the proposed amendment to Kimberly City Code, Title 1: Chapter 1.12 Official Newspaper: Section 1.12.010, to amend the official newspaper of the City of Kimberly from the “East County Chronicle” to “The Times News, to a later date: _____.

KIMBERLY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KIMBERLY, IDAHO, AMENDING KIMBERLY’S CITY CODE, BY AMENDING TITLE 1: CHAPTER 1.12 OFFICIAL NEWSPAPER: SECTION 1.12.010, AMENDING THE OFFICIAL NEWSPAPER OF THE CITY OF KIMBERLY FROM THE “EAST COUNTY CHRONICLE” TO BE “THE TIMES NEWS.”

WHEREAS, the Kimberly City Council has found that the following amendments to the Kimberly City Zoning Regulations generally conform to the Kimberly Comprehensive Plan;

WHEREAS, the proposed amendments are in accordance with the safety and welfare of the general public facilities and services; and

WHEREAS the amendments are compatible with the surrounding area.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY KIMBERLY, IDAHO, AS FOLLOWS:

Ordinance amendments are shown below in bold text, language deleted is delineated by a single-line strikethrough, and regular text is neither amended nor deleted, but is shown to provide context and placing of the amendments in the ordinance.

**Chapter 1.12
OFFICIAL NEWSPAPER**

1.12.010: DESIGNATED:

- A. ~~The "East County Chronicle", Kimberly~~ **“The Times News,” Twin Falls**, Idaho, printed and published in ~~the~~ **that** city, is designated the official newspaper of the city, and such ordinances, notices and publications as are required by law to be given publication in a newspaper shall be published in ~~the "East County Chronicle"~~ **“The Times News.”**
- B. If said newspaper has a name change, ceases to operate and a new newspaper business is in operation, then the city may by this chapter designate that newspaper as its official newspaper. (Ord. 428, 1988: Ord. 226, 1967)



NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY KIMBERLY, IDAHO, AS FOLLOWS:

SECTION 1. The above described and shown text amendments are the subject of text amendments to the Kimberly City Code.

SECTION 2. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 3. All City of Kimberly ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after the approval, and publication according to law.

PASSED AND ADOPTED BY THE KIMBERLY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2013.

Tracy Armstrong, Mayor, City of Kimberly

Attest:

Shoshoni Heitmann, City Clerk

Publish: Times News _____, 2013



STAFF REPORT

TO: Kimberly Planning and Zoning Commission

FROM: Bart Bingham, Community Development Director

RE: Kimberly City Code, Development Regulations Text Amendment- The City of Kimberly initiated text amendment to add under Chapter 17.12 Subdivision Provisions, new Section 17.12.060: Lot Line Adjustments, to replace current 17.12.060 Water Regulations and renumbering that section to be Section 17:12.070 Water Regulations. New Section 17.12.060 would establish procedure for lot line adjustments, in an effort to establish a user-friendly and uniform criteria. The criteria would include a 1) Record of Survey of boundaries of proposed new lots, 2) a showing of old and proposed new lots, 3) written notice of proposed lot line adjustment to property owners within 300 feet, 4) and administrative approval by Community Development Director or designee with approval signature areas for the City Engineer, City Clerk, and South Central Health District Program Coordinator. Any lot line adjustment would be required to meet the lot line adjustment definition which is proposed to be added to Chapter 17.02 Definitions, Section 17.02.010: Terms Defined. Part of the definition would be that no additional lots or streets would be created by an adjustment and zoning requirements be satisfied for each new lot. The proposed amendment's objective is to utilize what other jurisdictions have utilized to create a user-friendly and uniform criteria.

HEARING: August 6, 2013

Notice

Notice for the public hearing was published in the Times News on July 23, 2013 and mailed to public agencies and area media on July 23, 2013.

Proposal

The amendment is to Kimberly City Code, Development Regulations, to add under Chapter 17.12 Subdivision Provisions, new Section 17.12.060: Lot Line Adjustments, to replace current 17.12.060 Water Regulations and renumbering that section to be Section 17:12.070 Water Regulations. New Section 17.12.060 would establish procedure for lot line adjustments, in an effort to establish a user-friendly and uniform criteria. The criteria would include a 1) Record of Survey of boundaries of proposed new lots, 2) a showing of old and proposed new lots, 3) written notice of proposed lot line adjustment to property owners within 300 feet, 4) and administrative approval by Community Development Director or designee with approval signature areas for the City Engineer, City Clerk, and South Central Health District Program Coordinator. Any lot line adjustment would be required to meet the lot line adjustment definition which is proposed to be added to Chapter 17.02 Definitions, Section 17.02.010: Terms Defined.

Background

Recently as many as four potential applicants desired to amend lot lines within the City of Kimberly jurisdiction. After research to provide answers for the applicants, it was determined that Kimberly City Code does not presently provide for a uniform procedure to adjust lot lines. After contemplation, it was decided that having a user-friendly and uniform criteria (similar to what other cities) would benefit both applicants and staff in the future, as well as provide for a uniform system for property adjustment records. Comparisons with other cities and professional opinions were sought and obtained prior to the ordinance and after the ordinance draft itself.

Craig Paul from South Central Health District, in a letter of support stated, “I would like to express support for the City of Kimberly’s proposal to create a standard procedure for lot line adjustments.” Mr. Paul’s letter is attached in the packet material for reference.

Procedural History

The text amendment will be considered by the Planning and Zoning Commission on August 6, 2013.

Department Comments

Having a user-friendly and uniform criteria would be beneficial to both applicants and staff in the future, as well as provide for a uniform system for property adjustment records looking back.

Standards of Evaluation

Note: Staff analysis is in lighter type,

When evaluating any proposed amendment, the Commission and Council shall make findings of fact on the following criteria:

a. The proposed amendment is in accordance with the Comprehensive Plan; The Commission should consider how the proposed amendment relates to the various goals of the Comprehensive Plan. The Comprehensive Plan shows objectives for the City of Kimberly to grow and to optimize growth and development opportunities. Significant potential exists for many lots that may need to be adjusted, as owners and/or investors buy and sell--resizing them to meet economic needs and/or to create additional or different possibilities.

b. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

Not applicable

c. The proposed uses are compatible with the surrounding area; and

Not applicable

d. The proposed amendment will promote the public health, safety and general welfare.

The proposed amendment will promote the public health, safety and general welfare by providing for a uniform system, which may assist agencies such of South Central Health District to enforce

well and septic service setback requirements, which will assist both future owners and property neighbors. Additionally, both present and future property owners will be assisted in knowing where property lines and boundaries exist.

Summary

The Commission is required to hold a public hearing and determine whether the proposed amendment is in accordance with the applicable standards of evaluation and make a recommendation to the Council that the proposed amendment be granted or denied, or that a modified amendment be granted.

Motion Language

Approval:

P&Z

Motion to recommend the City Council approve the proposed amendments to Kimberly City Code, Development Regulations, to add under Chapter 17.12 Subdivision Provisions, new Section 17.12.060: Lot Line Adjustments, to replace current 17.12.060 Water Regulations and renumbering that section to be Section 17:12.070 Water Regulations. New Section 17.12.060 would establish procedure for lot line adjustments, in an effort to establish a user-friendly and uniform criteria, finding that the amendments are in accordance with the Comprehensive Plan, that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare.

Denial:

P&Z

Motion to recommend the City Council deny proposed amendments to Kimberly City Code, Development Regulations, to add under Chapter 17.12 Subdivision Provisions, new Section 17.12.060: Lot Line Adjustments, to replace current 17.12.060 Water Regulations and renumbering that section to be Section 17:12.070 Water Regulations. New Section 17.12.060 would establish procedure for lot line adjustments, in an effort to establish a user-friendly and uniform criteria, finding that _____ [the Commission should cite which standards are not met and provided the reason why each identified standard is not met].

Continuation:

Motion to continue the public hearing upon the proposed amendments to Kimberly City Code, Development Regulations, to add under Chapter 17.12 Subdivision Provisions, new Section 17.12.060: Lot Line Adjustments, to replace current 17.12.060 Water Regulations and renumbering that section to be Section 17:12.070 Water Regulations. New Section 17.12.060 would establish procedure for lot line adjustments, in an effort to establish a user-friendly and uniform criteria, ,to _____[the Commission should specify a date].

Table:

Motion to table the proposed amendments to Kimberly City Code, Development Regulations, to add under Chapter 17.12 Subdivision Provisions, new Section 17.12.060: Lot Line Adjustments, to replace current 17.12.060 Water Regulations and renumbering that section to be Section 17:12.070 Water Regulations. New Section 17.12.060 would establish procedure for lot line adjustments, in an effort to establish a user-friendly and uniform criteria, to a later date: _____.

KIMBERLY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KIMBERLY, IDAHO, AMENDING KIMBERLY'S CITY CODE, BY ADDING UNDER CHAPTER 17.12 SUBDIVISION PROVISIONS, NEW SECTION 17.12.060: LOT LINE ADJUSTMENTS, TO REPLACE CURRENT 17.12.060 WATER REGULATIONS AND RENUMBERING THAT SECTION TO BE SECTION 17:12.070 WATER REGULATIONS. ALSO ADDING WITHIN SECTION 17.02.010: DEFINITIONS, A DEFINITION FOR LOT LINE ADJUSTMENT .

NEW SECTION 17.12.060 ESTABLISHES UNIFORM PROCEDURES FOR LOT LINE ADJUSTMENTS, INCLUDING 1). THE REQUIREMENT FOR SUBMITTAL OF A RECORD OF SURVEY, 2). A SHOWING OF BOTH PRESENT AND PROPOSED LOTS ON THE RECORD OF SURVEY, 3). THE REQUIREMENT THAT THE ADJUSTMENT MEET THE LOT LINE ADJUSTMENT DEFINITION WITHIN THE ZONING REGULATION DEFINITIONS, 4). THE REQUIREMENTS FOR NOTICE TO OWNERS OF PROPERTY WITHIN THREE HUNDRED(300) FEET OF THE OUTER BOUNDARIES OF THE PROPOSED PARCEL FOR ADJUSTMENT AND ALL EASEMENT HOLDERS WITHIN IT, WITH NOTICE WITHIN A NEWSPAPER OF GENERAL CIRCULATION AND A FIFTEEN (15) DAY COMMENT PERIOD FOR PROPERTY OWNERS WITHIN 300 FEET AND EASEMENT HOLDERS WITHIN THE PARCEL TO PROVIDE COMMENT (WHICH NOTICES MAY BE DONE SIMULTANEOUSLY) FOR FIFTEEN (15) DAYS FOLLOWING THE DATE OF POST MARK AND PUBLICATION, 5) FOLLOWED BY ADMINISTRATIVE APPROVAL BY THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE AFTER COMPLETION OF THESE REQUIREMENTS; 6) AND LATER OBTAINED SIGNATURES FROM THE CITY ENGINEER AND CITY CLERK ON AN OFFICIAL MYLAR WHICH SHALL HAVE SIGNATURE AREAS FOR EACH AND WHICH SHALL THEREAFTER BE RECORDED.

SECTION 17.02.010: TERMS DEFINED: LOT LINE ADJUSTMENT IS SHOWN BELOW.

THIS ORDINANCE PROVIDES FOR A SEVERABILITY CLAUSE AND A REPEALER CLAUSE; AND FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND FOR AMENDMENT OF CHAPTER 17: ZONING REGULATIONS UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.



WHEREAS, the Kimberly City Council has found that the following amendments to the Kimberly City Zoning Regulations generally conform to the Kimberly Comprehensive Plan;

WHEREAS, the proposed amendments are in accordance with the safety and welfare of the general public facilities and services; and

WHEREAS the amendments are compatible with the surrounding area.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY KIMBERLY, IDAHO, AS FOLLOWS:

Ordinance amendments are shown below in bold text, language deleted is delineated by a single-line strikethrough, and regular text is neither amended nor deleted, but is shown to provide context and placing of the amendments in the ordinance.

17.12.060: LOT LINE ADJUSTMENTS ~~WATER REGULATIONS:~~

A. Lot Line Adjustment Procedures: An applicant for an lot line adjustment shall complete the following procedures:

1. Submittal of a Draft Record of Survey showing:

- a. the proposed parcel for adjustment (a hard copy 18"x27" and an electronic copy 11"x17"),**
- b. the present and proposed lots,**
- c. the correct street names abutting the property,**
- d. the written legal description of all proposed lots,**
- e. the square footage, width, and depth of proposed lots,**
- f. All existing buildings shown to meet building department and zoning setback requirements,**
- g. A note stating the zoning district in effect for the area,**
- h. All recorded easements, including those for sewer and water,**
- i. Affidavits of Legal interests,**
- j. A narrative explaining the purpose of the this lot line adjustment and expressing how the public is benefitted by such action, and**
- k. Such additional information reasonably required for thorough review and of the application and plat may be required of the applicant.**



- 2. The adjustment shall meet the definition of a lot line adjustment shown within Section 17:02.010; Terms Defined; Lot Line Adjustment.**
- 3. The applicant shall provide an up-date-list of all property owners within 300 feet of the outer boundaries of the proposed parcel for adjustment and all easement holders within the proposed parcel, and after administrative determination that the submittal complies with the definition of a lot-line adjustment, notice shall follow to each of these persons, with notice also within a newspaper of general circulation and a fifteen (15) day comment period for property owners within 300 feet and easement holders within the parcel to provide comment (which notices may be done simultaneously) following the date of post mark and publication.**
- 4. After the comment period, the Community Development Director or designee may administratively approve the lot-line adjustment.**
- 5. A mylar of the record of survey, containing city engineer, city clerk, and South Central Public Health District Program Coordinator signature areas shall then be submitted to the community development department, and upon obtainment of these signatures, the applicant shall record the mylar and provide evidence of such recording back to the Community Development Department.**
- 6. Upon tentative approval of the application by the director subject to any applicable conditions of approval and the regulations of chapter 1, article A of this title, the applicant or owner shall have one year to complete the following tasks:**
 - a. Cause the property to be surveyed and a record of survey recorded,**
 - b. Execute and record the necessary deeds to accomplish the property boundary adjustments as approved;**
 - c. Obtain new tax parcel numbers from the Twin Falls County Assessor; and**
 - d. Provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the director.**



~~17.12.060~~ **17.12.070: WATER REGULATIONS:**

17.02.010: TERMS DEFINED:

For the purposes of this title certain words used herein shall mean what is indicated in this chapter.

The present tense includes the future tense, and the singular number includes the plural and the plural number includes the singular.

The word "shall" or "will" is a mandatory requirement, the word "may" is a permissive requirement.

The word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied".

LOT DEPTH: The horizontal distance between the front and rear lot lines, measured along the median between the two (2) side lot lines.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE ADJUSTMENT: A modification of boundary lines between existing lots, parcels of land, or properties, or modification of easement lines, which do not reduce the area, frontage, width, depth, or building set-backs lines of each lot, parcel of land, or property below the minimum zoning area regulations and which do not create additional lots or new streets. A lot line adjustment does not vacate the platted lot lines or easements of a recorded subdivision. A lot line adjustment does not divide lands nor is it a substitute for dividing lands through the City's lot split or subdivision platting procedures. A lot line adjustment action shall be consistent with the City's comprehensive plan.

LOT, PLATTED: A lot or individual parcel shown on a plat.



NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY KIMBERLY, IDAHO, AS FOLLOWS:

SECTION 1. The above described and shown text amendments are the subject of text amendments to the Kimberly City Code.

SECTION 2. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 3. All City of Kimberly ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after the approval, and publication according to law.

PASSED AND ADOPTED BY THE KIMBERLY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2013.

Tracy Armstrong, Mayor, City of Kimberly

Attest:

Shoshoni Heitmann, City Clerk

Publish: Times News _____, 2013



August 2, 2013

BART BINGHAM
COMMUNITY DEVELOPMENT DIRECTOR
PO BOX Z
KIMBERLY ID, 83341

RE: Kimberly City Code new section 17.12.060

SCPHD would like to express support for the City of Kimberly's proposal to create a standard procedure for lot line adjustments. The criteria proposed should provide the city with ample opportunity to review any proposal.

SCPHD would like to request that comment from this agency be required from any applicants for lot line adjustment with well and/or septic systems. There are currently few, if any, septic systems or private wells inside the Kimberly city limits, however there are many lots in the current impact area which do have private water and sewer. As we have seen with the City of Twin Falls, these lots in the impact area may one day be annexed into the city with private well and septic systems intact. Future legal problems may arise if care is not taken to insure that private wells and septic systems maintain the proper setbacks from adjusted property lines.

SCPHD already has a system in place to provide comment on these types of situations. The district can provide what is called a "Proposal Review for Planning and Zoning." Under the agreement set up with Twin Falls County Planning and Zoning, this comment letter and plans are brought to SPCHD for review prior to county approval. SCPHD provides the applicant with the completed comment letter and stamps the plans provided. A similar system could be set in place with the City of Kimberly.

A copy of the "Proposal Review for Planning and Zoning" is included for your reference.

Please contact this office with any questions.

Craig Paul
Land Program Coordinator – Lands
South Central Public Health District

Enclosure

STAFF REPORT

TO: Kimberly Planning and Zoning Commission

FROM: Bart Bingham, Community Development Director

RE: Kimberly City Code, Development Regulations Text Amendment- The City of Kimberly initiated text amendment to add under Chapter 17.17 Administration and Enforcement: Section 17:17.060 Procedures for Noticing Planning and Zoning Actions. The new section provides that applicants of planning and zoning actions provide required time-sensitive notice of such hearings/actions to 1) property owners within 300' of the action property (after obtaining an official list of property owners within 300'), 2) post appropriate on-site notice at the action property, 3) and then provide a signed & notarized affidavit of such mailings and posting to the City. The section provides that the city planning staff provide either an electronic or a single hard copy of the official notices to be sent or posted to the applicant and provide notice to the official city newspaper, along with notice to political subdivisions (public agencies) providing services within the planning jurisdiction of appropriate planning applications. . The proposed amendment's objective is to assist planning and zoning applicants in noticing while also delineating staff and applicant noticing responsibilities going forward.

HEARING: August 6, 2013

Notice

Notice for the public hearing was published in the Times News on July 23, 2013 and mailed to public agencies and area media on July 23, 2013.

Proposal

The amendment is to Kimberly City Code, Development Regulations The amendment is to add under Chapter 17.17 Administration and Enforcement: Section 17:17.060 Procedures for Noticing Planning and Zoning Actions. The new section provides that applicants of planning and zoning actions provide required time-sensitive notice of such hearings/actions to 1) property owners within 300' of the action property (after obtaining an official list of property owners within 300'), 2) post appropriate on-site notice at the action property, 3) and then provide a signed & notarized affidavit of such mailings and posting to the City. The section provides that the city planning staff provide either an electronic or a single hard copy of the official notices to be sent or posted to the applicant and provide notice to the official city newspaper, along with notice to political subdivisions (public agencies) providing services within the planning jurisdiction of appropriate planning applications. . The proposed amendment's objective is to assist planning and zoning applicants in noticing while also delineating staff and applicant noticing responsibilities going forward.

Background

Several cities in the Magic Valley previously have established systems where applicants share planning and zoning noticing responsibilities with Community Development staff. Twin Falls, for example, utilizes a system very similar to what the city of Kimberly proposes, as do cities within the Mini-Cassia area. The intent of the amendment is to utilize both staff's and applicant's noticing capabilities so city efforts may be spread more so to both short and long term Community Development goals and objectives.

Procedural History

The text amendment will be considered by the Planning and Zoning Commission on August 6, 2013.

Department Comments

Establishing a system where notice responsibilities are shared would spread noticing responsibilities between many applicants and assist the Community Development Department in focusing in on both short and long term department goals and objectives.

Standards of Evaluation

Note: Staff analysis is in lighter type,

When evaluating any proposed amendment, the Commission and Council shall make findings of fact on the following criteria:

a. The proposed amendment is in accordance with the Comprehensive Plan;

The Commission should consider how the proposed amendment relates to the various goals of the Comprehensive Plan. The Comprehensive Plan shows objectives for the City of Kimberly to grow and to optimize growth and development opportunities projected to come to the Kimberly area. Establishing a system where notice responsibilities are spread among many applicants and Community Development staff would allow staff to focus in on both short and long term department goals and objectives.

b. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

Not applicable

c. The proposed uses are compatible with the surrounding area; and

Not applicable

d. The proposed amendment will promote the public health, safety and general welfare.

The proposed amendment will promote the public health, safety and general welfare by allowing for Community Development Staff to focus on both short and long term department goals and objectives for the betterment of the City of Kimberly.

Summary

The Commission is required to hold a public hearing and determine whether the proposed amendment is in accordance with the applicable standards of evaluation and make a recommendation to the Council that the proposed amendment be granted or denied, or that a modified amendment be granted.

Motion Language

Approval:

P&Z

Motion to recommend the City Council approve the proposed amendments to Kimberly City Code, Development Regulations, adding under Chapter 17.17 Administration and Enforcement: Section 17:17.060 Procedures for Noticing Planning and Zoning Actions, finding that the amendments are in accordance with the Comprehensive Plan, that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare.

Denial:

P&Z

Motion to recommend the City Council deny proposed amendments to Kimberly City Code, Development Regulations, adding under Chapter 17.17 Administration and Enforcement: Section 17:17.060 Procedures for Noticing Planning and Zoning Actions, finding that _____ [the Commission should cite which standards are not met and provided the reason why each identified standard is not met].

Continuation:

Motion to continue the public hearing upon the proposed amendment amendments to Kimberly City Code, Development Regulations, adding under Chapter 17.17 Administration and Enforcement: Section 17:17.060 Procedures for Noticing Planning and Zoning Actions, to _____ [the Commission should specify a date].

Table:

Motion to table the proposed amendments to Kimberly City Code, Development Regulations, adding under Chapter 17.17 Administration and Enforcement: Section 17:17.060 Procedures for Noticing Planning and Zoning Actions, to a later date: _____.

KIMBERLY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KIMBERLY, IDAHO, AMENDING KIMBERLY’S CITY CODE, BY ADDING UNDER CHAPTER 17.17 ADMINISTRATION AND ENFORCEMENT: SECTION 17:17.060: PROCEDURES FOR NOTICING PLANNING AND ZONING ACTIONS.

THIS ORDINANCE PROVIDES FOR A SEVERABILITY CLAUSE AND A REPEALER CLAUSE; AND FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND FOR AMENDMENT OF CHAPTER 17: ZONING REGULATIONS UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Kimberly City Council has found that the following amendments to the Kimberly City Zoning Regulations generally conform to the Kimberly Comprehensive Plan;

WHEREAS, the proposed amendments are in accordance with the safety and welfare of the general public facilities and services; and

WHEREAS the amendments are compatible with the surrounding area.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY KIMBERLY, IDAHO, AS FOLLOWS:

Ordinance amendments are shown below in bold text, language deleted is delineated by a single-line strikethrough, and regular text is neither amended nor deleted, but is shown to provide context and placing of the amendments in the ordinance.

17.17.060: PROCEDURES FOR NOTICING PLANNING AND ZONING ACTIONS WHICH REQUIRE A PUBLIC HEARING:

A. Noticing Requirements: Idaho Code requires Planning and Zoning Actions shown below to be noticed prior to Commission and/or Council action and such notice shall be carried out as follows:

- a. Official Newspaper or Paper of General Circulation: *The planning administrator shall carry-out the notice requirements under this subsection (a).***
 - i. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in**



the official newspaper or paper of general circulation within the jurisdiction. Such notice is required for the following actions:

1. Variance Permit
2. Special Use Permit
3. Zoning Text Amendment
4. Zoning Map Amendment
5. Zoning District Boundary Changes (see below)
6. Annexation
7. Vacation (see below)
8. Recommendation of a plan
9. Adoption of a plan
10. Amendment of a plan
11. Repeal of a plan
12. Amendment of Development Regulations (including any zoning & subdivision regulations) of the City of Kimberly
13. Commission or Council makes a Material Change from what was noticed for a hearing.

- ii. **For Zoning District Boundary Changes:** Notice of a public hearing for a proposed zoning district change shall be in the official newspaper of the city, once a week for three (3) consecutive weeks, with at least one of said publications being fifteen (15) days prior to the date set for hearing.
- iii. **For Vacations:** Notice of a public hearing for a vacation shall be published once a week for two (2) consecutive weeks in the official newspaper of the city, the last of which shall not be less than seven (7) days prior to the date of said hearing.

b. Political Subdivisions (Public Agencies) providing services: [The planning administrator shall carry-out the notice requirements under this subsection \(b\).](#)

- i. At least fifteen (15) days prior to the hearing, notice shall be sent to all political subdivisions providing services within the planning jurisdiction, including school districts. Such notice is required for the following:
 1. Variance Permit
 2. Special Use Permit
 3. Zoning Text Amendment
 4. Zoning Map Amendment
 5. Zoning District Boundary Change
 6. Annexation
 7. Vacation
 8. Recommendation of a plan



9. Adoption of a plan
10. Amendment of a plan
11. Repeal of a plan
12. Zoning District Boundary Change
13. Amendment of Development Regulations (including any zoning & subdivision regulations) of the City of Kimberly
14. Commission or Council makes a Material Change from what was noticed for a hearing.

c. **Property Owners within three hundred (300) feet – The applicant shall carry-out the notice requirements under this subsection (c) and subsection (d) below when applicable. The applicant shall satisfy these requirements in part by:**

1. Securing an official current 300 ft. around property owner list from either the county assessor’s office or a title company and then submitting the list with application materials to the planning administrator;
2. Then upon receiving either an electronic or hardcopy of the official notice and a copy of the 300 foot property owner list back from the planning administrator, the applicant shall mail the notice (according to the requirements below) to each of the applicable property owners.
3. Then following the mailing, the applicant shall submit a signed and notarized “affidavit of mailing and posting of notice for hearing,” which the applicant will have obtained on an uncompleted form from the planning administrator, back to the planning administrator to be included with the application packet material as evidence of appropriate notice.

i. **At least fifteen (15) days prior to the hearing, additional notice shall be provided by mail to property owners within the land being considered and within three hundred (300) feet of the external boundaries of the land being considered. Also to owners of any additional land determined to be impacted. Such notice is required for the following:**

4. Variance Permit
5. Special Use Permit
6. Zoning Map Amendment
7. Annexation (see below)
8. Vacations (see below)
9. **When Commission or Council make a Material Change from what was noticed for the hearing, use ii below to re-notice. For**



annexation or vacation noticing or re-noticing, use regulations below.

ii. **Two hundred (200) or more property owners (in lieu of mailed notice)**

10. **Three (3) Newspaper notices required:** When notice is required to two hundred (200) or more property owners or residents, notice of said proposed change and the hearing shall be published in the official newspaper of the city once a week for three (3) consecutive weeks, with at least one of said publications being fifteen (15) days prior to the date set for hearing.

11. **For Annexation** – Three (3) different time-frame Newspaper notices required: When notice is required to two hundred (200) or more property owners, in lieu of the mail notification, three (3) notices in the official newspaper of the city are sufficient; provided that the third notice appears ten(10) days prior to the public hearing.

iii. **For Vacations:** Notice of public hearing shall be given, by certified mail with return receipt, at least ten (10) days prior to the date of the public hearing to all property owners within three hundred (300’) feet of the boundaries of the area described in the petition.

d. **Posting on Premises** The applicant shall carry-out appropriate posting for applications requiring it as shown below. **The applicant shall satisfy this subsection (d) noticing requirements, and do so in part by:**

1. **Securing an electronic or hard copy of the notice to be posted from the planning administrator;**
2. **Also securing official City of Kimberly “Notice of Public Hearing Sign/Flyer holder(s)” from the planning administrator or designee (with a seventy-five (\$75.00) dollar deposit to be returned when the sign is returned);**
3. **Posting the signs and flyers at the exterior boundaries of the premises of the property of the application, and also maintaining at least 15 copies of the notice in the flyer container;**
4. **Then following the posting, the applicant shall submit a signed and notarized “affidavit of mailing and posting of notice for hearing,” which the applicant will have obtained on an uncompleted form from the planning administrator, back to the planning administrator to be included with the application packet material as evidence of appropriate notice.**



- ii. **At least (1) one week prior to the hearing, notice shall be posted on the exterior boundaries of the premises being considered under the application. Such notice is required for the following:**
 - 1. **Special Use Permit**
 - 2. **Zoning Text Amendment**
 - 3. **Zoning Map Amendment**
 - 4. **Zoning District Boundary Change**
 - 5. **Annexation**

- e. **Additional Posting:** Notice may be made available to any additional interested parties and media outlets serving the planning jurisdiction, and may be posted on the city's official website. **The planning administrator shall carry-out the notice requirements under this subsection (e).**

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY KIMBERLY, IDAHO, AS FOLLOWS:

SECTION 1. The above described and shown text amendments are the subject of text amendments to the Kimberly City Code.

SECTION 2. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 3. All City of Kimberly ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after the approval, and publication according to law.



PASSED AND ADOPTED BY THE KIMBERLY CITY COUNCIL AND APPROVED BY
THE MAYOR THIS ____ DAY OF _____, 2013.

Tracy Armstrong, Mayor, City of Kimberly

Attest:

Shoshoni Heitmann, City Clerk

Publish: Times News _____, 2013



Table: 17.17.060: PROCEDURES FOR NOTICING PLANNING & ZONING ACTIONS WHICH REQUIRE A PUBLIC HEARING

	Commission Action					Council Action				
	Newspaper	Political Subdivisions	Property Owners w/in 300'	Posting on Premises	Commission Recommendation	Appeal of Commission Action	Newspaper	Political Subdivisions	Property Owners w/in 300'	Posting on Premises
Variance Permit	•	•	•		no	yes	•	•	•	
Special Use Permit	•	•	•	•	no	yes	•	•	•	•
Zoning Text Amendment	•	•		•	yes	no	•	•		•
Zoning Map Amendment	•	•	•*	•	yes	no	•	•	•*	•
Zoning District Boundary Change	•*	•		•			•*	•		•
PUD Pre & Final Plat	•	•	•	•	yes	no	•	•	•	•
Subdivisions										
Annexation	•	•	•**	•	yes	no	•	•	•**	•
Vacation (sub, plat, row, easement)	•^	•	•***		yes	no	•^	•	•***	
Dedications (street row, easement)	No Commission Action Required					Council Accepts Street or Bond for it w/o noticing				

* 1. When Two hundred (200) or more property owners or residents, Three (3) Newspaper notices are required (in lieu of mailed notice), so notice of said proposed change and the hearing shall be published in the official newspaper of the city once a week for three (3) consecutive weeks, with at least one of said publications being fifteen (15) days prior to the date set for hearing.

*** 3. For Vacations: Notice of public hearing shall be given, by certified mail with return receipt, at least ten (10) days prior to the date of the public hearing to all property owners within three hundred (300') feet of the boundaries of the area described in the petition.

Applicant shall satisfy these requirements by providing notice to the property owners and posting notice where applicable.

The City shall satisfy these requirements by providing notice to the newspaper and political subdivisions where applicable.

** 2. For Annexation –(Three (3) different time-frame Newspaper notices required): When notice is required to two hundred (200) or more property owners, in lieu of the mail notification, three (3) notices in the official newspaper of the city are sufficient; provided that the third notice appears ten(10) days prior to the public hearing.

^ 4. For Vacations: Notice of a public hearing for a vacation shall be published once a week for two (2) consecutive weeks in the official newspaper of the city, the last of which shall not be less than seven (7) days prior to the date of said hearing.

(Ord. _____)

Area of Impact: All pre-plats for subdivisions, vacations, rezones, special use permits, variances

STAFF REPORT

TO: Kimberly Planning and Zoning Commission

FROM: Bart Bingham, Community Development Director

RE: Kimberly City Code, Development Regulations Text Amendment- The City of Kimberly initiated text amendment to add under Chapter 17.04 District Regulations, Sections 17.04.060 D Color Palette Requirements and 17.04.80 D Color Palette Requirements. Both Sub-sections would state 1. Each building with its trim and features shall be earth tone colors consistent with the earth tone color palette in section 17.07.120. The Color Palette itself will be displayed at Chapter 17.07 Supplementary Regulations Section 17.07.120 Color Palette.

HEARING: August 6, 2013

Notice

Notice for the public hearing was published in the Times News on July 23, 2013 and mailed to public agencies and area media on July 23, 2013.

Proposal

The amendment is to Kimberly City Code, Development Regulations, to add under Chapter 17.04 District Regulations, Sections 17.04.060 D Color Palette Requirements and 17.04.080 D Color Palette Requirements. Both Sub-sections would state 1. Each building with its trim and features shall be earth tone colors consistent with the earth tone color palette in section 17.07.120. The Color Palette itself will be displayed at Chapter 17.07 Supplementary Regulations Section 17.07.120 Color Palette.

Background

Last year, Operation Facelift used this same color palette with the motto: “New Look, New Attitude, New Business,” in as many as ten cities across the Magic Valley for repainting businesses the “new” colors found on the palette. Larry Hall, City Administrator, played a significant role in the facelift painting effort.

Procedural History

The text amendment will be considered by the Planning and Zoning Commission on August 6, 2013.

Department Comments

The Color Palette is attractive, decorative, calming, and sustainable. The colors within it are complementary to each other and provide excellent accents for the other colors it has. They would provide an attractive and enticing boulevard look along each side of main thoroughfare.

Standards of Evaluation

Note: Staff analysis is in lighter type,

When evaluating any proposed amendment, the Commission and Council shall make findings of fact on the following criteria:

a. The proposed amendment is in accordance with the Comprehensive Plan; The Commission should consider how the proposed amendment relates to the various goals of the Comprehensive Plan. The Comprehensive Plan shows N. Main Street (Hwy 30) and Kimberly Rd. as the Commercial Gateway and Commercial Business designated areas for the city for the long-term future. Kimberly has an opportunity to enhance an already attractive situation along these corridors. The objective of attracting and creating business would be furthered by adopting the proposed color palette for these areas.

b. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

Not applicable

c. The proposed uses are compatible with the surrounding area; and

Not applicable

d. The proposed amendment will promote the public health, safety and general welfare.

The proposed amendment will promote the public health, safety and general welfare by providing attractive economic development opportunities, which easily can multiply into multiple sustainable economic engines for the city of Kimberly and the region.

Summary

The Commission is required to hold a public hearing and determine whether the proposed amendment is in accordance with the applicable standards of evaluation and make a recommendation to the Council that the proposed amendment be granted or denied, or that a modified amendment be granted.

Motion Language

Approval:

P&Z

Motion to recommend the City Council approve the proposed amendment to Kimberly City Code, Development Regulations, to add under Chapter 17.04 District Regulations, Sections 17.04.060 D Color Palette Requirements and 17.04.80 D Color Palette Requirements. Both Sub-sections would state 1. Each building with its trim and features shall be earth tone colors consistent with the earth tone color palette in section 17.07.120. This approval is also for the Color Palette itself to be displayed at Chapter 17.07 Supplementary Regulations Section 17.07.120 Color Palette, finding that the amendments are in accordance with the Comprehensive Plan, that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare.

Denial:

P&Z

Motion to recommend the City Council deny proposed amendment to Kimberly City Code, Development Regulations, to add under Chapter 17.04 District Regulations, Sections 17.04.060 D Color Palette Requirements and 17.04.80 D Color Palette Requirements. Both Sub-sections would state 1. Each building with its trim and features shall be earth tone colors consistent with the earth tone color palette in section 17.07.120. The Color Palette itself to be displayed at Chapter 17.07 Supplementary Regulations Section 17.07.120 Color Palette, finding that _____ [the Commission should cite which standards are not met and provided the reason why each identified standard is not met].

Continuation:

Motion to continue the public hearing upon the proposed amendment to Kimberly City Code, Development Regulations, to add under Chapter 17.04 District Regulations, Sections 17.04.060 D Color Palette Requirements and 17.04.80 D Color Palette Requirements. Both Sub-sections would state 1. Each building with its trim and features shall be earth tone colors consistent with the earth tone color palette in section 17.07.120. The Color Palette itself to be displayed at Chapter 17.07 Supplementary Regulations Section 17.07.120 Color Palette, to _____ [the Commission should specify a date].

Table:

Motion to table the proposed amendment to Kimberly City Code, Development Regulations, to add under Chapter 17.04 District Regulations, Sections 17.04.060 D Color Palette Requirements and 17.04.80 D Color Palette Requirements. Both Sub-sections would state 1. Each building with its trim and features shall be earth tone colors consistent with the earth tone color palette in section 17.07.120. The Color Palette itself to be displayed at Chapter 17.07 Supplementary Regulations Section 17.07.120 Color Palette, to a later date: _____.

KIMBERLY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KIMBERLY, IDAHO, AMENDING KIMBERLY'S CITY CODE, BY ADDING UNDER CHAPTER 17.04 DISTRICT REGULATIONS, SECTIONS 17.04.060 D COLOR PALETTE REQUIREMENTS and 17.04.080 D COLOR PALETTE REQUIREMENTS. BOTH SUB-SECTIONS WOULD STATE 1. EACH BUILDING WITH ITS TRIM, AND FEATURES SHALL BE EARTH TONE COLORS CONSISTENT WITH THE EARTH-TONE COLOR PALETTE IN SECTION 17.07.120. THE COLOR PALETTE ITSELF WILL BE DISPLAYED AT CHAPTER 17.07 SUPPLEMENTARY REGULATIONS: SECTION 17.07.120 COLOR PALETTE

THIS ORDINANCE PROVIDES FOR A SEVERABILITY CLAUSE AND A REPEALER CLAUSE; AND FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND FOR AMENDMENT OF CHAPTER 17: ZONING REGULATIONS UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Kimberly City Council has found that the following amendments to the Kimberly City Zoning Regulations generally conform to the Kimberly Comprehensive Plan;

WHEREAS, the proposed amendments are in accordance with the safety and welfare of the general public facilities and services; and

WHEREAS the amendments are compatible with the surrounding area.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY KIMBERLY, IDAHO, AS FOLLOWS:

Ordinance amendments are shown below in bold text, language deleted is delineated by a single-line strikethrough, and regular text is neither amended nor deleted, but is shown to provide context and placing of the amendments in the ordinance.



17.04.060 D & 17:04.80 D COLOR PALETTE REQUIREMENTS

- A. Color Palette Requirement: Each building including its trim, and features shall be earth tone colors consistent with the earth tone color palette found in Section 17.07.120.**

17.07.120 COLOR PALETTE

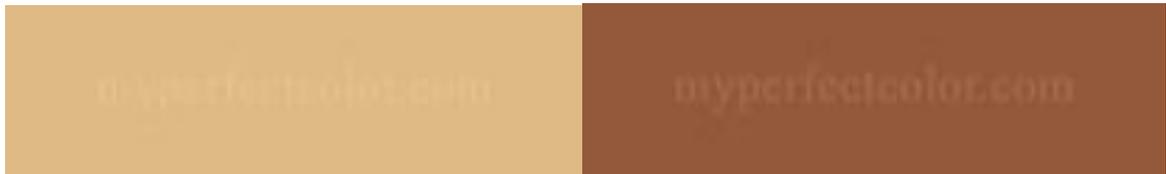


Color Palette



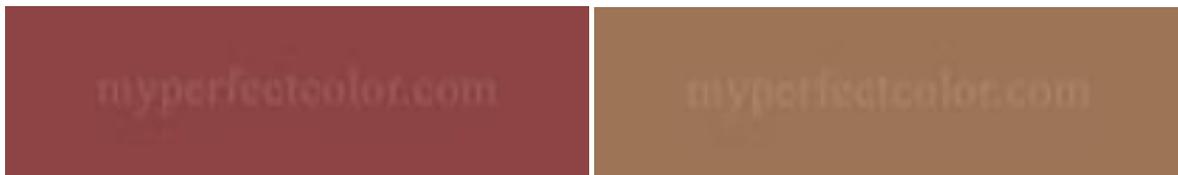
Olive Green

Tan



Yellow Gold

Rust



Brick Red

Light Brown



NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY KIMBERLY, IDAHO, AS FOLLOWS:

SECTION 1. The above described and shown text amendments are the subject of text amendments to the Kimberly City Code.

SECTION 2. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 3. All City of Kimberly ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after the approval, and publication according to law.

PASSED AND ADOPTED BY THE KIMBERLY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2013.

Tracy Armstrong, Mayor, City of Kimberly

Attest:

Shoshoni Heitmann, City Clerk

Publish: Times News _____, 2013

