Public Hearing: **TUESDAY, APRIL 9, 2013**

To: Planning & Zoning Commission

From: Rene'e V. Carraway, Community Development Department

AGENDA ITEM IV-3

Request: **Request for the Commission's recommendation for the Vacation of Tract E, 25' x 109' (2725 sq. ft.), located between 555 Falling Leaf Lane and 583 Falling Leaf Lane within Canyon Trails Subdivision No. 9. c/o Gary N Nelson on behalf of Canyon Properties, LLC (app. 2559)**

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. Staff's presentation may be up to ten (10) minutes.

Background:

Applicant:	**Status:** Owner	**Size:** 25' x 109' - 2716 sq ft Tract E
Canyon Properties, LLC c/o Gary Nelson P.O. Box 6004 Twin Falls, ID 83303 208-736-8400 nelsonandco@cableone.net	**Current Zoning:** Utility and access easement within a C-1 PUD	**Requested Zoning:** vacation of undeveloped utility and access easement
	Comprehensive Plan: Medium Density adjacent to commercial/retail	**Lot Count:**
	Existing Land Use: Undeveloped property within the Canyon Trails Subdivision #9	**Proposed Land Use:** Incorporate into adjacent lot to west
Representative:	**Zoning Designations & Surrounding Land Use(s)**	
EHM Engineers, Inc c/o Tim Vawser 621 North College Rd, St 100 Twin Falls, ID 83301 208-734-4888 tvawser@ehminc.com	**North:** C-1 PUD, Falling Leaf Ln extended, undeveloped residential subdivision	**East:** C-1 PUD; residential, undeveloped
	South: C-1 PUD; commercial/retail, undeveloped	**West:** C-1 PUD; residential , undeveloped
	Applicable Regulations: 10-1-4, 10-1-5, 10-12-1 through 4, 10-16-1 & 2	

Approval Process:

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

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

The Council will conduct a public hearing and approve, modify or deny the vacation. Whenever public rights of way or lands are vacated, the Council shall provide adjacent property owners with a Deed for the vacated rights or way.

Budget Impact:

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

Regulatory Impact:

Approval of this request will allow the applicant to proceed to the City Council with their request. Approval of this request will allow Canyon Properties, LLC to vacate the 2716 sq ft Tract E between 555 and 583 Falling Leaf Lane.

History:

On May 17, 1999, this property was in the City's Area of Impact and rezoned C-1 PUD. On March 17, 2003 Canyon Properties PUD was approved and on February 22, 2005, the property was annexed into the City Limits.

The 160 acre PUD was platted in phases starting in January 2000 with Canyon Trails Subdivision No 1 and ending with City Council approval of Canyon Trails Subdivision No. 10 on November 13, 2007.

Analysis:

This is a request to vacate a tract located in Canyon Trails #9 Subdivision. The tract was originally intended to line up with an easement to the south in Canyon Trails #5. This combination of tract and easement was created to allow non-vehicular access from the residentially platted areas in the north to the commercial areas in the south. This access area designation was required as part of the approved Canyon Properties PUD (#229).

The applicant has stated that a lot line will be adjusted, and a new easement and tract will be recorded to the west of the originals. These actions will accomplish this non-motorized access requirement in much the same manner as the original design.

The Canyon Properties development has proceeded without incident on the part of the developer or their agents. The phasing of development has been in-line with the submitted documents, and the city has no outstanding issues with this development.

We have received all the required letters from the applicable utility companies stating their approval of the vacation of the tract.

The vacation process requires a public hearing before the Planning and Zoning Commission. After receiving a recommendation from the Commission, the City Council holds an additional public hearing and if the request is approved an ordinance is adopted and published.

CONCLUSION:

Should the Commission recommend approval of the request to the City Council, 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 a new tract being recorded as presented, to be utilized as outlined in the Canyon Properties PUD #229.
3) Subject to a new easement being recorded as presented, to be utilized as outlined in the Canyon Properties PUD #229.

Attachments:

1. Vacation request
2. Owner Acknowledgement
3. Vacation Exhibit
4. Zoning Vicinity Map
5. Aerial Map
6. Excerpts from Canyon Properties PUD #229 (2)
7. Utility Letters (5)
8. Site Photo (1)

Canyon Properties, PUD
Easement Vacation Statement

B.1. Tract E, Block 14, Canyon Trails Subdivision No. 9.
B.4. Property to be vacated was placed to accommodate utilities and access for the commercial property to the south. The buyer of the property to the south is requesting to buy an additional 100 feet of Lot 14 to incorporate into Lot 1 of Canyon Trails Subdivision No. 5 and the easement will be replaced accordingly on the shifted property line. The owner would request that the vacated land be included in its entirety to Lot 24, Block 14 of Canyon Trails Subdivision No. 9 upon approval.

C.4a. The reason for the vacation request is to relocate the corridor appropriately through grant of easement to a location that will match the easement in the adjacent subdivision to the south. The shifting of the property line to the south makes this vacation and change of location necessary.

4b. This request will not have any effects on adjoining properties. The easement will be replaced in a new location and utilities and other amenities planned for the development will be placed accordingly as needed in the new location.

5a. The applicant is the owner of all lots/parcels involved. Authorization from owner is attached.

February 7, 2013

Rene'e V. Carraway
Zoning & Development Director
City of Twin Falls
324 Hansen Street East
P.O. Box 1907
Twin Falls, Idaho 83303

Dear Rene'e,

As owner of Tract E, Block 14, Canyon Trails Subdivision No. 9, I hereby request and agree to the vacation of the Tract with the land being transferred to Lot 24.

Sincerely,

Gary N. Nelson, Managing Member
Canyon Properties, LLC

February 25, 2013

Rene'e V. Carraway
Zoning & Development Director
City of Twin Falls
324 Hansen Street East
P.O. Box 1907
Twin Falls, Idaho 83303

Dear Rene'e,

As Trustee of Tract E, Block 14, Canyon Trails Subdivision No. 9, I hereby request and agree to the vacation of the Tract with the land being transferred to Lot 24.

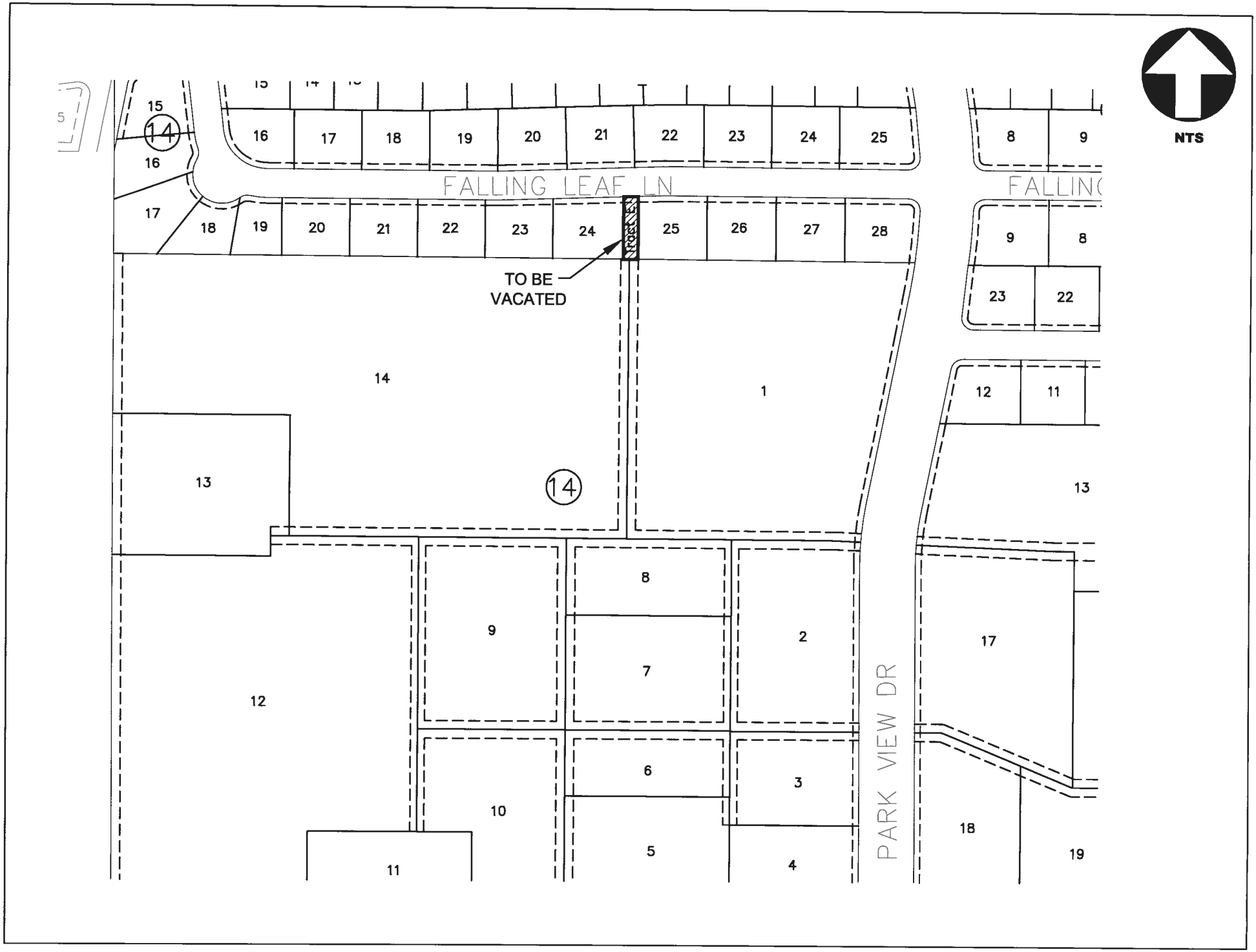
Sincerely,

TRUSTEE:
TITLEFACT, INC.

BY: _____
Richard B. Stivers, President

Vacation Description
For
Canyon Properties, PUD

Tract E, Block 14, Canyon Trails Subdivision No. 9, according to the official plat thereof recorded in the office of the Twin Falls County Recorder in book 23 of plats on page 29, Instrument No. 2009-018948.


NTS
FALLING LEAF LN
PARK VIEW DR
TO BE VACATED
14
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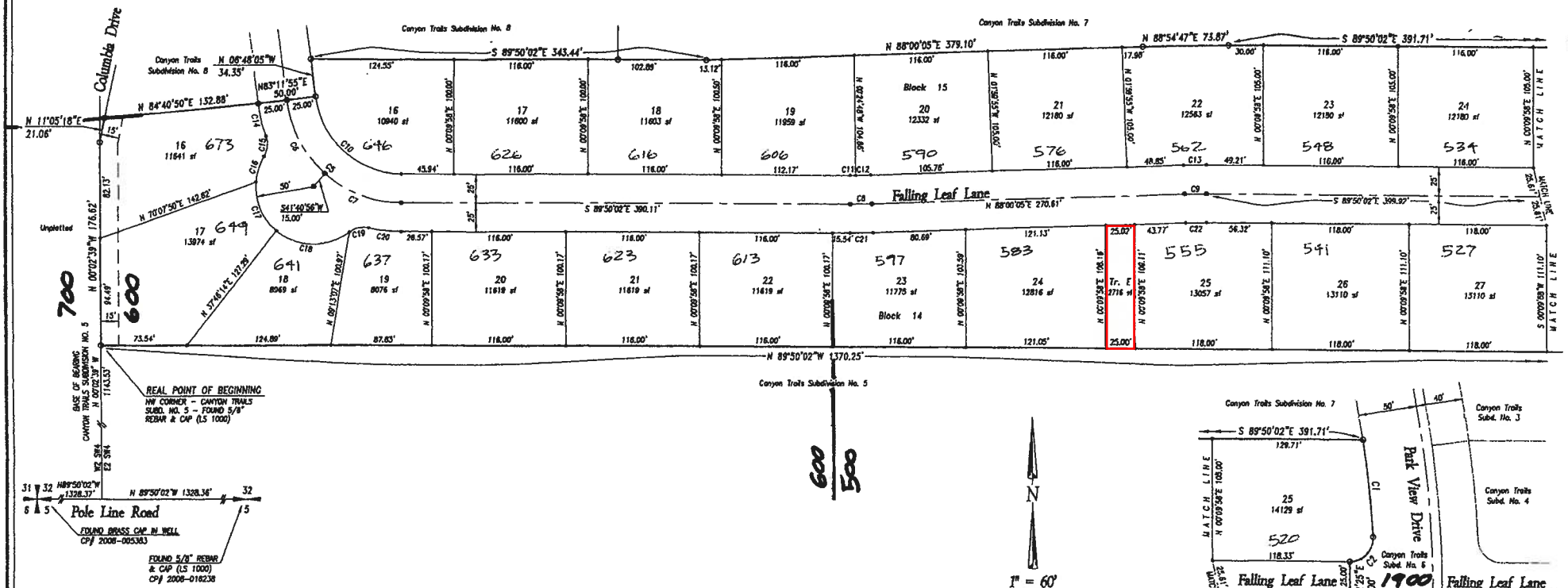
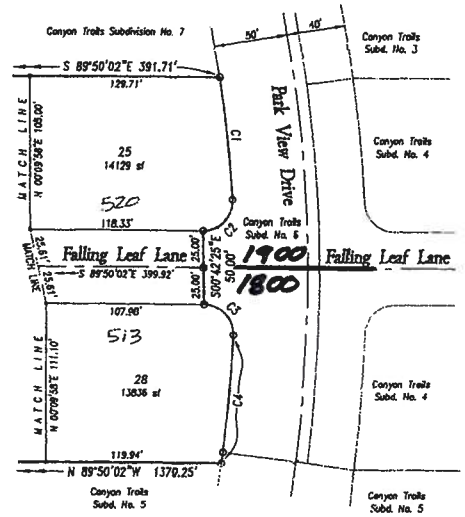




Notes:

A 15 FT. WIDE UTILITY EASEMENT EXISTS ADJACENT TO ALL FRONT LOT LINES ADJACENT TO STREET FRONTAGES.

TRACT E SHALL BE DEEDED THE OWNERS OF LOTS 1 AND 14, BLOCK 14, CANYON TRAILS SUBDIVISION NO. 5 AND BE RESERVED AND MAINTAINED FOR UTILITIES AND NON-VEHICULAR ACCESS PURPOSES ONLY.

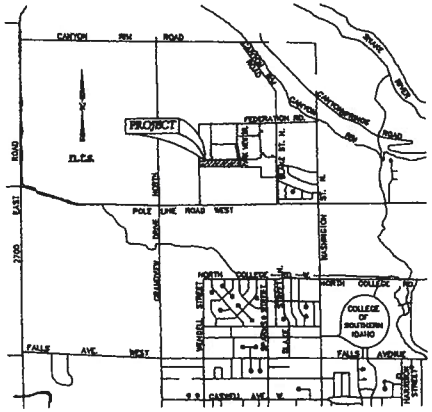
Legend:

SUBDIVISION BOUNDARY	
LOT LINE	
STREET CENTERLINE	
TO BE SET 5/8" x 24" REBAR & CAP (LS1000)	●
TO BE SET 1/2" x 24" REBAR & CAP (LS1000)	•
FOUND 5/8" REBAR & CAP (LS 1000)	○
FOUND 1/2" REBAR & CAP (LS 1000)	∘

Monument Certification

THE INTERIOR MONUMENTS ON THIS PLAT SHOWN AS "TO BE SET", WILL BE SET IN ACCORDANCE WITH SECTION 50-1333, IDAHO CODE ON OR BEFORE ONE YEAR FROM THE RECORDING DATE OF THIS PLAT OR AS DETERMINED BY THE CITY OF TWIN FALLS.

Vicinity Sketch:



CANYON TRAILS SUBDIVISION NUMBER 9

A Planned Unit Development
Located In
A Portion Of
E2 SW4 & W2 SE4, Section 32
Township 9 South, Range 17 East
Boise Meridian
Twin Falls County, Idaho
2009

TWIN FALLS COUNTY
RECORDED FOR:
EHM ENGINEERS
9:45:03 am 08-20-2009
2009-018948
NO. PAGES: 3 FEE: $31.00
KRISTINA GLASGOW
COUNTY CLERK
DEPUTY: [illegible]

Curve Data

CRV.	DELTA	CHORD BRG.	RADIUS	LENGTH	TANG.	CHORD
C1	5°07'43"	S 05°40'51" E	942.00'	84.32'	42.19'	84.29'
C2	93°16'58"	S 43°31'29" W	20.00'	32.56'	21.18'	29.08'
C3	92°18'45"	S 43°40'39" E	20.00'	32.22'	20.82'	28.85'
C4	5°30'57"	S 05°14'12" W	942.00'	90.68'	45.38'	90.65'
C5	83°01'57"	S 48°19'04" E	100.00'	144.92'	88.52'	132.57'
C6	41°30'58"	S 27°33'34" E	100.00'	72.46'	37.90'	70.88'
C7	41°30'58"	S 69°04'33" E	100.00'	72.46'	37.90'	70.88'
C8	2°09'53"	N 89°05'01" E	500.00'	18.89'	9.45'	18.89'
C9	2°09'53"	N 89°05'01" E	500.00'	18.89'	9.45'	18.89'
C10	83°01'57"	S 48°19'04" E	75.00'	108.69'	66.39'	99.42'
C11	0°34'46"	N 89°52'35" E	475.00'	4.80'	2.40'	4.80'
C12	1°35'07"	N 88°47'38" E	475.00'	13.14'	6.57'	13.14'
C13	2°09'53"	S 89°05'01" W	525.00'	19.84'	9.92'	19.83'
C14	13°09'57"	S 13°23'04" E	125.00'	28.72'	14.43'	28.66'
C15	51°16'21"	N 05°40'09" E	20.00'	17.90'	9.60'	17.31'
C16	26°12'24"	S 18°12'07" W	50.00'	22.87'	11.64'	22.67'
C17	54°46'27"	S 22°17'18" E	50.00'	47.80'	25.90'	46.00'
C18	78°15'55"	S 86°48'29" E	50.00'	68.30'	40.68'	63.11'
C19	51°16'21"	S 77°41'44" W	20.00'	17.90'	9.60'	17.31'
C20	13°09'57"	S 83°15'04" E	125.00'	28.72'	14.43'	28.66'
C21	2°09'53"	N 89°05'01" E	525.00'	19.84'	9.92'	19.83'
C22	2°09'53"	S 89°05'01" W	475.00'	17.95'	8.97'	17.95'

REGISTERED LAND SURVEYOR 1000 STATE OF IDAHO 8-6-09 ROGER A. KRUGER

Health Certificate

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on the DEQ approval of the design plans and specifications and the conditions imposed on the developer for continued satisfaction of the sanitary restrictions. Buyer is cautioned that at the time of this approval, no drinking water or sewer/septic facilities were constructed. Building construction can be allowed with appropriate building permits if drinking water or sewer facilities have since been constructed or if the developer is simultaneously constructing those facilities. If the developer fails to construct facilities or meet the other conditions of DEQ, then sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval, and no construction of any building or shelter requiring drinking water or sewer/septic facilities shall be allowed.

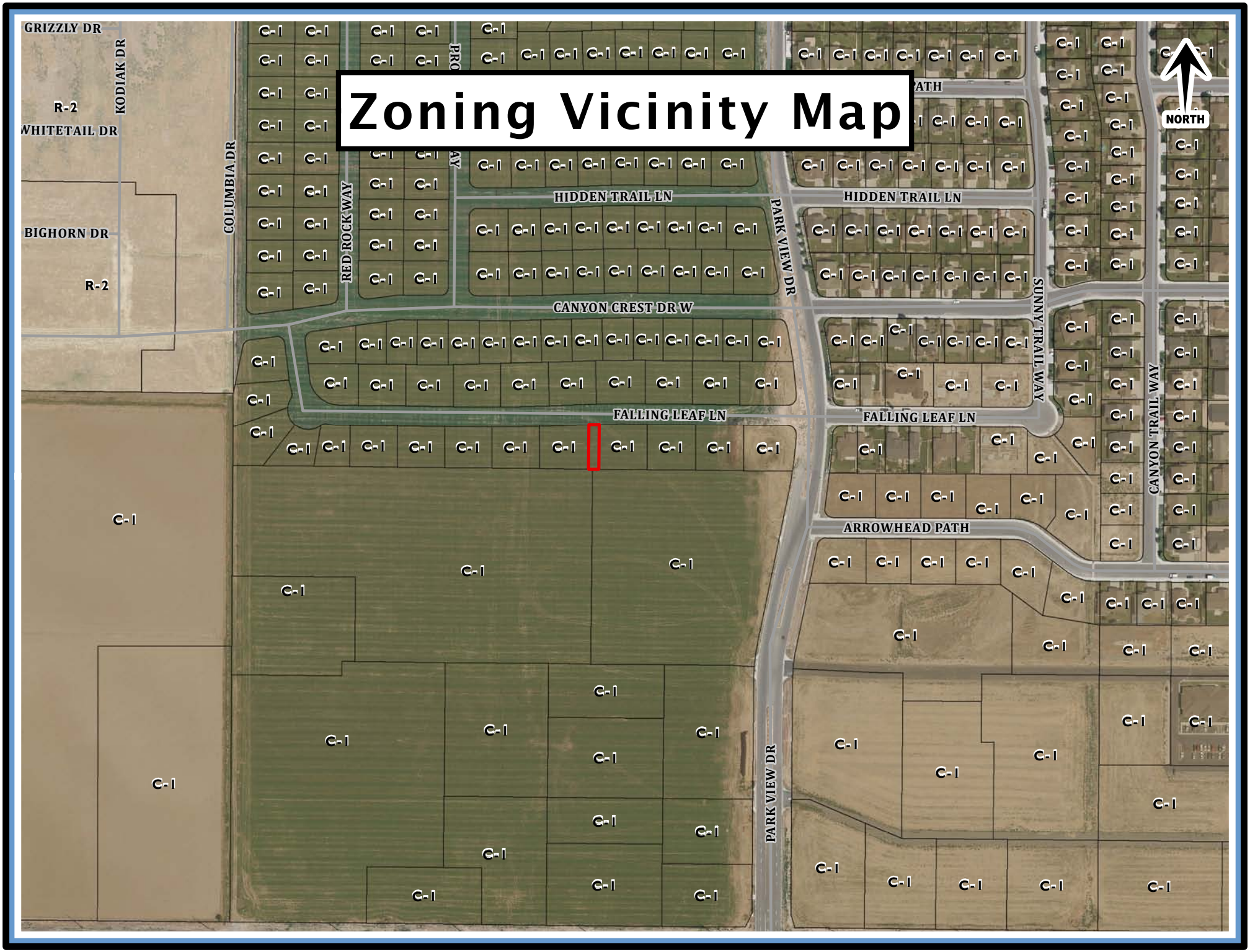
June 4, 2009
Date:

RDHS, South Central Public Health District

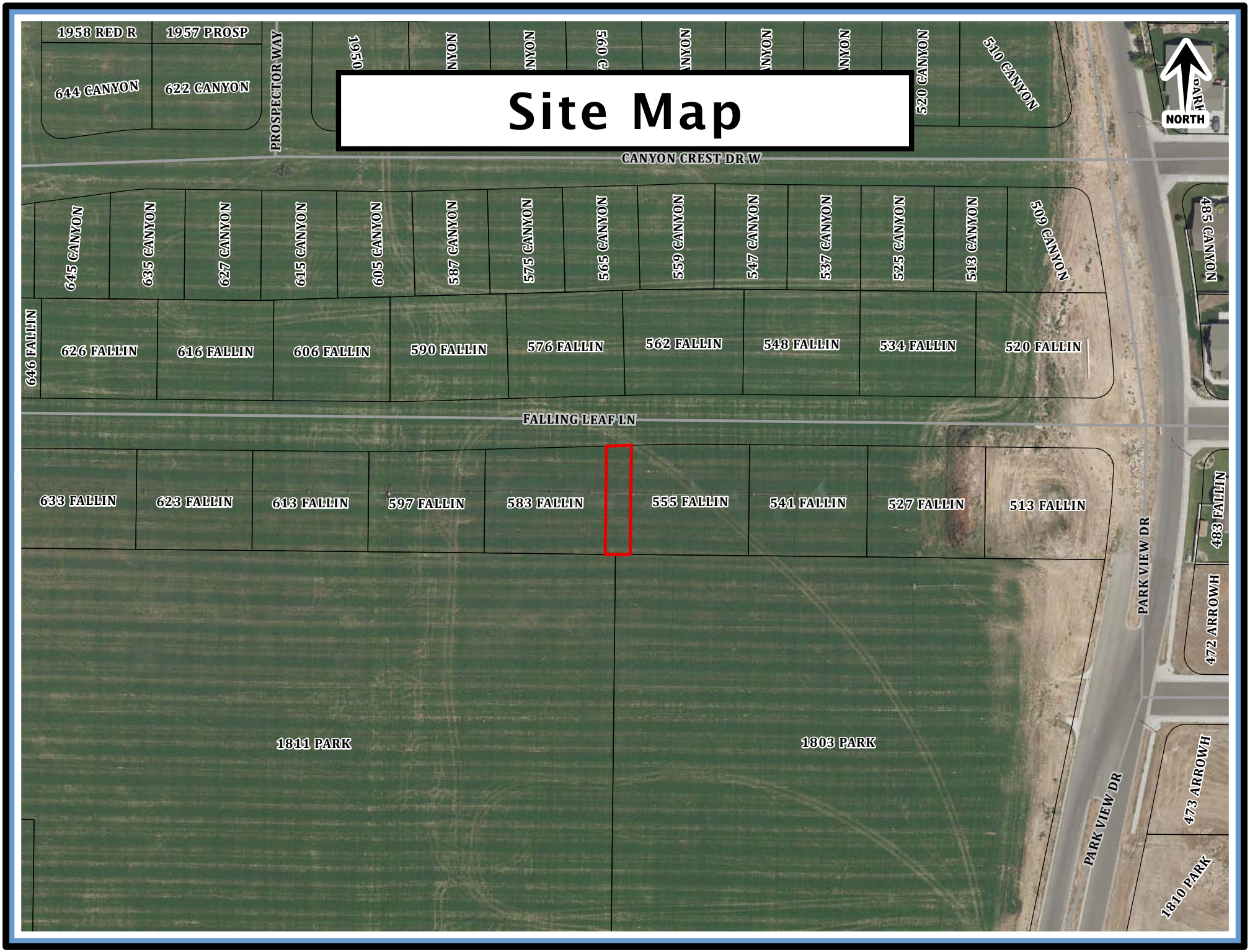
EHM Engineers, Inc.
ENGINEERS/SURVEYORS/PLANNERS

591-05FP9 / Sheet 1 of 3

Zoning Vicinity Map



Site Map


1958 RED R
1957 PROSP
644 CANYON
622 CANYON
PROSPECTOR WAY
1950
560 G
520 CANYON
510 CANYON
NORTH
CANYON CREST DR W
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635 CANYON
627 CANYON
615 CANYON
605 CANYON
587 CANYON
575 CANYON
565 CANYON
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537 CANYON
525 CANYON
513 CANYON
509 CANYON
485 CANYON
646 FALLIN
626 FALLIN
616 FALLIN
606 FALLIN
590 FALLIN
576 FALLIN
562 FALLIN
548 FALLIN
534 FALLIN
520 FALLIN
FALLING LEAF LN
633 FALLIN
623 FALLIN
613 FALLIN
597 FALLIN
583 FALLIN
555 FALLIN
541 FALLIN
527 FALLIN
513 FALLIN
483 FALLIN
PARK VIEW DR
472 ARROWH
1811 PARK
1803 PARK
473 ARROWH
1810 PARK

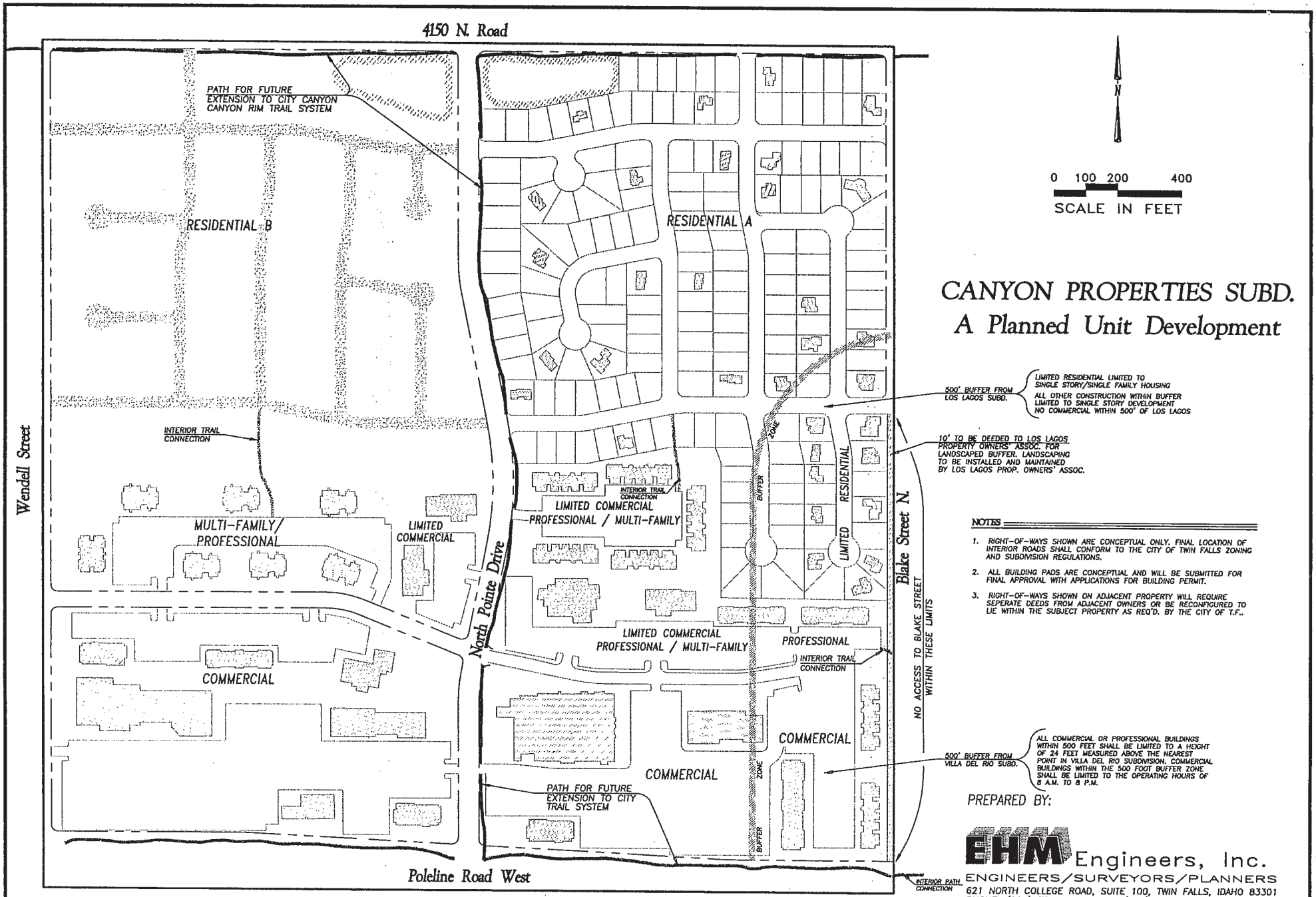
C. Landscaping Plan. For each buffer area, at the time set forth in paragraph 5(B), each parcel shall be landscaped to include the following: Fifty percent (50%) of the lineal footage of landscaping shall have berms with a ridge elevation of at least eighteen inches (18") in height with at least fifty percent (50%) of the berming having a minimum ridge elevation of thirty inches (30") in height (except in front of car dealerships the thirty inch (30") requirement may be lowered to twenty four inches (24")). The landscape perimeter shall contain a minimum of one (1) tree per five hundred (500) square feet of landscaped area and a minimum of one (1) shrub per one hundred (100) square feet of landscaped area. At least fifty percent (50%) of the shrubs and trees shall be evergreen. At least fifty percent (50%) of all trees and shrubs shall be from the groups last approved by the Tree Commission. Trees and shrubs may be grouped, but there shall be no space greater than seventy five (75) feet between tree and shrub groupings. All trees shall have a height of at least four (4) feet when planted.

To help mitigate the negative impact of parking areas in addition to the perimeter landscaping seven percent (7%) of the parking area shall be required to be landscaped within the commercial and professional areas of the development. The use of planters and landscaped islands within parking lots is required to reduce visual impact of large paved areas and these shall be planted with shade trees and shrubbery. Landscaping shall be required where commercial and professional uses are adjacent to residential uses. A ten (10) foot buffer is required to provide sound and visual buffering. The buffer area is to be landscaped with coniferous and deciduous trees and/or solid fencing with shrubs, berms, wall and/or planter boxes to create a dense buffer in a relatively short period of time. In all cases landscaping will meet or exceed the minimum landscaping requirements of the City of Twin Falls Zoning and Subdivision Regulations.

Landscaping adjacent to Pole Line Road shall comply with Gateway Arterial Landscaping standards.

D. Trails/Walkways. In addition to the connection to existing City of Twin Falls Trail System, Developer agrees to construct two (2) interior trails connecting the commercial and residential portions of Developer's Property. The proposed trails are illustrated on Exhibit "B". The interior trails shall be constructed and maintained by the developer or his successors or assigns. Signage and steel barrier posts shall restrict usage to pedestrians and non-motorized vehicles only. The connection from Blake Street to an interior trail shall be for pedestrians only.

Unobstructed and defined walkways, consisting of pavers, bricks, colored and/or scored concrete, colored stamped asphalt, or other similar materials shall be used for all crossings of North Pointe Drive and connecting all commercial buildings larger than 50,000 square feet to adjacent street sidewalks.



CANYON PROPERTIES SUBD.
A Planned Unit Development

Exhibit 'B'

PUD 226

IDAHO POWER®
An IDACORP Company

February 11, 2013

EHM Engineers, Inc
621 North College Road, Suite 100
Twin Falls, Idaho 83301

Re: The petition to vacate utility easements located in Lot 1, Lot 14, and Tract E, Block 14 of Canyon Trails Subdivision Number 5 & 9, Section 32, Township 9 South, Range 17 East, B.M., Meridian, Twin Falls County, Idaho.

To whom it may concern:

Idaho Power has reviewed the Release of Easement Request for the above-referenced item as provided by Canyon Properties, LLC and submits this letter of comment in response.

Our records indicate that Idaho Power Company does not maintain facilities within the subject right-of-way area and does not require that the existing rights be maintained for the specific area outlined in the vacation request.

Please consider this comment letter a written request for a copy of the recorded resolution of the Board of Commissioners' determination on this matter, and any other instrument that would pertain to a conveyance of the subject property, should the City of Twin Falls approve the requested vacation.

Idaho Power Company thanks you for providing the opportunity to comment on the vacation petition/application.

Thank you,

Rachael Butterworth
Associate Real Estate Specialist
Lands and Right-of-Way Department
Phone: (208) 388-2699
Email: rbutterworth@idahopower.com

1221 W. Idaho St. (83702)
P.O. Box 70
Boise, ID 83707

261 Eastland Drive
P.O. Box 1946
Twin Falls, Idaho 83301
PH:208•733•6230
FX:208•733•6296

Watch us make you smile.

February 12, 2013

RE: Vacation of Public Right of Way and Easements in the Canyon trails Subdivisions Number 5 and 9.

TO:

EHM Engineers, Inc.
Mr. Tim Vawser
621 N. College Road, Ste. 100
Twin Falls, Idaho 83301

Dear Sir,

We agree to abandon the Public Right of Way and Easement Located between lots 1 and 14, Block 14 in the Canyon Trails Subdivision Number 5, Also Tract E in Canyon trails Subdivision Number 9 as indicated on attatchments.

We currently have no facilities in those locations.

Thank you,

Ron Burns
Cable One Construction
261 Eastland Dr.
P.O. Box 1946
Twin Falls, Idaho 83301
208-733-6877 Ext. 7150
208-539-9886

February 15, 2013

EHM Engineers
621 North College Rd Suite 100
Twin Falls, Id 83301

RE: Vacation of Utility Easement & Tract
Canyon Trails Subd. No. 5 and 9
T9S, R17E,Sec.32

To Whom It May Concern:

Qwest Communications agrees that it will vacate its right to use the utility easement centered on Lots 1 and 14, Block 14, Canyon Trails Subdivision No. 5 and Tract E in Canyon Trails Subdivision No. 9.

If you have any questions or concerns, please call Brad McNew at (208)736-8760

Sincerely,

Brad McNew
Design Engineer
CenturyLink

INTERMOUNTAIN GAS COMPANY
A Subsidiary of MDU Resources Group, Inc.

687 Blue Lakes Blvd North •PO Box 68• Twin Falls, ID 83303-0068
Office: (208) 737-6300•Fax: (208) 737-6342•In-State: 1-800-548-8771•www.intgas.com

February 5th, 2013

EHM Engineers, Inc.
621 N College Rd Suite 100
Twin Falls, ID 83301

Attn: Tim Vawser and the City of Twin Falls

Dear Mr. Vawser,

Intermountain Gas Company releases the rights of the vacation of an easement centered on Lots 1 and 14, Block 14, Canyon Trails Subdivision No. 5 and Tract E in Canyon Trails Subdivision No. 9.

Sincerely,

Greg Watkins
District Operations Manager
687 Blue Lakes Blvd N
PO Box 68
Twin Falls, ID 83303-0068
208 737-6313

TWIN FALLS CANAL COMPANY

357 6TH AVE WEST
POST OFFICE BOX 326
TWIN FALLS, IDAHO 83303-0326

February 20, 2013

Tim Vawser
EHM Engineers, Inc.
621 North College Rd., Suite 100
Twin Falls, ID 83301

RE: Canyon Trails Subdivision easement vacation

Tim,

I have reviewed the plans for the Canyon Trails Subdivision. The Twin Falls Canal Company has been asked to comment on a request for the vacation of an easement centered on lots 1 and 14, Block 14, Canyon Trails Subdivision No. 5 and Tract E in Canyon Trails Subdivision No. 9. This Letter is to inform you that the Twin Falls Canal Company has no facilities in the area and therefore has no issues with the proposed vacation of the easement.

If you have any questions, please contact me at 733-6731.

Sincerely,

Jay Barlogi
Twin Falls Canal Company

Phone (208) 733-6731 Fax (208) 733-1958 www.tfcanal.com

Canyon Properties Undeveloped area