



Special Meeting Notice

OF THE
CITY COUNCIL OF THE CITY OF TWIN FALLS

* * * *

The City Council will meet on Monday, November 4, 2013, in the Twin Falls Council Chambers located at 305 Third Avenue East, at 6:00 p.m., for their regular scheduled meeting.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

SHAWN	DON	SUZANNE	GREGORY	JIM	REBECCA	CHRIS
BARIGAR	HALL	HAWKINS	LANTING	MUNN, JR.	MILLS SOJKA	TALKINGTON
<i>Vice Mayor</i>			<i>Mayor</i>			



**AMENDED
AGENDA**

Meeting of the Twin Falls City Council
Monday, November 4, 2013
 City Council Chambers
 305 3rd 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: **No-Shave November 2013**
 Youth Appreciation Week 2013

AGENDA ITEMS		Purpose	By:
I. <u>CONSENT CALENDAR:</u>			
1.	Consideration of a request to approve the accounts payable for October 29 – November 2, 2013.	Action	Sharon Bryan
2.	Consideration of a request to approve the October 21, 2013, City Council Minutes.	Action	Leila A. Sanchez
II. <u>ITEMS FOR CONSIDERATION:</u>			
1.	Public input and/or items from the City Manager and City Council.		
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>			
IV. <u>PUBLIC HEARINGS:</u>			
1.	Request for annexation, consisting of 425 (+/-) acres, located approximately 10,900' along the boundary of the Snake River Canyon between Hankins Road North (3200 East) extended and the eastern boundary of Dierkes Lake, including the Evel Knievel Jump Site, Centennial Trail, Twin Falls City Gun Range, Shoshone Falls Park and Dierkes Lake.	PH	Jonathan Spendlove
V. <u>ADJOURNMENT:</u>			

Any person(s) needing special accommodations to participate in the above noticed meeting could contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208)735-7287.

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.

*Office of the Mayor
City of Twin Falls, Idaho*

Proclamation



No-Shave November 2013

Whereas, among American men, prostate cancer is both the second most commonly diagnosed cancer and the second-leading cause of cancer deaths. Although prostate cancer incidence and mortality rates have declined over the past two decades, in 2013 alone, an estimated 239,000 men in the United States will be diagnosed with the illness and almost 30,000 men will die from this disease.

Whereas, during National Prostate Cancer Awareness Month, we remember those lost to prostate cancer, offer our support to patients and their families, and highlight our commitment to better prevention, detection, and treatment methods.

*Whereas, the Twin Falls Police Department has indicated a desire to help support the treatment and awareness of Prostate and Testicular Cancer by promoting a program entitled **No-Shave November**.*

*I, **Gregory L. Lanting**, therefore proclaim the month of November as **No-Shave November** in Twin Falls, Idaho.*

By this action, let it be known that we, the employees of the Twin Falls Police Department and citizens of the City of Twin Falls, support research, awareness, and treatment of prostate and testicular cancer.

In witness whereof I have hereunto set my hand and caused this seal to be affixed.

Mayor Gregory L. Lanting

Attest:

Leila A. Sanchez

Date: November 4, 2013

*Office of the Mayor
City of Twin Falls, Idaho*

Proclamation



Youth Appreciation Week 2013

Whereas, the vast majority of youth are concerned, knowledgeable, and responsible citizens, and

Whereas, Optimist International and the Twin Falls Optimist Club have developed and promoted a program entitled Youth Appreciation Week, and

Whereas, the citizens of Twin Falls have indicated a desire to join the Optimists in expressing appreciation and approval for the contributions of youth.

*I, **Gregory L. Lanting**, therefore proclaim the first week of November as **Youth Appreciation Week** in Twin Falls, Idaho.*

By this action, let it be known that we have faith in the ability of today's youth as they assume responsible roles in the future of mankind.



In witness whereof I have hereunto set my hand and caused this seal to be affixed.

Mayor Gregory L. Lanting

Attest:

Leila A. Sanchez

Date: November 4, 2013

COUNCIL MEMBERS:

SHAWN	DON	SUZANNE	GREGORY	JIM	REBECCA	CHRIS
BARIGAR	HALL	HAWKINS	LANTING	MUNN, JR.	MILLS SOJKA	TALKINGTON

Vice Mayor

Mayor



MINUTES

Meeting of the Twin Falls City Council
Monday, October 21, 2013
 City Council Chambers
 305 3rd 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:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of a request to approve the accounts payable for October 15 - 21, 2013. 2. Consideration of a request to approve the October 7, 2013, City Council Minutes. 3. Consideration of a request to approve the Final Plat of Dunthorn Subdivision, 1.52 (+/-) acres consisting of four lots on property located at the southwest corner of 4th Avenue West and Oak Street. 4. Consideration of a request to approve the posting of the speed zone at Minidoka Avenue from Shoshone Street to Second Avenue South at 35 MPH.	Action Action Action Action	Sharon Bryan Leila A. Sanchez Mitchel Humble Jacqueline Fields
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of a request to award the 2013 Wastewater Treatment Plant Dewatering Improvements project to Performance Systems Inc., of Fruitland Idaho, in the amount of \$3,557,139.00. 2. Consideration of a request by Jerry & Dee Packer to waive the non-conforming building expansion permit process to allow an expansion of an existing legal non-conforming residence located at 539 Briarcliff Drive 3. Public input and/or items from the City Manager and City Council.	Action Action	Lee Glaesemann Mitchel Humble
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> None		
V. <u>ADJOURNMENT:</u> 67-2345 (1)(c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.		

Any person(s) needing special accommodations to participate in the above noticed meeting could contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208)735-7287.

MINUTES

Monday, October 21, 2013

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Present: Don Hall, Suzanne Hawkins, Greg Lanting, Jim Munn, Rebecca Mill Sojka, Chris Talkington
Absent: Shawn Barigar
Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitchel Humble,
City Engineer Jacqueline Fields, Staff Engineer Lee Glaesemann, Deputy City Clerk/Recording Secretary Leila A. Sanchez

Mayor Lanting called the meeting to order at 5:00 P.M. He then invited all present, who wished to, to recite the pledge of Allegiance to the Flag with him. A quorum was present. Mayor Lanting introduced staff.

PROCLAMATIONS: None

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

City Manager Rothweiler requested the following amendments to the agenda:

1. Consideration of a request to approve the October 7, 2013, Amended Minutes.
2. Consideration of a request to approve the Beer and Wine License for Johnsy, Inc. dba Stone House & Co. at 330 4th Ave.

MOTION:

Vice Mayor Hall made a motion to amend the agenda as presented. The motion was seconded by Councilperson Munn and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

PROCLAMATIONS: None

AGENDA ITEMS

I. CONSENT CALENDAR:

3. Consideration of a request to approve the accounts payable for October 15 - 21, 2013, total: \$504,366.52.
September 23, 2013, total: \$985,071.13
4. Consideration of a request to approve the October 7, 2013, City Council Minutes.
5. Consideration of a request to approve the Final Plat of Dunthorn Subdivision, 1.52 (+/-) acres consisting of four lots on property located at the southwest corner of 4th Avenue West and Oak Street.
6. Consideration of a request to approve the posting of the speed zone at Minidoka Avenue from Shoshone Street to Second Avenue South at 35 MPH.

Amended the agenda to add:

7. Consideration of a request to approve the October 7, 2013, Amended Minutes.
8. Consideration of a request to approve the Beer and Wine License for Johnsy, Inc. dba Stone House & Co. at 330 4th Ave

Council discussion followed.

-Accounts payable payment to Knife River

Staff Engineer Glaesemann stated a total of \$510,000 was paid to Knife River.

MOTION:

Councilperson Hawkins made a motion to approve the Consent Calendar as amended. The motion was seconded by Vice Mayor Hall 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 award the 2013 Wastewater Treatment Plant Dewatering Improvements project to Performance Systems Inc., of Fruitland Idaho, in the amount of \$3,557,139.00.

Staff Engineer Glaesemann explained the request.

Staff recommends approval of the request.

Council discussion followed.

-City Attorney review of the contract

-Compliance of NPDES permit

-2011 Judicial Confirmed Funds

MINUTES

Monday, October 21, 2013

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City Manager Rothweiler explained the purpose of ordinary and necessary is not only in cases of emergency but it is to ensure that the City is replacing equipment on a useful schedule when the equipment has outlived its useful life.

MOTION:

Councilperson Talkington made the motion to approve the dewatering bid submitted by Performance Systems Inc. for \$3,557,139 even, subject to the City Attorney's review and approval of the contract. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

Bill Leaf, CH2M Hill, gave an update on the project.

2. Consideration of a request by Jerry & Dee Packer to waive the non-conforming building expansion permit process to allow an expansion of an existing legal non-conforming residence located at 539 Briarcliff Drive.

Community Development Director Humble explained the request.

The Council may waive the requirements of Section 10-3-4 and the applicant could apply for a building permit and proceed with the addition without a public hearing subject to submittal of a geological study meeting or exceeding the minimum requirements, as approved by the City Engineering Department prior to issuance of a building permit.

Council discussion followed.

Jerry Packer, property owner, stated he is available for questions.

Council discussion followed.

-Canyon Rim Overlay Ordinance was adopted in 1995.

-Geological survey

-Council approval of a February 4, 2013, request to waive the non-conforming building expansion permit at 819 Canyon Rim Road.

MOTION:

Councilperson Munn made the motion to waive the non-conforming building expansion permit process to allow an expansion of an existing legal non-conforming residence located at 539 Briarcliff Drive, and not subject to a geological study. The motion was seconded by Councilperson Mills Sojka.

Council discussion followed.

-819 Canyon Rim Road

City Manager Rothweiler stated that the request from Jon Davis for property located at 819 Canyon Rim Road could be classified as a significant rebuild as opposed to an extension or expansion.

Councilperson Talkington stated that waiving the requirement of a geological survey for the Snake Canyon Rim and the Rock Creek is setting a standard that violates the City setback building safety consideration.

Mr. Packer explained the reason for the expansion.

-Cost of a geological study is unknown

-Canyon fall issue

City Attorney Wonderlich stated that by waiving the geological study the Council is not guaranteeing that this is a stable site by any means and by Council discussion, the Council is indicating to the applicant that he may want to consider a geological study.

MOTION:

Councilperson Talkington made an amendment to the motion to remove the exclusion of not requiring the geological survey. The motion failed due to a lack of a second.

Roll call vote showed Councilpersons Hall, Hawkins, Lanting, Munn, and Mills Sojka voted in favor of the motion. Councilperson Talkington voted against the motion. Approved 5 to 1.

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

City Manager Rothweiler stated that the City Forum on Bike Path Connectivity will be held on Wednesday, November 6, 2013, at 7:00 P.M.

Vice Mayor Hall asked if staff would look into placing bike racks at strategic locations.

Vice Mayor Hall stated that Monday, October 28, 2013, at the City Council's meeting the Historic Preservation will present the draft five year development plan for approval.

Councilperson Mills Sojka reported that she attended the Open Meeting Law and Public Records Act on October 15, 2013, at the Magic Valley Arts Council. Council will place on a future agenda the Open Meeting Law.

Councilperson Hawkins reported that members of the Twin Falls Youth Council volunteered to assist in cleaning up a citizen's home of weeds and debris the past week. She also stated that two new members joined the Youth Council.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: None

V. ADJOURNMENT:

67-2345 (1)(c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.

Mayor Lanting changed the request as follows:

Adjourn to Executive Session 67-2345(1)(c) to acquire an interest in real property which is not owned by a public agency.

MOTION:

Vice Mayor Hall made the motion to approve to adjourn to Executive Session 67-2345(1)(c) 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.

The meeting adjourned at 5:42 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary



Public Hearing: **MONDAY NOVEMBER 04, 2013**

To: Honorable Mayor and City Council

From: Jonathan Spendlove, Community Development Department

ITEM IV-1

REQUEST: Request for annexation, consisting of 425 (+/-) acres, located approximately 10,900' along the boundary of the Snake River Canyon between Hankins Road North (3200 East) extended and the eastern boundary of Dierkes Lake, including the Evel Knievel Jump Site, Centennial Trail, Twin Falls City Gun Range, Shoshone Falls Park and Dierkes Lake, c/o City of Twin Falls. (app. 2605)

TIME ESTIMATE:

The applicant/City staff's presentation may take up to fifteen (15) minutes.

BACKGROUND:

Applicant:	Status: Owner/Developer	Size: 425 (+/-) acres
City of Twin Falls c/o Mitch Humble P.O. Box 1907 Twin Falls, ID 83303 208-735-7267	Current Zoning: SUI and OS within the Area of Impact (Aol)	Requested Zoning: Annexation with OS zoning designation
	Comprehensive Plan: Open Space	Lot Count: 16 lots and parcels
	Existing Land Use: Open space & city operated uses	Proposed Land Use: no change
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: OS Aol; Snake River, BLM land, residential	East: Kimberly Hidden Lakes Estates Subdivision, Twin Falls County
	South: SUI; residential and undeveloped property	West: R-2 PUD; undeveloped (The Preserve PUD)
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-11, 10-11-1 through 9, 10-15-2	

APPROVAL PROCESS:

§10-15-1 & 2: Annexation

Twin Falls City Code sections 10-15-1 and 10-15-2 require a hearing and recommendations from the Commission on planning and zoning designations for areas proposed to be annexed.

Section 10-15-2(A) states: "The Commission hearing shall not consider comments on annexation and **shall be limited to the proposed development plan and zoning changes.**"

The City Council shall then hold an additional public hearing to determine whether the designated area should be annexed and if so what the zoning designation shall be. If approved, an ordinance is prepared and at a later public meeting is adopted by the City Council. Once the ordinance is published the published ordinance is sent to the State and the official zoning map is amended. (Ord. 2012, 7-6-1981)

BUDGET IMPACT:

Annexation of 425 acres will allow the city to have governmental jurisdiction of city owned property. This pertains to emergency response, special events and property development.

REGULATORY IMPACT:

Approval of this request will allow the applicant to annex the subject property into the City limits.

HISTORY:

- On August 14, 1909, Deed 886, State of Idaho to The State of Idaho, 149.3 (+/-) acres for schools was recorded.
- On December 30, 1932 Frederick and Martha Adams conveyed 71 (+/-) acres to the City of Twin Falls to be used as a public park.
- On February 2, 1933 House Bill #50 was approved to donate to the City of Twin Falls the 149.3 (+/-) acres to be kept and maintained as a park.
- On June 5, 1970 J. Anton and Lola Britt conveyed 35.72 (+/-) acres to the City of Twin Falls.
- On April 24, 1972 Fred and Marjuary Foss and Herbert Dierkes deeded 116.68 (+/-) acres to the City of Twin.
- On June 16, 1995 Carl and Ruth Stutzman and Ken and Jill Stutzman deeded 6.85 (+/-) acres to the City of Twin Falls in a land swap.
- On March 8, 2012 Renaissance Project Development, LLC deeded 6.65 (+/-) acres to the City of Twin Falls in a land swap.

ANALYSIS:

This request is to annex 425 (+/-) acres of City owned property with a zoning designation of Open Space (OS). The majority of the site is currently zoned Open Space with the exception of an undeveloped 50' access north of the dead end of Hankins Rd N, the Evel Knievel jump site and a 50' x 370' undeveloped area along the rim (+/-) designated as future Centennial Trail, 7 (+/-) acres, that is currently zoned SUI. The majority of the property is developed as public park, public walking trail and city associated uses.

The property is contiguous to City limits on the west boundary, which includes the undeveloped 50' access north of the dead end of Hankins Rd N, the Evel Knievel jump site and a portion of undeveloped Centennial Trail located east of the jump site, and thus the City of Twin Falls is able to request annexation.

The proposed annexation consists of property owned by the City of Twin Falls and includes the Evel Knievel Jump Site, Centennial Trail, Twin Falls City Gun Range, Shoshone Falls Park and Dierkes Lake. The City of Twin Falls requests the annexation so the City of Twin Falls will have governmental jurisdiction of city owned property. This pertains to emergency response, special events and property development. Per City Code 10-7-19 all uses on real property owned and/or operated by the city of Twin Falls are permitted uses.

The property's intended use is open space to be enjoyed by the public. The Comprehensive Plan designates this area as appropriate for Open Space.

On October 22, 2013 the Planning & Zoning Commission unanimously recommended the Open Space zone as appropriate and consistent with the existing uses and future uses for the entire 425 (+/-) acres.

CONCLUSION:

Staff recommends the City Council annex the 425 (+/-) acres of City owned property with a zoning designation of Open Space (OS).

ATTACHMENTS:

1. Zoning Map
2. Boundary Map
3. Minutes of the Oct 22, 2013 P&Z public hearing.

Zoning Vicinity Map

Reference Only



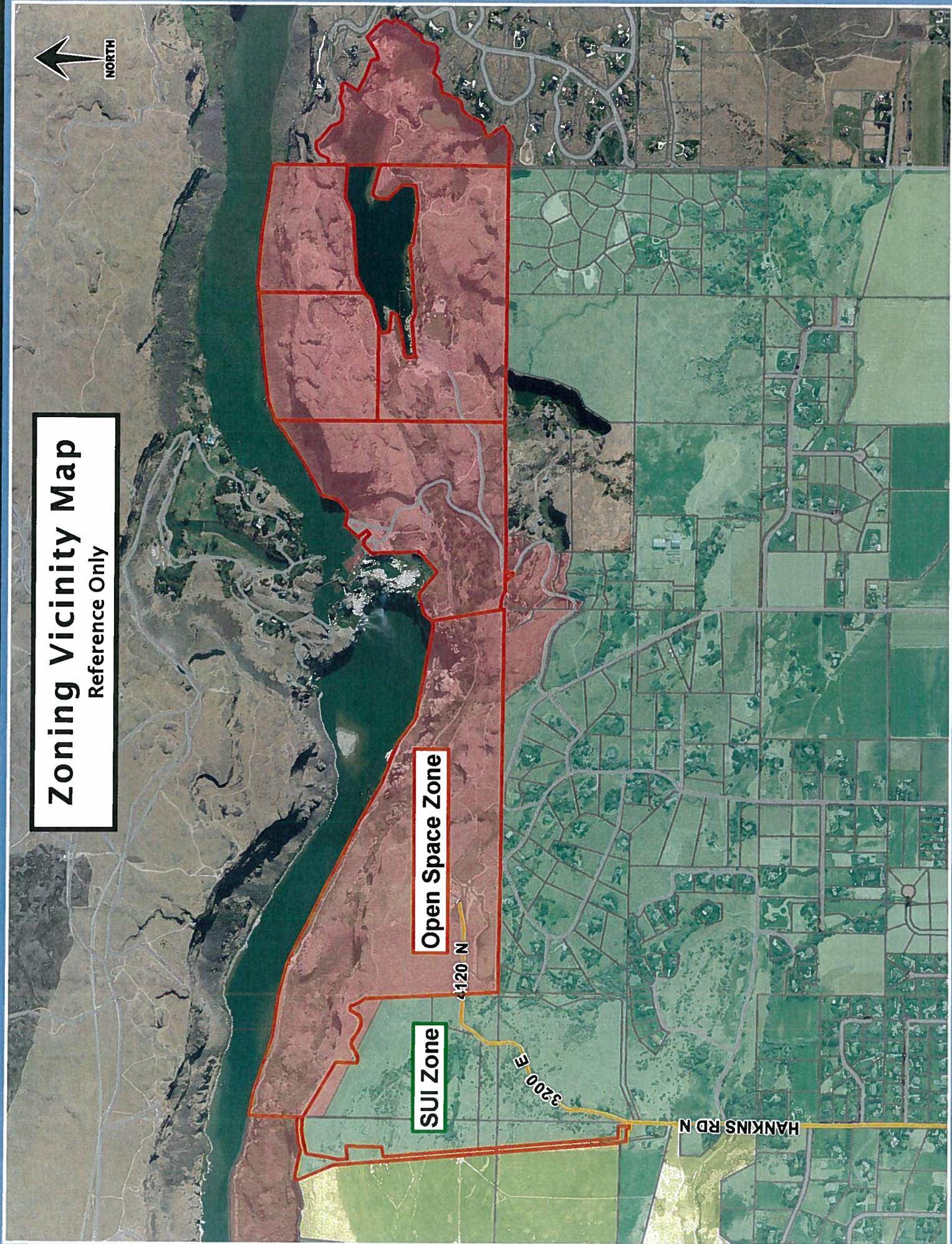
Open Space Zone

SUI Zone

4120 N

3200 E

HANKINS RD N



Annexation Exhibit

Reference Only

NORTH

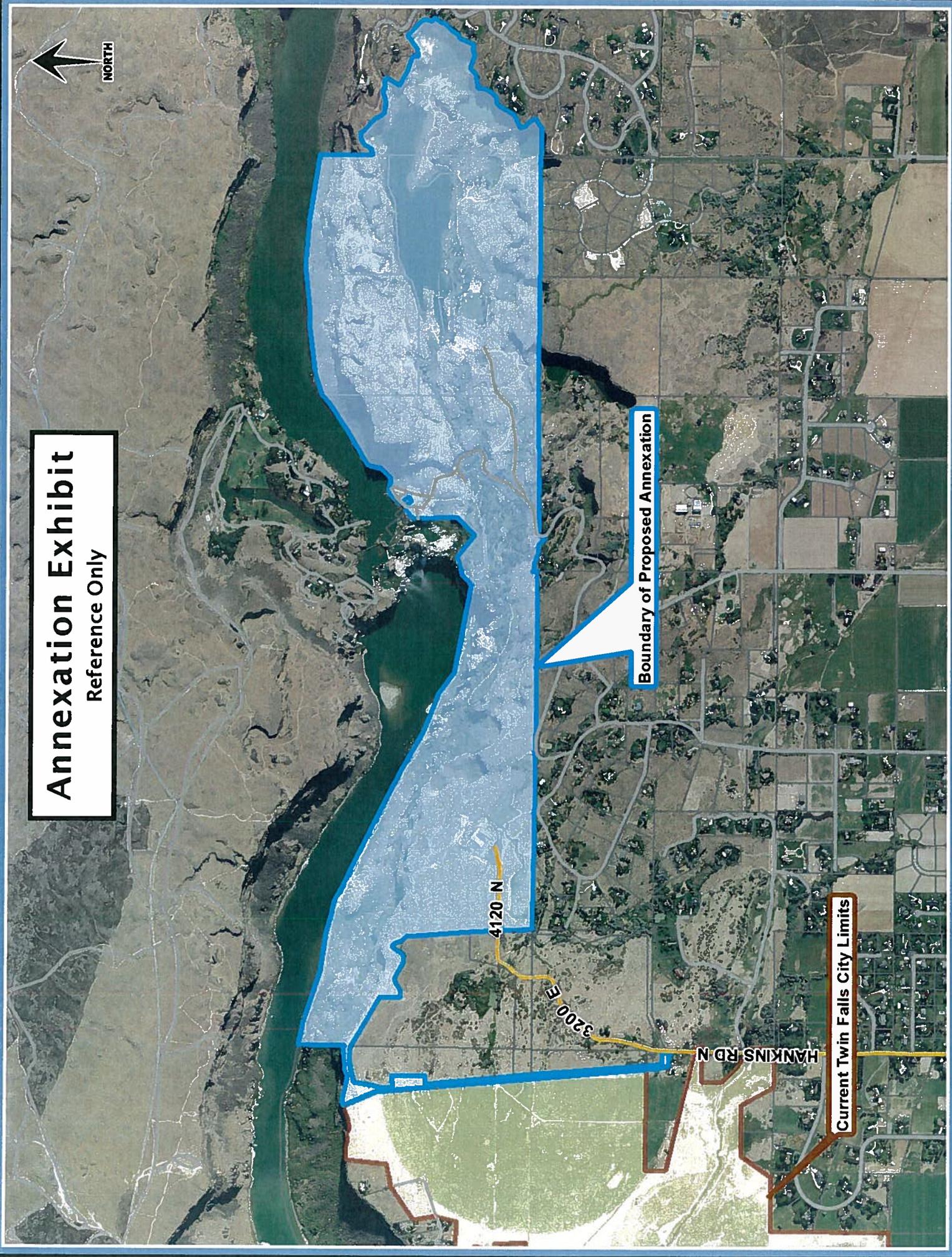
Boundary of Proposed Annexation

Current Twin Falls City Limits

4120 N

3200 E

HANKINS RD N





MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
October 22, 2013 6:00PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Chuck Sharp Jolinda Tatum
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods
Vice-Chairman

CITY COUNCIL LIAISON(S)

Suzanne Hawkins Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

<u>Present</u>	<u>Absent</u>
Boyd	Derricott
Frank	
Grey	
Munoz	
Sharp	
Tatum	

AREA OF IMPACT MEMBERS

<u>Present</u>	<u>Absent</u>
DeVore	
Woods	

CITY COUNCIL LIAISON(S): Hawkins, Mills Sojka

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

I. CALL MEETING TO ORDER:

Chairman Frank 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):
September 4, 2013 WS
October 3, 2013 WS
October 8, 2013 Public Hearing
2. Approval of Findings of Fact and Conclusions of Law:
 - Dunthorn Subdivision (pre-plat 10-08-13) • Artem Petroysan (Denied SUP 09-10-13)

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 HEARINGS:

1. Request for a Special Use Permit to operate a drive-through window in conjunction with a restaurant on property located at 163 Pole Line Road (east of Walgreen's) c/o Culvers of Twin Falls, c/o Eugene Smith & Jay Campbell (app.2603)

Applicant Presentation:

**Twin Falls Planning & Zoning Commission Minutes
October 22, 2013**

Jay Campbell, Campbell Construction representing the applicant, stated he will be in charge of the construction and development of the building. The store will be run by individuals and have approximately 500 stores. This will be the first in Idaho it will be open from 10:00 to 10:00 pm they don't serve breakfast but will be serving lunch and dinner. The food is prepared at the time it is ordered. The request is for a drive through for the business, there is a stacking lane for cars to wait for the order. General turn around for the drive through is approximately 4 minutes. The volume should be 35% through the drive through and 65% will be parking to come in to eat. They will be involved in the Community and have approximately 50 people.

Staff Analysis:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. He stated the Northbridge PUD was approved in February of 1993. This PUD included 23 +/- acres of undeveloped land located at the NE corner of Washington St N and Pole Line Road. Various projects have been proposed for this PUD over the years. In 2009, Walgreens went through an amendment to the Northbridge PUD in that changed the zoning at the NE corner from R-4 PRO to C-1. The Magic Valley Marketplace Subdivision-A PUD, consisting of 3 commercial lots, was recorded 01-08-2010. Walgreens developed on the NE corner lot and the Culvers proposal consists of the remaining two lots. All three lots are included in the Northbridge PUD.

The applicant has supplied a business plan and a narrative detailing the proposed development and the nature of the business that will take place on the property. Culvers, based out of Wisconsin, will offer their trademarked Butter Burgers and Custard, as well as hand-battered cod and famous Wisconsin cheese curds. The proposed drive-thru window will be located on the East side of the building, not directly facing the closest residential areas. Within the applicant's business plan they indicate anticipating a staff of 55-60 total employees to operate the restaurant with operating hours listed as 10:00 am – 10:00 pm. If they eventually wish to operate outside the hours of 7:00 am to 10:00 pm a special use permit is required.

Per City Code 10-4-8.2: any facility with a drive-through service requires a Special Use Permit in order to be legally established in the Commercial Highway District (C-1). The C-1 Zone is intended to provide for commercial activities of various sizes from large malls to small shops, fast food restaurants and tourist accommodations. This district is designed for application on major streets or portions thereof. A fast food restaurant at the intersection of Pole Line Road and Washington Street North would follow the purpose and intent of the C-1 Zoning district.

Per City Code 10-4-8.3, 10-7-6, 10-7-12 and 10-11-1 thru 8: All property developments and improvements, including but not limited to building heights, yard setbacks, road centerline setbacks, regular landscaping, gateway arterial landscaping, and screening will be reviewed during the building permit process and will be required to meet minimum City Code standards and the Northbridge PUD.

Per City Code 10-10: Off street parking is required for this business at a rate of one (1) parking space per four (4) seats. This requirement will be reviewed during the building permit process; the minimum required parking spaces will be required to be installed at that time.

**Twin Falls Planning & Zoning Commission Minutes
October 22, 2013**

The neighboring uses in the general area are commercial/retail in nature, or they are zoned to be such in the future. There is currently a convenience store/pharmacy immediately to the west, a one hundred (100) plus bed hotel currently under construction to the north, and undeveloped commercially zoned properties to the South and East.

A major concern with any fast-food/restaurant with a drive-thru is the noise from vehicles and the speaker box that could emanate towards residences. With the design submitted by the applicant showing the drive-thru lane and speaker box on the South/East side of the building, this places the possible noise instigators on the far side of the building, away from the closest residences located in the Los Lagos / Villa Del Rio subdivisions. Furthermore, the closest residences are more than three-hundred feet (300') from the property lines of the proposed development. The design of the building coupled with proposed hours of operation, have minimized the most common possible negative impacts that occur with drive-thru restaurants. The request appears to meet the minimum requirements & standards for the City and the Northbridge PUD and is in compliance with the Comprehensive Plan.

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

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards and the Northbridge PUD.

Commissioner Questions/Comments:

Commissioner Woods stated the biggest concern he has seen is that people tend to toss their trash out the windows.

Mr. Campbell explained that the staff will police the parking area for trash and there will be trash receptacles available outside for trash.

Commissioner Munoz asked for clarification as to how the stacked parking works for customers who have to wait for their meals.

Mr. Campbell explained the cars will move forward in the stacking lane after the window for them to wait. If a customer doesn't need to wait they can exit to the east of the stacking lane.

Commissioner Sharp asked about the entrance location to the site.

Mr. Campbell explained the entrance the site is from Washington Street North and will not be from Pole Line Road.

Public Hearing: [Opened & Closed Without Public Comment](#)

Closing Statement:

Eugene Smith, the applicant stated he will be moving here with his wife. They will be hiring approximately 50 employees. Their priority is serving the customer, and they look forward to being part of the community.

Deliberations Followed: [Without Concerns](#)

**Twin Falls Planning & Zoning Commission Minutes
October 22, 2013**

Motion:

Commissioner Boyd made a motion to approve the request, as presented to include the staff recommendation. Commissioner Devore seconded the motion. **All members present voted in favor of the motion.**

2. Request for the Commission's recommendation on the zoning designation for property being requested for annexation, consisting of 425 (+/-) acres, located approximately 10,900' along the boundary of the Snake River Canyon between Hankins Road North (3200 East) extended and the eastern boundary of Dierkes Lake, including the Evel Knievel Jump Site, Centennial Trail, Twin Falls City Gun Range, Shoshone Falls Park and Dierkes Lake, c/o City of Twin Falls. (app. 2605)

Staff Presentation/Analysis:

Planner I Spendlove, representing the applicant, reviewed the request and the exhibits on the overhead along with the history of the property. On August 14, 1909, Deed 886, State of Idaho to The State of Idaho, 149.3 (+/-) acres for schools was recorded. On December 30, 1932 Frederick and Martha Adams conveyed 71 (+/-) acres to the City of Twin Falls to be used as a public park. On February 2, 1933 House Bill #50 was approved to donate to the City of Twin Falls the 149.3 (+/-) acres to be kept and maintained as a park. On June 5, 1970 J. Anton and Lola Britt conveyed 35.72 (+/-) acres to the City of Twin Falls. On April 24, 1972 Fred and Marjuary Foss and Herbert Dierkes deeded 116.68 (+/-) acres to the City of Twin. On June 16, 1995 Carl and Ruth Stutzman and Ken and Jill Stutzman deeded 6.85 (+/-) acres to the City of Twin Falls in a land swap. On March 8, 2012 Renaissance Project Development, LLC deeded 6.65 (+/-) acres to the City of Twin Falls in a land swap.

This request is to annex 425 (+/-) acres with a zoning designation of Open Space (OS). Currently an undeveloped 50' access north of the dead end of Hankins Rd N, the Evel Knievel jump site and some areas of Centennial Trail are currently zoned SUI, consisting of 7 +/- acres, with the remainder of the City owned property zoned OS, all is located within the City's Area of Impact. The majority of the property is developed as public park, walking trail and city associated uses. Some of the land has not been developed.

The property is contiguous to City limits on the west boundary, which includes an undeveloped 50' access north of the dead end of Hankins Rd N, the Evel Knievel jump site and a portion of the Centennial Trail located east of the jump site, and thus is able to request annexation.

The proposed annexation consists of property owned by the City of Twin Falls and includes the Evel Knievel Jump Site, Centennial Trail, Twin Falls City Gun Range, Shoshone Falls Park and Dierkes Lake. The City of Twin Falls requests the annexation so we have governmental jurisdiction of city owned property. This pertains to emergency response, special events and property development. Per City Code 10-7-19 all uses on real property owned and/or operated by the city of Twin Falls are permitted uses.

Twin Falls City Code sections 10-15-1 and 10-15-2 require a hearing and recommendations from the Commission on planning and zoning designations for areas proposed to be annexed. Section 10-15-2(A) states: "The Commission hearing shall not consider comments on annexation and shall be

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limited to the proposed development plan and zoning changes.” The City Council shall then hold an additional public hearing to determine whether the designated area should be annexed and if so what the zoning designation shall be. If approved, an ordinance is prepared and at a later public meeting is adopted by the City Council. Once the ordinance is published the published ordinance is sent to the State and the official zoning map is officially amended. The property’s intended use has always been to be open space to be enjoyed by the public. The Comprehensive Plan designates this area as appropriate for Open Space.

Planner I Spendlove stated upon conclusion staff recommends the entire 425 (+/-) acres be zoned as OS; Open Space which is consistent with the existing uses and any proposed future use for this property. If the Commission finds the OS; Open Space zoning designation appropriate they should make a recommendation to the City Council as such.

Commissioner Questions/Comments:

- Commissioner Woods, asked for clarification of ownership.
- Planner I Spendlove stated the land is owned by the City of Twin Falls it is just not within City Limits.
- Commissioner Woods asked about fire, emergency and rescue calls as to who has jurisdiction for these issues.
- Planner I Spendlove explained that in the past there has been confusion with regards to jurisdiction because the property is in the area of impact but is City owned. This should help with these issues.
- Commissioner Woods asked for clarification for allowed uses with regards to private parks and crowd attracting facilities.
- City Attorney Wonderlich explained this property is all owned by the City there is no private property involved in this annexation. Section 10-7-19 that was referred to earlier explains that any City uses are permitted in any zone. This is all City property and is virtually all park land now.
- Commissioner Frank read definition for the OS; open space zone stating this District is intended to protect canyon areas and to provide open space for passive and active recreation.

Public Hearing: [Opened](#)

- Fran Florence, 4129 Hidden Lakes Drive, stated he thinks this is a wonderful plan and he hopes this will make it more consistent for management of the property. He was also wondering if there was a reason for the annexation to occur at this time.
- City Attorney Wonderlich explained that until the property deal was finalized with the Shoshone Height Subdivision all of this land was not contiguous to City Limits so it was not able to be annexed. What triggered this happened recently, it is related to the interest in the Evel Knievel jump site and the question came up as to why this property had not been annexed. There was not any answer to that question it should have been annexed previous to now. As for the fire district the Twin Falls Rural Fire District contracts with the City of Twin Falls, which is the Twin Falls Fire Department, so they are all the same people that show up for those fire calls.

Public Hearing: [Closed](#)

Deliberations Followed: [Without Concerns](#)

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Motion:

Commissioner Munoz made a motion to recommend the Open Space zone as an appropriate zoning designation for the 425 (+/-) acres being proposed for annexation to the City Council, as presented. Commissioner Grey seconded the motion. **All members present voted in favor of the motion.**

Recommended the 425 (+/-) acres proposed for annexation be designated as Open Space zone, as presented, to City Council

City Council Public Hearing Scheduled November 4, 2013

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

Commissioner Woods stated he was surprised at the announcement for Cliff Bars Project but asked for clarification as to whether or not this was in direct relationship to the approval of the bond for wastewater treatment facility.

Commissioner Vitek explained that the subdivision where the Cliff Bars company has chosen to build already had a will serve letter for services. The volume of wastewater associated with development had to be limited but was already accounted for prior to the need for a wastewater treatment facility.

VI. UPCOMING PUBLIC MEETINGS: (held at the City Council Chamber unless otherwise posted)

1. Work Session- **Wednesday, November 6, 2013**
2. Public Hearing-**Tuesday, November 12, 2013**

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 6:40pm.

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department