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

To: Planning & Zoning Commission

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

AGENDA ITEM IV-4

Request: **Request for the Vacation of platted utility and vehicular access easement, 30' x 478' (14,340 sq. ft), located between Lot 1 and Lot 14, Block 14, of the Canyon Trails Subdivision No. 5. c/o Gary N Nelson on behalf of Canyon Properties, LLC (app. 2560)**

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:** 30' x 478' -14,340 sq ft utility & vehicular access easement
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: Commercial Retail	**Lot Count:**
	Existing Land Use: Undeveloped property within the Canyon Trails Subdivision #5	**Proposed Land Use:** Commercial development
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, Undeveloped	**East:** C-1 PUD; Undeveloped
	South: C-1 PUD; Undeveloped	**West:** C-1 PUD; 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 Quit Claim 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 14,340 sq ft utility and vehicular access easement.

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 utility and vehicular access easement located in Canyon Trails #5 subdivision. The easement was originally intended to line up with a tract to the north in Canyon Trails #9. 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 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 easement.

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. Excerpt from Canyon Properties PUD #229 (2)
7. Canyon Trails Subdivision #5
8. Utility Letters (5)
9. Site Photo (1)

Canyon Properties, PUD
Easement Vacation Statement

B.1. The West 15 feet of the North 463.32 feet of Lot 1, Block 14, Canyon Trails Subdivision No. 5 and the East 15 feet of the North 463.32 feet of Lot 14, Block 14, Canyon Trails Subdivision No. 5.
B.3. 13,900 square feet of utility and vehicular access easement.
B.4. Property to be vacated will have a building placed over the existing easement. The buyer of the property is requesting to buy an additional 100 feet of Lot 14 to incorporate into Lot 1 and the easement will be replaced accordingly on the shifted property line.

C.4a. The reason for the vacation request is to allow for a development to be placed on Lot 1 and additional land area is required to fit the plan. The easement location does not allow a building to be placed appropriately without being placed over the easement, which is not allowed by code.

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 both lots. 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 Lots 1 and 14, Block 14, Canyon Trails Subdivision No. 5, I hereby request and agree to the vacation of the utility and vehicular access easement which currently exists on the common lot line between Lots 1 and 14.

Sincerely,

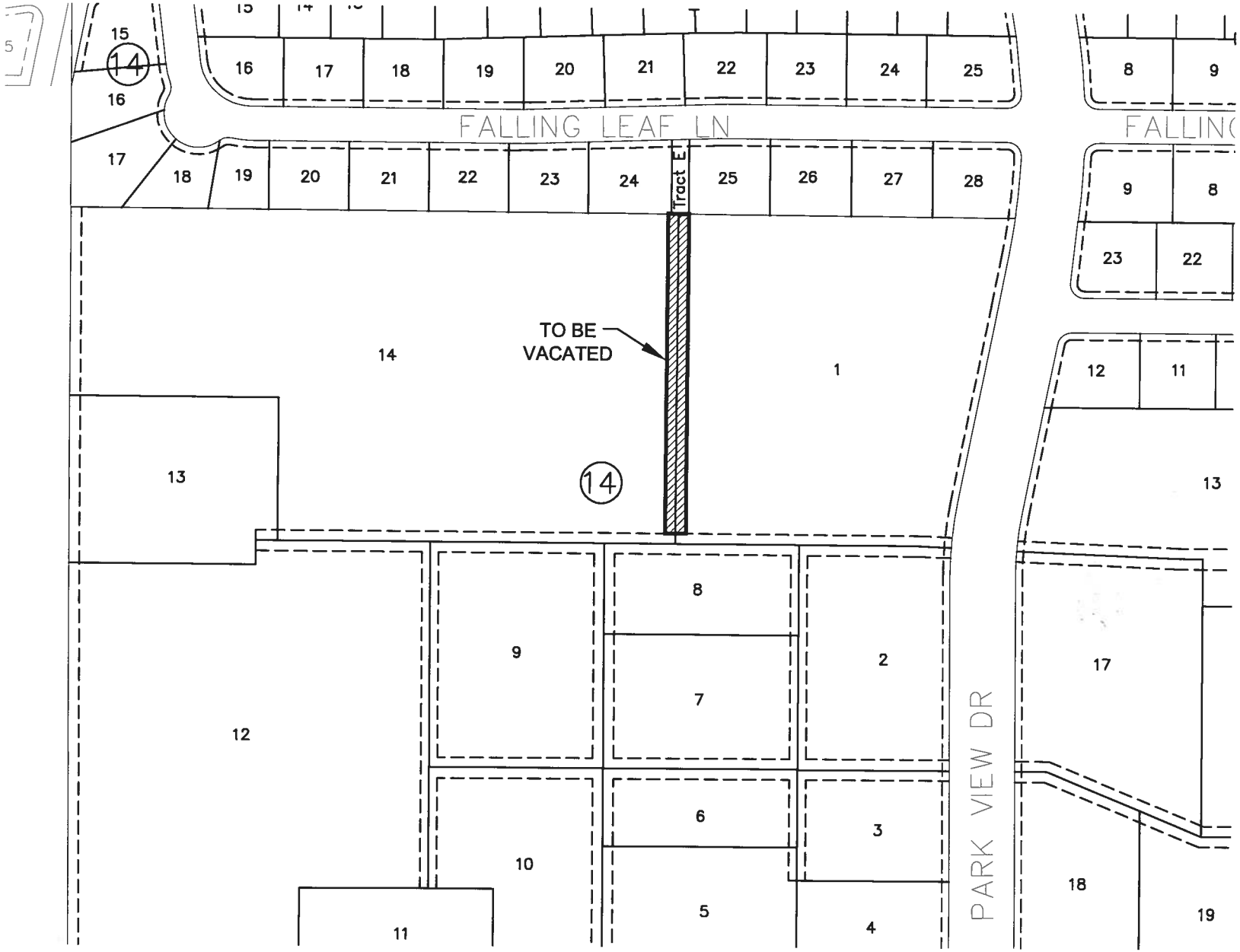
Gary N. Nelson, Managing Member
Canyon Properties, LLC

Easement Vacation Description
For
Canyon Properties, PUD

An easement located in Lot 1 and Lot 14, Block 14, Canyon Trails Subdivision No. 5, according to the official plat thereof recorded in the office of the Twin Falls County Recorder in book 21 of plats on page 3, Instrument No. 2006-023744.

Said easement being more particularly described as follows:

The West 15 feet of the North 463.32 feet of Lot 1, Block 14, Canyon Trails Subdivision No. 5 and the East 15 feet of the North 463.32 feet of Lot 14, Block 14, Canyon Trails Subdivision No. 5.


NTS
FALLING LEAF LN
FALLING
PARK VIEW DR
Tract E
TO BE VACATED
14
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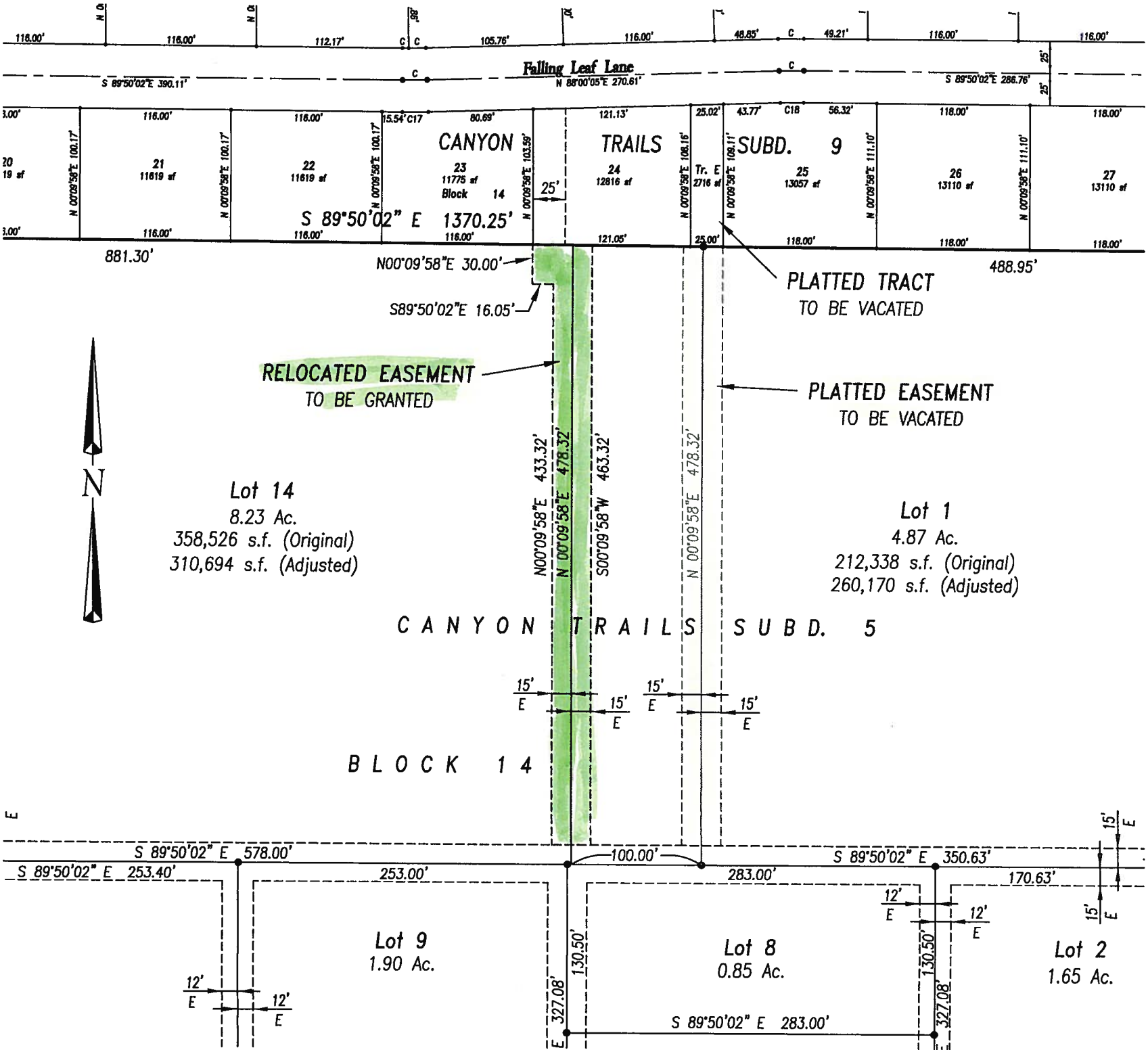
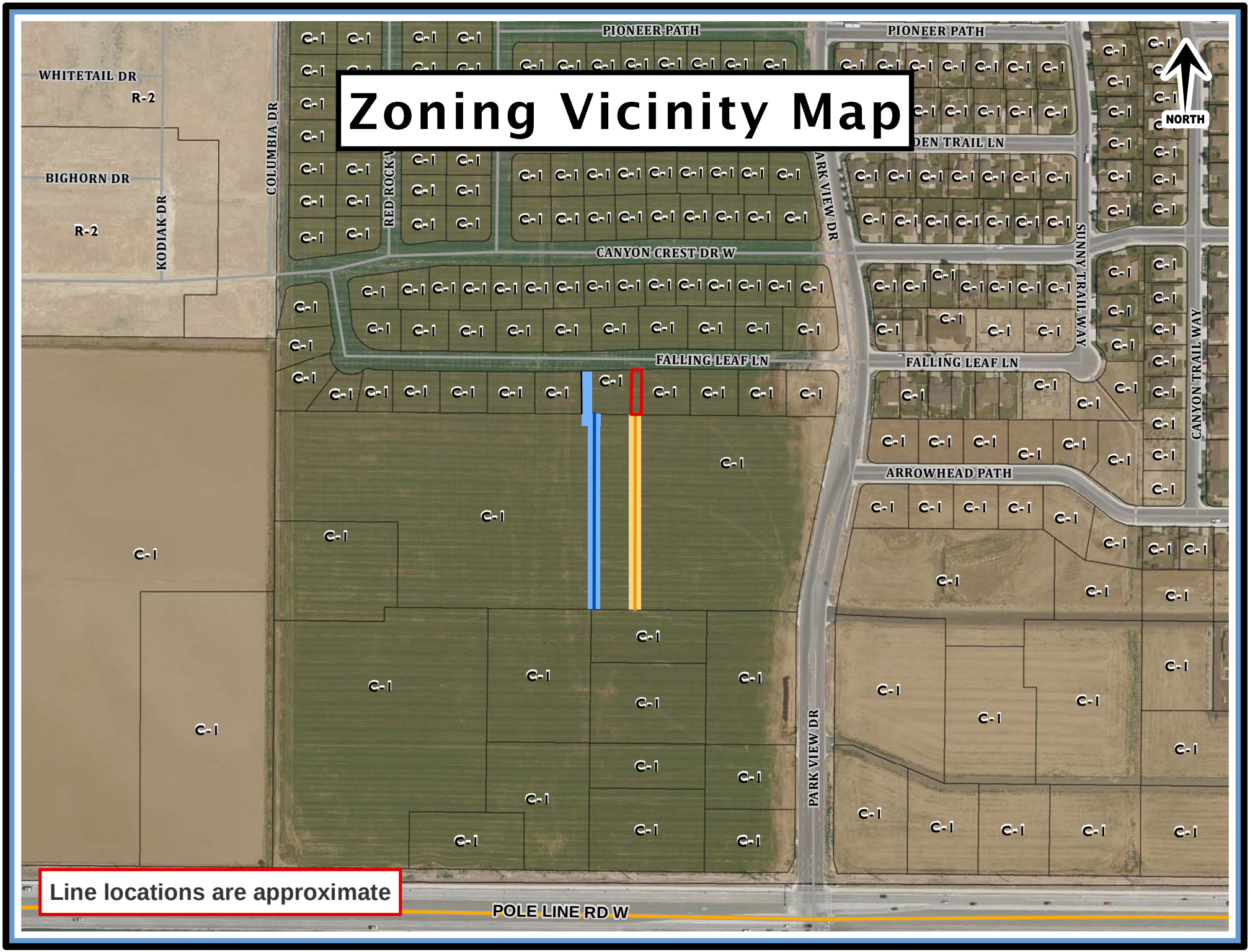
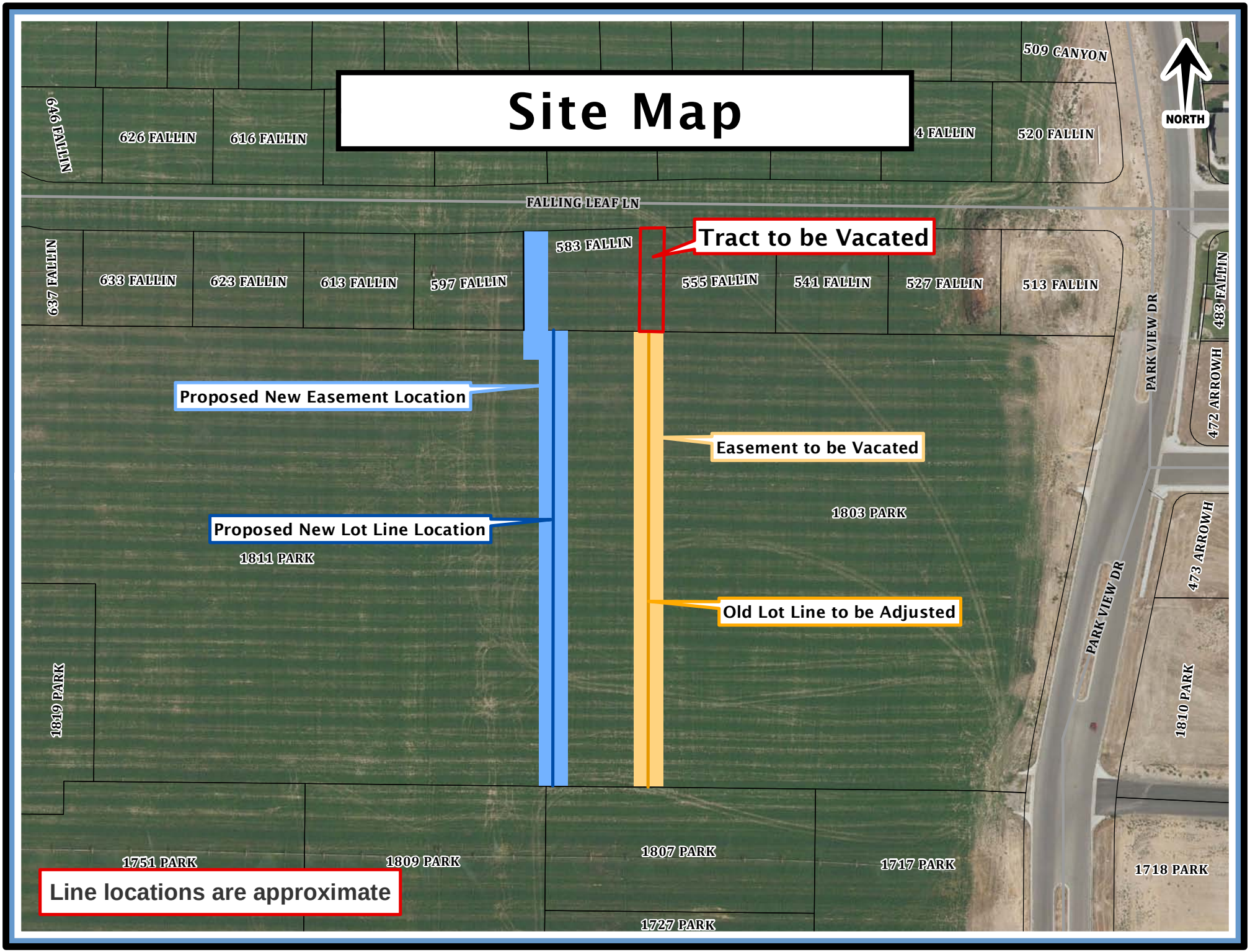

Falling Leaf Lane
S 89°50'02"E 390.11'
N 88°00'05"E 270.61'
S 89°50'02"E 286.76'
CANYON TRAILS SUBD. 9
Block 14
S 89°50'02" E 1370.25'
881.30'
488.95'
N00°09'58"E 30.00'
S89°50'02"E 16.05'
PLATTED TRACT
TO BE VACATED
RELOCATED EASEMENT
TO BE GRANTED
PLATTED EASEMENT
TO BE VACATED
N
Lot 14
8.23 Ac.
358,526 s.f. (Original)
310,694 s.f. (Adjusted)
Lot 1
4.87 Ac.
212,338 s.f. (Original)
260,170 s.f. (Adjusted)
N00°09'58"E 433.32'
N 00°09'58"E 478.32'
S00°09'58"W 463.32'
N 00°09'58"E 478.32'
CANYON TRAILS SUBD. 5
BLOCK 14
S 89°50'02" E 578.00'
S 89°50'02" E 253.40'
253.00'
100.00'
283.00'
S 89°50'02" E 350.63'
170.63'
Lot 9
1.90 Ac.
Lot 8
0.85 Ac.
Lot 2
1.65 Ac.
130.50'
327.08'
S 89°50'02" E 283.00'


Zoning Vicinity Map
NORTH
WHITETAIL DR
R-2
BIGHORN DR
R-2
KODIAK DR
COLUMBIA DR
RED ROCK
PIONEER PATH
PIONEER PATH
DEN TRAIL LN
PARK VIEW DR
CANYON CREST DR W
SUNNY TRAIL WAY
FALLING LEAF LN
FALLING LEAF LN
CANYON TRAIL WAY
ARROWHEAD PATH
PARK VIEW DR
POLE LINE RD W
C-1
Line locations are approximate


Site Map
NORTH
509 CANYON
646 FALLIN
626 FALLIN
616 FALLIN
4 FALLIN
520 FALLIN
FALLING LEAF LN
637 FALLIN
633 FALLIN
623 FALLIN
613 FALLIN
597 FALLIN
583 FALLIN
Tract to be Vacated
555 FALLIN
541 FALLIN
527 FALLIN
513 FALLIN
483 FALLIN
PARK VIEW DR
472 ARROWH
Proposed New Easement Location
Easement to be Vacated
1803 PARK
Proposed New Lot Line Location
1811 PARK
473 ARROWH
Old Lot Line to be Adjusted
PARK VIEW DR
1819 PARK
1810 PARK
1751 PARK
1809 PARK
1807 PARK
1717 PARK
1718 PARK
Line locations are approximate
1727 PARK

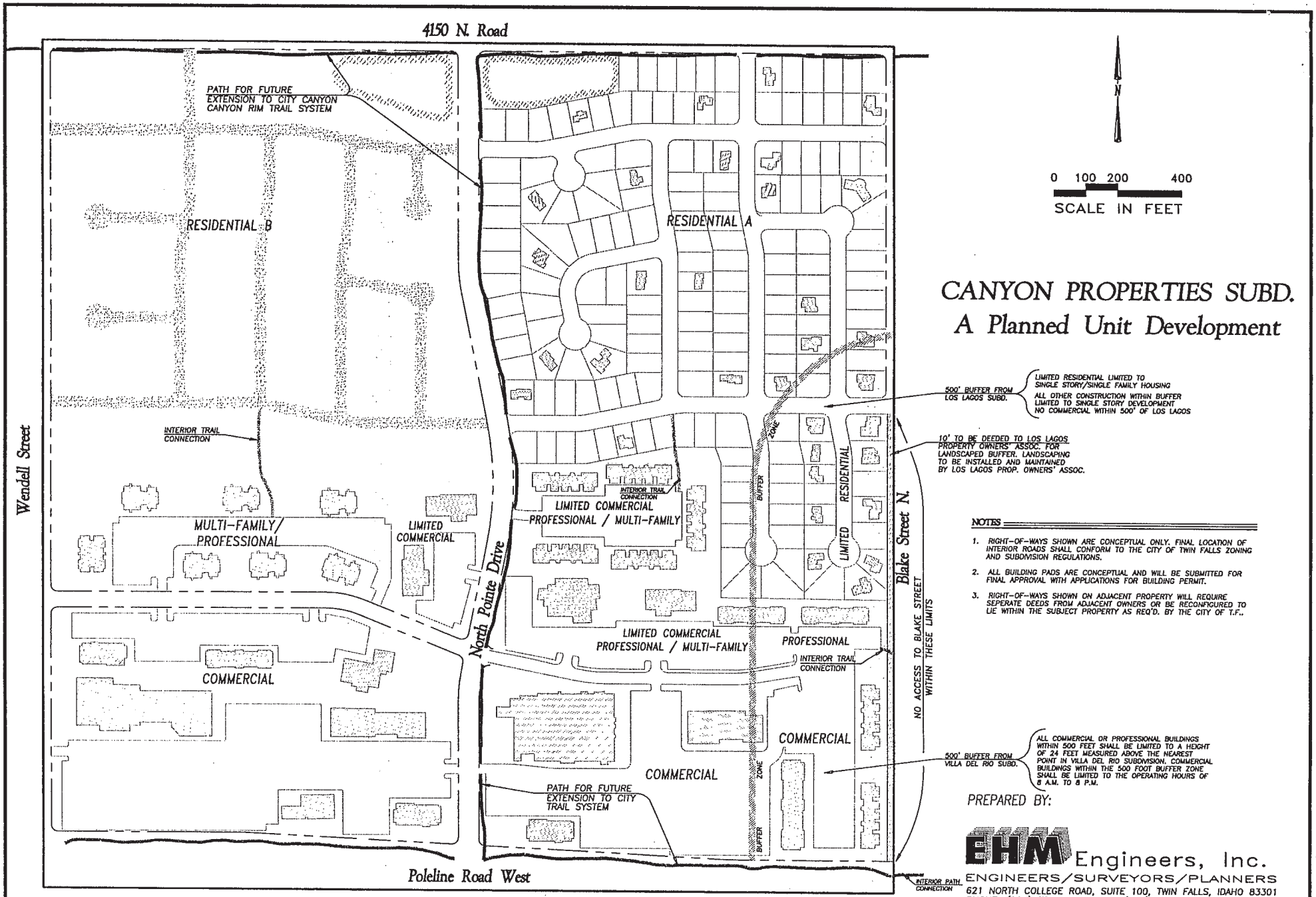
C. Landscaping Plan. For each buffer area, at the time set forth in paragraph 5(B), each parcel shall be landscaped to include the following: Fifty percent (50%) of the lineal footage of landscaping shall have berms with a ridge elevation of at least eighteen inches (18") in height with at least fifty 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.

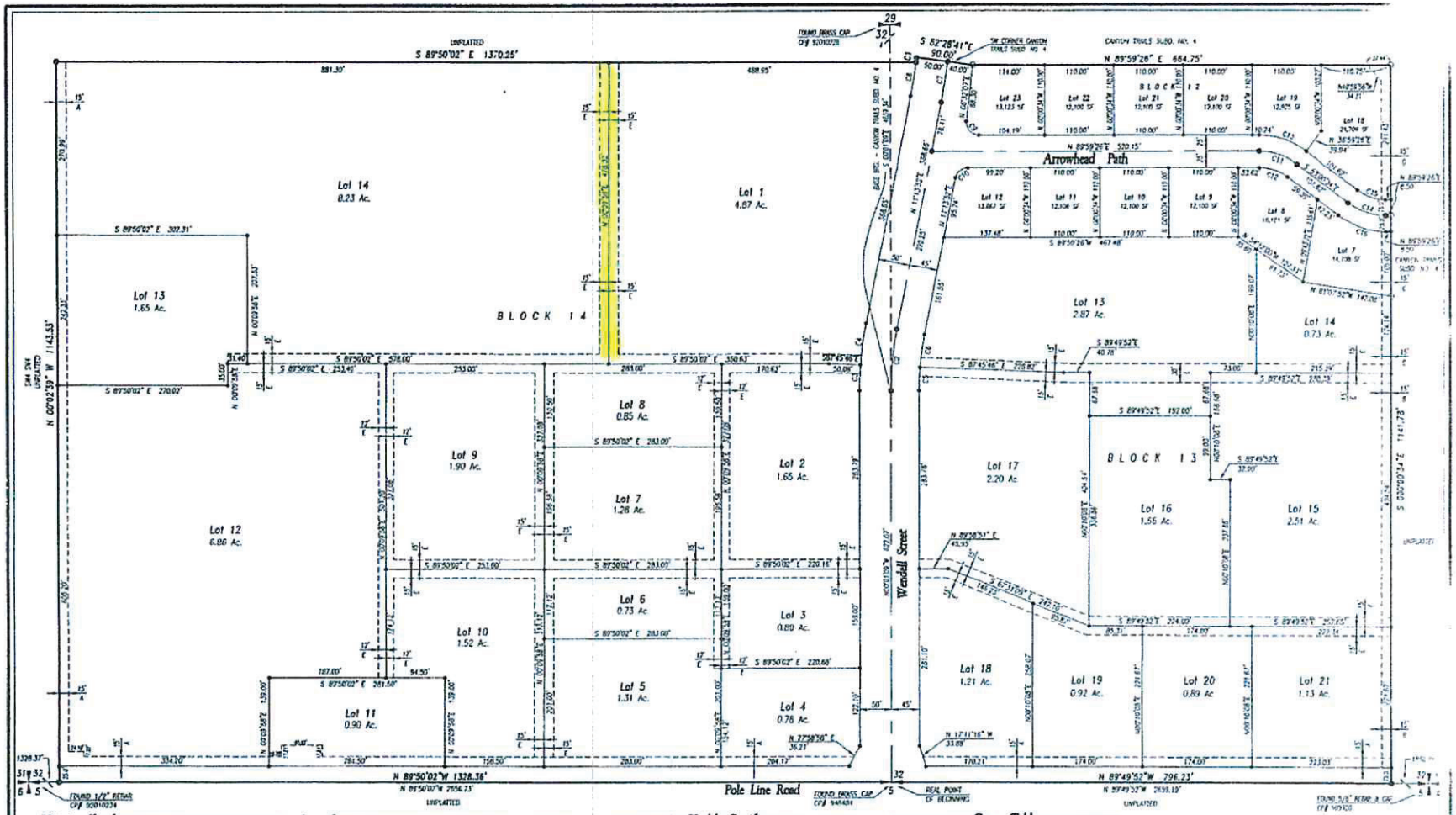


CANYON PROPERTIES SUBD.
A Planned Unit Development

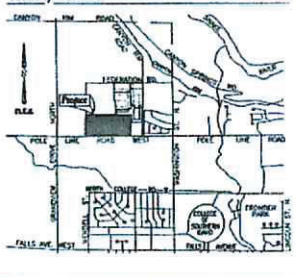
Exhibit 'B'

PUD 226

TWIN FALLS COUNTY
RECORD FEE
Ever Electronically
13-Oct-2006 09:23:20AM
2006-023744
W. RUSS LARSEN, JR. FEE: 18.00
COUNTY CLERK
DEPUTY: CORONA



Vicinity Sketch



Legend

SUBDIVISION BOUNDARY	
LOT LINE	
STREET CENTERLINE	
EASEMENT AS NOTED	
SET 5/8" x 30" REBAR & CAP (LS 1000)	●
SET 1/2" x 24" REBAR & CAP (LS 1000)	■
FOUND 5/8" REBAR & CAP (LS 1000)	○
FOUND 1/2" REBAR & CAP (LS 1000)	○

REGISTERED LAND SURVEYOR 1000 STATE OF IDAHO ROGER A. KRUGER 2-14-06

Health Certificate

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on the State of Idaho, Department of Environmental Quality (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 been constructed or if the developer is simultaneously constructing these 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.

Feb 17, 2006
Date

Dept. Health Department, DEQ

Easement Key:

IRRIGATION EASEMENT	A
SEWER EASEMENT	B
SEWER AND PEDESTRIAN ACCESS EASEMENT	C
DRAINAGE AND PEDESTRIAN ACCESS EASEMENT	D
UTILITY AND VEHICULAR ACCESS EASEMENT	E

Curve Table

CVE.	DELTA	CHORD BRG	RADIUS	LENGTH	TANGENT	CHORD
C1	0°26'00"	N 87°45'31" E	942.00'	7.26'	3.63'	7.26'
C2	11°15'00"	N 05°36'21" E	520.00'	98.18'	49.29'	98.02'
C3	4°19'31"	S 02°08'26" W	360.00'	43.53'	22.14'	43.51'
C4	6°55'36"	S 07°48'07" W	550.00'	65.47'	32.78'	66.43'
C5	4°43'43"	S 02°18'43" W	455.00'	37.25'	18.63'	37.29'
C6	6°33'13"	S 07°57'13" W	456.00'	52.08'	26.05'	52.02'
C7	3°42'21"	N 09°29'36" E	932.00'	64.21'	32.12'	64.20'
C8	3°14'11"	N 09°38'46" E	942.00'	53.21'	26.61'	53.20'
C9	96°32'42"	S 41°44'14" E	30.00'	33.70'	22.43'	29.85'
C10	78°45'34"	S 50°36'38" W	20.00'	27.48'	16.43'	25.38'
C11	37°00'06"	S 71°30'34" E	100.00'	64.58'	33.46'	63.46'
C12	37°00'06"	N 71°30'34" W	75.00'	48.43'	25.03'	47.60'
C13	37°00'06"	N 71°30'34" W	125.00'	80.72'	41.82'	79.33'
C14	37°00'06"	S 71°30'34" E	100.00'	64.58'	33.46'	63.46'
C15	37°00'06"	S 71°30'34" E	75.00'	48.43'	25.03'	47.60'
C16	37°00'06"	S 71°30'34" E	125.00'	80.72'	41.82'	79.33'

Notes

A 10 FOOT WIDE UTILITY EASEMENT EXISTS ALONG ALL FRONT LOT LINES ADJACENT TO STREET FRONTAGES.

EACH COMMERCIAL LOT WITHIN THIS SUBDIVISION SHALL BE REQUIRED TO STORE STORM WATER ON SITE. STORM WATER RETENTION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN THE DEVELOPMENT PLANS ON FILE WITH THE CITY OF TWIN FALLS ENGINEERING DEPARTMENT.

CANYON TRAILS SUBDIVISION NO. 5

A Planned Unit Development
Located In
A Portion Of
SE4 SW4 And SW4 SE4, Section 32
Township 9 South, Range 17 East
Boise Meridian
Twin Falls County, Idaho
2005

1" = 100'

Engineers, Inc.
ENGINEERS/SURVEYORS/PLANNERS

435-001(P)
Sheet 1 of 2

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,

JDBarlogi

Jay Barlogi
Twin Falls Canal Company

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

Canyon Properties Undeveloped area