

**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>				



**AMENDED AGENDA**  
 Meeting of the Twin Falls City Council  
**Monday, January 7, 2013**  
 City Council Chambers  
 305 3<sup>rd</sup> 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: None

AGENDA ITEMS	Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b> 1. Consideration of accounts payable for December 18 – January 7, 2013. 2. Consideration of the December 3, 2012, December 10, 2012, and December 17, 2012, City Council Minutes. 3. Consideration of the adoption of the amended C-1 PUD Agreement #220 – Poleline Commercial PUD No. 1 & No. 2.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez  Mitch Humble
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b> 1. Consideration of a recommendation by the Traffic Safety Commission to establish a painted crosswalk at the intersection of Dierkes Street and 2nd Ave. N. 2. Consideration of adoption of an ordinance vacating the 2000-2190 blocks of Fillmore Street. 3. Update from Dwaine Thomson on activities, roles and responsibilities of the Building Department. 4. Public input and/or items from the City Manager and City Council.	Action  Action Update	Jacqueline Fields  Mitch Humble Dwaine Thomson
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>		
<b>IV. <u>PUBLIC HEARINGS:</u> 6:00 p.m.</b> 1. Request for a Zoning Title Amendment which would amend Twin Falls City Code 10-7-14 by allowing limited outside display of merchandise for sale subject to conditions.		Mitch Humble
<b>V. <u>ADJOURNMENT:</u></b>		

*\*Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting.*

### 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.

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, December 3, 2012**  
 City Council Chambers  
 305 3<sup>rd</sup> Avenue East -Twin Falls, Idaho

**5:30 P.M.**

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

AGENDA ITEMS	Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b> 1. Consideration of a request to approve the accounts payable for November 27–December 3, 2012, total: \$616,228.29. Fire Payroll for November 2012, total: \$501,532.05. 2. Consideration of a request to approve the November 26, 2012, Minutes. 3. Consideration of a request to approve the Public Use of City Hall Policy.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan  Leila A. Sanchez Travis Rothweiler
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b> 1. Swearing in ceremony for two new Twin Falls Police Department Officers; and, for Mayor Lanting to administer the Oath of Office to Stacy Reedy and Denis Suljevic. 2. Consideration of a request to approve the Mixed Martial Arts Event to be held at the Three Amigos Radio Rondevoov Event Center, located at 241 Main Avenue West, on Saturday, December 15, 2012. 3. Consideration of a request from the Airport Advisory Board to conduct monthly board meetings at the Airport. 4. Public input and/or items from the City Manager and City Council.	Action	Brian Pike  Dennis Pullin  Bill Carberry
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>		
<b>IV. <u>PUBLIC HEARINGS:</u>           <b>6:00 P.M.</b></b> 1. Public Hearing to hear all protests and objections to the preliminary Assessment Roll, the proposed assessments contained therein, and the regularity of the proceedings taken in, making such proposed assessments of the local improvement district 2012-1.	Action	Travis Rothweiler
<b>V. <u>ADJOURNMENT:</u></b>		

*\*Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting.*

**Present:** Shawn Barigar, Don Hall, Suzanne Hawkins, Greg Lanting, Rebecca Mills Sojka, Jim Munn, Chris Talkington

**Absent:** None

**Staff Present:** City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Police Chief Brian Pike, Staff Sergeant Dennis Pullin, PIO Josh Palmer, Deputy City Clerk Sharon Bryan, Deputy City Clerk/Recording Secretary Leila Sanchez

Mayor Lanting called the meeting to order at 5:30 P.M. He then invited all present, who wished to, to recite the pledge of Allegiance to the Flag with him. Mayor Lanting introduced staff. A quorum is present.

#### **CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:**

City Manager Rothweiler requested that the following be removed from the Consent Calendar: Consideration of a request to approve the November 26, 2012, Minutes.

#### **MOTION:**

Vice Mayor Hall made the motion to approve the amendment as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion.

#### **PROCLAMATIONS: None**

Mayor Lanting welcomed Senator Lee Heider and Boy Scouts from Troops 144, 143, and 104 to the meeting.

#### **AGENDA ITEMS**

##### **I. CONSENT CALENDAR:**

1. Consideration of a request to approve the accounts payable for November 27–December 3, 2012, total: \$616,228.29. Fire Payroll for November 2012, total: \$501,532.05.
2. Consideration of a request to approve the November 26, 2012, Minutes.
3. Consideration of a request to approve the Public Use of City Hall Policy.

#### **MOTION:**

Vice Mayor Hall made the motion to approve the Consent Calendar with the exception of the November 26, 2012, Minutes, as presented. The motion was seconded by Councilperson Talkington and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

##### **II. ITEMS FOR CONSIDERATION:**

1. Swearing in ceremony for two new Twin Falls Police Department Officers; and, for Mayor Lanting to administer the Oath of Office to Stacy Reedy and Denis Suljevic.

Captain Anthony Barnhart gave the presentation.

Chief Pike swore in Police Department Officers Stacy Reedy and Denis Suljevic.

Mayor Lanting administered the Oath of Office to Police Department Officers Stacy Reedy and Denis Suljevic.

2. Consideration of a request to approve the Mixed Martial Arts Event to be held at the Three Amigos Radio Rondevo Event Center, located at 241 Main Avenue West, on Saturday, December 15, 2012.

Staff Sergeant Pullin explained the request.

Discussion followed.

Councilperson Munn asked City Attorney Wonderlich if the event would fall under the purview of the special events ordinance. City Attorney Wonderlich answered in the affirmative.

MINUTES

December 3, 2012

Page 3 of 5

Councilperson Mills Sojka stated that previous discussion was made regarding the Senior Center as to whether an event held at a special event center is already exempted from the special event permit. In City Code 3-6-3: Special Event Permit Required 4. Venues that are permitted to hold such activities by the property's zoning or through an approved special use permit. She asked how this event falls within the code if the event is held at a special event center.

Staff Sergeant Pullin explained that the Mixed Martial Arts Event falls within the special event application process due to the type of event, alcohol being served, and the number of people attending.

City Attorney Wonderlich referred to City Code 3-6-3: SPECIAL EVENT PERMIT REQUIRED: (A) No person shall stage, promote, or conduct any special event in the city without first obtaining a special event permit from the chief of police or his/her designee. With the exception of events at which alcohol is served or sold publicly and events intending to generate amplified sound or excessive noise, no special event permit under this chapter will be required for events to be attended by fewer than five hundred (500) people.

He used the example of Canyon Crest. Canyon Crest has a Special Use Permit to specifically serve alcohol, while the MMA venue does not have an alcohol permit. The City has recourse against Canyon Crest, for example, if things get out of hand because of the serving of alcohol. The City can revoke their liquor license. The City cannot do this at the MMA event because they have no liquor or alcohol license.

Councilmember Mills Sojka asked Staff Sergeant Pullin if the City regulates the CSI boxing smoker.

Staff Sergeant Pullin stated that the City does not regulate this event; in addition, alcohol is not served at this event.

Councilperson Munn stated that the Police Department did an analysis on the CSI boxing smoker on a yearly basis and the event had previously fallen within the special events ordinance. Also, CSI was able to manage their security for the event.

Staff Sergeant Pullin stated that the smoker has not been held for two to three years.

Vice Mayor Hall asked the applicant to explain the Idaho Athletic Commission Standards and Rules.

Mr. Bagley explained that the Special Sanction Permit was approved with the Athletic Commission with the State of Idaho and explained the details and requirements.

**MOTION:**

Councilperson Talkington made the motion to approve the Mixed Martial Arts Event to be held at the Three Amigos Radio Rondevoos Event Center, located at 241 Main Avenue West, on Saturday, December 15, 2012, subject to the security permit and police staffing requirements and other code requirements as outlined. 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.

3. Consideration of a request from the Airport Advisory Board to conduct monthly board meetings at the Airport.

Airport Manager Carberry explained the request.

Phil Hafer, Chairman of the Airport Advisory Board, explained that the average attendance of airport tenants has dropped from 6 to 8 persons to none attending, because of the location of the monthly board meetings held in the Council Chambers. He spoke in favor of the request.

Jim O'Donnell explained the benefits of the meetings held at the Airport. He spoke in favor of the request.

Councilperson Talkington asked legal counsel if the meetings are held at the Airport, is the City complying with Idaho's Open Meeting Law.

City Attorney Wonderlich stated that the City is only required to keep written minutes of meetings.

Discussion followed.

-Live streaming of meetings other than the City Council Chambers.

PIO Palmer stated that streaming will not occur in other areas other than the chambers as presented previously to the Council, without an additional investment in hardware. Meetings at a different location can be recorded and uploaded to the web.

Vice Mayor Hall stated that he is concerned that other committees/commissions would request to meet at other places rather than the chambers; however, as for the Airport Advisory Board, members of the board are at the airport, and things that need to be reviewed are at that location. He stated that in speaking to members of committees/commissions, some have expressed that it is difficult for them to speak freely in the formal setting. He asked if committee/commissions could possibly start in the overflow room for discussion on items on the agenda and then move to the chambers.

City Manager Rothweiler stated that it is important to recognize that the City is trying to design a system that is staff hour friendly. The system that will be placed in the chambers is activated by the computer in the chambers.

PIO Palmer stated the camera will be installed in the chamber's ceiling. The system is designed to run on multiple cameras.

Councilperson Hawkins stated that she understands the Airport Advisory Board is in a unique position. Members who belong to other commissions/committees have to sacrifice time and effort to get to the meetings. She stated that she disagrees with the airport tenants who say they have lost touch because they are required to meet at the chambers.

Councilperson Munn stated he is the Council liaison for the airport, and meeting at the airport makes it easier to visualize what is being discussed. He stated that requests from committee/commissions to move to another facility should be determined on an individual basis.

Councilperson Barigar stated that he was the previous liaison to the Airport Advisory Board, and views the board to be more technical than other advisory boards. The ability for the board to be onsite is more effective. Public engagement is a challenge and having meetings in the chamber is not fixing it; he is in support of the Airport Advisory Board request.

Councilperson Talkington stated that when focusing on strategic planning, connectiveness is an important value, and he is in favor of the Airport Advisory Board's request.

Councilperson Mills Sojka stated that the Airport Advisory Board is unique and being on site is valuable for the board.

**MOTION:**

Councilperson Munn made a motion to allow the Airport Advisory Board to have their monthly meetings at airport. The motion was seconded by Councilperson Barigar and roll call vote showed Councilpersons Barigar, Hall, Lanting, Munn, Mills Sojka, and Talkington voted in favor of the motion. Councilperson Hawkins voted against the motion. Approved 6 to 1.

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

**III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:**

Councilperson Hawkins reported on the bike park. Cycle Therapy and Stutzman have been working on the track.

Mayor Lanting thanked Jayker Field Nursery for their donation of trees to the golf course.

Councilperson Mills Sojka stated that she and Councilperson Barigar invited Devin Rigby to attend a City Council Meeting to discuss bungee jumping off the Perrine Bridge.

**IV. PUBLIC HEARINGS: 6:00 P.M.**

1. Public Hearing to hear all protests and objections to the preliminary Assessment Roll, the proposed assessments contained therein, and the regularity of the proceedings taken in, making such proposed assessments of the local improvement district 2012-1.

Consideration of the adoption of Ordinance Number 3041, an Ordinance of the City Council creating a modified local improvement district (LID) as requested by petition by Chobani Idaho, Inc.

City Manager Rothweiler explained the request. In accordance with Idaho Code Section 50-1713, the City Council is required to hold a public hearing on the assessment roll. The purpose of the public hearing is to have the City Council consider objections to the assessment roll. The only property owner within the proposed local improvement district is Chobani.

Mayor Lanting opened and closed the public hearing with no input.

City Manager Rothweiler stated that the ordinance allows the City to create the modified local improvement district. This ordinance was drafted in accordance with Title 50, Chapter 17 of the Idaho Code by Rick Skinner, bond counsel for this project, and reviewed by City Attorney Fritz Wonderlich.

**MOTION:**

Councilperson Talkington made the motion to suspend the rules and place Ordinance 3041, entitled:

AN ORDINANCE MAKING CERTAIN FINDINGS IN CONNECTION WITH LOCAL IMPROVEMENT DISTRICT NO. 2012-1 (THE "DISTRICT") FOR THE CITY OF TWIN FALLS, TWIN FALLS COUNTY, IDAHO, INCLUDING THE NAME OF SAID DISTRICT, THE CREATION OF SAID DISTRICT, THE HEARING OF PROTESTS AND THE FINDINGS MADE THEREAFTER IN CONNECTION THEREWITH; PROVIDING THE METHOD OF DETERMINING THE VALUE OF REAL PROPERTY IN SAID DISTRICT, THE OUTSTANDING AND UNPAID ASSESSMENTS PRESENTLY AN OBLIGATION OF PROPERTY INCLUDED IN SAID DISTRICT, AND DETERMINING THAT ASSESSMENTS UPON PROPERTY IN SAID DISTRICT TOGETHER WITH THOSE BEING LEVIED DO NOT EXCEED THE ACTUAL VALUE OF THE REAL PROPERTY IN SAID DISTRICT, INCLUDING THE VALUE OF THE IMPROVEMENTS THEREON; SETTING OUT THE IMPROVEMENTS MADE AND THE PROPERTY ASSESSED WITHIN SAID DISTRICT; CONFIRMING THE FINAL ASSESSMENT ROLL FOR SAID DISTRICT AND LEVYING THE ASSESSMENTS CONTAINED THEREIN; PROVIDING FOR THE PAYMENT AND NOTICE OF SAID ASSESSMENTS; PROVIDING FOR THE FINALITY OF THE DETERMINATION OF THE REGULARITY, VALIDITY AND CORRECTNESS OF SAID ASSESSMENT ROLL; PROVIDING FOR POTENTIAL REASSESSMENT; PROVIDING CITY INTENT REGARDING FUTURE SEGREGATION OF ASSESSMENTS; RATIFYING THE PROCEEDINGS TAKEN IN CONNECTION WITH THE CREATION, PREPARATION AND ADOPTION OF THE ASSESSMENT ROLL, THE HEARING HELD THEREON AND THE NOTICE OF SAID HEARING AS TO SAID DISTRICT; PROVIDING SEPARABILITY; AND PROVIDING AN EFFECTIVE DATE.

on third and final reading by title only. 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.

Deputy City Clerk Sanchez read the ordinance by title only.

Discussion followed on bonds, interim warrants and the tax revenue increment.

**MOTION:**

Councilperson Barigar made a motion to adopt Ordinance 3041, as presented. 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.

V. ADJOURNMENT: The meeting adjourned at 6:40 P.M.

Leila A. Sanchez  
Deputy City Clerk/Recording Clerk

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  
**December 10, 2012**  
 City Council Chambers  
 305 3<sup>rd</sup> 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:

AGENDA ITEMS		Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b> 1. Consideration of a request to approve the accounts payable for December 4 - 10, 2012, total: \$675,872.47 2. Consideration of a request to approve the November 26, 2012, City Council Minutes.		<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b> 1. Showcasing of the Twin Falls Public Library Bookmobile. 2. Consideration of a request to award the Waste Water Treatment Plant Primary Clarifier Conversion Project to Performance Systems Inc. of Fruitland, ID. 3. Consideration of a request to adopt the City of Twin Falls Personnel Resolution. 4. Public input and/or items from the City Manager and City Council			Susan Ash Troy Vitek  Susan Harris
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>			
<b>IV. <u>PUBLIC HEARINGS:</u> 6:00- None</b>			
<b>V. <u>ADJOURNMENT:</u></b>			

*\*Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting.*

**Present:** Shawn Barigar, Don Hall, Suzanne Hawkins, Greg Lanting, Rebecca Mills Sojka, Jim Munn, Chris Talkington

**Absent:** None

**Staff Present:** City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, PIO Josh Palmer, Personnel Director Susan Harris, Lieutenant Craig Stotts, Assistant City Engineer Troy Vitek, Deputy City Clerk/Recording Secretary Leila Sanchez

Mayor Lanting called the meeting to order at 5:30 P.M. He then invited all present, who wished to, to recite the pledge of Allegiance to the Flag with him. Mayor Lanting introduced staff. A quorum is present.

Boy Scout Blake Christensen from Troop 174 introduced himself to Council.

**CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None**

**PROCLAMATIONS:**

**Mayor Lanting read the following "Chobani Day" Proclamation:**

WHEREAS, Chobani has worked collaboratively with the City of Twin Falls, Twin Falls Urban Renewal Agency, United Dairymen of Idaho, Southern Idaho Economic Development Organization, Twin Falls Area Chamber of Commerce, Business Plus and the State of Idaho to locate to the City of Twin Falls, to build and operate a state-of-the-art yogurt manufacturing plant in Twin Falls.

WHEREAS, Chobani will create hundreds of good employment opportunities for our region's unemployed and underemployed, and will provide future careers for our youth in the food manufacturing industry, and whereas every 10 jobs created by Chobani will result in another 66 new jobs created in supporting industries, for a total of more than 3,000 direct and indirect jobs.

WHEREAS, Chobani held a groundbreaking on December 19, 2011, and as of today, has constructed a new, \$450 million dollar dairy processing facility in the City of Twin Falls, which will have an estimated economic impact of \$1.3 billion dollars annually in Magic Valley.

WHEREAS, Chobani incorporates the ideals set forth in the City of Twin Falls "Mission Statement":  
Our mission, as stewards of the public trust, is to meet current and future needs of the community, promote citizen involvement, preserve our heritage, protect our social and physical resources and enhance the quality of life in Twin Falls.

THEREFORE, as Chobani has been 'Nothing but Good' for the City of Twin Falls, I GREGORY LANTING, Mayor of the City of Twin Falls, Idaho, do hereby proclaim December 17, 2012, as..."CHOBANI DAY"

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of a request to approve the accounts payable for December 4 - 10, 2012, total: \$675,872.47
2. Consideration of a request to approve the November 26, 2012, City Council Minutes

**MOTION:**

Councilperson Talkington made the 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.

**II. ITEMS FOR CONSIDERATION:**

1. Showcasing of the Twin Falls Public Library Bookmobile.

Susan Ash stated that the bookmobile will be manned with available public library staff and Beth Swensen will be coordinating bookmobile services.

Mayor Lanting adjourned the meeting at 5:11 P.M. to tour the bookmobile.

Mayor Lanting reconvened the meeting at 5:18 P.M.

Christina Bruce, President of the Youth Council, stated that six new members were recently voted in to the council. In addition, she gave an update of the Youth Council's activities.

MINUTES

December 10, 2012

Page 3 of 5

2. Consideration of a request to award the Waste Water Treatment Plant Primary Clarifier Conversion Project to Performance Systems Inc. of Fruitland, ID.

Assistant City Engineer Vitek explained the request.

Staff recommends that the Council approve the request and authorize the Mayor to sign the contract.

Discussion followed:

Councilperson Mills Sojka asked how Chobani Idaho Inc. can be online this month without the project being completed until June of 2013.

Assistant City Engineer Vitek stated that part of the original negotiation was that Chobani would have a certain load along the way. Currently the load is at 500,000 gallons per day, which the WWTP can handle. When the pretreatment facility located on Hankins is improved, Chobani can disburse up to 800,000 gallons per day. After improvements, Chobani is allowed 1,000,000 gallons per day.

City Manager Rothweiler stated that the nutrient loadings going into the wastewater treatment facility, up to 800,000 gallons per day, can be handled by the biological processes at the plant without the upgrade in place. To go over the 800,000 gallons per day up to the 1,000,000 gallons per day commitment, the infrastructure needs to be completed.

Vice Mayor Hall asked why the bids received were above the Engineer's Estimate.

Assistant City Engineer Vitek stated that this is due to the nature of the work.

Councilperson Talkington asked how the City ascertains that the 800,000 gallons per day is not exceeded and what is the City's involvement with DEQ, if the flows are exceeded, and is the City subject to fines.

Assistant City Engineer Vitek stated that the City monitors the wastewater coming off the plant. DEQ is acting as representative to EPA and the City has been partnering with DEQ through the entire process.

**MOTION:**

Councilperson Talkington made the motion to award the Waste Water Treatment Plant Primary Clarifier Conversion Project to Performance Systems Inc. of Fruitland, ID, in the amount of \$1,015,177 as presented. 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.

3. Consideration of a request to adopt the City of Twin Falls Personnel Resolution.

Personnel Director Harris explained the request.

The City is participating in an incentive program offered through ICRMP. Participation in the program will reduce the City's premium by 5%, or approximately \$16,000, by meeting certain requirements established by ICRMP. One of the requirements is to have 80% of all City employees review the Personnel Policy. There have been many changes to policies and practices since its adoption. In an effort to have employees review a current policy, the policy has been updated to reflect current practices which have been implemented as a result of new laws, Council directive or change in policy. This update includes only those policy additions or changes that are currently in place. Over the course of the next year it is the intent of the Human Resources Department to make substantial revisions to this policy in both its content and its form.

Discussion followed.

City Manager Rothweiler stated that the policy manual reflects the City's current operating practices and the proposed document will be subject to change.

Council discussion followed:

MINUTES

December 10, 2012

Page 4 of 5

Councilperson Mills Sojka referred to the policy regarding 3. Harassment B. Policy. She stated that Boise recently added sexual orientation as a status they do not discriminate against. She asked if the City has taken this under consideration.

Personnel Director Harris stated that the language was taken from the EEOC and at this point, this was in the resolution. She stated that the resolution can be amended.

Councilperson Munn referred to the policy 4. Drug Free Workplace Policy 4) Random Employees in Safety Sensitive Positions. He asked if Police and Fire should be stated in the document.

City Attorney Wonderlich stated that the language is out of the statute; therefore, the City wants to mirror that language.

Councilperson Munn stated that the City used to be a drug free workplace where everyone was tested. He asked if the City was moving away from the testing. City Attorney Wonderlich stated that the statute changed.

Councilperson Talkington asked if elected members are considered City employees as far as drug free. Personnel Director Harris answered in the negative.

City Manager Rothweiler stated that there was a 9<sup>th</sup> Circuit ruling that said that unless you fit under the safety sensitive umbrella, an employee could not be randomly tested in our area.

City Attorney Wonderlich clarified that testing is limited to safety sensitive positions.

Vice Mayor Hall asked for additional information from staff as to why Pocatello and Boise added "sexual orientation" to their policy.

City Manager Rothweiler stated that staff will do research.

**MOTION:**

Councilperson Barigar made the motion to adopt Resolution 1897 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.

Boy Scout Josh Sorenson, Troop 174, introduced himself to the Council.

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

City Manager Rothweiler stated that he has asked Assistant to the City Manager Mike Williams to work with the Personnel Department on research of the harassment language. He also announced that Chobani's Grand Opening will be held on December 17, 2012, at 3:00 P.M., therefore the December 17, 2012, Council meeting will begin at 6:00 P.M.

Vice Mayor Hall stated that he attended the Idaho Crime Prevention Association Luncheon and the speaker from the governor's office discussed legalization of marijuana. He would like to invite the speaker to speak to the Council and give a short presentation.

Councilperson Mills Sojka announced that on December 15, 2012, the Cross Fit Challenge fundraiser will be held at Gold's Gym. All proceeds will be given to the Crisis Center. In addition, the Senior Center will hold their annual spaghetti dinner on December 12, 2012, between 6:00 P.M. to 8:00 P.M.

City Manager Rothweiler stated that at the Association of Idaho Cities and the Association of Taxpayers Conference the predominant focus of discussion was the issue of personal property tax.

**IV. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:**

**IV. PUBLIC HEARINGS: 6:00 - None**

**V. ADJOURNMENT: The meeting adjourned at 5:49 P.M.**

Leila A. Sanchez  
Deputy City Clerk/Recording Secretary

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  
**December 17, 2012**  
 City Council Chambers  
 305 3<sup>rd</sup> Avenue East  
 Twin Falls, Idaho

**6:00 P.M.**

PLEDGE OF ALLEGIANCE TO THE FLAG  
 CONFIRMATION OF QUORUM  
 INTRODUCTION OF STAFF  
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:  
 PROCLAMATIONS: None

AGENDA ITEMS	Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b> 1. Consideration of a request to approve the accounts payable for December 11 – 17, 2012. 2. Consideration of a request to approve the December 3, 2012 and December 10, 2012, City Council Minutes.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b> 1. Consideration of a request to amend the current lease agreement between the City of Twin Falls and McKean Racing, LLC. 2. Consideration of a request to amend the Twin Falls City Fireworks Ordinance. <i>Proposed Ordinance #3042</i> 3. Presentation of the annual impact fee report from the Development Impact Fee Advisory Committee. 4. Public input and/or items from the City Manager and City Council.	Action  Action  Presentation	Travis Rothweiler  Anthony Barnhart  Mitch Humble
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>		
<b>IV. <u>PUBLIC HEARINGS:</u>            6:00 - NONE</b>		
<b>V. <u>ADJOURNMENT:</u></b>		

*\*Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting.*

- Present:** Shawn Barigar arrived at 6:14 P.M., Don Hall, Suzanne Hawkins, Greg Lanting, Rebecca Mills Sojka, Jim Munn, Chris Talkington
- Absent:** None
- Staff Present:** City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, PIO Josh Palmer, Battalion Chief Jack Barnes, Captain Anthony Barnhart, Deputy City Clerk/Recording Secretary Leila A. Sanchez.

Mayor Lanting called the meeting to order at 6:00 P.M. He then invited all present, who wished to, to recite the pledge of Allegiance to the Flag with him. Mayor Lanting introduced staff. A quorum is present.

Boy Scout Alex Coselles, from Troop 68, introduced himself to the Council.

Vice Mayor Hall requested a moment of silence in memory of the 20 children and 6 adults who lost their lives on December 14, 2012, at Sandy Hook Elementary School in Newtown, Connecticut.

**CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:**

City Manager Rothweiler requested removal of Consent Calendar Item #2, Consideration of a request to approve the December 3, 2012, and December 10, 2012, and City Council Minutes.

**PROCLAMATIONS:** None

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of a request to approve the accounts payable for December 11 – 17, 2012, total:\$1,244,976.25  
December 11, 2012, Prepay, total: \$269.63  
December 7, 2012, Payroll, total: \$117,126.58
2. Consideration of a request to approve the December 3, 2012, and December 10, 2012, City Council Minutes.

**MOTION:**

Councilperson Talkington made the motion to approve the Consent Calendar with the deletion of *2. Consideration of a request to approve the December 3, 2012, and December 10, 2012, City Council Minutes*, as presented. The motion was seconded by Councilperson Hawkins and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of a request to amend the current lease agreement between the City of Twin Falls and McKean Racing, LLC.

City Manager Rothweiler explained the request.

The City entered into a lease agreement with McKean Racing, LLC for the Magic Valley Speedway land in 2007. The agreement calls for rent payments to the City based on "the number of persons paying admittance fees for all activities held on the leased premises." The agreement is silent on tickets that are complimentary, or distributed for free, by McKean Racing. The proposed addendum to the contract was proposed by Mr. McKean, and imposes rent of ½ the amount per attendee on any complimentary tickets. Staff recommends that Council approve the addendum to the lease agreement with McKean Racing, and authorize the Mayor to sign.

The City Finance Department will participate directly in the billing process; and, in addition, complaints will be handled through the City Manager's office for review and compliance of the contract.

Council discussion followed:

Councilperson Talkington asked for clarification that in reference to the complimentary tickets distributed for free, this would include any event held at the speedway. He also asked how the gate receipts are determined.

MINUTES

December 17, 2012

Page 3 of 5

City Manager Rothweiler answered in the affirmative. He also explained to Mr. McKean Council's concern regarding the activities held at the speedway regarding the Air Show event. The gate receipts are supplied by Mr. McKean.

Councilperson Mills Sojka stated she appreciated the change of process in which complaints will be handled. She referred to page 7 of the contract, and asked if public liability insurance is being submitted on an annual basis.

City Manager Rothweiler stated staff will instruct Mr. McKean to submit proof of insurance when he submits his annual payment.

Councilperson Mills Sojka asked if there was any outstanding circumstance for a 30 year contract.

City Attorney Wonderlich stated that Mr. McKean was getting ready to make some substantial improvements at the speedway and Mr. McKean wanted to make sure he had enough time to pay off the cost of the improvements.

Vice Mayor Hall asked how City Manager Rothweiler will handle complaints that take place in the County.

City Manager Rothweiler explained that he does not have police powers in the County; therefore, after he receives a complaint, the county resident may have to follow up with a complaint with the Sheriff's department. He stated that he has spoken to Mr. McKean regarding noise amplification complaints.

**MOTION:**

Vice Mayor Hall approved the amendment to the current lease agreement between the City of Twin Falls and McKean Racing, LLC. 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.

2. Consideration of a request to amend the Twin Falls City Fireworks Ordinance. *Proposed Ordinance #3042*

Captain Barnhart explained the request.

At the City Council meeting held on July 9, 2012, Councilperson Talkington brought up for discussion the Fourth of July, specifically, noise disturbances associated with the illegal fireworks and the City's Fireworks Ordinance.

The proposed changes have been reviewed by the Fire Department and by City Attorney Wonderlich. Staff recommends approval of the amendments to the Twin Falls Fireworks Ordinance

Council discussion followed.

Councilperson Talkington asked for clarification of the proposed change in 6-9-9: REGULATIONS FOR FIREWORKS STAND. (L) Fireworks shall not be left in the stand when it is not open for business unless the stand is locked or secured.

He stated that the Kiwanis facility is in a large tent and is technically secured and locked. A person stays overnight at the facility. He asked if the Kiwanis would be in violation.

City Attorney Wonderlich stated that the ordinance does not define what secure means, and if it means a person manning the station, it will be a call for the Police and Fire Department.

Councilperson Hawkins asked why the application fee is to be lowered from \$100 to \$25.

Captain Barnhart stated that State law does not allow charging more than \$25 for the permit. A \$25 building inspection fee will be charged.

Councilperson Munn strongly encouraged the Police Department to issue some citations for violating the code. Doing so will send a message to the community that the City is serious about enforcement.

Vice Mayor Hall asked if the Police Department will become more assertive regarding enforcement.

Captain Barnhart stated that the plan is to have an educational campaign. A special team will address illegal fireworks.

Councilperson Barigar referred to "6-9-9: REGULATIONS FOR FIREWORKS STANDS: (A) All retail sales of safe and sane fireworks shall be permitted only from within a temporary fireworks stand, and the sale from any other building or structure is hereby prohibited.

He asked if any retail stores in the City sell "safe and sane fireworks." His concern is if the code is being restrictive to temporary fireworks stands.

Captain Barnhart stated that he did not know but will address.

Councilperson Munn asked if the Police Department has money budgeted for overtime.

Captain Barnhart stated that his overtime line item was increased.

Councilperson Talkington commented that having fireworks in an established business would violate the insurance risk management.

Fire Battalion Chief Barnes stated that State statute states it is illegal for retail stores to sell fireworks. Securing a structure is up to the person making the sales.

City Attorney Wonderlich showed on overhead project State Code TITLE 39 HEALTH AND SAFETY CHAPTER 26 FIREWORKS 39-2607. Temporary fireworks stands.

**MOTION:**

Councilperson Talkington made the motion to suspend the rules and place Ordinance 3042, entitled:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING DEFINITIONS, AMENDING THE REQUIREMENTS FOR PERMITS, REQUIRING APPLICATIONS TO THE TWIN FALLS FIRE DEPARTMENT, MODIFYING AUTHORIZED DATES OF SALE AND HOURS OF USE, REGULATING SHORT-TERM STORAGE OF FIREWORKS, REQUIRING COMPLIANCE WITH THE STATE FIREWORKS ACT, PROVIDING FOR CONFISCATION OF ILLEGAL FIREWORKS BY THE POLICE DEPARTMENT, AND PROVIDING FOR PENALTIES FOR POSSESSION AND USE OF FIREWORKS.**

on third and final reading by title only. 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.

Deputy City Clerk Sanchez read the ordinance by title only.

**MOTION:**

Councilperson Hawkins made a motion to adopt Ordinance 3042, as presented. 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.

3. Presentation of the annual impact fee report from the Development Impact Fee Advisory Committee.

Community Development Director Humble gave the presentation.

Part of the State Requirements for cities that have an impact fee program is an annual reporting requirement from the Development Impact Fee Advisory Committee to the City Council. This agenda item is the required annual report for the close of Fiscal Year 2012. The Committee met on October 25, 2012 to make their final recommendations for this report. The Committee discussed the Financial Data, Impact Fee Equity, Capital Improvements Plans, Automatic Fee Increase, and Growth Projections.

An automatic impact fee increase will occur in January in an amount equal to the change in the MCI from January 2012 to January 2013. That percent change through November 2012 is 1.7%.

MINUTES

December 17, 2012

Page 5 of 5

Council discussion followed.

Councilperson Talkington explained the benefits of impact fees. He recommended the Council endorse the recommendations of the Development Impact Fee Advisory Committee.

Councilperson Barigar stated that relating to the timing of the fee increase, would it make sense to go through the process in summertime to coincide with the budget year to be more helpful in establishing priorities and fees, or if it is set up on a calendar year for a reason.

City Manager Rothweiler stated when going through the budgeting process, the City is taking revenues that have already been captured and then applying them. The City is not counting on a revenue stream to come in through that year to then go forward with projects. If the process is to be changed, the fee increases should occur in conjunction with the budget just as it is done with other fees. Revenues are accumulated for specific years and for specific projects. The revenues can be placed in the budget as an enterprise type fund where the money is collected for a specific purpose.

Vice Mayor Hall asked if discussion has been made to place a traffic signal in front of Chobani.

City Manager Rothweiler stated that in addition to impact fees, additional tax increment financing may become available, in which traffic signals are eligible projects and the public costs could be paid for by the tax increment financing as it came in.

Councilperson Talkington and Community Development Director Humble stated that there is no plan for a traffic signal plan.

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

Mayor Lanting reported on the Grand Opening held for Chobani Idaho Inc., and thanked everyone involved.

**III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:**

**IV. PUBLIC HEARINGS: 6:00 - NONE**

**V. ADJOURNMENT: The meeting adjourned at 7:00 P.M.**

Leila A. Sanchez  
Deputy City Clerk/Recording



MONDAY, January 07, 2013

To: Honorable Mayor and City Council

From: Mitch Humble, Community Development

## ITEM I-

**Request** Consideration of the adoption of The AMENDED C-1 PUD AGREEMENT #220-POLELINE COMMERCIAL PUD No. 1 & No. 2 c/o Gerald Martens/EHM Engineers (App. 2407)

### Time Estimate:

As this is a consent item there shall be no presentation unless the Council has questions.

### Approval Process:

**State Code:** Idaho Code 67-6509

**City Code:** Title 10; Chapter 6; 1-PUD, Planned Unit Development Sub Districts

### Budget Impact:

Approval of this request will impact the City budget as developed nonresidential uses on the property may be assessed at a higher value than residential property.

### Regulatory Impact:

The Council's adoption of the revised Pole Line Commercial PUD Agreement will allow the project to be developed as approved under separate ownerships.

### History:

On October 18, 1995, the subject property was annexed into the City of Twin Falls.

In January 2000 the City Council approved rezone from R-4 to C-1 PUD and a PUD Agreement to allow for a "complete car center to include automobile sales, service, repair, a car wash and detail facility" for use by the dealership not public and five (5) vehicle display pad sites in the gateway arterial landscaping on Pole Line Rd. The PUD consisted of 9.6 (+/-) acres under single ownership of Latham Motors/Hertz, LLC-a local car dealership. Building permits were submitted for construction on Phase 1- a two-story dealership building and a wash bay and shop. Certificates of Occupancy were issued in October of 2000.

On June 27, 2000 the Planning and Zoning Commission approved Special Use Permit #0664 to allow a message center sign on this site for the Hertz Car Dealership.

The City Council approved an amendment to PUD Agreement #220 on January 10, 2011, to add an additional two (2) acres to the PUD and for the zoning to be C-1 PUD with the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.

3. Subject to development meeting or exceeding C-1 District code requirements and requirement improvements (10-11-1 through 9).
4. Subject to completion of a minimum 6' sight obscuring screening fence along the entire southern boundary of the PUD property by June 1, 2011.—The adjacent property owner waived this condition.
5. Subject to compliance with the "recorded" Amended PUD Agreement #220, to include a revised Master Development Plan, prior to approval and recordation of the final plat.

On March 8, 2011 the Commission approved the preliminary plat as presented subject to 5 conditions. On April 23, 2012 the City Council approved the final plat and Amended PUD Agreement #220 as presented. Since that time the development has changed ownerships on part of the site. In order to record the documents under current ownership the final plat is being separated as Pole Line Properties PUD, No. 1 and Pole Line Properties PUD, No. 2. The Amended PUD Agreement #220 is also being identified separately.

The Amended Pole Line Commercial PUD Agreement is on tonight's City Council agenda for consideration of approval.

**Conclusion:**

The PUD Agreement has been prepared as directed by the Council and Staff recommends that the Council adopt the attached Amended Pole Line Commercial PUD Agreement as submitted.

**Attachments:**

1. Amended Pole Line Commercial No. 1 & No. 2 PUD AGREEMENT #220
2. Approved Preliminary Plat
3. Proposed Final Plat.- Pole Line Commercial No. 1 Subdivision-A PUD and Pole Line Commercial Subdivision No. 2 – A PUD

**AMENDMENT OF  
PUD AGREEMENT #220  
FOR  
POLE LINE COMMERCIAL SUBDIVISION NO.1  
AND  
POLE LINE COMMERCIAL SUBDIVISION NO.2**

This agreement made and entered into by and between the City of Twin Falls, a Municipal Corporation, State of Idaho, (herein after called "City") and the owners of Pole Line Commercial Subdivision No. 1 and Pole Line Commercial Subdivision No. 2 (hereinafter called "developer(s)).

RECITALS

WHEREAS, the property consisting of Pole Line Commercial Subdivision No.1, 6.47 acres, more particularly described in Exhibit "A" and Pole Line Commercial Subdivision No.2, 3.80 acres, more particularly described in Exhibit "B" and totally 10.27 (+/-) acres is currently subject to the Planned Unit Development Agreement (PUD 220) executed March 15, 2000 prior to development of Phase 1 of the project, and

Whereas the property subject to Planned Unit Development Agreement (PUD 220) has been divided into two ownerships corresponding with Pole Line Commercial Subdivision No.1 and Pole Line Commercial Subdivision No.2, and

Whereas Pole Line Commercial Subdivision No.2 has been developed in accordance with the Planned Unit Development Agreement (PUD 220), and

Whereas the City and the Developers have agreed to the modifications of the Planned Unit Development Agreement (PUD 220) prior to further development of the properties, and

Whereas, the City has approved a Master Development Plan for development of the property as a "C-1 PUD" Commercial Highway District attached hereto as Exhibit C which has been approved for the development as a C-1 PUD by the City Council of the City, and

Whereas the City and the Developers of Pole Line Commercial Subdivision No.1 and Pole Line Commercial Subdivision No.2 has agreed to the development of said subdivision subject to certain terms, conditions, and understandings which terms, conditions, and understanding are subject to the agreement herein after described as Amendments for Pole Line Commercial Subdivision No.1 and Amendments for Pole Line Commercial Subdivision No.2.

RECEIVED  
DEC 19 2012  
CITY OF TWIN FALLS  
BUILDING DEPT.

AMENDMENTS  
FOR  
POLELINE COMMERCIAL PUD NO. 1

RECITALS

WHEREAS, THE CRUMB GROUP, LLC are the equitable title holders to certain tracts of land in the City of Twin Falls, and State of Idaho, more particularly described in Exhibit "A", attached hereto, which land is located west of Fillmore Street North, east of Washington Street North, south of Pole Line Road and north of Fawnbrook Drive, consisting of approximately 6.47 acres (hereinafter called "Property"); and

WHEREAS, Developer intends to develop the Property; and

WHEREAS, Developer had made request of the City of Twin Falls to develop the property as a "C-1 PUD" Commercial Highway District, (hereinafter called "Project") and has submitted to the City a development plan thereof (attached as Exhibit "B") which has been approved for development as a "C-1 PUD" by the City council of the City; and

WHEREAS, The Developer and City have agreed to modifications of the Planned Unit Development Agreement (PUD No. 220) executed March 15, 2000 prior to the development of Phase 1 of the project; and

WHEREAS, City, by and through its City Council, has agreed to the development of said land within the City of Twin Falls, Idaho, subject to certain terms, conditions and understandings, which terms, conditions and understandings are the subject of this agreement.

COVENANTS

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, Developer and City agree as follows:

1. NATURE OF THE AGREEMENT. This agreement shall become part of the "C-1 PUD" zone with respect to the Property upon its full execution and recording. Developer and their assigns or successors in interest, as well as City and its assigns or successors (if any), shall be bound by the terms and conditions contained herein.
  
2. NATURE OF THE DEVELOPMENT. It is agreed by the parties hereto that certain language and requirements pertaining to the "C-1 PUD" zone shall be interpreted as follows:
  - A. LOT AREA. The total area of the property is 6.47 Acres.
  - B. USES. Except as provided herein the uses shall be those allowed in the C-1 zone.
  - C. LANDSCAPING AND DISPLAY PADS. The landscape areas are defined on the Development Plans, and will be at a minimum to the City of Twin Falls Code for Gateway Landscape requirements for this development.

- D. LIGHTING AND LOUDSPEAKERS. Lighting shall consist of fixtures that shield the light source from all adjacent properties or adjacent streets. Lighting shall be directed downward to provide light for parking or pedestrian walking surfaces. The use of loudspeaker is prohibited and outside communications shall be personal listening devices only.
3. WATER, STREET, SEWER AND DRAINAGE IMPROVEMENTS. Developer shall be responsible for the design and construction of water, street, sewer and drainage systems on the Property (hereinafter called "improvements") as described herein in accordance with City standards.
- A. IMPROVEMENT PLANS. Developer shall, as to each phase of its development, file or cause to be filed with the City a complete set of plans for the development phase showing Public Improvements such as sewer, water, curb and gutter, contemplated within that phase of the development (hereinafter called "Improvement Plans"). The Improvement Plans and improvements shown thereon shall meet with the approval of the City, which approval shall be given if such plans conform to published City requirements. Only those improvements subject to City standards will need to be submitted.
- B. IMPROVEMENT DESIGN AND CONSTRUCTION. Developer shall cause to be designed, constructed and installed, in accordance with the approved Improvement Plans and at its expense, improvements shown on the Improvement Plans. Notwithstanding the foregoing nothing in this agreement shall prohibit City participation in the cost or financing of improvements on the Property if mutually agreed to by the parties hereto.

The property will be connected to City of Twin Falls water and sewer system.

- C. PHASED CONSTRUCTION. The development of the Project, including installation of required improvements, may be completed in phases. Developer shall provide the City with written notification of when and of what phase, or phases, of said improvements it intends to complete at the time; and agrees to make such modifications an/or construct any temporary facilities necessitate by such phased construction work as shall be required and approved by the City, which approval shall not be unreasonably withheld.
- D. CONSTRUCTION SUPERVISION. Developer shall use a qualified construction engineer or supervisor to supervise the construction inspection and testing of the work as necessary to ensure that all such improvements are construction in accordance with the approved Improvement Plans.
- E. NONCOMPLIANCE. In the event any of the requirements with regard to the installation of said improvements are not complied with, the City shall give written notice to Developer of said noncompliance. Developer of said noncompliance. Developer shall cure a said noncompliance within thirty days of this receipt of notice (or, in the case of a noncompliance that will take in excess of thirty (30) days to cure, Developer shall commence to cure within thirty days of receipt of notice and diligently pursue the same to completion). In the event Developer fails to cure said noncompliance in the manner set forth hereinabove, the City shall have the right to withhold the issuance of any future building permits, and certificates of occupancy within that phase of such "C-1 PUD" until such time as requirements specified in the Section 3 have been complied with; PROVIDED, HOWEVER, Developer shall have the right to appear before the City

council at any regular meeting after any building permits and certificates of occupancy should be issued.

The City Council shall then in good faith and in an objective manner decide whether said building permits and certificates of occupancy should be issued, and its decision shall be final, except that the rights of the parties are preserved at law and equity.

- F. FEES. Developer shall pay, or cause to be paid, to City applicable fees, if any, with regard to the installation of improvements pursuant to the Improvement Plans.
  - G. DEDICATION OF IMPROVEMENTS. The city hereby agrees to accept maintenance responsibility for the public improvements upon their completion to City standards.
4. PLATS. If the property is further split in the future a subdivision and plat will be required.
5. DEVELOPMENT CRITERIA. The property or any portion thereof shall be developed in accordance with Time set forth in Section-3.C, and the criteria set forth in this Section 5 and in accordance with the approved Development Plans.
- A. APPROVAL AND CONSTRUCTION. All public improvements shall be constructed in accordance with engineered drawings and specification, describing in reasonable detail the work to be performed, which drawings and specifications shall first be, approved by City and meet City standards, which approval shall not be unreasonably withheld.
  - B. BUILDING STANDARDS. Buildings and Public Improvements shall comply with City building and fire codes, and other applicable City ordinances as illustrated in Exhibit "B".
  - C. LANDSCAPING. The landscaping is defined on the Development Plans, and shall be (as a minimum) as per current City zoning ordinances and will have a minimum 35-foot landscape buffer from the inside face of the curb, or future curb, along Pole Line Road. Within the 35 foot landscape buffer along Pole Line Road, 50 percent of the lineal footage of landscaping shall have berms with a ridge elevation of at least 18 inches in height with at least 50 percent of the berming having a minimum ridge elevation of 30-inches in height.  
  
Each separate section of the landscaping shall contain trees and/or shrubs. For all landscaping within the development, the landscaped area shall, as a minimum, have the following plant life: one tree per 500 square feet of landscaped area; and one bush per 100 square feet of landscaped area.  
  
A landscape plan will be submitted for approval of the City of Twin Falls Staff, prior to installation. All landscape irrigation to be installed using the existing Twin Falls Canal Company Irrigation water rights for this property unless otherwise approved by the City of Twin Falls.
- D. APPROACHES. At the time of this agreement all approaches to the property have been constructed. No changes shall be made to the project approaches without approval of the City of Twin Falls.
6. TIME LIMITATION. There is no time limitation to development of this project.

7. PARKING. No on street parking will be allowed. adequate parking spaces meeting city code will be located on all phases of the property and will be properly signed and marked. Each phase of development will provide the number of parking stalls required for that phase.

8. GENERAL PROVISIONS.

A. COOPERATION. The parties hereto agree to cooperate each with the other. Developer shall submit to the City all plans, specifications and working drawings required by the City.

B. ENTIRE AGREEMENT. This agreement constitutes the entire agreement between the parties concerning the property and improvements described herein, and no amendment or modification to this agreement shall be valid or effective unless reduced to writing and signed by the parties. It is understood that a standard City Developer's Agreement will be required for each phase of development.

C. APPLICABLE LAW. This agreement shall be construed in accordance with the laws of the State of Idaho.

D. NOTICES. If notices from one party to the other are desired or required hereunder, such notices shall be delivered or mailed to the party to receive such at this address last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy-two (72) hours following deposit in the United States mail, if properly addressed, stamped and sent with "return receipt requested". On the date of this agreement, the addresses of the parties are as follows:

DEVELOPER: Crumb Group, LLC  
PO Box R  
Twin Falls, ID 83303

CITY: City of Twin Falls  
PO Box 1907  
321 Second Avenue East  
Twin Falls, ID 83303-1907

E. SUCCESSORS AND ASSIGNS. This agreement shall be binding upon the successor, assigns and legal representative of the parties hereto.

F. SEVERABILITY. In the event any portion of this agreement is declared by a court of competent jurisdiction to be invalid, illegal or unenforceable, such portion shall be deemed severed from this agreement, and the remaining portions shall not be affected thereby.

- G. SIGNATORIES. Each of the persons executing this agreement hereby represents and warrants that he or she is duly authorized and empowered to so act on behalf of the entity for which he or she is signing and that this agreement is binding on, and enforceable against such entities.
- H. EFFECTIVE DATE. This "PUD" Agreement shall be valid and binding only upon its approval by City, and through its City Council, and upon its execution by the Mayor and Developer.
- I. ATTORNEY FEES. In the event that wither party should be required to retain an attorney because of the default or breach of the other o to pursue any other remedy provided by law, that party which prevails in any litigation shall be entitled to a reasonable attorney's fee.
- J. CONSTRUCTION: Should any provision of this Agreement require judicial interpretation, the court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a document is to be construed more strictly against the person who himself or through his agents prepared the same, it being acknowledged that both parties have participated in the preparation hereof.
- K. ATTACHMENTS. All attachments to this Agreement and recitals are incorporated herein and made a part hereof as if set forth in full.
- L. CAPTIONS. The captions, section and paragraph numbers appearing in this agreement are inserted only as a matter of convenience and shall in no way affect interpretation of this agreement.

CITY OF TWIN FALLS

ATTEST: \_\_\_\_\_ BY: \_\_\_\_\_  
Mayor

CRUMB GROUP, LLC

ATTEST: \_\_\_\_\_ BY: \_\_\_\_\_  
Manager Member,

ACKNOWLEDGEMENTS

STATE OF IDAHO            )  
  )ss  
County of Twin Falls        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, before me, the undersigned, a Notary Public in and for said State and County, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of the City of Twin Falls, the municipal corporation that executed the within and foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

STATE OF IDAHO            )  
  )ss  
County of Twin Falls        )

On the \_\_\_\_\_ day of \_\_\_\_\_ 2012, before me, a Notary Public in and for said State, personally appeared \_\_\_\_\_  
Known or identified to me to be a member of Crumb Group, LLC executed the foregoing instrument and acknowledged to me that he on behalf of said LLC executed the same.

**IN WITNESS WHEREOF** I have set my hand and official seal the day and year first above written.

\_\_\_\_\_  
Notary Public for Idaho  
Residing in \_\_\_\_\_  
Commission Expires \_\_\_\_\_

**Legal Description**  
**For**  
**Pole Line Commercial Subdivision Number 1**

A parcel of land located in a portion of Government Lot 2, Section 4, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho. Said property being more specifically described as follows:

Commencing at the North Quarter Corner of Section 4. Said point lies S 89°51'19"W 2638.59 feet from the Northeast Corner of Section 4. Thence, N 89°51'19"E 30.00 feet, Thence, S00°52'45"W 70.88' to the REAL POINT OF BEGINNING.

Thence, N89°51'19"E 685.50 feet, along the Southerly right of way of Highway Project No. DHP-NH-F-2390(104).

Thence, S00°08'41"E 487.73 feet.

Thence, N89°23'14"W 137.19 feet.

Thence, N59°50'16"W 231.56 feet.

Thence, S89°51'19"W 355.00 feet.

Thence, N00°52'45"E 369.12 feet, along a line 30.00 feet East of and parallel with the West boundary of Government Lot 2 to the REAL POINT OF BEGINNING.

The gross area contained in this platted land as described is 6.47 acres.



RECEIVED

DEC 13 2012

CITY OF TWIN FALLS  
BUILDING DEPT.

AMENDMENTS  
FOR  
POLELINE COMMERCIAL PUD No. 2

RECITALS

WHEREAS, RANDY HANSEN FAMILY LIMITED PARTNERSHIP are the equitable title holders to certain tracts of land in the City of Twin Falls, and State of Idaho, more particularly described in Exhibit "A", attached hereto, which land is located west of Fillmore Street North, South of Pole Line Road and North of Fawnbrook Drive, consisting of approximately 3.80 acres (hereinafter called "Property"); and

Whereas the property has been developed as phase one of the project as required in the Planned Unit Development Agreement (PUD No.220) executed March 15, 2000, and

Whereas, City, by and through its City Council, has agreed that the property has been developed in accordance with the above specified PUD No. 220 Agreement, and

Whereas the Developer and the City agree that any future redevelopment or change in use shall be subject to certain terms, conditions, and understandings, which conditions and understandings are the subject of this agreement.

COVENANTS

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, Developer and City agree as follows:

1. NATURE OF THE AGREEMENT. This agreement shall remain part of the "C-1 PUD" zone with respect to the Property upon its full execution and recording. Developer and their assigns or successors in interest, as well as City and its assigns or successors (if any), shall be bound by the terms and conditions contained herein.
2. NATURE OF THE DEVELOPMENT. It is agreed by the parties hereto that certain language and requirements pertaining to the "C-1 PUD" zone shall be interpreted as follows:
  - A. LOT AREA. The total area of the property is 3.80 Acres. The property has been developed in accordance with the above noted PUD Agreement 220. Any redevelopment of the property shall be in conformance with this Amended PUD Agreement.
  - B. USES. Except as provided herein the uses shall be those allowed in the C-1 zone.
  - C. LANDSCAPING AND DISPLAY PADS. The development includes Automobile Display Pads. The landscape areas are defined on the Development Plans, and will be at a minimum to the City of Twin Falls Code for Gateway Landscape requirements for this development.

- D. LIGHTING AND LOUDSPEAKERS. The lighting has been completed. Lighting shall be directed downward to provide light for parking or pedestrian walking surfaces. The use of loudspeaker is prohibited and outside communications shall be personal listening devices only.
3. WATER, STREET, SEWER AND DRAINAGE IMPROVEMENTS. Developer shall be responsible for the design and construction of water, street, sewer and drainage systems on the Property (hereinafter called "improvements") as described herein in accordance with City standards.
- A. IMPROVEMENT PLANS. The Developer has filed with the City a complete set of plans for the development showing Public Improvements such as sewer, water, curb and gutter, contemplated within the development (hereinafter called "Improvement Plans"). The Improvement Plans and improvements shown thereon have been approved and accepted by the City.
- B. The property is connected to City of Twin Falls water and sewer system.
4. PLATS. If the property is split in the future a subdivision and plat will be required.
5. DEVELOPMENT CRITERIA. The property or any portion thereof shall be developed in accordance with the criteria set forth in this Section 5 and in accordance with the approved Development Plans.
- A. APPROVAL AND CONSTRUCTION. All public improvements have been constructed in accordance with engineered drawings and specification and met City standards.
- B. BUILDING STANDARDS. Buildings and Public Improvements shall comply with City building and fire codes, and other applicable City ordinances.
- C. LANDSCAPING. The landscaping of this property has been completed and accepted by the City.
- D. APPROACHES. At the time of this agreement all approaches to the property have been constructed. No changes shall be made to the project approaches without approval of the City of Twin Falls.
6. TIME LIMITATION. Development of this property has been completed and no time limitations apply.
7. PARKING. No on street parking will be allowed. Adequate parking spaces meeting city code will be located on all phases of the property and will be properly signed and marked.
8. GENERAL PROVISIONS.
- A. COOPERATION. The parties hereto agree to cooperate each with the other. Developer shall submit to the City all plans, specifications and working drawings required by the City.

- B. ENTIRE AGREEMENT. This agreement constitutes the entire agreement between the parties concerning the property and improvements described herein, and no amendment or modification to this agreement shall be valid or effective unless reduced to writing and signed by the parties. It is understood that a standard City Developer's Agreement will be required for the development.
- C. APPLICABLE LAW. This agreement shall be construed in accordance with the laws of the State of Idaho.
- D. NOTICES. If notices from one party to the other are desired or required hereunder, such notices shall be delivered or mailed to the party to receive such at this address last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy-two (72) hours following deposit in the United States mail, if properly addressed, stamped and sent with "return receipt requested". On the date of this agreement, the addresses of the parties are as follows:

DEVELOPER: Randy Hansen Family Limited Partnership  
% Randy Hansen  
636 Pole Line Road  
Twin Falls, ID 83301

CITY: City of Twin Falls  
PO Box 1907  
321 Second Avenue East  
Twin Falls, ID 83303-1907

- E. SUCCESSORS AND ASSIGNS. This agreement shall be binding upon the successor, assigns and legal representative of the parties hereto.
- F. SEVERABILITY. In the event any portion of this agreement is declared by a court of competent jurisdiction to be invalid, illegal or unenforceable, such portion shall be deemed severed from this agreement, and the remaining portions shall not be affected thereby.
- G. SIGNATORIES. Each of the persons executing this agreement hereby represents and warrants that he or she is duly authorized and empowered to so act on behalf of the entity for which he or she is signing and that this agreement is binding on, and enforceable against such entities.
- H. EFFECTIVE DATE. This "PUD" Agreement shall be valid and binding only upon its approval by City, and through its City Council, and upon its execution by the Mayor and Developer.
- I. ATTORNEY FEES. In the event that either party should be required to retain an attorney because of the default or breach of the other or to pursue any other remedy provided by law, that party which prevails in any litigation shall be entitled to a reasonable attorney's fee.

- J. CONSTRUCTION: Should any provision of this Agreement require judicial interpretation, the court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a document is to be construed more strictly against the person who himself or through his agents prepared the same, it being acknowledged that both parties have participated in the preparation hereof.
- K. ATTACHMENTS. All attachments to this Agreement and recitals are incorporated herein and made a part hereof as if set forth in full.
- L. CAPTIONS. The captions, section and paragraph numbers appearing in this agreement are inserted only as a matter of convenience and shall in no way affect interpretation of this agreement.

CITY OF TWIN FALLS

ATTEST: \_\_\_\_\_ BY: \_\_\_\_\_  
Mayor

RANDY HASEN FAMILY LIMITED PARTNERSHIP

ATTEST: \_\_\_\_\_ BY: \_\_\_\_\_  
Manager Member,

ACKNOWLEDGEMENTS

STATE OF IDAHO )  
 )ss  
County of Twin Falls )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, before me, the undersigned, a Notary Public in and for said State and County, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of the City of Twin Falls, the municipal corporation that executed the within and foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

STATE OF IDAHO )  
 )ss  
County of Twin Falls )

On the \_\_\_\_\_ day of \_\_\_\_\_ 2012, before me, a Notary Public in and for said State, personally appeared \_\_\_\_\_ Known or identified to me to be the general partner of RANDY HANSEN FAMILY LIMITED PARTNERSHIP executed the foregoing instrument and acknowledged to me that he on behalf of said LLC executed the same.

**IN WITNESS WHEREOF** I have set my hand and official seal the day and year first above written.

\_\_\_\_\_  
Notary Public for Idaho  
Residing in \_\_\_\_\_  
Commission Expires \_\_\_\_\_

Exhibit "B"

**Legal Description**

**For**

**Pole Line Commercial Subdivision Number 2**

A parcel of land located in a portion of Government Lot 2, Section 4, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho. Said property being more specifically described as follows:

Commencing at the North Quarter Corner of Section 4. Said point lies S 89°51'19"W 2638.59 feet from the Northeast Corner of Section 4. Thence, N 89°51'19"E 30.00 feet, Thence, S00°52'45"W 70.88', Thence, N 89°51'19"E 685.50 feet, along the Southerly right of way of Highway Project No. DHP-NH-F-2390(104) to the REAL POINT OF BEGINNING. Thence, N89°51'19"E 342.90 feet, along the Southerly right of way of Highway Project No. DHP-NH-F-2390(104). Thence, S 01°02'00"W 492.23 feet, along the Westerly boundary of "Breckenridge Farms Phase 3 Subdivision". Thence, N 89°23'14"W 332.81 feet. Thence, N 00°08'41"W 487.73 feet, to the REAL POINT OF BEGINNING.

The gross area contained in this platted land as described is 3.80 acres.



RECEIVED

APR 12 2012

Exhibit "C"  
Master Development  
Plan

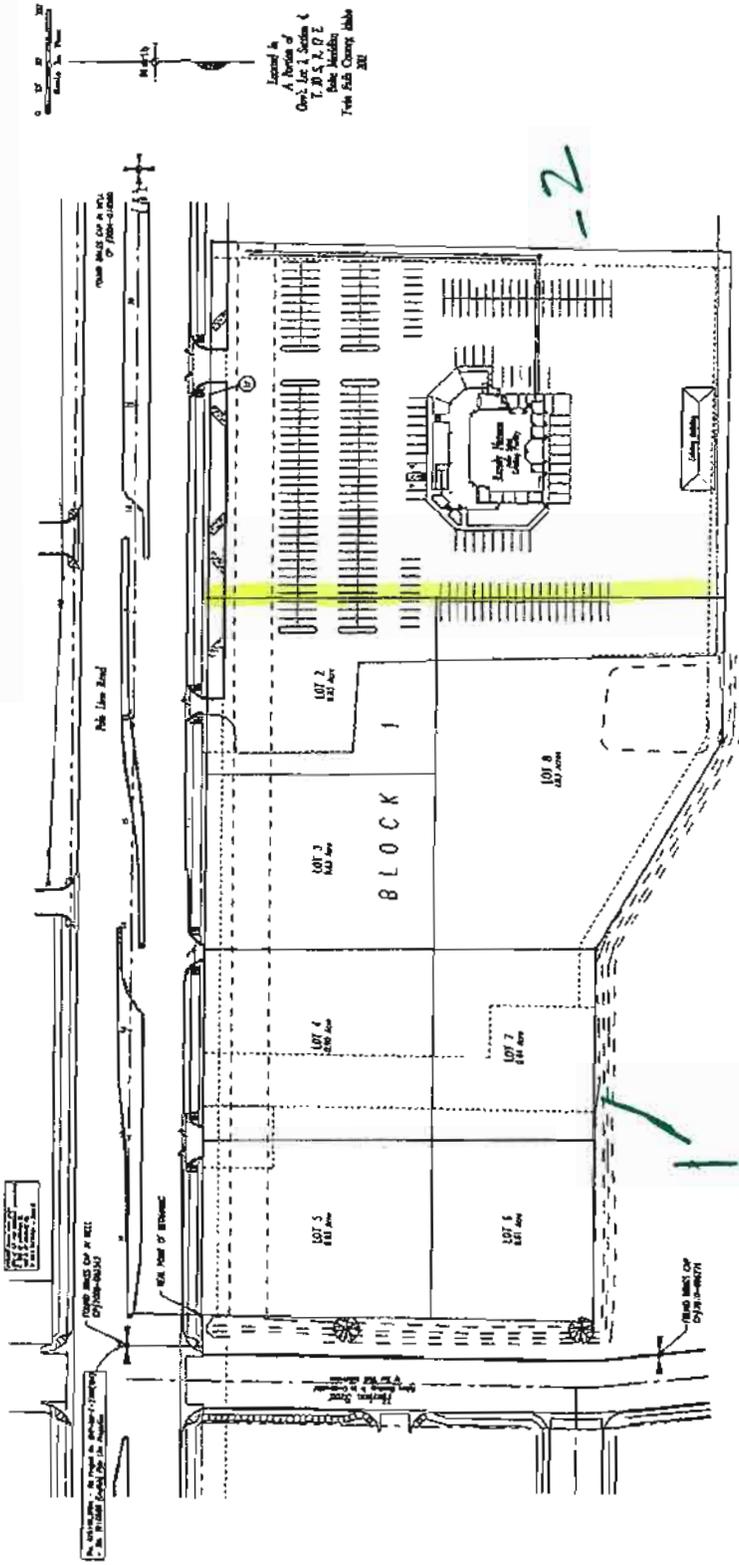
CITY OF TWIN FALLS  
PLANNING & ZONING

EHM Engineers Inc.  
Engineers / Surveyors / Planners  
821 N. George St. Suite 100 Twin Falls, ID 83421 - (208)734-4885

Master Development Plan For  
Public Line Commercial Subdivision  
2011  
Twin Falls County, Idaho

THIS PLAN IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE USED FOR ANY OTHER PROJECT OR SITE. ANY REUSE OF THIS PLAN FOR ANY OTHER PROJECT OR SITE WITHOUT THE WRITTEN CONSENT OF EHM ENGINEERS INC. IS STRICTLY PROHIBITED.

DATE	2011-08-15
BY	J. HARRIS
APP'D	J. HARRIS
SCALE	AS SHOWN
PROJECT	Public Line Commercial Subdivision
SHEET NO.	20-1000



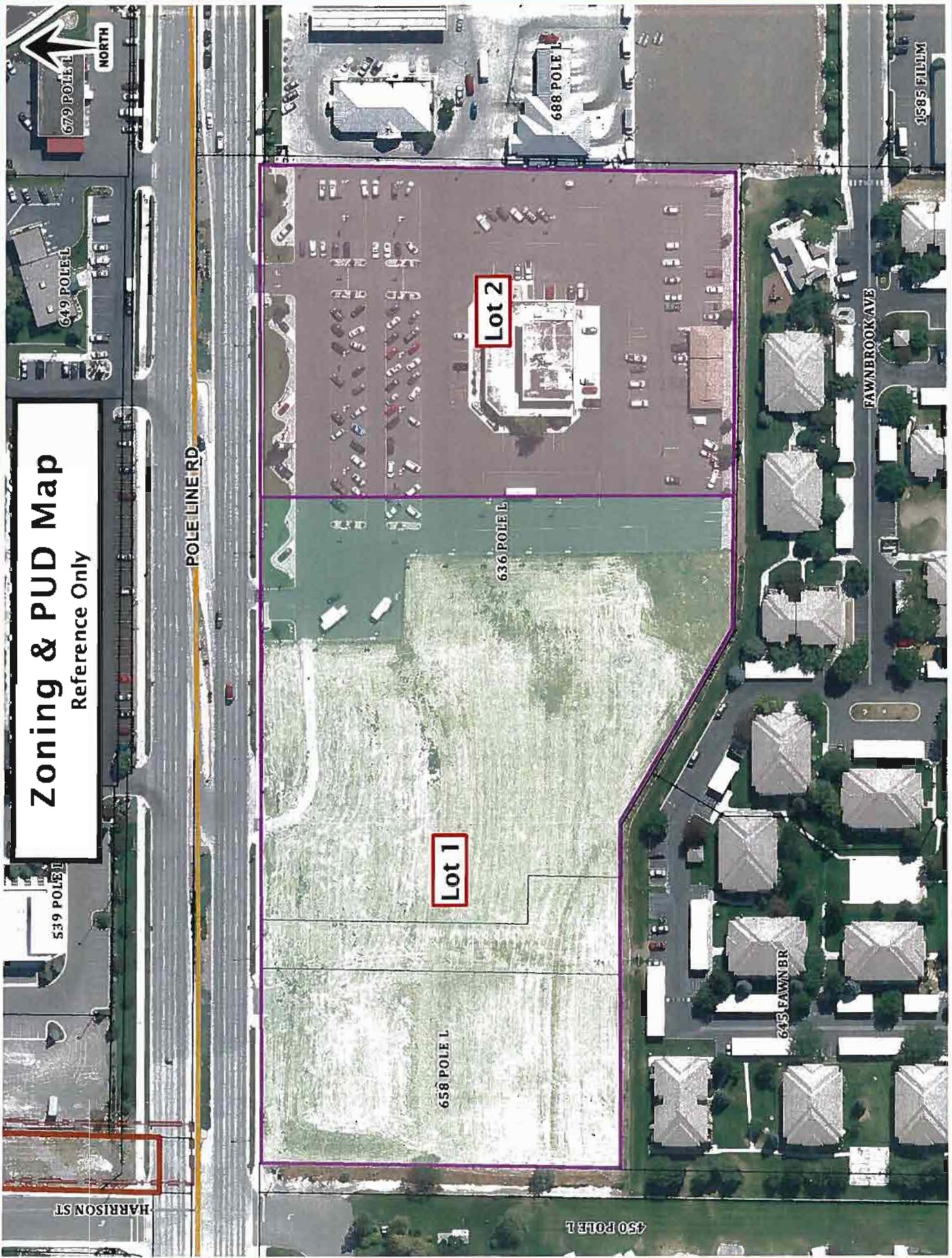
**NOTES**

1. Owner to verify all utility locations and depths.
2. All utility lines to be shown on the plan.

-2-

# Zoning & PUD Map

Reference Only



Lot 1

Lot 2

HARRISON ST

POLELINE RD

450 POLE L

658 POLE L

636 POLE L

643 FAWNBR

FAWN BROOK AVE

688 POLE L

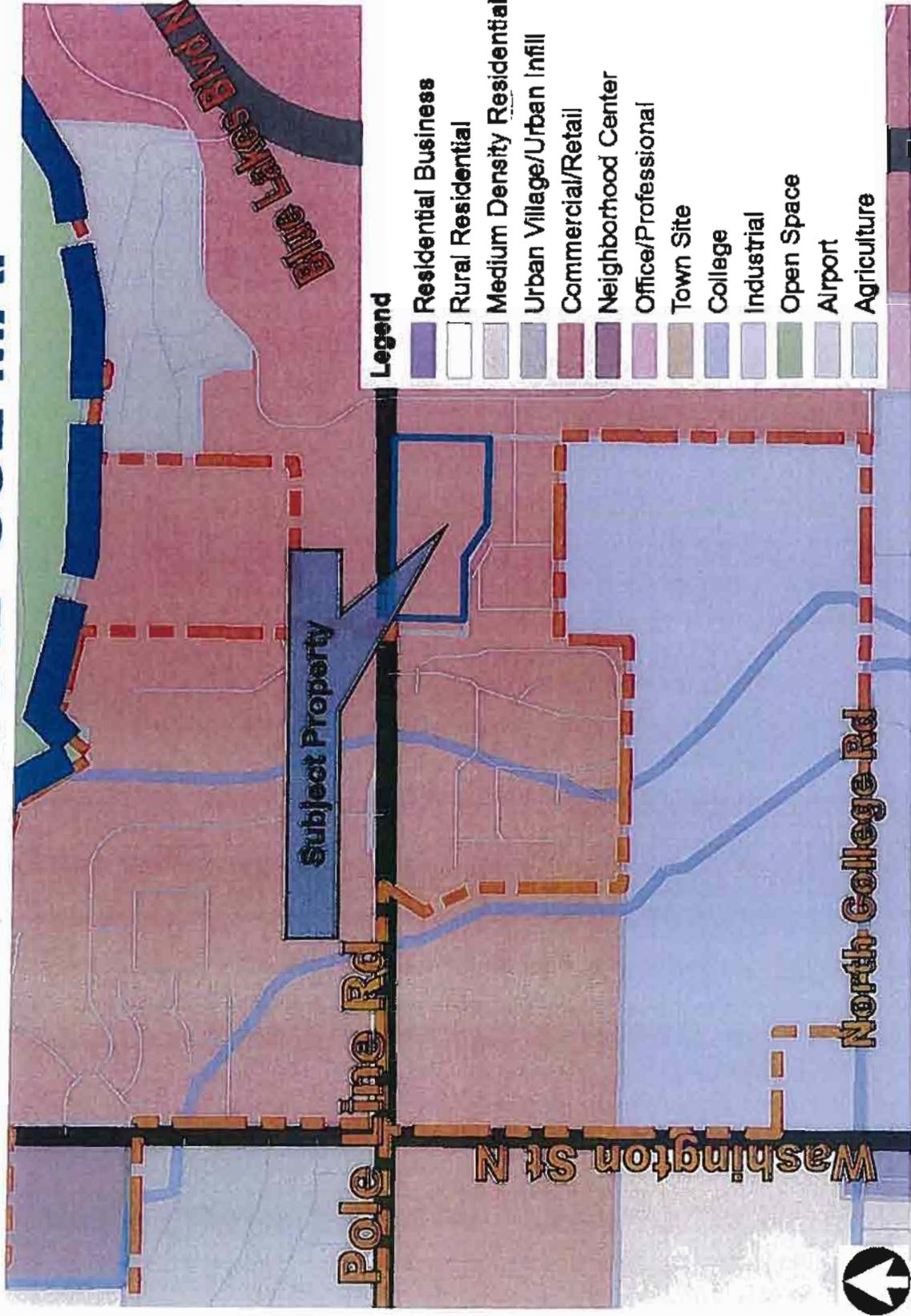
679 POLE L

NORTH

649 POLE L

1585 FILD M

# FUTURE LAND USE MAP







# Pole Line Commercial Subdivision Number 2

## A Planned Unit Development

CONCEPT SITE PLAN

AMERITEL SUBD

FOUND BENCH, COP IN WELL  
CHY2019-00078

FOUND BENCH, COP IN WELL  
CHY2019-00078

POLE LINE COMMERCIAL SUBDIVISION

POLE LINE COMMERCIAL SUBDIVISION

POLE LINE COMMERCIAL SUBDIVISION

4,875' x 117' 6"

4,875' x 117' 6"

4,875' x 117' 6"

0 30' 60' 120'  
Graphic Scale Feet

RECREATION PARKS PHASE 1 SUBDIVISION

5,200' x 117' 6"

5,200' x 117' 6"

POLE LINE COMMERCIAL SUBDIVISION

Lot 1  
Block 1  
2.28 Acres

UNPLATTED

FOUND BENCH, COP IN WELL  
CHY2019-00078

Located In  
A Portion of  
Cort's Lot 3, Section 4  
T. 23 S., R. 17 E.  
Range 18 North  
Town 236 County, Idaho

Maple Street



Legend

- Subdivision Boundary Line
- Lot Line
- Boundary Overlay
- Control Line
- 24' SETBACK from and Over 25' HIGH
- 40' SETBACK from and Over 35' HIGH

Health Certificate

Health Certificate  
This subdivision is located in Idaho Code 24-25, Chapter 25, Title 24, Section 24-25-01, which requires that the subdivision be approved by the health officer and the health officer shall issue a health certificate for the subdivision. The health officer shall issue a health certificate for the subdivision if the subdivision meets the requirements of the health code. The health officer shall issue a health certificate for the subdivision if the subdivision meets the requirements of the health code. The health officer shall issue a health certificate for the subdivision if the subdivision meets the requirements of the health code.

Maple North Department, IDG

Date

**Maple North** Engineers, Inc.  
ENGINEERS/SURVEYORS/PLANNERS





**Date:** January 7, 2013, City Council Meeting

**To:** Honorable Mayor and City Council

**From:** Jackie Fields, City Engineer

---

**Consent Request:**

Consideration of a recommendation by the Traffic Safety Commission to establish a painted crosswalk at the intersection of Dierkes Street and 2<sup>nd</sup> Ave. N.

**Background:**

The City and ITD received a request from Heidi Heil to address safety concerns at the intersection of Dierkes Street and 2<sup>nd</sup> Ave. N. She requested the extension of the school speed zone on 2<sup>nd</sup> Ave. N. and the placement of a crosswalk.

Bruce Christensen with ITD discussed a study that was taken on marked crossings versus non marked crossings. City staff reviewed the accident cited and looked for other relevant accident data, reviewed the speeds and conducted short duration pedestrian counts at this location. The data didn't support the extension of the school speed zone and the accident cited was not pedestrian related. The staff report recommended no change to the intersection. Ms. Heil's original meeting notification had a conflict between the date and the day so while she was able to make a presentation to the Commission at the November meeting, the Commission agreed to hear the request at the December meeting. At the December meeting, Ms. Heil and representatives from the Magic Valley High School made presentations to the Commission. During these presentations, students commented that re-establishing the red curb could improve visibility. Staff agreed to look at this with the intent to sign, mark or add enforcement to improve intersection visibility.

The Commission considered the input from all parties and voted to recommend placement of a painted or thermoplastic cross walk with the appropriate signage and to re-paint the fire zone. The Commission then voted to revisit the intersection at a later date to review the potential need for extending the school zone.

**Approval Process:**

Council acceptance of the Commission's recommendation will direct staff work in conjunction with ITD to place pavement markings and appropriate signs.

**Budget Impact:**

The Streets budget includes funds for pavement markings.

**Regulatory Impact:**

None.

**Conclusion:**

Staff recommends that Council accept the Traffic Safety Commission's recommendation to establish a painted crosswalk with appropriate signs at the intersection of Dierkes St and 2<sup>nd</sup> Ave N.

**Attachments:**

1. Staff report for Traffic Safety Commission
2. Draft Minutes of the December Meeting of the Traffic Safety Commission

## Memorandum

October 19, 2012

TO: Jackie Fields, P.E.  
City Engineer

FROM: Mike Sullivan  
Traffic Engineering Tech.

SUBJECT: Engineering Study for Dierkes St. N. & 2<sup>nd</sup> Ave. N. Crosswalk near Magic Valley High School

### LOCATION

The City received a written request from Heidi Heil requesting a stripped crosswalk at the Dierkes St & 2<sup>nd</sup> Ave. N. intersection and to have the 25 MPH School Zone moved to include this intersection. Her request is for the safety of pedestrians, mainly high school students of Magic Valley High School, crossing at this location. An accident at this location in April of this year involving a student on a bicycle and a car prompted her request.

Second Ave. N. is a three lane, one-way, 35 MPH arterial. All side streets intersecting 2<sup>nd</sup> Ave. N. are stop controlled. Dierkes St. is four blocks away from the signalized intersection at Shoshone St. & 2<sup>nd</sup> Ave. The Magic Valley High School campus is on the west corner of Dierkes and 2<sup>nd</sup>. A 25 MPH School Zone begins 180' NW of Dierkes. This School Zone is marked with Flashing Yellow School Beacons on both sides of 2<sup>nd</sup>. These beacons also contain changeable speed limit signs. These beacons, and changeable speed limit signs, run from 7:00 am to 4:30 pm on school days. The changeable speed limit signs change the speed limit from 35 MPH to 25 MPH at these times also. There are "School Crossing" pavement markings on 2<sup>nd</sup> Ave. just past the beacons warning drivers of the signed and striped School Crosswalk at the Castleford St. intersection.

The Magic Valley High School campus is on the west side of the Dierkes St. and 2<sup>nd</sup> Ave. intersection. Classes begin at 8:30 am and let out at 2:30 pm. This is a closed campus during school hours. MVHS has about 125 students.

### STUDY DATA

To collect data, observations of traffic and pedestrian activity at this intersection were made on four separate occasions in early October of this year. Twice in the morning from 8:00 am to 8:30 am and twice in the afternoon from 2:30 pm to 2:50 pm. Weather was clear calm and mild on all occasions except one morning colder than usual and windy. On the two morning observations, two and four pedestrians were counted crossing 2<sup>nd</sup>, at Dierkes, heading toward the high school. In the afternoon sessions, three

and four pedestrians were observed crossing 2<sup>nd</sup>, at Dierkes, coming from the high school side. The School Crosswalk at Castleford could be observed at the same time. There was similar pedestrian activity at this crosswalk at the same time period. On all four occasions only one “jaywalker” was observed near Dierkes and this was an older gentleman, likely not school related.

Since 2<sup>nd</sup> Ave. is a one-way street and only four blocks from the traffic signal at Shoshone St., traffic arrived at Dierkes in distinct platoons with periods of lighter traffic in between due to the signal at Shoshone. Brake lights were observed on much of the traffic approaching Dierkes due to braking for the School Beacons.

#### CONCLUSION & RECOMENDATION

Pedestrian activity at the Dierkes & 2<sup>nd</sup> Ave. intersection is very light. According to the police report for the accident in April, the cause was due to the bicyclist who “failed to yield from the stop sign on Dierkes St. N.” and thus collided with the vehicle travelling on 2<sup>nd</sup>. Ave. This accident cannot be considered pedestrian related. Additional signing, striping or School Zoning would not have prevented this crash. “Jaywalking” does not seem to be a problem at this intersection. The gaps in traffic created by the signal at Shoshone and the slowing of traffic approaching the Dierkes St. N. & 2<sup>nd</sup> Ave. N. intersection allow for ample opportunity for pedestrians to safely cross 2<sup>nd</sup> Ave. The Engineering Dept. recommends no changes to this intersection at this time.



## *Serenity Funeral Chapel*

502 2<sup>nd</sup> Ave. N., Twin Falls, Idaho 83301

Phone: 208-733-0991 Fax: 208-733-3384

August 6, 2012

RE: Unsafe intersection in school zone

To Whom It May Concern:

My name is Heidi Heil and I own, operate, and live in a funeral home located at the corner of 2<sup>nd</sup> Ave. North and Dierke's Street in Twin Falls, Idaho. My office overlooks the intersection, which also is directly behind the Magic Valley High School. This is a busy 3 lane one way street and also a very busy intersection. Many drivers and Ameripride Linen use Dierke's Street as their main thoroughfare as there are no stop signs from Addison Ave. until 2<sup>nd</sup> Ave. North. Both of the streets that meet at this intersection have a high volume of traffic daily. My concerns, along with those of the students and faculty of the school, and many other citizens in our community are that this intersection is not marked with crosswalks or encompassed within a school zone. I believe this is an oversight and must be corrected as soon as possible for the safety of students and citizens utilizing this intersection.

There was an accident with a student on a bicycle who was hit by a motor vehicle at this intersection this past school year. I witnessed the aftermath. With my clear view of this intersection, I see daily that the students are taken off campus with their classrooms and teachers utilizing this intersection. I see them morning and after school utilizing the intersection, jaywalking, dodging and darting between traffic to get across.

I would like to propose that a crosswalk be painted in this intersection and the school zone and lowered speed limit be moved south one block to encompass this intersection and school. Currently the school zone starts half a block north of this intersection to encompass the Lincoln Elementary School. I have a signed petition from concerned students and faculty who would like to see the same resolution. We would like to see this come to pass before the beginning of the upcoming school year. Thank you for your time and consideration in this matter.

Respectfully,

Heidi Heil



Date: Monday, January 7, 2013  
To: Honorable Mayor and City Council  
From: Mitch Humble, Community Development Director

---

**Request:**

Consideration of adoption of an ordinance vacating the 2000 – 2190 blocks of Fillmore Street.

**Time Estimate:**

The staff presentation will take approximately 10 minutes. We expect additional time will be needed to discuss and answer questions.

**Background:**

On Monday, April 9, 2012, the City Council held a public hearing to consider the vacation of the 2000 – 2190 blocks of Fillmore Street, roughly from Canyon Springs Road to the driveway serving the visitor center and Outback Steakhouse. The property owner along this section of Fillmore Street is proposing to realign the street and develop the property into a retail shopping center. The alternate alignment of Fillmore Street is proposed to be privately constructed, owned, and maintained by the development. The vacation request was approved by the Council, as was the subsequent PUD, development plan, and final plat.

The Council's vacation approval did contain six conditions, two of which require some discussion for this ordinance adoption request. At the time of the request, the developer had planned to construct the necessary public improvements and then proceed with plat recordation. The recording of the plat is a trigger for many of the documentation conditions, such as the maintenance agreement and vacation ordinance. Since April 2012, the developer has made significant progress in deals with retail tenants. Some of those tenant deals and details are very time sensitive and have caused the developer to take a slightly different course with the development and plat recordation process than was originally planned. Therefore, the developer has requested to move up the vacation ordinance adoption, causing a little more attention to be paid now to a few documentation details.

First, one of the conditions from the Council's approval of the vacation was that the realigned Fillmore Street had to be constructed and accepted by the City prior to the current roadway being abandoned. This condition will be met. The applicant has prepared, signed, and submitted a "public right-of-way easement" that will be recorded with the attached vacation ordinance. This easement will allow the current roadway to continue to be used as a public roadway until the new roadway is constructed and accepted. Only then will the current roadway be abandoned and traffic moved to the new roadway location. Therefore, adoption of the attached vacation ordinance does not violate this approval condition, but will allow the developer to proceed with plat recordation.

The second condition I want to discuss will actually require modification. The vacation approval contained a condition that a "Maintenance and Unrestricted Access Easement Agreement" be approved and recorded prior to the vacation of the right-of-way. This agreement is necessary because the realigned Fillmore Street is proposed to be a private road. The City needs to ensure that the roadway will be open to the public and will be maintained to a public street standard. The agreement will be drafted to ensure that the roadway is perpetually open to the public, but maintained by the development to a public street standard. The intent of the approval condition was to ensure that the traffic would not be moved from the current street to the private roadway until such time as the agreement was in place. The plan at the time for construction to occur before plat recordation allowed for this condition to be met. However, proceeding with the vacation ordinance now, before the maintenance agreement is complete, will require this approval condition to be modified.

The developer is requesting to modify the approval condition to allow the vacation of the right-of-way now, and instead the City will not release the "public right-of-way easement" discussed above until the maintenance agreement is complete and approved. The easement dedication document includes language that says the easement will not be released until the maintenance agreement is complete and recorded. The developer believes the intent of the condition remains intact, that being that the current street is not abandoned and traffic moved to the realigned roadway without first completing the maintenance agreement. Staff and the City Attorney have reviewed and support

the request. We believe it is a better alternative to rushing to complete the maintenance agreement to coincide with the developer's timeline for plat recordation.

**Approval Process:**

The vacation for this section of Fillmore Street has already completed the required public hearing and approval process, receiving City Council approval on April 9, 2012. This request is to adopt the ordinance finalizing the vacation. When considering adoption of an ordinance, the Council typically makes a special motion to suspend the rules and place the ordinance on third and final reading by title only. Adoption of the ordinance requires a simple majority vote of the Council.

**Budget Impact:**

Adoption of the attached ordinance will vacate the right-of-way for Fillmore Street back to the developer. The construction and maintenance responsibility for the replacement alternate privately owned Fillmore Street will then belong to the development. City finances will no longer be needed for maintenance of this section of Fillmore Street.

**Regulatory Impact:**

Adoption of the attached ordinance will vacate the Fillmore Street right-of-way described above. The roadway will continue to be used as a public roadway via a dedicated public right-of-way easement. The developer will begin construction of an alternate private roadway. Upon completion and City acceptance of the private roadway, the current Fillmore Street roadway will be abandoned and removed by the developer.

**Conclusion:**

Staff recommends that the Council:

1. Modify the vacation approval condition number 4 as follows: "Subject to a recorded Maintenance and Unrestricted Access Easement Agreement along the proposed Fillmore Street (Private) prior to the City releasing the temporary public right-of-way easement for the current location vacation of Fillmore Street (Public Right of way)."
2. Adopt the attached ordinance as presented.

**Attachments:**

1. Minutes from April 9, 2012 Vacation Approval
2. Proposed Ordinance No. \_\_\_\_\_

## April 9, 2012 City Council Meeting – Applicable Portion of the Minutes

### Public hearings IV-4 and IV-5

*(The hearings for items IV-4 and IV-5 were held together, but motions and approvals were done separately. The vacation was item IV-5.)*

4. For a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 (+/-) acres to allow for commercial mixed use development on property located west and north of the 1800-1990 blocks of Blue Lakes Boulevard North, east and north of the 875 – 900 blocks of Canyon Springs Road and south of the Snake River Canyon Rim, c/o Gerald Martens, EHM Engineers, Inc on behalf of Canyon Park Development, LLC c/o Tina Luper. (app. 2508)

5. Request for Vacation of the 2000-2190 blocks of Fillmore Street, c/o Gerald Martens, EHM Engineers, Inc on behalf of Tina Luper/Canyon Park Development, LLC (app. 2509)

Gerald Martens, 621 North College, representing the developer, explained the requests.

The request is to bring the property to the appropriate zoning of C-1 CRO PUD for the entire 25 acres, west of Blue Lakes Blvd.

The second request is for the modification to the road plan. On overhead projection he showed the proposed plan relocating Fillmore and constructing a roundabout.

The applicant has worked with staff on a PUD agreement. Key points in the PUD are architectural which are the same used in Canyon Park East development.

- Extensive use of stone. All four sides of the building will be finished.
- Trail enhancements. The trail will be maintained and enhanced with additional landscaping. This would include a buffer between the buildings.
- The back of the buildings will have delivery and service area but all of the loading docks and the refuse dumpsters will be screened.
- The roof top units will be screened.

He continued to explain the road plan. It basically is a parking field separated by landscaping and existing buildings, three potential additional pads along Blue Lakes Blvd., a parking field broken up with landscaping at the end of the islands and out in the islands. There will be retaining walls with an extensive combination of walls and landscaping between the back of the buildings and the rim. Because the buildings are not within the 100' setback, a geological report will not need to be done. There will be a detailed foundation investigation done for the design.

Vice Mayor Hall asked the applicant to address the concern of the back of the buildings facing the canyon rim.

Gerald Martens stated that the development will look like Bridgeview between the Magic Valley Mall and Canyon Park East. It is screened with retaining walls, landscape walls, and the loading dock areas are enclosed. Trucks back in an enclosed area. Dumpsters will not be seen, other than when they are on the truck leaving. Trucks are seen only when arriving and departing the loading docks.

Councilperson Clow asked for clarification who built Fillmore Road from Blue Lakes Blvd. to Canyon Springs Road.

Gerald Martens stated the developer of Canyon Park built the road. The developer is proposing that a new street be constructed and to make the street private. The reason to privatize the street allows flexibility on driveways and gives additional potential opportunities for accesses into the project, but to do that, additional turn lanes are being built over and above the city standard. It could also potentially help on some setbacks from arterials and collectors.

Councilperson Talkington asked if the developer will be asking for a variance or a waiver on the building height restrictions.

Gerald Martens stated that the PUD agreement specifies that building heights will remain at the standard 35' and the developer would not be asking for a variance or waiver. There shouldn't be a need for a height variance.

Community Development Director Humble explained the benefits to the developer of keeping a private street versus keeping a public right of way. On Fillmore Street there is a 62' setback from the centerline and as Fillmore Street is being relocated closer to some of the existing buildings, Zion's Bank and Golden Corral, this is creating a non-conforming building situation; but if it becomes a private road setback issue goes away. There will be an easement open to the public.

Mayor Lanting asked if this would limit the City in the future to make the road wider if it becomes private.

Community Development Director Humble stated that if the road is public, the city can acquire right of way. If this is not a public road, this would not be an option, but if this is a concern for the Council, staff can work this out in a maintenance agreement with the developer. The road would be developed to meet capacity requirements.

Community Development Director Humble reviewed the requests.

On March 13, 2012 the Commission for the zoning request unanimously recommended approval of the request subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.
3. Subject to Fillmore Street (Public Right-of-way) being vacated and Fillmore Street (Private) is being rededicated as a public utility/access/road easement and as approved by the City Council.
4. Subject to a recorded Maintenance and Unrestricted Access Easement Agreement along the proposed Fillmore Street (Private) prior to vacation of Fillmore Street (Public Right-of-way).
5. Subject to development meeting or exceeding CRO standards unless otherwise approved by City Council.
6. Subject to an approved and recorded PUD Agreement encompassing the entire project under one PUD Agreement.
7. Subject to replatting the property under one subdivision.

Staff concurs with the Commission's recommendation.

On March 13, 2012, the Planning & Zoning Commission for the vacation recommended approval of the vacation of Fillmore Street, as presented, by a vote of 4 for and 3 against subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to letters of approval from each of the utility companies impacted by this vacation prior to approval by Council.
3. Subject to maintenance of a recorded easement for any constructed facilities on the property.
4. Subject to a recorded Maintenance and Unrestricted Access Easement Agreement along the proposed Fillmore Street (Private) prior to vacation of Fillmore Street (Public Right-of-way).
5. Subject to approval of the rezone, PUD Agreement, Preliminary and Final Plat, and approval of the proposed realignment of Fillmore Street prior to development.
6. Subject to Fillmore Street (Private) being constructed and accepted by the City before the existing Fillmore Street (Public Right-of-way) is abandoned.

Staff concurs with the Commission's recommendation.

Letters from Laura Peterson, Jeff & Phyllis Lotz, Joyce Ballard, Dave Duhaime, and Cheri Condie were entered into the record and shown on overhead projection.

Councilperson Talkington asked the City Attorney that with the development and the control of Fillmore as a private road is public safety in any way inhibited primarily police and fire access.

City Attorney Wonderlich stated that the developer will need to satisfy the fire department requirements or they will not receive a building permit. The police will still have access to the private road. There is an issue with traffic enforcement in which the city police will not be able to help. The city does not do traffic enforcement on the internal roads at the mall.

Community Development Director Humble stated that every building will meet or exceed the 100' setback. That is a building setback from the canyon rim.

Councilperson Hall asked the City Engineer if there is a public safety concern with the proposed roundabout.

City Engineer Fields stated that signs will be posted at the roundabout. Studies show that roundabouts are an excellent way to eliminate certain types of high accident locations in lieu of adding a signal. Placing a signal at this location is problematic because it will be difficult to maintain primacy on the state highway, which is Blue Lakes, and not have people backing out of the intersection at certain times of year for certain events. This helps people move through with great facility and ultimately less confusion. Initially there will be a learning curve. There was a concern about the dominant left turn movement off of Blue Lakes onto Fillmore. If you choose not to go the Visitor's Center, you will be making a left turn. This will be the dominant movement. This will handle the number of cars that are stacking up.

Councilperson Clow asked the diameter size of the roundabout.

Gerald Martens stated that it is 90' radius in size. The roundabout keeps traffic moving and is a traffic calming feature. The roundabout will be 3 legged exits.

Councilperson Clow referenced the older part of the development along Blue Lakes and asked if there adequate parking for future development.

Gerald Martens stated that there is adequate parking.

Opened the public testimony of the hearing:

Cheri Condie, 2135 Oakwood Court, spoke against the request. She stated that the project would be detrimental to the Canyon Rim Trail, the existing Visitor Center, and anybody on foot. The proposal is in violation of CRO 10-4-19.

Laura Peterson, 794 Mountain View Drive, spoke against the request. She stated that she does not want to see the back end of the stores. She would like to have the parking lot facing the canyon.

Barbara Beck, 699 Riverview Drive, spoke against the request. She read a Times News article reader comment from Craig Neilsen (attached). She stated her concern of the back of a building facing the canyon rim and increase of traffic. She proposed that this development provide a very upscale landscaping. She stated her concern of the proposed roundabout.

Gerald Beck, 699 Riverview Drive, spoke against the request. He explained the difference between economic development and retail development. He stated his concern of the proposed roundabout. He stated that big box stores undermine small business, hurt retail wages, and cause loss of open spaces and natural resources. Big box stores accelerate the dying of the downtown community. Big box stores do not offer any fringe benefits, but offer part-time jobs and poverty wages. Public assistance is increased.

Closed the public hearing portion of the hearing.

Gerald Martens addressed the following issues:

- Ability to expand the road in the future. As the road maintenance and development agreement is being developed, the road will meet current standards, and there will be adequate buffers or room for which expansion can be accomplished.
- Access to the trail. On overhead projection he showed the designation for the public to park and access the trail.
- The weed area is a canal company drain. It will be piped and put into a dry well.
- The trail. The trail will be developed and given to the city. The trail will be maintained by the development.
- Turning the stores around. He stated that he is not the planner. There is more exposure from Blue Lakes than when you approach the City.

Councilperson Mills Sojka asked Gerald Martens to comment on the building footprint.

Gerald Martens stated that there will be multiple tenants and multiple ownership and will be developed according to the C-1 standards allowed for connected buildings or common wall construction. The building is 200,000 square feet.

Community Development Director Humble read from Canyon Rim Overlay section of the code for buildings having a footprint of more than 3,000 square feet.

Gerald Martens stated there will be a varying setbacks, heights, materials and earth tone colors. Logos with accent colors are allowed. The PUD will allow individuality of the business's sign that is placed on the wall and logo. The materials will be architecturally selected that will provide variety but consistency.

Councilperson Talkington stated that coming across the bridge there will be a gigantic expanse of the back of the buildings with logos and security and service lights. He asked if this was correct.

Gerald Martens stated that no light source can be seen according to the PUD. There will be down lights enough for security and safety on the back of the building. The light standards will be 20' tall maximum in the front parking area and on the back parking area there will be security and safety lighting, which are down lit. Lighting will not be seen from coming across the road. Signage on the back of the buildings has not been brought up in discussions.

Councilperson Clow asked if the back of Wal-Mart had a sign.

Gerald Martens stated that additional restrictions were made on Wal-Mart signage.

Councilperson Mills Sojka asked the locations for pedestrian access from the Visitor's Center.

Gerald Martens showed pedestrian accesses on overhead projection.

-Building signage

Community Development Director Humble stated that restrictions on signage can be added to the conditions of the motion.

Councilperson Clow asked how the City obtained the right of way to all of the trails.

City Attorney Wonderlich stated that everything near the City was conditioned of development.

Barbara Beck stated her concern of safety when on the canyon trail.

The public hearing was closed.

Deliberations:

#### **MOTION ITEM IV-4:**

Councilperson Talkington made a motion to approve a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 (+/-) acres to allow for commercial mixed use development on property located west and north of the 1800-1990 blocks of Blue Lakes Boulevard North, east and north of the 875 – 900 blocks of Canyon Springs Road and south of the Snake River Canyon Rim, as presented.

The motion failed because a lack of a second.

#### **MOTION ITEM IV-4:**

Councilperson Clow made a motion to approve a Zoning District Change and Zoning Map Amendment from C-1 PUD and SUI PUD to C-1 CRO PUD for 25 (+/-) acres to allow for commercial mixed use development on property located west and north of the 1800-1990 blocks of Blue Lakes Boulevard North, east and north of the 875 – 900 blocks of Canyon Springs Road and south of the Snake River Canyon Rim, subject to the following conditions as set forth by the Planning & Zoning Commission:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.
3. Subject to Fillmore Street (Public Right-of-way) being vacated and Fillmore Street (Private) being rededicated as a public utility/access/road easement and as approved by the City Council.
4. Subject to a recorded Maintenance and Unrestricted Access Easement Agreement along the proposed Fillmore Street (Private) prior to vacation of Fillmore Street (Public Right-of-way).
5. Subject to development meeting or exceeding CRO standards unless otherwise approved by City Council.
6. Subject to an approved and recorded PUD Agreement encompassing the entire project under one PUD Agreement.
7. Subject to replatting the property under one subdivision.

The motion was seconded by Councilperson Barigar.

#### **MOTION ITEM IV-4:**

Vice Mayor Hall made an amendment to the main motion to prohibit any signage from being placed on the back of the buildings facing the canyon. The motion was seconded by Councilperson Munn and roll call vote showed Councilpersons Clow, Hall, Lanting, Munn, Mills Sojka and Talkington voted in favor of the motion. Councilperson Barigar voted against the motion. Approved 6 to 1.

Roll call vote on the main motion as amended showed Councilpersons Barigar, Clow, Hall, Munn, and Talkington voted in favor of the motion. Councilpersons Lanting and Mills Sojka voted against the motion. Approved 5 to 2.

#### **MOTION ITEM IV-5:**

Councilperson Barigar made the motion to approve the vacation of the 2000-2190 blocks of Fillmore Street, subject to the following conditions as set forth by the Planning & Zoning Commission:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to letters of approval from each of the utility companies impacted by this vacation prior to approval by Council.
3. Subject to maintenance of a recorded easement for any constructed facilities on the property.
4. Subject to a recorded Maintenance and Unrestricted Access Easement Agreement along the proposed Fillmore Street (Private) prior to vacation of Fillmore Street (Public Right-of-way).
5. Subject to approval of the rezone, PUD Agreement, Preliminary and Final Plat, and approval of the proposed realignment of Fillmore Street prior to development.
6. Subject to Fillmore Street (Private) being constructed and accepted by the City before the existing Fillmore Street (Public Right-of-way) is abandoned.

The motion was seconded by Councilperson Munn.

Councilperson Clow asked legal counsel if there a way Fillmore Street could remain a public street to accommodate the development's ingress/egress and the setbacks.

Gerald Martens stated that the development would meet all of the standards in terms of roadway section with the city standards being the minimum. The development would be allowed to go beyond the minimum in terms of turn lanes, landscaping, crosswalks, and some of the amenities you find going through large retail centers. He asked for clarification in regards to police enforcement on the private street.

City Attorney Wonderlich stated that the City does police enforcement and traffic infraction enforcement on public streets. On a private street, police officers will not have any authority to write traffic tickets.

Councilperson Munn clarified that the police officers can enforce misdemeanors and other serious offenses on a private lot open to public use.

City Manager Rothweiler stated that in the roundabout there would be decorative features, and if this becomes a public street, staff would strongly discourage any of those types of improvements placed in the public right of way, because the city would

need to maintain them. In addition, Item 4 has been approved with conditions 3 and 4, and would need to be reconsidered if Fillmore Street is made public street.

City Engineer Fields explained that if there is a proliferation of driveways along the roadway, eventually those access points reduce the capacity on the road. The goal for roads is to try to limit the numbers of driveways to some reasonable access points. This has been accomplished. The placement of the driveways on the roadway as a public roadway will be acceptable.

Councilperson Clow asked that if the development is built out and completed, if he envisioned future buildings on the property to be built to a non-conforming setback to the new private road. Also, after the development is built out, could the city ask for the road to become public?

Gerald Martens stated that two of the pads will be non-conforming due to the 62' setback. He stated that it can be written in the PUD agreement and in the maintenance and development agreement that at some trigger point the city could accept taking over the maintenance.

Roll call vote showed that all those present voted in favor of the motion. Approved 7 to 0.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, VACATING RIGHT OF WAY DESCRIBED BELOW.**

WHEREAS, Canyon Park Development, LLC (hereafter "Applicant") has made application for partial vacation of portion of Fillmore Street, in the City of Twin Falls; and,

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a hearing to consider the same matter on the 7<sup>th</sup> day of January, 2013.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:**

SECTION 1. That portion of Fillmore Street east of the intersection of Canyon Springs Road and west of the intersection of the Chamber Visitor Center, and more specifically described in the attached legal description, Exhibit A, is hereby vacated. The vacated street shall revert to Canyon Park Development, LLC, the owner of the adjacent real estate on each side of the vacated right of way, pursuant to Idaho Code 50-311.

SECTION 2. That the City Clerk immediately upon the passage and publication of this Ordinance as required by law certify a copy of the same and deliver said certified copy to the County Recorder's Office for indexing and recording, in the same manner as other instruments affecting the title to real property, as required by Idaho Code 50-1324(2).

PASSED BY THE CITY COUNCIL

January 7 , 2013

SIGNED BY THE MAYOR

January 7, 2013

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Deputy City Clerk

PUBLISH: Thursday,

, 2013.

## EXHIBIT A – Legal Description

A portion of Fillmore Street as shown on the plat of “Canyon Park West No. 1 Subdivision”, recorded as Inst. No. 1998-011203, in Section 34, Township 9 South, Range 17 East, Boise Meridian, records of Twin Falls County, Idaho; being more particularly described as follows:

Commencing at the Southwest corner of said Section 34. Thence North  $01^{\circ}22'48''$  East 1115.96 feet along the West boundary of said Section 34 to the Northwesterly corner of “Canyon Park West No. 1 Subdivision”. Thence South  $88^{\circ}37'12''$  East 35.00 feet along the boundary of said subdivision.

Thence along a curve left along the boundary of said subdivision:

$\Delta - 45^{\circ}34'23''$

R – 30.00'

A – 23.86'

C – 23.24'

LCB – North  $21^{\circ}24'24''$  East to the REAL POINT OF BEGINNING.

Thence along a curve left and along the Northwesterly Right-of-Way of Fillmore Street:

$\Delta - 75^{\circ}43'42''$

R – 30.00'

A – 39.65'

C – 36.83'

LCB – South  $82^{\circ}03'27''$  East

Thence along a curve left along said Right-of-Way.

$\Delta - 45^{\circ}15'05''$

R – 198.00'

A – 156.38'

C – 152.35'

LCB – North  $37^{\circ}27'10''$  East

Thence North  $14^{\circ}49'37''$  East 187.00 feet along said Right-of-Way.

Thence along a curve right along said Right-of-Way:

$\Delta - 63^{\circ}19'14''$

R – 632.00'

A – 698.46'

C – 663.45'

LCB – North  $46^{\circ}29'14''$  East

Thence North  $78^{\circ}08'51''$  East 156.07 feet along said Right-of-Way.

Thence along a curve right along said Right-of-Way:

$\Delta - 19^{\circ}12'49''$

R – 432.00'

A – 144.87'

C – 144.19'

LCB – North  $87^{\circ}45'15''$  East

Thence South  $09^{\circ}03'07''$  West 64.03 feet to a point on the Southeasterly Right-of-Way of Fillmore Street.

Thence along a curve left along said Right-of-Way:

$\Delta - 18^{\circ}55'10''$

R – 368.00'

A – 121.52'

C – 120.96'

LCB – South  $87^{\circ}36'26''$  West

Thence South  $78^{\circ}08'51''$  West 156.07 feet.

Thence along a curve left along said Right-of-Way:

$\Delta$  -  $63^{\circ}19'14''$

R – 568.00'

A – 627.73'

C – 596.26'

LCB – South  $46^{\circ}29'14''$  West

Thence South  $14^{\circ}49'37''$  West 187.00 feet along said Right-of-Way.

Thence along a curve right along said Right-of-Way:

$\Delta$  -  $56^{\circ}33'11''$

R – 262.00'

A – 258.60'

C – 248.23'

LCB – South  $43^{\circ}06'12''$  West

Thence South  $71^{\circ}22'48''$  West 3.82 feet along said Right-of-Way.

Thence along a curve left along said Right-of-Way:

$\Delta$  -  $70^{\circ}00'00''$

R – 30.00'

A – 36.65'

C – 34.41'

LCB – South  $36^{\circ}22'48''$  West

Thence North  $01^{\circ}22'48''$  East 110.72 feet to the REAL POINT OF BEGINNING.

Containing approximately 2.04 acres.



Public Hearing: **MONDAY, JANUARY 07, 2013**

To: Honorable Mayor & City Council

From: Mitch Humble, Community Development Department

## ITEM IV-1

**Request:** Request for a Zoning Title Amendment which would amend Twin Falls City Code 10-7-14 by allowing limited outside display of merchandise for sale subject to conditions. c/o City of Twin Falls. (app 2537)

**Time Estimate:**

The City is the applicant. It is estimated that staff's presentation will be ten (10) minutes.

**Approval Process:**

All procedures will follow the process as described in TF City Code 10-14-5, 10-14-7.

Zoning Title Amendments, which consist of text or map revisions, require a public hearing before the Planning Commission where interested persons will have an opportunity to be heard. Following the public hearing, the Commission may forward the proposed amendment with their recommendation to the City Council. If the Commission makes a material change from what was presented during the public hearing; an additional hearing will be scheduled prior to the Commission forwarding its recommendation to the Council.

After the Council receives the recommendation from the Commission, a public hearing shall be scheduled for interested parties who wish to be heard. Following the public hearing, the Council may grant, grant with changes, or deny the Zoning Title Amendment. In any event the Council shall specify the regulations and standards used in evaluating the Zoning Amendment, and the reasons for approval or denial.

In the event the Council shall approve an amendment, such amendment shall thereafter be made part of this Title upon the preparation and passage of the ordinance

**Budget Impact:**

Approval of this request will have negligible impact on the City budget.

**Regulatory Impact:**

Approval of this request will allow an ordinance to be adopted thereby amending Title 10.

**History:**

The City Council approved Ordinance 2012 on July 6, 1981 which replaced the previous Title 10 of the Twin Falls City Code in its entirety.

Community Development staff are in the process of addressing some code changes requested by the City Council for the Commission to consider. This amendment was requested in order to address local business' wishes to have promotional sales events within their parking lots from time to time without violating City Code.

**Analysis:**

This is a request to amend Twin Falls City Code Title 10; Chapter 7; Section 14; Outside Storage and Display. The modification will not remove any portions of the code currently in place. What is being proposed is a provision to allow for a "temporary parking lot sales permit". This amendment, as proposed, will be a temporary permit for the display of merchandise for sale on the parking lot area adjacent to the business.

Various provisions have been drafted into the proposed amendment regarding length of each promotional sale; length between each promotional sale, number of sales per calendar year and quarter based on lots or parcels, shared or individually owned, as well as specifications on areas where merchandise cannot be displayed.

Permits will be submitted to the Planning Department not less than two (2) weeks in advance of the proposed event and may be permitted subject to Administrative review based upon compliance with City Code Standards.

This is the first step of the Zoning Title Amendment process. A request for a Zoning Title Amendment is initially made to the Commission. The Planning and Zoning Commission holds a public hearing to evaluate the request and to determine the extent and nature of the amendment. Upon conclusion of the public hearing the Commission makes a recommendation to the City Council on whether or not to approve the request as presented, deny the request or approve the request with conditions and/or modifications. If the Commission recommends approval they shall assure the request is in compliance with the Comprehensive Plan.

The City Council shall then hold an additional public hearing where they may approve the request as recommended by the Commission, deny the request, or remand back to the Commission for further proceedings. If approved, an ordinance is prepared and at a public meeting is adopted by the City Council. Once the ordinance is published the City Code is officially amended.

***On November 27, 2012 the Commission unanimously recommended approval of the amendment as presented.***

**Attachments:**

1. Portion of November 27, 2012 P&Z minutes
2. Ordinance

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE §10-7-14 BY PERMITTING PARKING LOT SALES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, THAT TWIN FALLS CITY CODE §10-7-14 IS AMENDED AS FOLLOWS:

“10-7-14: Outside Storage and Display

No outside storage or display of merchandise is allowed beyond the front sidewalk adjacent to the primary business building or outside of screened areas except in the M2 zoning district and except for the display of vehicles, motor homes, travel trailers, recreational vehicles, pickup shells and large implements where offered for sale or rent and except for the seasonal display of living plants and materials such as Christmas trees, pumpkins, bedding plants, etc. All refuse areas shall also be visibly screened from adjacent streets and properties.

(A) Notwithstanding the above outside display restriction, a retail business may apply for a “parking lot sale” permit for the temporary outside display of retail merchandise. Parking lot sale permits are subject to the following conditions:

1. Up to eight (8) temporary parking lot sale permits shall be allowed on a lot or parcel in a calendar year, with not more than two (2) per quarter.
2. A parking lot sale permit shall be issued for not more than five (5) consecutive days. Parking lot sale permits issued in different calendar year quarters shall have a minimum of seven (7) days between permits.
3. Retail merchandise may only be temporarily displayed on private real property and only on the same lot, parcel or shared parking as the primary business building to which the parking lot sale permit has been issued.
4. Retail merchandise shall not be temporarily displayed within required landscape areas or in any other area that creates a site obstruction or other traffic obstruction or hazard.
5. Retail businesses that share a lot, parcel or parking with other businesses may apply for a parking lot sale permit if a parking lot sale site plan has been prepared by the applicant and the site plan has been approved by an authorized representative of each business sharing the same lot, parcel, or parking. Approval signatures shall be provided to the Planning Department with the permit application along with name and contact information for the authorized representatives who provided the approval.

(B) Parking lot sale permit applications shall be submitted to the Planning Department not less than two (2) weeks prior to the planned parking lot sale. The Administrator may approve parking lot sale permit requests that comply with the standards contained herein.”

PASSED BY THE CITY COUNCIL,

2012.

SIGNED BY THE MAYOR

, 2012.

---

MAYOR

ATTEST:

---

DEPUTY CITY CLERK



**MINUTES**  
Twin Falls City Planning & Zoning  
Commission  
**November 27, 2012-6:00 PM**  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, ID 83301

---

**PLANNING & ZONING COMMISSION MEMBERS**

**CITY LIMITS:**

Wayne Bohrn Jason Derricott Tom Frank Kevin Grey Terry Ihler V. Lane Jacobson Chuck Sharp  
**Chairman Vice-Chairman**

**AREA OF IMPACT:**

Lee DeVore Steve Woods

**CITY COUNCIL LIAISON**

Rebecca Mills Sojka Suzanne Hawkins

---

**ATTENDANCE**

**PLANNING & ZONING MEMBERS**

**PRESENT:**

Bohrn  
Derricott  
Frank  
Grey  
Ihler  
Jacobson  
Sharp

**ABSENT:**

**AREA OF IMPACT MEMBERS**

**PRESENT:**

DeVore  
Woods

**ABSENT:**

**CITY COUNCIL MEMBERS PRESENT:** Hawkins, Mills-Sojka

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

---

**AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING**

**III. ITEMS OF CONSIDERATION: NONE**

**IV. PUBLIC HEARING ITEMS**

1. Request for a Special Use Permit to operate a private university in conjunction with a professional office on property located at 840 Meadows Drive, Suite 2 c/o Wilamac, Inc (app. 2534)
2. Request for a Special Use Permit to establish a beauty salon on property located at 686 Addison Avenue c/o Estelle Romero dba-A Step Above (app. 2535)
3. Request for a Special Use Permit to establish an apparel print screening & embroidery business on property located at 464 Main Avenue North c/o Terry Hawkins dba BILT Sublimation and Embroidery (app. 2536)
4. Request for a Zoning Title Amendment to amend Twin Falls City Code 10-7-14 by permitting parking lot sales c/o City of Twin Falls (app. 2537)

**I. CALL MEETING TO ORDER:**

Chairman Bohrn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

**II. CONSENT CALENDAR:**

1. Approval of Minutes from the following meeting(s): **November 14, 2012**
2. Approval of Findings of Fact and Conclusions of Law:
  - LeBaron (SUP 11-14-12)
  - Middlekauff (SUP 11-14-12)

**MOTION:**

Commissioner DeVore made a motion to approve the consent calendar as presented. Commissioner Woods seconded the motion.

**UNANIMOUSLY APPROVED**

**III. ITEMS OF CONSIDERATION: NONE**

**IV. PUBLIC HEARING ITEMS**

1. Request for a Special Use Permit to operate a private university in conjunction with a professional office on property located at 840 Meadows Drive, Suite 2 c/o Wilamac, Inc (app. 2534)

**APPLICANT PRESENTATION:**

Kent Taylor, Attorney, representing the applicant stated the applicant purchased the property a few years ago and this space was used by Discovery Corporation and Phone Based Research and they conducted a call center at this location. The phone base operation discontinued and the space has been empty for some time. The applicant has since had the opportunity to offer the space to Northwest Nazarene University this type of use for the space requires a Special Use Permit. The University will provide master level courses to approximately 25-30 students, primarily in the evenings. This will be compatible with the surrounding properties and they request the permit be approved.

**STAFF PRESENTATION:**

Planner I Spendlove reviewed the exhibits on the overhead and stated this is a request for a Special Use Permit to operate a private university in conjunction with a professional office. The property was rezoned from R-4 to R-4 PRO PUD in 1997, The College View Park PUD was approved in 1998 and College View Park Subdivision was also recorded in 1998. The call center was approve through Special Use Permit #916 and was constructed in 2006. The applicant wants to change the use of this space into a University which requires a Special Use Permit.

The narrative indicates the University will operate Monday through Friday from 5pm-10pm. They will have 5 employees with approximately 25-30 students. There is

adequate parking, and it would be a compatible use and staff does not see foresee any issues with approving this request.

Planner I Spendlove stated upon conclusion should the Commission grant this request, as presented staff recommends the following conditions:

1. Subject to site plan amendments as required Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to obtaining a Certificate of Occupancy for the change of use to a private university facility.

**PUBLIC HEARING: OPENED & CLOSED**

**DELIBERATIONS FOLLOWED: WITHOUT CONCERNS**

**MOTION:**

Commissioner Frank made a motion to approve the request, as presented. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

**APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS**

1. Subject to site plan amendments as required Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
  2. Subject to obtaining a Certificate of Occupancy for the change of use to a private university facility.
2. Request for a Special Use Permit to establish a beauty salon on property located at 686 Addison Avenue c/o Estelle Romero dba-A Step Above (app. 2535)

**APPLICANT PRESENTATION:**

Leroy Romero stated they are requesting a special use permit to operate a salon at 686 Addison Avenue. The hours of operation 10-6 Tuesday-Saturday. They will be making sure the building requirements are met. They are aware that if they decide to hire any additional employees they will need to pave an area for and additional parking space. The applicant has 25 years of experience and would like to relocate to this building and continue her business in Twin Falls. He asked that the Commission approve the request.

**STAFF PRESENTATION:**

Planner I Spendlove reviewed the exhibits on the overhead and stated this is a request to establish a beauty salon. In March 2011 Special Use Permit #1222 was approved for a professional office at this location. The applicants thought that they could open the beauty salon as soon as they signed the lease, however in the professional office overlay a special use permit to operate a beauty salon is required. The landscaping is on an arterial gateway however the property is not zoned commercial therefore the arterial landscaping of 30' is not required. The change from office space to beauty salon

allows for fewer parking spaces therefore there are not any additional parking requirements. There is a deferral that is still in place associated with this property. The deferral requires curb, gutter and sidewalk construction shall be required at the property owners expense and may be called upon to be completed at any point and time by the City Engineer. This request for a beauty salon would require 3 parking spaces per chair with 1 ADA accessible parking space, this requirement has been met onsite, however as a professional office through the previous Special Use Permit additional parking agreements were negotiated with the property owners to the south. Staff has reviewed the requirements for this use and does not foresee any issues with approving the request.

Planner I Spendlove stated upon conclusion should the Commission grant approval of this request, as presented, staff recommends the following conditions:

1. Subject to site plan amendments as required by Building , Engineering, Fire & Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the original open deferral agreements for curb, gutter and sidewalk remaining in place with the original stipulations (Contract #4342)

**PUBLIC HEARING: OPENED & CLOSED**

**DELIBERATIONS FOLLOWED: WITHOUT CONCERNS**

**MOTION:**

Commissioner Frank made a motion to approve the request, as presented, with staff recommendations. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

**APPROVED, AS PRESENTED, WITH THE FOLLOWING CONDITIONS**

1. Subject to site plan amendments as required by Building , Engineering, Fire & Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the original open deferral agreements for curb, gutter and sidewalk remaining in place with the original stipulations (Contract #4342)
3. Request for a Special Use Permit to establish an apparel print screening & embroidery business on property located at 464 Main Avenue North c/o Terry Hawkins dba BILT Sublimation and Embroidery (app. 2536)

**APPLICANT PRESENTATION:**

Daniel Brown, Attorney, representing the applicant stated this company provides embroidery, sublimation and screening for apparel. The applicant would like to expand his business and be able to operate at this location. This business is a type of manufacturing, they will be ordering apparel and adding logos, advertising and embroidery to the items. The front portion of the building will have a reception area for

sales and ordering. The back portion of the building will be where the machinery will be that is necessary to do the embroidery, sublimation and screening. The business would operate Monday-Friday 8:30am-6:00pm and would not involve the weekend. There should not be any negative impacts to the adjacent properties and asked that the Commission approve the request.

**STAFF PRESENTATION:**

Planner I Spendlove reviewed the exhibits on the overhead and stated this is a request for a Special Use Permit to operate an apparel print screening & embroidery business. The building was previously used as an auto parts store in the 70's in 1995 a Special Use Permit was issued to allow for the consumption of alcohol on site and an indoor recreation facility. In 1999 Asian King Palace applied for a sign permit to change the name, and then from 1992-2011 a retail business called Magic Valley Floor Covering occupied the building. The property is in the CB Zone with a P-1 Paring Overlay. All of the records indicate the building has only been used for retail uses. There are a few residences across the alley and an laundry service across the street. The P-1 Parking Overlay does not require off street parking but as part of the Special Use Permit process allowing this light manufacturing in this area does allow the Commission to address parking concerns. There were some conditions on the original Special Use Permit #420 and they were as follows: 1)Eliminate the two approaches closest to the intersection of Main Avenue & Dierkes Street North. 2) Provide a dimensionally adequate parking plan that conforms to City Code. 3) Provide landscaping equal to 5% of the total parking area. 4) Provide maximum storm water retention in the landscaping. We do believe this is pertinent, and are aware there is a parking overlay for this property, however it is not clear how much traffic the business with generate. The know there are going to have deliveries and some retail available. Staff feels issues with parking can be addressed through the Special Use Permit process. The second concern is the approaches City Code 10-11-4 E(3)a states there shall be at least 32' between driveways entering a single property, ownership and at least 18' of straight curb between the end of a driveway and the end of a corner radius at least 2' between the end of a driveway and a side property. Upon review by the Engineering Staff it is recommended that the Commission place a condition on the Special Use Permit that the two closest approaches to the intersection of Main Avenue North and Dierkes Street North be blocked to eliminate the use of these approaches. Also the commercial uses shall provide landscaping equal to the 5% of the total required parking area.

Upon conclusion staff feels this use would be compatible with the area, and should the Commission grant this request, as presented, staff recommends the following conditions.

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to an approved dimensionally adequate parking plan that conforms to City Code 10-10-3 indicating a minimum of 4 regular and 1 handicap parking stalls, as presented.

3. Subject to the two closest approaches to the intersection of Main Avenue North and Dierkes Street North being blocked to eliminate use.
4. Subject to an approved alternative landscape plan.
5. Subject to a Certificate of Occupancy being issued prior to any use within the building.

**Questions:**

- Commissioner Frank asked what sublimation was and if there were any types of hazardous chemicals involved.
- Mr. Brown explained is a type of printing done on cloth without having to embroider and there will not be any hazardous chemicals involved to operate this business.

**PUBLIC HEARING: OPENED & CLOSED**

**CLOSING STATEMENTS:**

- Mr. Brown asked if parking blocks could be used to block off the approaches.
- Assistant City Engineer stated staff would work with them on a solution to the issue.

**DELIBERATIONS FOLLOWED:**

- Commissioner Frank stated he has no issues with this the use seems like a good use for the property.
- Commissioner Grey stated to address blocking the approaches and the landscaping requirements, the applicant could use planters to block the approach and provide landscaping at the same time.

**MOTION:**

Commissioner Sharp made a motion to approve the request, as presented, with staff recommendations. Commissioner Grey seconded the motion. All members present voted in favor of the motion.

**APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS**

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to an approved dimensionally adequate parking plan that conforms to City Code 10-10-3 indicating a minimum of 4 regular and 1 handicap parking stalls, as presented.
3. Subject to the two closest approaches to the intersection of Main Avenue North and Dierkes Street North being blocked to eliminate use as approved by staff.
4. Subject to an approved alternative landscape plan.
5. Subject to a Certificate of Occupancy being issued prior to any use within the building.

4. Request for a Zoning Title Amendment to amend Twin Falls City Code 10-7-14 by permitting parking lot sales c/o City of Twin Falls (app. 2537)

**STAFF PRESENTATION:**

Planner I Spendlove reviewed the exhibits on the overhead and stated this is a request to amend Twin Falls City Code 10-7-14 by permitting parking lot sales. This request will allow promotional sales from time to time without violating City Code. This would amend the code to provide provisions for how long, how many times they can have the types of sales and length of time between each sale. The goal was to allow for the sales but to limit the number of sales so that it doesn't reflect poorly on the community.

**PUBLIC HEARING: OPENED**

- Yip Tse, a local business owner, stated he is in support of this change.

**PUBLIC HEARING: CLOSED**

**DELIBERATIONS FOLLOWED:**

- Commissioner Woods asked if this would regulate sales that seem to occur like yard sales.
- Zoning & Development Manager Carraway stated this would allow a legally operating business in a correctly zoned area to have sales in their parking lots under certain conditions.

**MOTION:**

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

**RECOMMENDED APPROVAL, TO CITY COUNCIL, AS PRESENTED**  
**SCHEDULED TO BE HEARD JANUARY 7, 2013**

**V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:**

Zoning & Development Manager Carraway stated the recommendation for the rezoning from R-1 VAR to SUI for property located at 3236 Addison Avenue East was also recommended for approval by the City Council to the Twin Falls Board of County Commissioners. This request will be heard by the County on January 8, 2013.

The 2013 Planning & Zoning Commission meeting schedule has been established, and will be sent to the Commission. If there are any concerns, related to the scheduled please notify staff.

**VI. UPCOMING MEETINGS:**

- Work Session – Wednesday, **December 5, 2012** 12:00 pm – 1:00 pm
- Public Hearing – Tuesday, **December 11, 2012** 6:00 pm **-CANCELED**
- Work Session – Wednesday, **January 2, 2012** 12:00 pm – 1:00 pm

**VII. ADJOURN MEETING:**

Chairman Bohrn adjourned the meeting at 6:44 pm

*Lisa A. Strickland*

Lisa A Strickland  
Administrative Assistant  
Community Development Department