

COUNCIL MEMBERS:

Suzanne Hawkins	Jim Munn	Shawn Barigar	Chris Talkington	Gregory Lanting	Don Hall	Rebecca Mills Sojka
					<i>Vice Mayor</i>	<i>Mayor</i>



AGENDA
 Meeting of the Twin Falls City Council
Monday, March 3, 2014
 City Council Chambers
 305 3rd Avenue East -Twin Falls, Idaho

5:00 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA
 PROCLAMATIONS: "Multiple Sclerosis Awareness Week" March 3-7, 2014

GENERAL PUBLIC INPUT

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u>		
1. Consideration of a request to approve the Accounts Payable for February 25-March 3, 2014.	Action	Staff Report
2. Consideration of a request to approve the Findings of Fact, Conclusions of Law, and Decision for a Zoning District Change and Zoning Map Amendment from R-4 to R-B for property located at the northwest corner of Filer Avenue and Adams Street.	Action	Sharon Bryan Mitchel Humble
3. Consideration of a request to approve the Findings of Fact, Conclusions of Law, and Decision for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO for .49 acres (+/-) for property located 840 Addison Avenue.	Action	Mitchel Humble
4. Consideration of a request to approve the final plat for the Westpark Commercial #8 Subdivision, A PUD consisting of 2.03 (+/-) acres with 2 lots and 1 tract for commercial development on property located north of Pole Line Road & west of Canyon Crest Drive.	Action	Mitch Humble
5. Consideration of a request to approve an acceptance of right-of-way for property located on 9th Avenue East containing 4,802 Square Feet.	Action	Troy Vitek
6. Consideration of a request to approve an acceptance of right-of-way for property located on 9 th Avenue East containing 986 Square Feet.	Action	Troy Vitek
II. <u>ITEMS FOR CONSIDERATION:</u>		
1. Presentation by Rich Neu on Problem Solving Court in the Fifth Judicial District.	Presentation/ Possible Action	Rich Neu
2. Consideration of a request to confirm the reappointment Gary Bond, Dan Brizee, and Darren Hall to the Building Inspection Department Advisory Committee.	Action	Don Hall
3. Consideration of a request to confirm the reappointment of Jack Jardine to the Golf Advisory Commission.	Action	Don Hall
4. Consideration of a request to terminate a temporary easement that was placed by platted right-of-way and terminating an easement for a temporary drainage retention basin area.	Action	Troy Vitek
5. Consideration of a request to award a bid to purchase approximately a 770± square foot portion of a City owned lot located at 2617 Paintbrush Drive.	Action	Mitchel Humble
6. Consideration of a request to adopt an ordinance amending City Code 9-6-8 regarding the City's regulation of on-street large truck parking (Second Reading).	Action	Mitchel Humble
7. Consideration of a request to adopt an ordinance to transfer Lots 9 & 10, Block 119 to the Twin Falls Urban Renewal Agency.	Action	Melinda Anderson
8. Public input and/or items from the City Manager and City Council.		
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> <u>6:00 P.M.</u>		
1. Request for a Zoning Title Amendment to amend Twin Falls City Code 10-9-9(K); Real Estate Signs, to allow temporary real estate open house signs in the public right-of-way under specific conditions.	Action	Mitchel Humble
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.



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:)	
)	
<u>Zoning District Change & Zoning Map Amendment,</u>)	FINDINGS OF FACT,
Application,)	
)	CONCLUSIONS OF LAW,
<u>EHM Engineers, Inc.</u>)	
<u>c/o Gerald Martens</u>)	AND DECISION

Applicant(s)

This matter having come before the City Council of the City of Twin Falls, Idaho on February 10, 2014 for public hearing pursuant to public notice as required by law for a Zoning District Change and Zoning Map Amendment from R-4 to R-B for property located at the northwest corner of Filer Avenue and Adams Street and the City Council having heard testimony from interested parties, and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Zoning District Change and Zoning Map Amendment from R-4 to R-B for property located at the northwest corner of Filer Avenue and Adams Street
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following dates: December 26, 2014 & January 16, 2014
3. The property in question is zoned R-4 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Residential Business in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, Residential; to the south, Filer Ave/Undeveloped/Church Parking Lot; to the east, Residential; to the west, EHM Lab Parking Lot

Based on the foregoing Findings of Fact, the City Council hereby makes the following

CONCLUSIONS OF LAW

1. The application for a Zoning District Change and Zoning Map Amendment from R-4 to R-B for property located at the northwest corner of Filer Avenue and Adams Street is consistent with the purpose of the R-B Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use is consistent with the provisions of the Comprehensive Plan and Zoning Ordinance of the City of Twin Falls, and in particular Sections 10-1-4, 10-1-5, 10-4-2, 10-4-11, 10-8-1 through 6, 10-14-1 through 6 of the Twin Falls City Code.

3. The proposed use is proper use in the R-B Zone, subject to the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

4. Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity. A rezone of this property is not a guarantee city utilities are available. A will-serve letter will be issued upon review and approval for a final plat and/or a phase of a final plat.

5. The application for a Zoning District Change and Zoning Map Amendment from R-4 to R-B for property located at the northwest corner of Filer Avenue and Adams Street should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls and to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls City Council hereby enters the following

DECISION

1. The application for a for a Zoning District Change and Zoning Map Amendment from R-4 to R-B for property located at the northwest corner of Filer Avenue and Adams Street is hereby granted

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls and to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

"EXHIBIT NO. A"

APPLICATION #: 2611



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:)	
)	
<u>Zoning District Change & Zoning Map Amendment,</u>)	FINDINGS OF FACT,
Application,)	
)	CONCLUSIONS OF LAW,
<u>R. Thomas Ruby</u>)	
)	AND DECISION

Applicant(s)

This matter having come before the City Council of the City of Twin Falls, Idaho on February 10, 2014 for public hearing pursuant to public notice as required by law for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO for .49 acres (+/-) for property located 840 Addison Avenue and the City Council having heard testimony from interested parties, and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO for .49 acres (+/-) for property located 840 Addison Avenue
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following dates: December 26, 2013 & January 16, 2014
3. The property in question is zoned R-4 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Townsite in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, Addison Avenue/Residential; to the south, Professional Office; to the east, 11th Avenue North/Park; to the west, Residential/Alley.

Based on the foregoing Findings of Fact, the City Council hereby makes the following

CONCLUSIONS OF LAW

1. The application for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO for .49 acres (+/-) for property located 840 Addison Avenue is consistent with the purpose of the R-4 PRO Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use is consistent with the provisions of the Comprehensive Plan and Zoning Ordinance of the City of Twin Falls, and in particular Sections 10-1-4, 10-1-5, 10-4-5, 10-4-18, 10-7-12, 10-10-1 through 3, 10-11-1 through 9, 10-14-1 through 9 of the Twin Falls City Code.

3. The proposed use is proper use in the R-4 PRO Zone, subject to the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

4. Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity. A rezone of this property is not a guarantee city utilities are available. A will-serve letter will be issued upon review and approval for a final plat and/or a phase of a final plat.

5. The application for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO for .49 acres (+/-) for property located 840 Addison Avenue should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls and to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls City Council hereby enters the following

DECISION

1. The application for a for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO for .49 acres (+/-) for property located 840 Addison Avenue is hereby granted by.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls and to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

"EXHIBIT NO. A"

1. Subject to amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

APPLICATION #: 2613
SUP#



Public Hearing: **MONDAY MARCH 3, 2014**
 To: Honorable Mayor Hall & City Council
 From: Mitch Humble, Community Development

ITEM I

Request: Request for approval of the final plat for the Westpark Commercial #8 Subdivision, A PUD consisting of 2.03 (+/-) acres with 2 lots and 1 tract for commercial development on property located north of Pole Line Road & west of Canyon Crest Drive Westpark Partners, LLC c/o Gerald Martens / EHM Engineers, Inc.

Time Estimate:
 There is no presentation.

Background:

Applicant: Westpark Partners, LLC c/o Gerald Martens 621 N. College Rd, Ste 100 Twin Falls, Idaho 83301 208-734-4888 208-420-2461cell gmartens@ehminc.com	Status: Property Owner	Size: 2.03(+/-) acres
	Current Zoning: C-1 PUD	Requested Zoning: Approval of a final plat
	Comprehensive Plan: Commercial – Retail	Lot Count: 2 lots and 1 tract
	Existing Land Use: undeveloped	Proposed Land Use: commercial/retail
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: C-1 PUD; undeveloped	East: C-1 PUD; Farmer's National Bank
	South: C-1 PUD; Pole Line Rd, undeveloped	West: C-1 PUD; undeveloped
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-6-1 through 4, 10-7-6, 10-10-1 through 3, 10-11-1 through 9, 10-12-2.3 and the Northbridge PUD Agreement	

Approval Process:

As per Twin Falls City Code 10-12-2.4 Action on Final Plat:
 After the approval or conditional approval of the preliminary plat, the subdivider may cause the total parcel, or any part thereof, to be surveyed, and a final plat prepared in accordance with the approved preliminary plat.

The Council may approve, conditionally approve, deny or table for additional information when acting on the final plat. If tabled, approval or denial shall occur at the regular meeting following the meeting at which the plat is first considered by the Council.

Budget Impact:

As the request is for approval of a Final Plat, approval of this request will have negligible impact on the City budget.

Regulatory Impact:

Upon approval of a final plat by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

History:

This area was part of a request for a Comprehensive Plan Map change from residential to commercial and open space and a rezone from R-1-4300 to C-1 PUD and OS, which was reviewed by the Planning and Zoning Commission on February 9, 1993. The Commission recommended approval of the request as a C-1 & R-4 PRO PUD zoning. The request was approved by the City Council on April 19, 1993, with the Commission's recommendations, including the following:

1. Lot 6 at the intersection of Pole Line Road and Washington St N be rezoned R-4 PRO PUD.
2. Accesses to the lots on Pole Line Road to be limited to minimum 660 foot spacing and limited to shared accesses between the lots.
3. Relocate the access between lots 6 & 7 further from Washington St N and access lots 7 through an internal access easement through lot 6.
4. Provide a 44 foot wide public access road along the east side of Lot 1 to serve future development to the north. This is at the 1/2 mile (Harrison St) alignment. Make provisions to delete the approach aligned with the existing Lazy J access upon full development of the Harrison St intersection.
5. Provide a 44 foot wide public north-south access road off Pole Line Road through the C-1 PUD area to the future residential development to the north.
6. Dedicate a 40 foot 1/2 right-of-way on Washington St N and build to a 32 foot wide half arterial section.
7. A landscaped berm required on the west side of Lot 5.
8. Public parking required on Lots 1 & 2 for public access to the Perrine Coulee green belt.

As per condition #1 The PUD rezoned a 4.5 acre parcel, referenced as "Lot 6", located at the northeast corner of Washington St N and Pole Line Road as R-4 PRO.

Westpark Commercial Subdivision, No. 3 was recorded in May 2006. The plat consists of 24 (+/-) acres with 3 commercial lots. Lot 6, Block 2 consisted of 2.98 acres and located at the northeast corner of Pole Line Road and Washington Street North. Lot 6, Block 2, 2.98 acre lot (+/-), was zoned R-4 PRO PUD. Walgreen's purchased lot 6 and proceeded with a request for a PUD Modification/rezone of this lot from R-4 PRO PUD to C-1 PUD so they could build a Walgreen's.

The City Council approved an amendment to the Northbridge PUD on September 24, 2007 rezoning Lot 6, Block 2 Westpark Commercial Subdivision #3-a PUD from R-4 PRO to C-1 PUD. At the time the applicants only owned the 3 acre platted lot, leaving the remaining 1.5 acre parcel to the north zoned R-4 PRO. They purchased the remaining 1.5 acre parcel of Lot 6, Block 2 of West Park Commercial Subdivision #3-a PUD and on July 14, 2008 the City Council approved a PUD Modification of the Northbridge PUD rezoning the remaining 1.5 R-4 PRO zoned parcel to C-1 PUD.

On January 8, 2008 the Commission approved a Special Use Permit to operate a retail business outside the permitted hours of operation of 7:00 am to 10:00 pm, to operate a drive-through facility, and to operate a 32 sf message center sign. The sign code has since been modified, allowing a message center sign without a special use permit. A Certificate of Occupancy was issued for the new Walgreen's store on October 1, 2009.

May 16th, 1994 Council approved the Northbridge #2 PUD Agreement. August 22nd, 2005 the Council approved a PUD modification to the Northbridge #2 PUD to allow a storage unit facility.

On June 10, 2013 the City Council approved a request for a rezone / PUD to allow a hotel and accessory uses by right on a single lot. The property is located north of Walgreen's.

Westpark Commercial Subdivision, #7-A PUD was recorded on July 29, 2013. Westpark Commercial #7 PUD Agreement was recorded on June 28, 2013.

Analysis:

This Final Plat for the Westpark Commercial Subdivision #8 – a PUD includes 2.03 (+/-) acres and consists of two (2) lots. The proposed subdivision is zoned C-1 PUD. The site is located north of Pole Line Road and west of Canyon Crest Drive. The property is currently undeveloped. It is located within Lot 4; Block 2 of the Westpark Commercial Subdivision #3. The proposed lots are covered under the Northbridge PUD. This proposed subdivision will conform to the uses and development standards stated in the Northbridge PUD.

The intended use for the Westpark Commercial Subdivision #8 – a PUD is to allow the commercial development of a restaurant in one lot and unknown commercial use in the other. There is not a minimum lot square footage requirement in the C-1 zone for commercial uses; the lot is required to be of "sufficient size to provide for the building, the required setbacks, off street parking and landscaping". A full review of required improvements will be made by the Building, Planning, Fire and Engineering Departments for full compliance with minimum development standards prior to issuance of any building permits.

A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. It is also indicated on the Preliminary Plat that the site will be on a pressure irrigation (P.I.) system.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for commercial/retail uses.

On **February 25, 2014** the Commission unanimously approved the preliminary plat of the Westpark Commercial Subdivision #8- A PUD, as presented, subject to the following conditions:

1. Subject to final technical review and 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 compliance with the Northbridge PUD Agreement.
4. Subject to the deed being revised in Westpark Commercial Subdivision #3, Lot 4 to exclude this subdivision, if approved.

Conclusion:

Conditions 1 & 2 are standard conditions placed upon a plat request. Due to existing infrastructure development condition #2 has been met and should be removed.

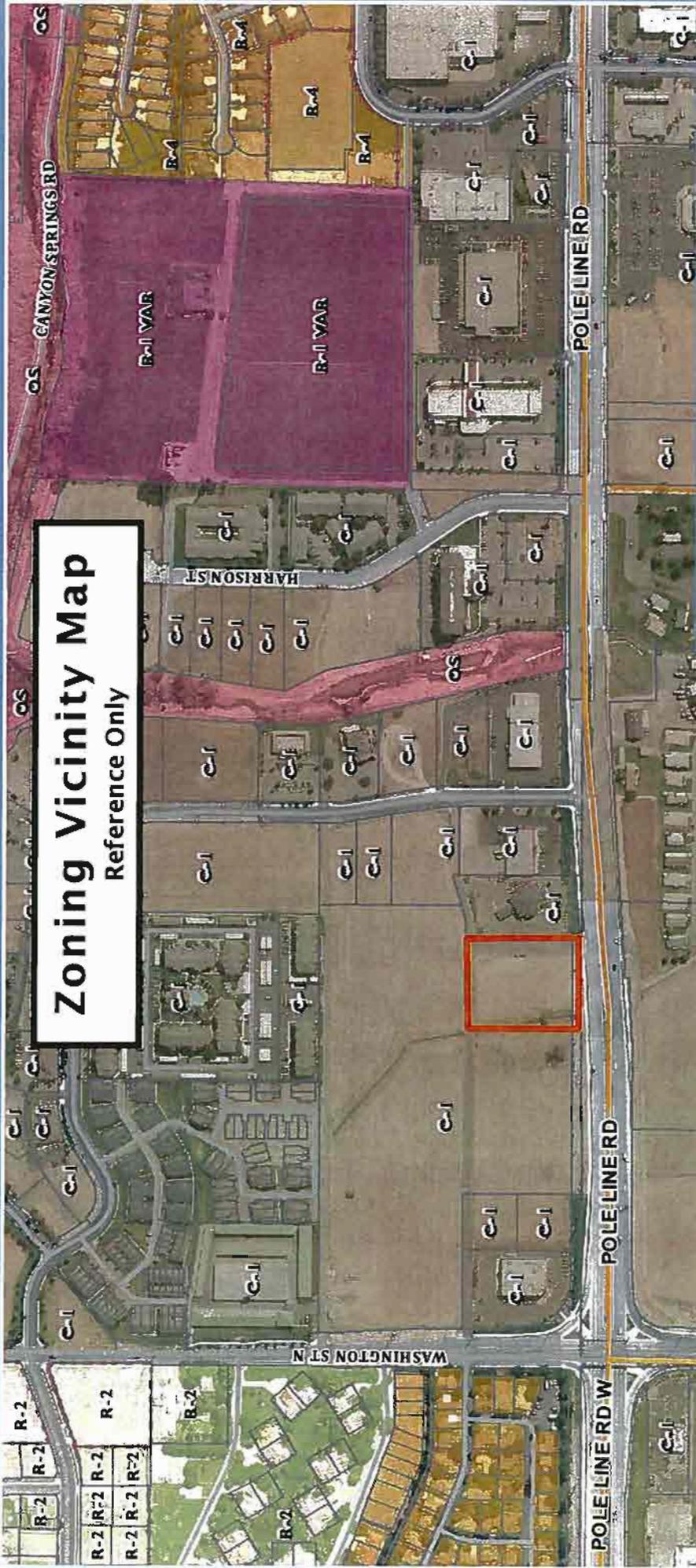
Staff recommends the Council approve the final plat of the Westpark Commercial Subdivision #8-A PUD as presented and subject to conditions 1, 3 & 4 placed upon the preliminary plat .

Attachments:

- | | |
|--|------------------------------|
| 1. Zoning Vicinity/Aerial Map | 4. Final Plat Exhibit |
| 2. West Park Commercial Subdivision #3 | 5. Proposed Development Plan |
| 3. Preliminary Plat Exhibit | 6. Photos |

Zoning Vicinity Map

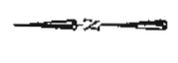
Reference Only



Aerial Image Map

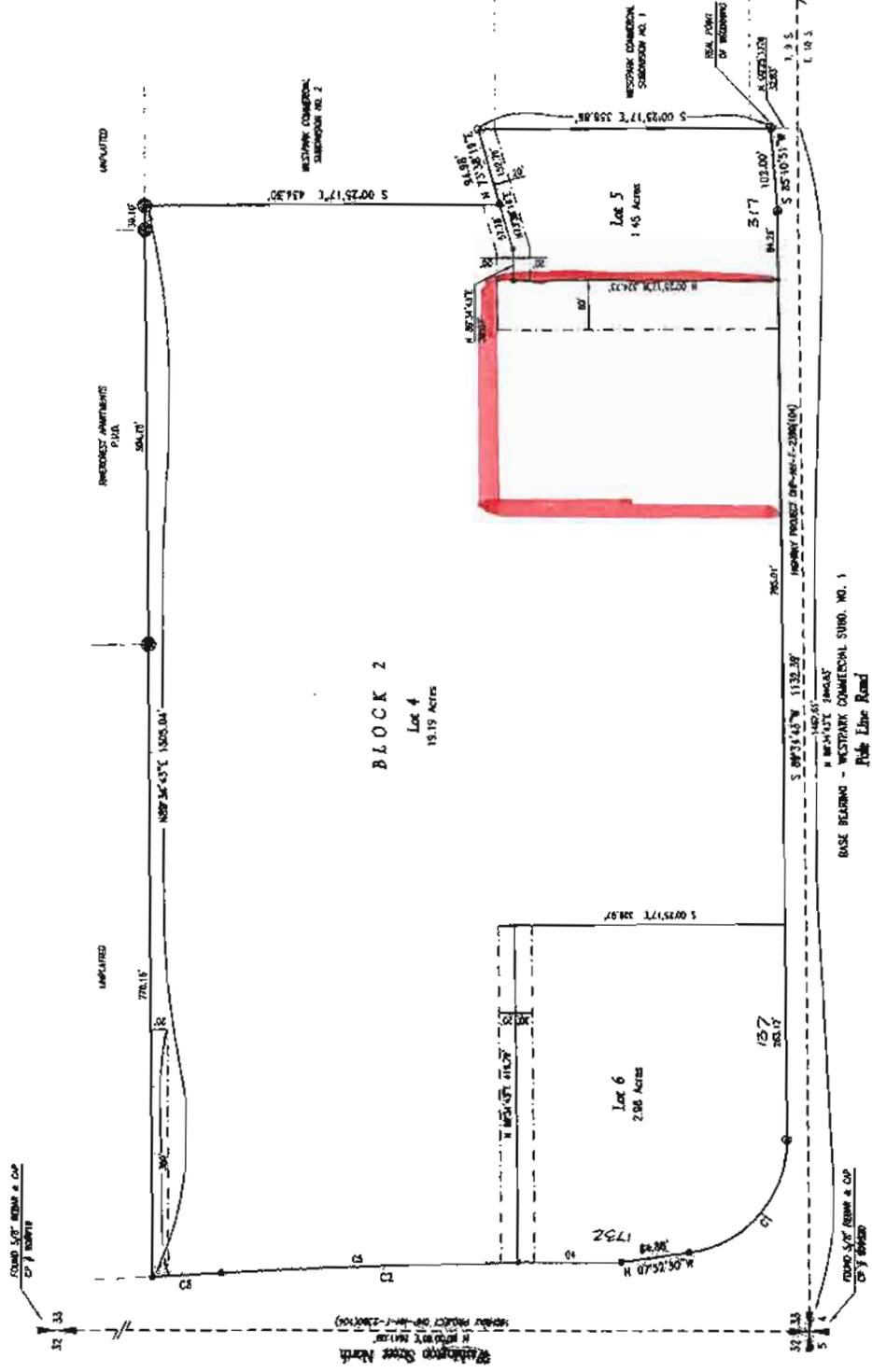
Reference Only



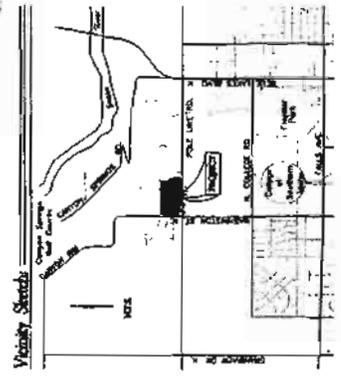


F - 507

WESTPARK COMMERCIAL SUBD. NO. 3
 Located In
 SE 89% Section 31
 T. 9 S., R. 17 E., R. 14
 Twin Falls County Idaho
 2005



TWIN FALLS COUNTY
 EMERGENCY EASEMENTS
 1-4-11
 2005
 2005-0019-0004
 2005-0019-0004
 2005-0019-0004
 2005-0019-0004
 2005-0019-0004



- Legend**
- PROPERTY BOUNDARY LINE
 - LOT LINE
 - SECTION LINE
 - UTILITY VEHICULAR ACCESS & DRAINAGE EASMT
 - SET 5/8" x 30" REBAR & CAP (LS 1000)
 - FOUND 5/8" REBAR & CAP (LS 1000)
 - SET 1/2" x 24" REBAR & CAP (LS 1000)
 - FOUND 1/2" R/W MONUMENT (ALUM CAP)
 - FOUND 1/2" REBAR - REPLACED WITH 5/8" x 30" REBAR & CAP (LS 1000)

Maple Certification

Survey conducted in accordance with Idaho Code, Title 24, Chapter 13 on the basis of the information provided by the owner and the information shown on the plat. The accuracy of the plat is not guaranteed by the surveyor.

Aug 23, 2005
 [Signature]
 Surveyor

Curve Data

Curve	Delta	Area	Chord	Radius	Chord	Chord
C1	83.2327	137.80	185.57	181.80	100.85	N 49°03'57"
C2	67.2257	457.88	497.25	497.10	54.88	N 41°14'00"
C3	67.2257	457.88	497.25	497.10	54.88	N 41°14'00"
C4	67.2257	457.88	497.25	497.10	54.88	N 41°14'00"
C5	67.2257	457.88	497.25	497.10	54.88	N 41°14'00"
C6	67.2257	457.88	497.25	497.10	54.88	N 41°14'00"

Engineers, Inc.
 ENGINEERS/SURVEYORS/PLANNERS

Westpark Commercial Subdivision Number 8 A Planned Unit Development

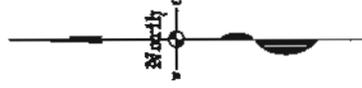
A Resubdivision of
A Portion of
Lot 4, Block 2
WESTPARK COMMERCIAL
SUBDIVISION NO. 3

In
SW 4 SW 4, Section 33
Township 9 South, Range 17 East
Boise Meridian
Twin Falls County, Idaho
2014

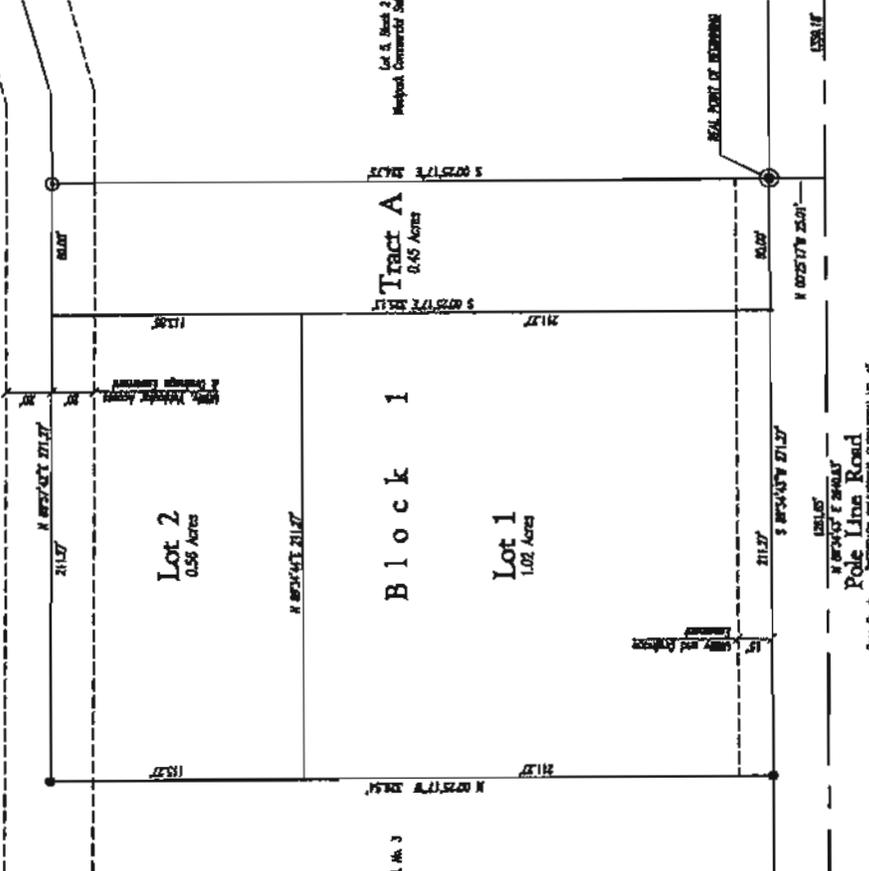
Legend

- SUBDIVISION BOUNDARY LINE
- PLATTED LOT LINE
- - - EASEMENT LINE
- SECTION LINE
- FOUND 1/2" REBAR - SET
- FOUND 5/8" REBAR AND CAP
- FOUND 5/8" REBAR AND CAP (LS 1000)
- SET 5/8" REBAR AND CAP
- SET 1/2" REBAR AND CAP
- FOUND BRASS CAP IN WELL

Vicinity Map



Lot 4, Block 2
Westpark Commercial Subd. No. 3



Lot 4, Block 2
Westpark Commercial Subd. No. 3

Lot 4, Block 2
Westpark Commercial Subd. No. 3

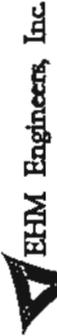
Notes

1. Tract A is hereby reserved for utility, vehicular access, drainage and landscaping.

Health Certificate

Sanitary regulations as required by Idaho Code Title 24, Chapter 13 are to be followed. No owner shall construct any building, dwelling, or structure which necessitates the supply of water or sewerage facilities for persons using such premises until sanitary regulations requirements are satisfied.

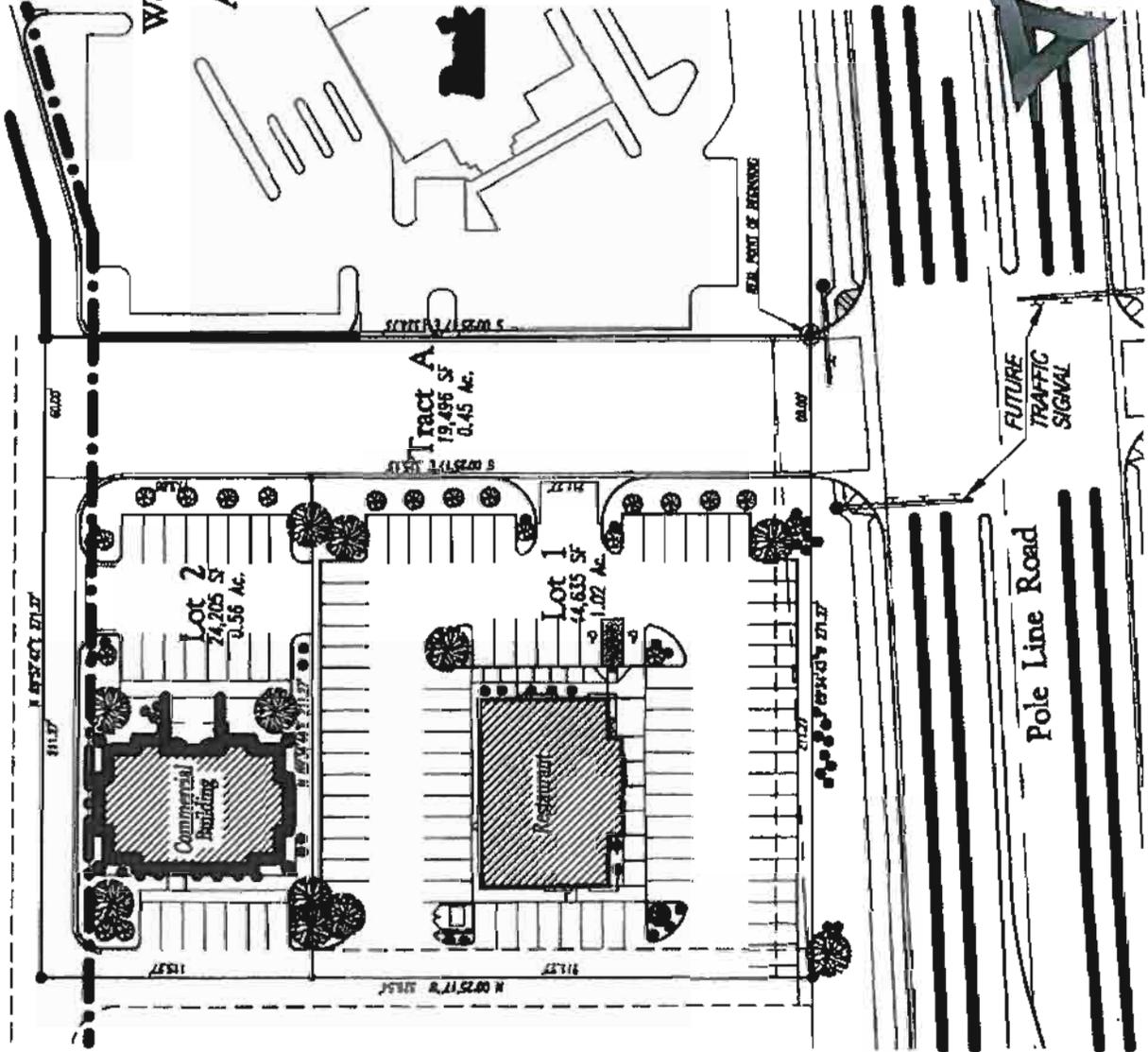
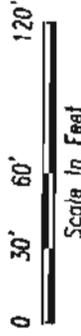
Date: _____ South Central District Health Dept., IDG



EHM Engineers, Inc.

EXHIBIT B
Master Development Plan

For:
**Westpark Commercial Subdivision
Number 8
A Planned Unit Development**

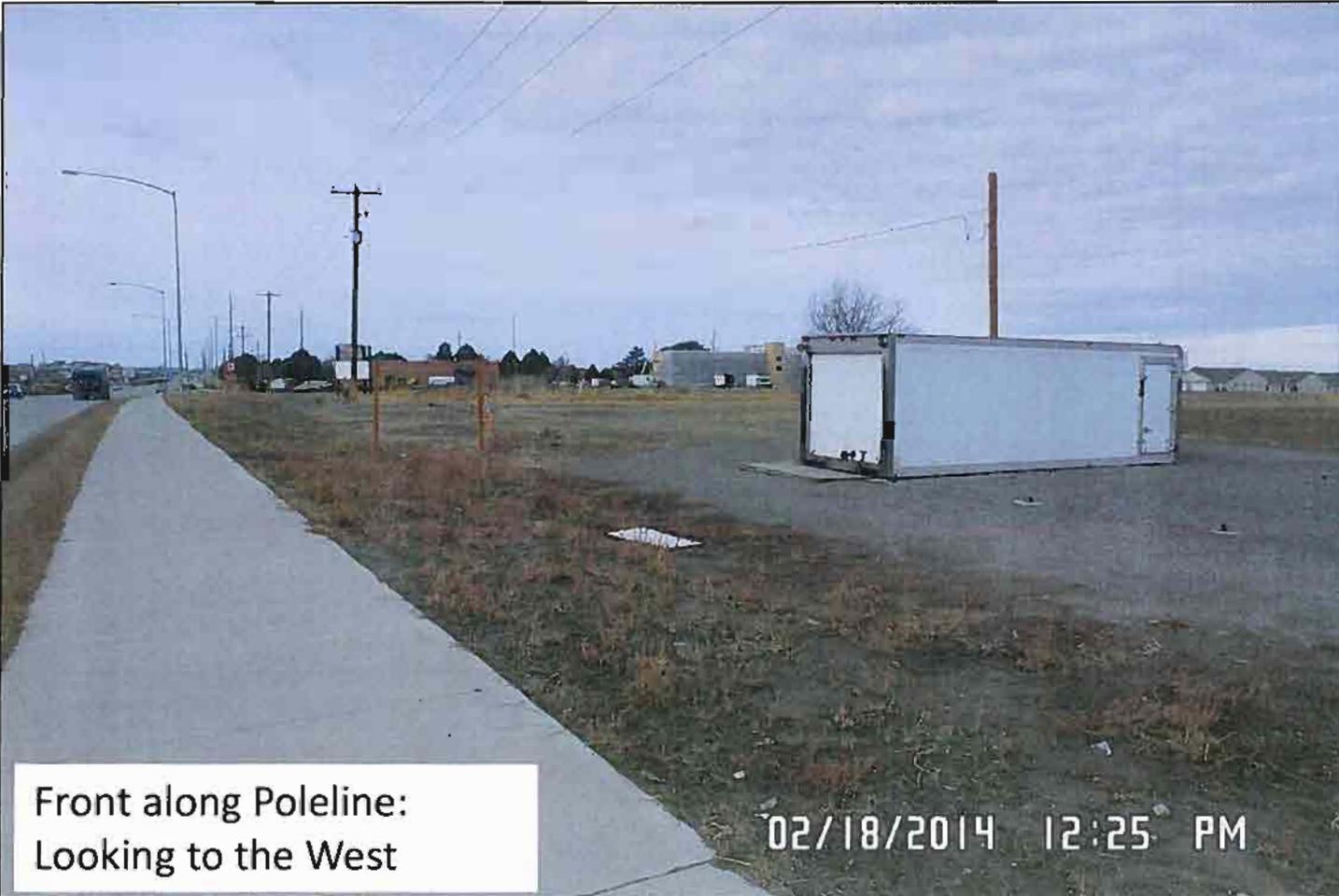


EHM Engineers, Inc.



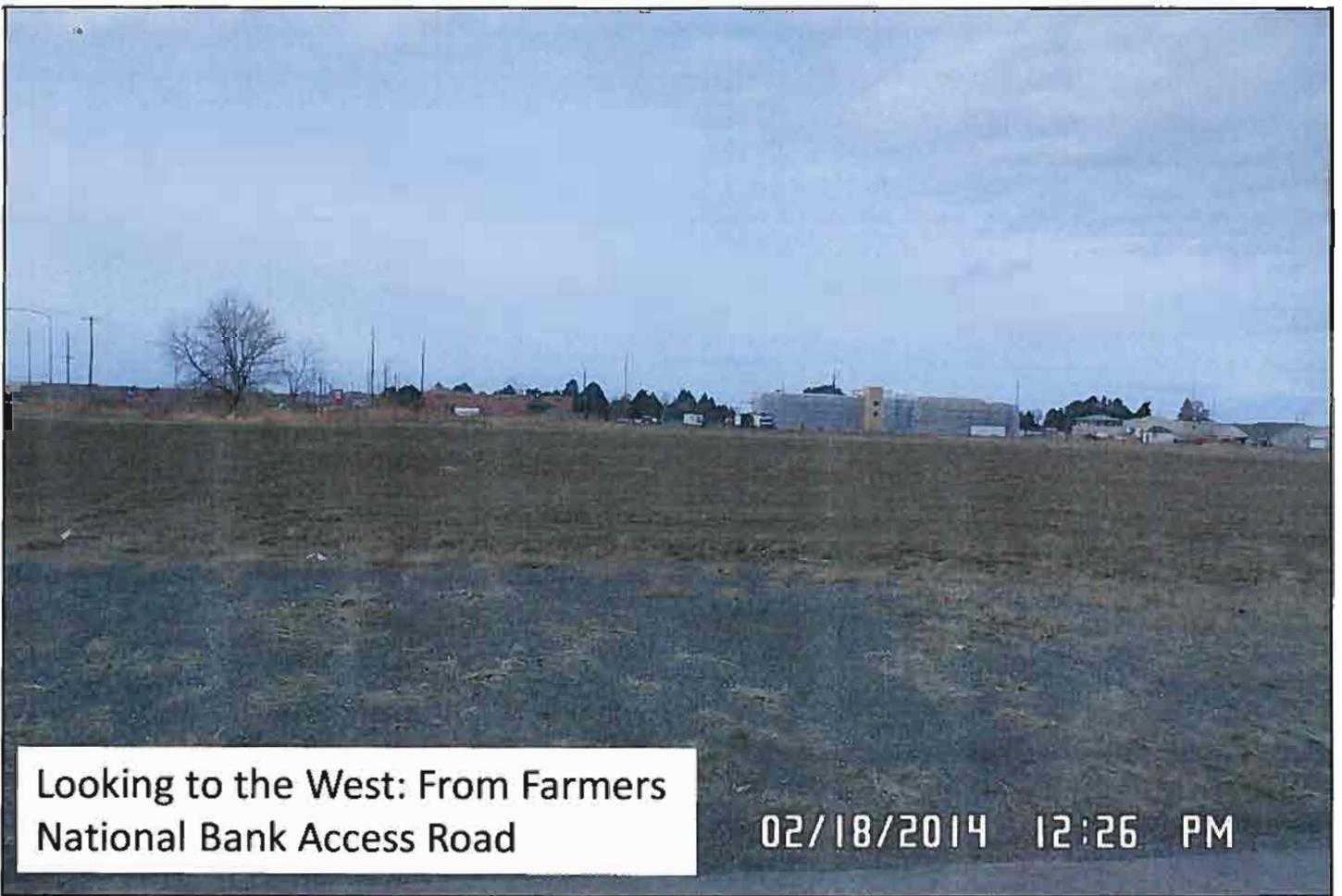
Frontage along Pole Line Road:
Looking to the North

02/18/2014 12:25 PM



Front along Poleline:
Looking to the West

02/18/2014 12:25 PM



Looking to the West: From Farmers
National Bank Access Road

02/18/2014 12:26 PM



Date: Monday, March 3, 2014
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

Request:

Consideration of a request to accept right of way.

Time Estimate:

The staff presentation will take approximately 5 minutes.

Background:

Bethel Temple Apostolic Church, Inc. deeded a parcel of land to the City of Twin Falls in 2011 as shown on the attached Quitclaim Deed. The Bethel Temple Apostolic Church, Inc. deeded this land to the City as part of a special use permit. Accepting this Quitclaim Deed allows for future widening of the roadways without having to purchase this land.

Approval Process:

A majority vote of the Council is required to approve this request.

Budget Impact:

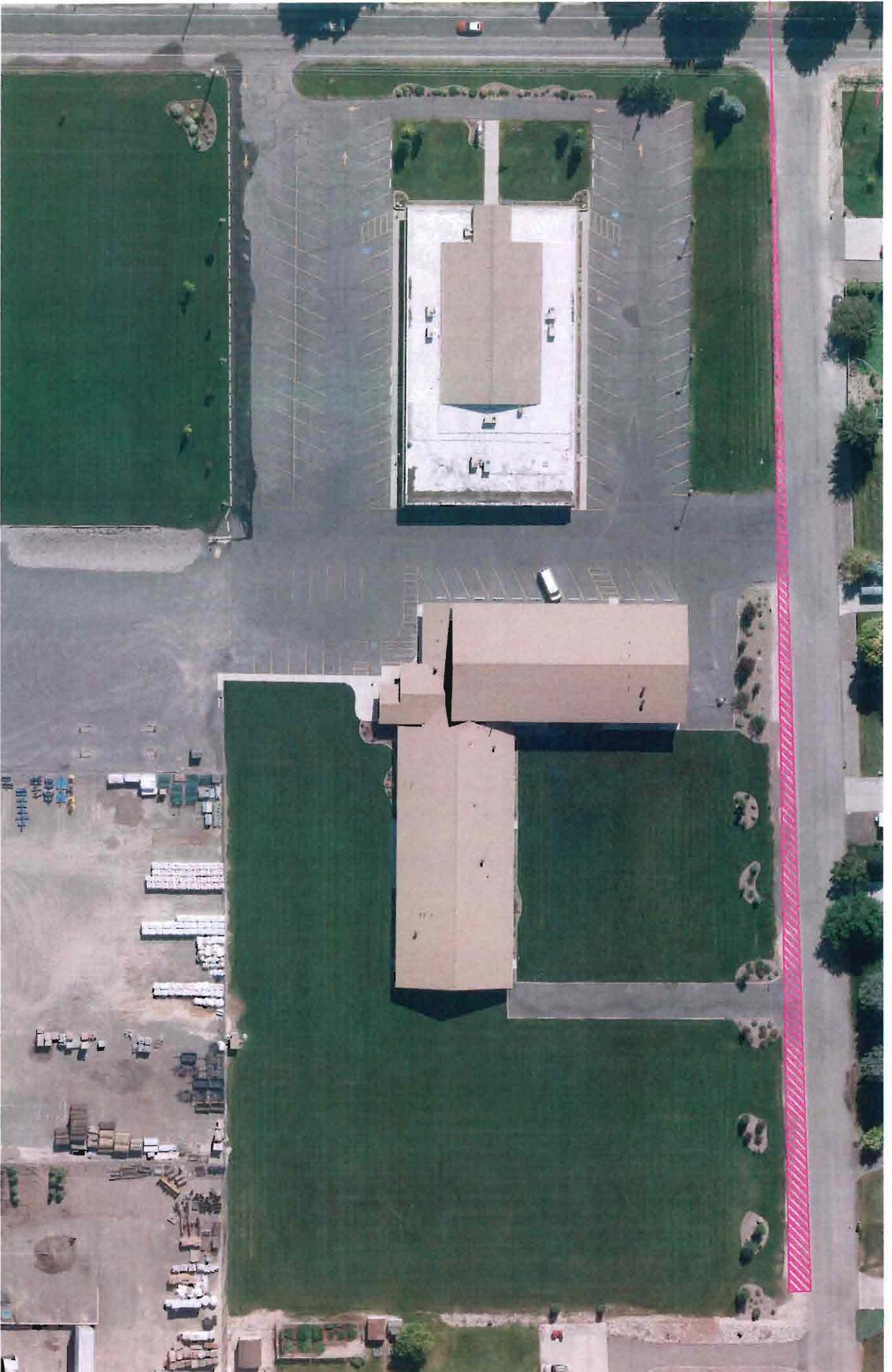
There is no significant budget impact associated with the Council's approval of this request.

Conclusion:

Staff recommends the Council approve the request as presented and authorize the Engineering Department to record the transfer.

Attachments:

1. Vicinity map
2. QuitClaim Deed



QUITCLAIM DEED

FOR VALUABLE CONSIDERATION, **Bethel Temple Apostolic Church, Inc.**, whose address is 929 Hankins Road, hereinafter called Grantor, does hereby convey, release, remise and forever quit claim unto the CITY OF TWIN FALLS, IDAHO, a municipal corporation, whose address is 321 2nd Avenue East, P.O. Box 1907, Twin Falls, Idaho 83303, and its successors, the following described real property, to-wit:

A parcel of land generally described as an irregular shape of land located in the NE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 14, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, and being more specifically described as follows:

COMMENCING at the Northeast corner of Section 14;

THENCE South 00°22'22" West 1074.34 feet along the East boundary of said Section 14;

THENCE South 89°22'44" West 25.00 feet to the REAL POINT OF BEGINNING;

THENCE South 89°22'44" West 726.00 feet along the South boundary of a parcel conveyed to Bethel Temple Apostolic Church, Inc., per Warranty Deed 642222 in book 223, page 1553, records of said County, to a point on the East boundary of Lot 1, Block 1, of Jonathan Heights Subdivision according to the plat thereof, recorded in book 10, page 17, records of said County;

THENCE South 00°22'22" West 12.86 feet along the East boundary of said Lot 1 to the Southeast corner of said Lot 1;

THENCE North 88°23'37" East 726.32 feet along the North right-of-way boundary of 9th Avenue East to a point 25 feet West of the East boundary of said Section 14;

THENCE North 00°22'22" East 0.37 feet along a line parallel with the East boundary of said Section 14 to the REAL POINT OF BEGINNING.

Containing 4802 Square Feet

This deed binds the Grantor, his/her successors, heirs and assigns.

DATED This 14 day of September, 2011.

John Collins, Jr.

STATE OF IDAHO)
County of Twin Falls) ss

On this 14th day of September, 2011,
before me, the undersigned, a Notary Public for Idaho,
personally appeared John Collins, Jr.,
Known to me to be the person whose name is subscribed to the
foregoing Right-of-Way Deed and acknowledged to me that he/she
executed the same.

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



JoAnne Whitaker
Notary Public for Idaho
Residing In: Twin Falls, Id
My Commission Expires: 12-13-2012



Date: Monday, March 3, 2014
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

Request:

Consideration of a request to accept right of way.

Time Estimate:

The staff presentation will take approximately 5 minutes.

Background:

Bethel Temple Apostolic Church, Inc. deeded a parcel of land to the City of Twin Falls in 2011 as shown on the attached Right-of-Way Deed. The Bethel Temple Apostolic Church, Inc. deeded this Right-of-Way to the City as part of a special use permit. Accepting this Right-of-Way allows for future widening of the roadways without having to purchase this land.

Approval Process:

A majority vote of the Council is required to approve this request.

Budget Impact:

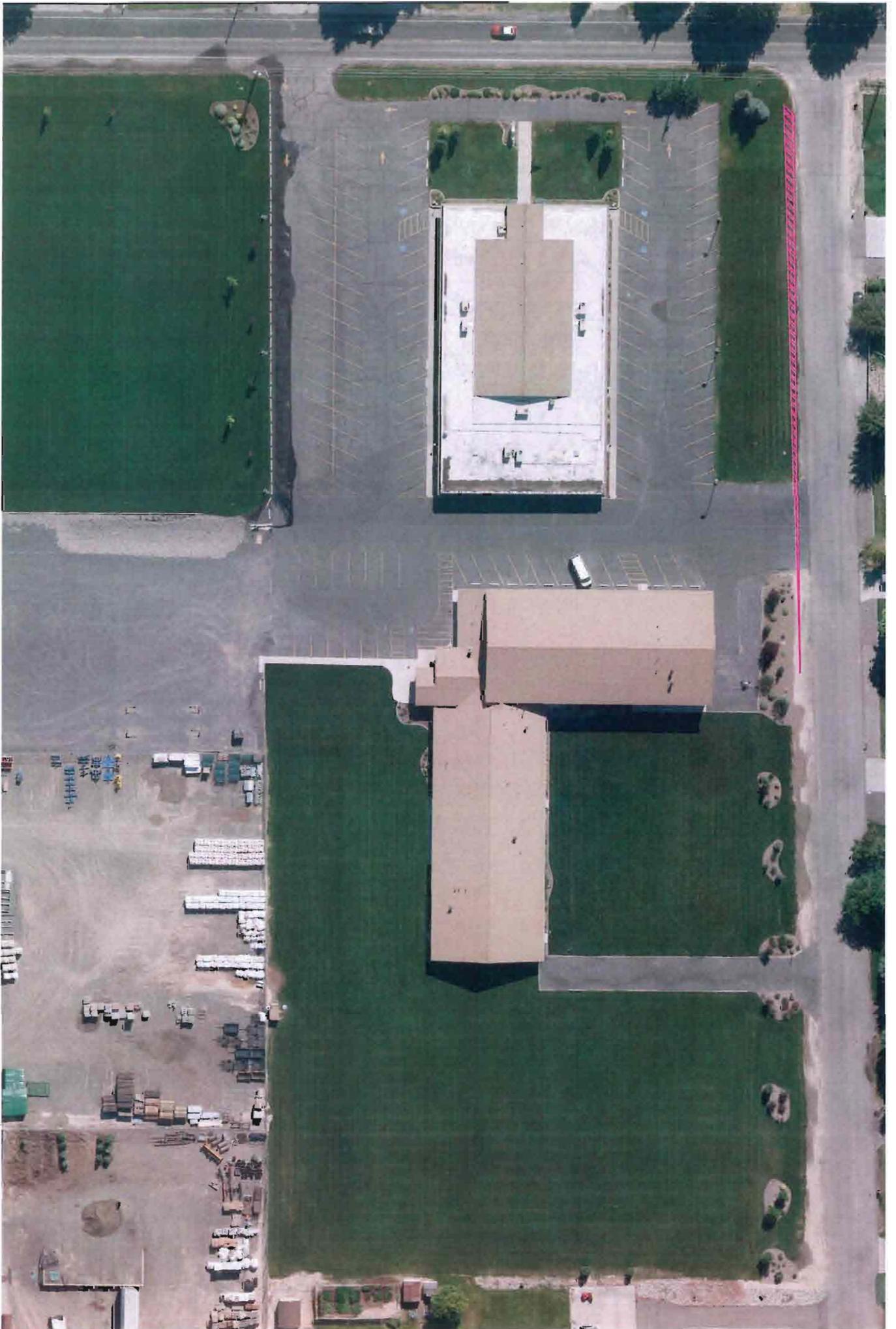
There is no significant budget impact associated with the Council's approval of this request.

Conclusion:

Staff recommends the Council approve the request as presented and authorize the Engineering Department to record the transfer.

Attachments:

1. Vicinity map
2. Right-of-Way Deed



RIGHT-OF-WAY DEED

FOR VALUABLE CONSIDERATION, **Bethel Temple Apostolic Church, Inc.**, whose address is 929 Hankins Road, hereby grants and conveys unto the CITY OF TWIN FALLS, IDAHO, a municipal corporation, whose address is 321 2nd Avenue East, P.O. Box 1907, Twin Falls, Idaho 83303, and its successors, a permanent right-of-way and easement over and across the following described real property, to-wit:

A parcel of land for road right-of-way purposes being generally described as an irregular shape of land located in the NE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 14, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, and being more specifically described as follows:

COMMENCING at the Northeast corner of Section 14;

THENCE South 00°22'22" West 1074.34 feet along the East boundary of said Section 14;

THENCE South 89°22'44" West 75.00 feet to a point on the Westerly right-of-way boundary of Hankins Road and being the REAL POINT OF BEGINNING;

THENCE South 89°22'44" West 335.57 feet along the South boundary of a parcel conveyed to Bethel Temple Apostolic Church, Inc., per Warranty Deed 642222 in book 223, page 1553, records of said County;

THENCE North 88°23'37" East 341.59 feet along a line parallel with the North right-of-way boundary of 9th Avenue East to a point on the Westerly right-of-way boundary of Hankins Road

THENCE South 44°52'33" West 8.38 feet along the Westerly right-of-way boundary of Hankins Road to a point on the South boundary of said parcel conveyed to Bethel Temple Apostolic Church, Inc., to the REAL POINT OF BEGINNING.

Containing 986 Square Feet

This deed binds the Grantor, his/her successors, heirs and assigns.

DATED This 14 day of September, 2011.

John Collins, Jr.

STATE OF IDAHO)
) ss
County of Twin Falls)

On this 14th day of September, 2011, before me, the undersigned, a Notary Public for Idaho, personally appeared John Collins, Jr., Known to me to be the person whose name is subscribed to the foregoing Right-of-Way Deed and acknowledged to me that he/she executed the same.

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



JoEne Whitaker
Notary Public for Idaho
Residing In: Twin Falls, Id
My Commission Expires: 12-13-12

Fifth Judicial District
Problem Solving Courts

Types of Courts



- ❧ Drug Court – Darrell Roskelley, 735-4122
 - ❧ Mental Health Court – Rich Neu, 735-4374
 - ❧ Child Protection Drug Court – Shelly Phinney, 735-4308
 - ❧ DUI Court – Steve Conger – 735-4393
-
- ❧ District Wide Problem Solving Court Manager
Rich Neu – 735-4374, 320-0491

Goals of Problem Solving Courts

- ❧ Community protection / safety
- ❧ Cost reduction through reduced incarceration, hospitalization, law enforcement contact, and prosecution.
- ❧ Improved quality of life

How we achieve these goals

- ❧ Coerced treatment – Help people change and offer motivation to speed up the process thereby reducing or removing the threat to society.
- ❧ Enhanced supervision – intervene faster to rule and law violations thereby preventing the amount of damage or harm possible.
- ❧ Intensive motivational strategies in a team approach

Twin Falls County DUI Court Stat's

Updated: February 2014

The Twin Falls County DUI Court has been running for 7 years now. We started in October 2006. At that time we had 2 participants. The number quickly grew to 12, then 25 and after a year we had 35 active participants. Since that time we have stayed right at about 50 participants. On an average day, we have about 5 to 10 applications pending, waiting for slots to open up. We have 25 treatment slots authorized for IDOC Misdemeanor PSC funding. Several of our participants either don't qualify for that funding as they have excessive income or they have medical insurance that covers their treatment. Other of our clients are veterans who qualify for treatment through the Veterans Administration.

The numbers for the DUI Court program to date are:

We have had 328 Participants

Right now we have 52 Active Participants.

There have been 240 Graduates

Over the past 7 years - 35 of our participants/graduates were charged with new DUI's.

Child Protection Drug Court is a long term, intensive program, with a collaborative approach, designed to address the multiple needs of substance abusing parents in the child protective services system. Participants receive increased supervision, programming and judicial contact to assist in guiding them through the treatment process through a family centered service delivery system, which promotes family independence, stability, self-sufficiency, and recovery from substance abuse, assures child safety and supports permanency for children. The goal of this Court is to reunify the family in a safe home environment and to reduce the risk of subsequent involvement with the child welfare and criminal justice system.

The Team includes the Judge, Coordinator, Health & Welfare Caseworkers and Supervisors, CASA, Treatment Provider, Public Defender and Probation

Eligibility Requirements are:

- Have been determined to have a serious drug/alcohol disorder
- Have dependent children with an open child protection case
- Have the capacity to comprehend, and comply with the rules of the Court

Participation requirements include:

- Regular Court Hearings
- Drug & Alcohol Treatment
- Recovery Support Meetings
- Random Drug Testing
- Contact with Coordinator
- Mental Health Treatment
- Education or Employment
- Stable Housing
- Reliable Transportation
- Financial Stability
- Parenting
- Comply with all terms of child protection case plan & child protection hearings

How you and others in the community can get involved:

- Donate services or items needed to provide incentives and support to participants
- Provide training and job opportunities

THIS COURT IS NOT ABOUT PARENTS GETTING THEIR CHILDREN BACK

IT IS ABOUT CHILDREN GETTING THEIR PARENTS BACK!

Fifth Judicial District

MENTAL HEALTH COURT

Adult Felony (Judge Bevan): Started December 2006

Capacity to serve 25 participants, currently serving 22, 8 pending applicants

1. Minimum 2 year program followed by 1 year probation
2. Mental health Court team:
3. ACT services, Peer Support Specialist, Vocational Rehabilitation, Substance abuse treatment, Probation and Parole, Public Defender, Coordinator, Judge, (15 to 18 team members)
4. Added Veteran's tract while looking to create a Veteran's Court soon.
5. Will accept up to 5 misdemeanants.

Who we serve: Adults with a serious and persistent mental illness (SPMI) most of which also suffer from addiction (co-occurring disorders) who have committed criminal offenses. We do not work with sexual offenders.

Benefit to participant:

1. Faster stabilization through coercive therapy and individualized treatment planning.
2. Increased contact with treatment provided better long term outcomes.
3. Referral to additional resources.
4. Eliminates crime from records.

Benefit to community

1. Reduced jail stays.
2. Reduced hospitalizations.
3. Reduced law enforcement contacts.
4. Increased community awareness.

Drug Court



- ❧ Began – September 2001
- ❧ Serves Medium to High risk (for re-offense)felony offenders with drug dependency issues.
- ❧ Courts in Twin Falls, Jerome, Blaine, and the Mini-Cassia areas.
- ❧ Capacity to serve 77 participants district wide – post conviction.
- ❧ 14 to 18 months to complete followed by period of probation.
- ❧ Participants attend treatment and regular support groups
- ❧ Weekly court attendance and frequent drug/alcohol testing
- ❧ 30 to 40 percent success rate compared to 10 to 15 percent with treatment alone.

Twin Falls Strategic Goals
and the Problem Solving
Courts

Objective HC1.2C: Focus efforts on mental health issues in partnership with other agencies.

Objective HC1.2D: Improve response to drug and alcohol related incidents.

- ❧ Objective SC4.2A: Proactively respond to the changing trends in illegal drug use and prescription drug abuse.
- ❧ Objective SC4.2B: Support strong educational programs on drug and alcohol abuse.
- ❧ Objective SC4.2C: Focus on street-level drug problems and users.

Resources and needs

Examples



- ❧ Law Enforcement Support – City
- ❧ Prosecutor Support - City
- ❧ Community Service resources – PSC's
- ❧ Education and Information sharing - PSC's

- ❧ Mutually increased effectiveness through improved communication and cooperation



Date: Monday March 3, 2014 City Council Meeting

To: City Council

From: Mayor Don Hall

Request:

Consideration of a request to confirm the reappointment Gary Bond, Dan Brizee, and Darren Hall to the Building Inspection Department Advisory Committee.

Time Estimate:

The presentation will take approximately 3 minutes. Following the presentation, additional time may be necessary for questions.

Background:

Gary Bond, Dan Brizee, and Darren Hall have all completed their terms on the Building Inspection Department Advisory Committee. All three are eligible, and have requested to be reappointed. Darren Hall and Dan Brizee both reside in the City's area of impact. Therefore, their reappointment will require the Council to again waive the City residency requirement. The Committee is tasked to act as an appeal board to the Building Official's interpretation of the various building codes. Therefore, this Committee has very specific building trade employment membership requirements to ensure that members have a good foundation to make appeal decisions. Due to the specific and restrictive membership requirements, this Committee does not have term limits. Gary, Dan, and Darren have all had great attendance and participation. They are all respected by their peers in the building community. They have provided valuable input and assistance to the Building Official and his staff. Based on their valuable contributions to the Committee and the Building Department, I have elected to reappoint Gary Bond, Dan Brizee, and Darren Hall to the Building Inspection Department Advisory Committee. I am requesting that the Council confirm these reappointments. The reappointments will all be for three year terms beginning in March 2014.

Approval Process:

City Code 2-6-3, states that Committee members are to be appointed by the Mayor and confirmed by the City Council.

Budget Impact:

None

Regulatory Impact:

Approval of this request will keep the Building Inspection Department Advisory Committee at full nine members.

Conclusion:

I request that the Council confirm my reappointment of Gary Bond, Dan Brizee, and Darren Hall to three year terms on the Building Inspection Department Advisory Committee beginning March 2014.

Attachment:

None



Date: Monday March 3, 2014 City Council Meeting

To: City Council

From: Mayor Don Hall

Request:

Consideration of a request to confirm the reappointment of Jack Jardine to the Golf Advisory Commission.

Time Estimate:

The presentation will take approximately 3 minutes. Following the presentation, additional time may be necessary for questions.

Background:

Jack Jardine was appointed to the Golf Advisory Commission March 2013 for a partial term. Jack does not live within the City limits, so the Council waived the residency requirement for Jack with his appointment last year. He is eligible, and has requested to be reappointed to a full three year term. Even though Jack has served only one year on the Commission, he jumped in with both feet and was very active with the fundraising tournament for the golf course, he provided valuable input into the actions of the Commission, and has a perfect attendance record. Based on his valuable contribution to the Commission, I have elected to reappoint Jack Jardine to the Golf Advisory Commission. I am requesting that the Council confirm this reappointment. The reappointment would be for a three year term beginning in March 2014.

Approval Process:

City Code 2-4-3, states: "... members to be appointed by the Mayor and confirmed by the members of the City Council."

Budget Impact:

None

Regulatory Impact:

Approval of this request will bring the membership to six members on the Golf Advisory Commission.

Conclusion:

I request that the Council confirm my reappointment of Jack Jardine to a three year term on the Golf Advisory Commission beginning March 2014.

Attachment:

None



Date: Monday, March 3, 2014
To: Honorable Mayor and City Council
From: Troy Vitek, Assistant City Engineer

Request:

Consideration of a request to terminate a temporary easement that was replaced by platted right-of-way as well as terminating an easement for a temporary drainage retention basin area.

Time Estimate:

The staff presentation will take approximately 5 minutes.

Background:

Canyon Park granted an easement to the City through a public right-of-way easement agreement dated January 7, 2013. In the easement, the City agreed to terminate the easement once Canyon Park completed dedication and construction of Fillmore Street (Private). The City has accepted dedication and construction of Fillmore (Private) along with a "Maintenance and Unrestricted Access Agreement". Therefore the City can release the original easement as described in the agreement.

A temporary drainage easement was also granted to the City upon vacation of the Canyon Park North plat to accommodate drainage from the original Fillmore roadway. Now that the Fillmore Street has been relocated and new drainage facilities have been constructed, the existing drainage easement can be terminated.

Approval Process:

A majority of council approval is required for the mayor to sign.

Budget Impact:

There is no significant budget impact associated with the Council's approval of this request.

Regulatory Impact:

Approval of this request will allow the applicant to proceed with development of the property.

Conclusion:

Staff recommends that the Council approve the request as presented and approve the Mayor to sign the **Termination of Public Right Of Way Easement Agreement** and the **Termination of Easement**.

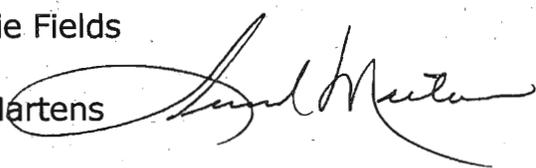
Attachments:

1. Termination of Public Right-of-Way Easement Agreement document for instrument #2013-000607.
2. Copy of instrument #2013-000607.
3. Termination of Easement document for instrument #1999-011112.
4. Copy of instrument #1999-011112.
5. Copy of Ordinance No. 3043.



RECEIVED
FEB 14 2014
CITY OF TWIN FALLS
PLANNING & ZONING

IN THE FIELDS OF:
PLANNING
SURVEYING
HIGHWAYS
WATER
WASTEWATER
STRUCTURAL
SUBDIVISIONS
BRIDGES
ENVIRONMENTAL
QUALITY CONTROL
CONSTRUCTION MGMT.
GRANT ADMINISTRATION

Date: February 12, 2014
To: City of Twin Falls
Attn: Jackie Fields
From: Gerald L. Martens 
Via: Hand Deliver
Regarding: Easement Termination Agreements – Canyon Park

Please find attached two easement termination agreements that need to be executed by the Mayor. They are:

1. Termination of the temporary easement for the section of Fillmore Street that was replaced by the platted right-of-way.
2. The temporary retention basin that was eliminated with the elimination of the old Fillmore roadway.

Please call me if there are questions.

Recording Requested By and
When Recorded Return to:

Canyon Park Development, LLC
P.O. Box 5478,
Twin Falls, ID 83303-5478

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

TERMINATION OF PUBLIC RIGHT OF WAY EASEMENT AGREEMENT

This Public Right of Way Easement Agreement is made by the City of Twin Falls, a municipal corporation ("City") to and for the benefit of Canyon Park Development, LLC, an Idaho limited liability company, whose address is P.O. Box 5478, Twin Falls, ID 83303-5478 ("Canyon Park").

Canyon Park granted to the City that certain the Public Right of Way Easement Agreement dated January 7, 2013 and recorded as Instrument No. 2013-000607 in the official records of Twin Falls, Idaho ("Easement"). In the Easement, the City agreed to terminate the Easement once Canyon Park has completed dedication and construction of Fillmore Street (Private), the City has accepted dedication and construction of Fillmore Street (Private), a public utility easement is dedicated for existing utilities in the prior right of way, and a "Maintenance and Unrestricted Access Easement Agreement" for Fillmore Street (Private). Canyon Park has completed construction of Fillmore Street (Private) and the City has accepted construction of Fillmore Street (Private). Therefore, the City relinquishes, abandons and terminates the Easement.

DATED this ____ day of _____, 2014.

City of Twin Falls:

By: _____
Don Hall, Mayor

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this _____ day of _____, 20____, before me,
_____, a Notary Public in and for said State, personally
appeared Don Hall known or identified to me to be the Mayor of the City of Twin Falls, the
municipal corporation that executed the within instrument or the person who executed the
instrument on behalf of said municipal corporation, and acknowledged to me that such municipal
corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year in this certificate first above written.

Notary Public for Idaho
Residing at _____
My commission expires _____

Recording Requested By and
When Recorded Return to:

Timothy W. Tyree
Hawley Troxell Ennis & Hawley LLP
877 Main Street, Suite 1000
P.O. Box 1617
Boise, Idaho 83701-1617

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

TERMINATION OF EASEMENT

THIS TERMINATION OF EASEMENT ("**Termination**") is entered into this ____ day
of _____, 2014, by the City of Twin Falls ("**Grantor**").

Grantor hereby terminates the Easement recorded on June 11, 1999, as Instrument No.
1999-011112 in the Office of the County Recorder for Twin Falls, Idaho, as amended (the
"**Easement**") and the Easement shall no longer be of any force or effect.

EXECUTED as of the date first set forth above.

GRANTOR:

City of Twin Falls,
a municipal corporation

By: _____
Don Hall - Mayor

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this ____ day of _____, 20____, before me, _____,
a Notary Public in and for said State, personally appeared Don Hall; known or identified to
me to be the Mayor of the City of Twin Falls, the municipal corporation that executed the within
instrument or the person who executed the instrument on behalf of said municipal corporation,
and acknowledged to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year in this certificate first above written.

Notary Public for Idaho
Residing at _____
My commission expires _____

EASEMENT

No. of Pages: 5 Fee: \$15.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy SR

KNOW ALL MEN BY THESE PRESENTS, That Craig H. Neilsen, individually and Craig H. Neilsen as Trustee of the Ray H. Neilsen Testamentary Trust, Grantor, for and in consideration of \$.00 Dollar(s) (\$ _____), and other good and valuable consideration, the receipt hereof is hereby acknowledged, do(es) hereby grant unto The City of Twin Falls and all parties having interest in ownership within the boundaries of "Canyon Park West No. 1 Subdivision," Grantee, and it's successors and assigns the right to go upon, occupy, and use a portion of Section 34, Township 9 South, Range 17 East, Boise Meridian in Twin Falls County, Idaho, described as follows, to wit:

See Attached Exhibit A attached hereto and by this reference made a part hereof.

A temporary easement for the purpose of constructing or installing thereon, drainage retention areas consisting of excavation and fill and other facilities necessary to meet the City of Twin Falls specifications for drainage facilities appurtenant to "Canyon Park West No. 1 Subdivision". Grantor agrees not to build or permit any obstruction, building or other structure, over, on, around or about said easement that would interfere with Grantee's right hereunder including Grantee's right of ingress and egress for maintenance and upkeep.

The aforesaid facility shall remain in place as constructed or installed for its intended purpose and shall not be removed or relocated by the Grantors, their heirs or assigns, without the prior approval of the City of Twin Falls or its assigns.

The City of Twin Falls, its agents or transferees, shall have the right to perform any maintenance they may deem necessary or wish to exercise in connection with the aforesaid facility (including but not restricted thereto, the right to make necessary repairs, alterations, removals or replacements thereof).

Together with the right and privilege of ingress and egress to and from said property for said purposes.

Upon relocation of the aforementioned drainage retention facilities to a location approved by the City of Twin Falls and meeting the specifications for construction and capacity, all rights granted herein shall be extinguished and terminated together with the right and privilege of ingress and egress to and from said property for said purpose.

TO HAVE AND TO HOLD, said easement unto Grantee, its successors and assigns this 3 day of February, 1999.

GRANTOR
Craig H. Neilsen by J.D. Sparks
Craig H. Neilsen
By: J.D. Sparks, Attorney in Fact

Craig H. Neilsen by J.D. Sparks
Craig H. Neilsen, Trustee of the Ray N. Neilsen
Testamentary Trust
By: J.D. Sparks, Attorney in Fact

STATE OF IDAHO
COUNTY OF TWIN FALLS

Ss

On this 3rd day of February, 1999, at 7:00pm, before me, the undersigned, a Notary Public in and for said State, personally appeared J.D. Sparks, True and Lawful Attorney-in-Fact for Craig H. Neilsen, Individually, and Craig H. Neilsen as Trustee of the Ray N. Neilsen Testamentary Trust, known to me to be the person whose name is subscribed to the above Certificate of Owner and acknowledged to me that she executed the same as Lawful Attorney-in-Fact for said Individual and said Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal of day and year in this certificate first above written.

[Signature]
Notary Public

Twin Falls, ID
Residing at:

03/28/2002
Commission Expires:

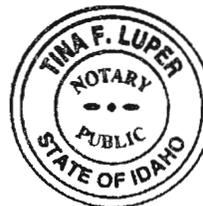


Exhibit A

An easement located in Government Lot 3, Section 34, Township 9 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho; being more particularly described as follows:

Commencing at the most Westerly corner of Lot 3, Block 1, "Canyon Park West No. 1 Subdivision". Thence North $14^{\circ}49'37''$ East 60.00 feet along the Westerly boundary of said Lot 3. Thence North $75^{\circ}10'23''$ West 64.00 feet to a point on the Westerly boundary of Fillmore Street to the REAL POINT OF BEGINNING.

Thence North $75^{\circ}10'23''$ West 100.00 feet.

Thence along a curve Right

$\Delta - 24^{\circ}01'28''$

R - 732.00'

A - 306.93'

C - 304.65'

LCB - North $26^{\circ}50'21''$ East

Thence South $51^{\circ}08'55''$ East 100.00 feet to a point on the Westerly right-of-way on Fillmore Street.

Thence along a curve left on said right-of-way

$\Delta - 24^{\circ}01'28''$

R - 632.00'

A - 255.00'

C - 263.06'

LCB - South $26^{\circ}50'21''$ West to the REAL POINT OF BEGINNING.

LIMITED POWER OF ATTORNEY

I, Craig H. Neilsen, of Las Vegas, Nevada, do hereby make, constitute and appoint JD Sparks as my true and lawful attorney, for me and in my name, place and stead, to do and perform all acts which said attorney in her sole discretion shall deem necessary, expedient or desirable, binding me, as fully to all intents and purposes as I might or could do if personally present, for me and in my behalf, to:

Enter into and execute all documents, agreements, contracts and instruments and perform all other acts necessary or incidental to granting the City of Twin Falls necessary easements for the storm water facilities, a sewer main, and a water line associated with the real estate development located at Canyon Park West, City and County of Twin Falls, State of Idaho.

All persons dealing with said attorney may rely on a photostatic, electrostatic or other similarly produced copy hereof without requiring the production of the original instrument.

Craig H. Neilsen / *Chris Horton*
Craig H. Neilsen / Date



On this 3rd day of February, 1999, Craig H. Neilsen directed Chris Hinton, in his presence as well as our own, to sign the foregoing document as "Craig H. Neilsen". Upon viewing the signature as signed by Chris Hinton and in our presence, Craig H. Neilsen declared that he adopted it as his own signature.

Donna Vido
Witness

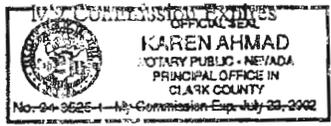
Cheryl Atchison
Witness

STATE OF NEVADA)
)
) ss.
COUNTY OF CLARK)

I, Karen Ahmad, a Notary Public in and for said county and state, do hereby certify that Craig H. Neilsen personally appeared before me and is known or identified to me to be the person whose name is subscribed to the within instrument. Craig H. Neilsen, who being unable due to physical incapacity to sign his name or offer his mark, did direct Chris Hinton to sign the foregoing document as "Craig H. Neilsen". Craig H. Neilsen, after viewing his name as signed by Chris Hinton thereupon adopted it as his own by acknowledging to me his intention to so adopt as if he had personally executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 3rd day of February, 1999.

Karen Ahmad
Notary Public
Residing at Las Vegas, NV



Recording Requested By and
When Recorded Return to:

City of Twin Falls
Attn: Mitchel B. Humble, AICP
P.O. Box 1907
Twin Falls, Idaho 83303

TWIN FALLS COUNTY

Recorded for:
TWIN FALLS, CITY OF
3:16:00 PM 01-10-2013

2013-000607
No. Pages: 14 Fee: \$
KRISTINA GLASCOCK
County Clerk
Deputy: DWRIGHT

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

PUBLIC RIGHT OF WAY EASEMENT AGREEMENT

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, Canyon Park Development, LLC, an Idaho limited liability company ("Grantor"), hereby grants unto the City of Twin Falls, a municipal corporation, whose address is 321 2nd Ave. East, Twin Falls, ID 83301 ("Grantee"), its successors and assigns, a public right-of-way and utility easement ("Easement") across, through and over the land of Grantor ("Premises"), located in the State of Idaho, County of Twin Falls, as more particularly described on Exhibit "A" attached hereto and made a part hereof, and as generally depicted on Exhibit "B" attached hereto and made a part hereof.

Together with the rights to repair, replace, and maintain the Easement, to repair, replace, and maintain any public utilities within the Easement, and add to or alter said utilities at any reasonable time, with access to said Premises and egress therefrom to permit the same. Upon completion of any construction, repair, replacement, removal, alteration and/or maintenance of said utilities, Grantee or assigns shall have the obligation to restore the attributes of the Premises disturbed by any such construction, repair, replacement, removal, alteration and/or maintenance to as near the pre-disturbance condition, or a Grantor-approved changed condition of the Premises, as the physical characteristics of the installed utility permit.

Grantor grants this Easement for the benefit of Grantee, its successors and assigns.

This Easement shall run with the land, and shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, successors and assigns.

Grantee agrees to relinquish, abandon and terminate this Easement upon Fillmore Street (Private) easement being dedicated, constructed and accepted by the City, on dedication of a public utility easement for the existing utilities, and on execution and recordation of a "Maintenance and Unrestricted Access Easement Agreement" for the new Fillmore Street (Private). Upon satisfaction of these conditions, Grantee agrees to execute, acknowledge and deliver to Grantor the Termination of Public Right of Way Easement Agreement attached hereto as Exhibit "C".

[Signature Page Follows]

DATED this 7 day of January, 2013.

Grantor:
Canyon Park Development, LLC,
An Idaho limited liability company

By: Ray H. Nielsen  Agent
Ray H. Nielsen, Manager
by Tina Luper as agent

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 7 day of January, 2013, before me, Kimberly M. Cerise, a Notary Public in and for said State, personally appeared Tina Luper, known or identified to me to be the attorney-in-fact for Ray H. Nielsen, the manager or a member of Canyon Park Development, LLC, or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that Tina Luper subscribed the name of Ray H. Nielsen as the manager and her own name as attorney-in-fact and that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Kimberly M. Cerise
Notary Public for State of Idaho
Residing at Twin Falls, Idaho
My commission expires 6/8/2015

ME 398

EXHIBIT A

Fillmore Street Easement

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 - South $21^{\circ}24'24''$ 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

ME. 398

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:

Δ - $18^{\circ}55'10''$

R - 368.00 feet

A - 121.52 feet

C - 120.96 feet

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:

Δ - $63^{\circ}19'14''$

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:

Δ - $56^{\circ}33'11''$

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:

Δ - $70^{\circ}00'00''$

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.

ME-398

Recording Requested By and
When Recorded Return to:

Canyon Park Development, LLC

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

EXHIBIT C

TERMINATION OF PUBLIC RIGHT OF WAY EASEMENT AGREEMENT

This Public Right of Way Easement Agreement is made by the City of Twin Falls, a municipal corporation ("City") to and for the benefit of Canyon Park Development, LLC, an Idaho limited liability company, whose address is _____ ("Canyon Park").

Canyon Park granted to the City that certain the Public Right of Way Easement Agreement dated _____, 2013 and recorded as Instrument No. _____ in the official records of Twin Falls, Idaho ("Easement"). In the Easement, the City agreed to terminate the Easement once Canyon Park has completed dedication and construction of Fillmore Street (Private), the City has accepted dedication and construction of Fillmore Street (Private), a public utility easement is dedicated for existing utilities in the prior right of way, and a "Maintenance and Unrestricted Access Easement Agreement" for Fillmore Street (Private). Canyon Park has completed construction of Fillmore Street (Private) and the City has accepted construction of Fillmore Street (Private). Therefore, the City relinquishes, abandons and terminates the Easement.

DATED this ____ day of _____, 2013.

City of Twin Falls:

By: _____
Greg Lanting, Mayor

ME.398

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this _____ day of _____, 20____, before me, _____, a Notary Public in and for said State, personally appeared Greg Lanting, known or identified to me to be the Mayor of the City of Twin Falls, the municipal corporation that executed the within instrument or the person who executed the instrument on behalf of said municipal corporation, and acknowledged to me that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for Idaho
Residing at _____
My commission expires _____

IDAHO STATUTORY FORM POWER OF ATTORNEY
OF
RAY H. NEILSEN

Important Information

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent can make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the uniform power of attorney act, chapter 12, title 15, Idaho Code.

This power of attorney does not authorize the agent to make health care decisions for you.

You should select someone you trust to serve as your agent. The agent's authority will continue until your death unless you revoke the power of attorney or the agent resigns.

Your agent is entitled to reasonable compensation unless you state otherwise in the Special Instructions.

The form provides for designation of one (1) agent. If you wish to name more than one (1) agent, you may name a coagent in the Special Instructions. Coagents are not required to act together unless you include that requirement in the Special Instructions.

If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.

1. Designation of Agent. I, Ray H. Neilsen, name the following person as my agent:

Name: Tina F. Luper
Address: P.O. Box 5478, Twin Falls, Idaho 83303-5478
Telephone Number: (208) 421-8296

2. Designation of Successor Agent(s) (Optional). If my agent is unable or unwilling to act for me, I name as my successor agent:

4ME298

Name: None
Address: _____
Telephone Number: _____

3. Grant of General Authority. I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the uniform power of attorney act, chapter 12, title 15, Idaho Code:

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects you may initial "All Preceding Subjects" instead of initialing each subject.)

- PHN Real Property
- _____ Tangible Personal Property
- _____ Stocks and Bonds
- _____ Commodities and Options
- _____ Banks and Other Financial Institutions
- PHN Operation of an Entity or Business
- PHN Insurance
- _____ Estates, Trusts, and Other Beneficial Interests
- _____ Claims and Litigation
- _____ Personal and Family Maintenance
- _____ Benefits from Governmental Programs or Civil or Military Service
- _____ Retirement Plans
- PHN Taxes
- _____ All Preceding Subjects

4. Grant of Specific Authority (Optional). My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent.)

- _____ Create, amend, revoke, or terminate an inter vivos trust
- _____ Make a gift, subject to the limitations of the uniform power of attorney act, chapter 12, title 15, Idaho Code, and any special instructions in this power of attorney
- _____ Make a gift without limitations except any special instructions in this power of attorney
- _____ Create or change rights of survivorship
- _____ Create or change a beneficiary designation
- _____ Authorize another person to exercise the authority granted under this power of attorney

UNE 398

- _____ Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
- _____ Exercise fiduciary powers that the principal has authority to delegate

5. Limitation on Agent's Authority. An agent that is not my ancestor, spouse, or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

6. Special Instructions (Optional). On the following lines you may give special instructions: The agent will not be entitled to additional compensation for acting under this Power of Attorney.

7. Effective Date. This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

8. Nomination of Conservator (Optional). If it becomes necessary for a court to appoint a conservator of my estate, I nominate the following person(s) for appointment:

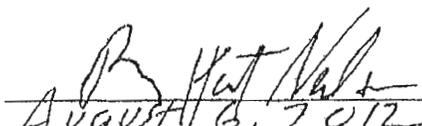
Name: None

Address: _____

Telephone Number: _____

9. Reliance on This Power of Attorney. Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it is terminated or invalid.

10. Signature and Acknowledgement.

Signature: 

Date: AUGUST 6, 2012

Name Printed: Ray H. Neilsen

Address: P.O. Box 5478, Twin Falls, Idaho 83303-5478

Phone Number: 601-831-1841

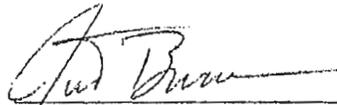
ME-398

STATE OF MISSISSIPPI)
) ss.
County of Hinds)

On this 6 day of August, 2012, before me, a Notary Public in and for said state, personally appeared Ray H. Neilsen, known or identified to me to be the person whose name is subscribed to the foregoing Power of Attorney, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.





Notary Public for Mississippi
Residing at 7165 Russum Westside Rd
My commission expires Feb 14, 2016

TWIN FALLS COUNTY
Recorded for:
TWIN FALLS, CITY OF
3:14:08 PM 01-10-2013
2013-000606
No. Pages: 3 Fee: \$
KRISTINA GLASCOCK
County Clerk
Deputy: DWRIGHT

ORDINANCE NO. 3043

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 7th 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.

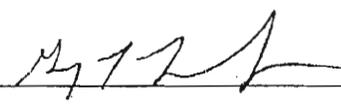
SECTION 2. That the City Clerk immediately upon the passage and publication of this Ordinance as required by law certify a copy of the same and deliver said certified copy to the County Recorder's Office for indexing and recording, in the same manner as other instruments affecting the title to real property,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

PASSED BY THE CITY COUNCIL

January 7, 2013

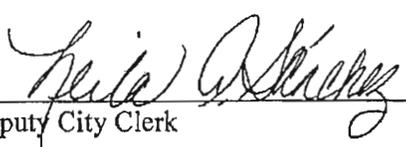
SIGNED BY THE MAYOR

January 7, 2013



Mayor

ATTEST:



Deputy City Clerk

PUBLISH: Thursday, *January 10*, 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 Northwestern 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 Northwestern 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°36'26" West

Thence South 78°08'51" West 156.07 feet.

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

Δ - 63°19'14"

R – 568.00'

A – 627.73'

C – 596.26'

LCB – South 46°29'14" West

Thence South 14°49'37" West 187.00 feet along said Right-of-Way.

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

Δ - 56°33'11"

R – 262.00'

A – 258.60'

C – 248.23'

LCB – South 43°06'12" West

Thence South 71°22'48" West 3.82 feet along said Right-of-Way.

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

Δ - 70°00'00"

R – 30.00'

A – 36.65'

C – 34.41'

LCB – South 36°22'48" West

Thence North 01°22'48" East 110.72 feet to the REAL POINT OF BEGINNING.

Containing approximately 2.04 acres.



Date: MONDAY, March 3, 2014
To: Honorable Mayor and City Council
From: Mitchel Humble, Community Development Director

Request:

A request to award a bid to purchase approximately a 770± square foot portion of a City owned lot located at 2617 Paintbrush Drive.

Time Estimate:

The staff presentation will take approximately 5 minutes. Time will be needed for public input and for discussion and questions.

Background:

At the January 27, 2014 meeting, the Council directed staff to proceed with a public auction of City owned property located at 2617 Paintbrush Drive. On February 7, 2014, public notice of the auction was posted in the Times News. Sealed bids were requested to be received no later than 2:00 p.m. on Thursday, February 20, 2014. Staff received only one bid for the property from Doris Ryall, the adjacent property owner, who bid **\$250**. State law says that when a City offers public land for sale, the property shall be sold by public auction to the highest bidder. As Mrs. Ryall's bid was the only bid received it is the highest bid.

Process:

A simple majority vote of the Council is needed to award the sale to Mrs. Ryall.

Budget Impact:

Approval of this request will result in the sale of the property for the bid amount. There will be some cost associated with completing the sale. The public notice for the auction indicated that the buyer would be responsible for all costs associated with completing the sale. Therefore, the budget impact to the City will be receiving the revenue from the sale in the amount of \$250.

Regulatory Impact:

Approval of this request will allow staff to complete the sale of the property to Mrs. Ryall.

Conclusion:

Since the Council shall award the sale of the property located at 2617 Paintbrush Drive to the highest bidder, staff recommends that the Council direct staff to complete the sale of the property to Mrs. Doris Ryall in the amount of \$250.

Attachments:

Ms. Ryall's submitted bid

DORRIS RYALL
2633 PAINTBRUSH DR
TWIN FALLS, ID 83301-7570
208-733-1570

Date 2/12/14

Pay to the Order of City of Twin Falls \$ 250.00
Two Hundred Fifty Dollars

WELLS FARGO Wells Fargo Bank, N.A.
wfb.com

For Property at 2617 Paintbrush Dr. D. Ryall

Doris Ryall
2804 Sundance Dr.
Twin Falls, ID 83301

City of Twin Falls
Deputy City Clerk
321 Second Ave. E.
2-12-14
11:42 AM
JK



Date: Monday, March 3, 2014
To: Honorable Mayor and City Council
From: Mitchel Humble, Community Development Director

Request:

Consideration of an ordinance amending City Code 9-6-8 regarding the City's regulation of on-street large truck parking (Second Reading).

Time Estimate:

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

Background:

City Code 9-6-8 regulates the on-street parking of trucks, trailers, unused and inoperative vehicles. This section includes the following regulation:

"No person shall park a motor vehicle of one and one-half (1¹/₂) ton capacity or more nor shall any person park a motor vehicle which has an overall length of more than twenty two feet (22') nor shall any person park a trailer of more than one-half (1/2) ton capacity upon any street or alley located within a residential district within the city except while engaged in the actual loading or unloading of passengers or property."

This section limits on-street parking of large trucks to non-residential districts, unless the truck is actively being loaded or unloaded. Therefore, the Code allows large trucks to be parked on the streets within non-residential districts. The City has received several complaints over the years about trucks being parked on a street in a commercial area and blocking visibility or creating other nuisances or hazards. City Code does allow the City to place signs that regulate on-street parking, like "no parking," "2-hour parking," or "no overnight parking." City staff has placed such signs in response to complaints about on-street large truck parking.

The streets around Wal-Mart and Norco have become a popular truck parking area over the last several months. City staff has received several complaints from both business and residential neighbors in that area. The complaints have been about the trucks blocking visibility, refrigerator units running overnight and making noise, trash being thrown onto the street and property nearby, and creating an unsightly environment. Much of the property in the area is undeveloped and part of the North Haven commercial subdivision. Property owners of the undeveloped lots have also indicated that the truck parking is making it difficult to market and sell lots.

Staff is concerned about continuing to place parking regulation signs in areas where large truck parking becomes a problem. We believe that practice will just move the problem areas somewhere else. We believe that to make a lasting and comprehensive impact will require an amendment to City Code 9-6-8 so the Code will dictate where on-street large truck parking should occur.

We reviewed the City's zoning regulations for guidance. The Code provides for a use entitled "open parking lot or garage for trucks and buses." This use would be what a large truck parking lot would be regulated as, if established on private property. For this use to be outright permitted on private property requires a M1 or M2 zoning designation. Why would the City allow on-street large truck parking in areas where off-street large truck parking is not outright permitted? Staff believes that City Code 9-6-8 should be amended to allow on-street large truck parking only in the M1 and M2 zones to be consistent with zoning regulations for off-street large truck parking.

This topic was discussed at the February 18, 2014 City Council meeting. At that meeting, the Council directed staff to prepare an ordinance making the change as described to City Code 9-6-8. We have prepared an ordinance as directed. It is attached for your consideration.

At that meeting, staff was asked what other cities in Idaho have done with their codes regarding on-street large truck parking. We have researched parking regulations in Boise, Caldwell, Pocatello, Nampa, and Rexburg. We found that all of them regulate on-street large truck parking much like our current Code does. That is, it is prohibited in residential areas, unless trucks are actively being loaded or unloaded. These cities also contain provisions similar to

ours that allow the City to regulate parking via signage where problem areas occur. Some of the cities also provided a list of streets where all on-street parking is prohibited. If the City adopts the attached ordinance as prepared, we will be taking a step that other Idaho cities have not taken regarding on-street large truck parking. We have discussed the lack of precedence by other Idaho cities internally. We believe it is still the appropriate action to take. We still believe that on-street large truck parking is not appropriate in commercial areas as well as residential. We feel that without an ordinance amendment, we'll keep having the complaints and we'll keep chasing the problem by installing regulation signs.

The attached ordinance makes one additional change. The first paragraph of 9-6-8 contains two sentences. The second sentence contains the provision discussed above for large truck parking to be permitted only in the manufacturing zones, unless the truck is being actively loaded or unloaded. The first regulates on-street truck parking by requiring they be parked on the right side of the road. This provision will apply to trucks parked in the manufacturing zones, but also to trucks parked in other areas being loaded and unloaded. The change being proposed with this ordinance is in the definition of a large truck. The Code is not currently consistent between the two sentences. One defines a large truck as "more than ½ ton capacity" and the other as "more than 1½ ton capacity." We are proposing to change the first sentence so it will be consistent with the 1½ ton capacity definition found in the second.

Staff recommends adoption of the attached ordinance as presented.

Approval Process:

Should the Council elect to adopt the ordinance at this meeting, a motion to suspend the rules and place the ordinance on third and final reading by title only will be necessary. That motion requires a supermajority vote to approve. Once on third and final reading, a simple majority vote of the Council is necessary to adopt the ordinance.

Budget Impact:

There is no significant budget impact associated with this request.

Regulatory Impact:

Approval of the request will amend City Code 9-6-8 as described above.

Conclusion:

Staff recommends that the Council adopt the attached ordinance as presented amending City Code 9-6-8 regarding the City's regulation of on-street large truck parking.

Attachments:

Proposed Ordinance Number 3063

ORDINANCE NO. 3063

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, THAT TWIN FALLS CITY CODE §9-6-8 BE AMENDED TO PROHIBIT ON-STREET TRUCK PARKING EXCEPT IN MANUFACTURING DISTRICTS, OR WHILE ENGAGED IN LOADING OR UNLOADING.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

That Twin Falls City Code §9-6-8 is amended as follows:

“9-6-8: PARKING TRUCKS, TRAILERS, UNUSED AND INOPERATIVE VEHICLES:

No person shall park a motor truck of more than one and one-half (1½) ton capacity or automobile with trailer attached except with the right-hand side parallel with the curb and in moving such motor truck or automobile with trailer attached away from curb, it shall be moved forward, and no such motor truck or automobile with trailer attached shall be parked within four feet (4') of another car. No person shall park a motor vehicle of one and one-half (1½) ton capacity or more, nor shall any person park a motor vehicle which has an overall length of more than twenty two feet (22'), nor shall any person park a trailer of more than one-half (½) ton capacity upon any street or alley, except for a street or alley located within a residential manufacturing district within the city, or except while engaged in the actual loading or unloading of passengers or property.

No unused, inoperative or abandoned vehicle shall be parked for a longer period than twenty four (24) hours on any street.”

PASSED BY THE CITY COUNCIL, _____, 2014.

SIGNED BY THE MAYOR _____, 2014.

MAYOR

ATTEST:

DEPUTY CITY CLERK



Date: MONDAY, March 3, 2014
To: Honorable Mayor and City Council
From: Melinda Anderson, Economic Development Director

Request:

Consideration of an ordinance to transfer Lots 9 & 10, Block 119 to the Twin Falls Urban Renewal Agency.

Time Estimate:

The staff presentation will take approximately 2 minutes.

Background:

At their February 24, 2014 meeting, the Council held a public hearing regarding the transfer of this site to Twin Falls Urban Renewal Agency. There was no public testimony given. After the hearing the Council approved the request to transfer the site to TFURA and directed staff to return with an ordinance to complete the transfer.

Process:

A simple majority vote of the Council is needed to approve the ordinance.

Budget Impact:

Approval of the ordinance will result in the transfer of real property and will relieve the City of the burden of maintaining this site.

Regulatory Impact:

Approval of the ordinance will allow staff to publish the ordinance and then transfer the property to TFURA.

Conclusion:

If the Council approves the ordinance, staff will ensure the publication of the ordinance and begin the property transfer.

Attachments:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AUTHORIZING THE TRANSFER OR CONVEYANCE OF REAL PROPERTY OWNED BY THE CITY TO A TAX SUPPORTED GOVERNMENTAL UNIT.

WHEREAS, The City of Twin Falls owns Lots 9 and 10, Block 119, of the Twin Falls Townsite Subdivision, Twin Falls County, Idaho; and,

WHEREAS, The property is currently developed as a parking lot and is in disrepair; and,

WHEREAS, The adjoining property owner, the Urban Renewal Agency of the City of Twin Falls, wishes to acquire the subject property to aid its urban renewal efforts.

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

That the City Council hereby determines that it will be in the City's best interest to transfer or convey its interest in the following described real property to the Urban Renewal Agency of the City of Twin Falls, Idaho:

Lots 9 and 10, Block 119, of the Twin Falls Townsite Subdivision, Twin Falls County, Idaho.

PASSED BY THE CITY COUNCIL, _____, 2014.

SIGNED BY THE MAYOR _____, 2014.

MAYOR

ATTEST:

DEPUTY CITY CLERK



Public Hearing: **MONDAY MARCH 03, 2014**
 To: Honorable Mayor Hall & City Council
 From: Mitch Humble, Community Development Dept.

ITEM IV-1

Request: Request for a Zoning Title Amendment to amend Twin Falls City Code 10-9-9(K); Real Estate Signs, to allow temporary real estate open house signs in the public right-of-way under specific conditions. (App 2602)
Greater Twin Falls Association of REALTORS c/o Nan Gandy

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	
Greater Twin Falls Association of REALTORS 1162 Eastland Dr. North, Suite 1 Twin Falls, Idaho 83301 (208) 733-6421 office (208) 734-5707 fax	Requested Zoning: Amendment to Twin Falls City Code – Title 10; Chapter 9; Section 9(K); Real Estate Signs
Representative:	
Nan Gandy & Nancy Glaesemann Prudential Idaho Homes 1411 Falls Ave E, Suite 215 Twin Falls, ID 83301 208-733-6421 nancy@twinfallsrealtors.com nan@prudentialidahohomes.com	Applicable Regulations: 9-9-16 (sight obstruction), 10-2-1, 10-9-1 thru 5, 10-9-9(K), 10-14-1 through 7,

Approval Process:

All procedures will follow the process as described in TF City Code 10-14: Zoning Amendments.

Zoning Title Amendments, which consist of text or map revisions, require a public hearing before the Planning Commission. Following the public hearing, the Commission may forward the amendment with its recommendation to the City Council. Any material change by the Commission from what was presented during the public hearing will require an additional hearing prior to the Commission forwarding its recommendation to the Council.

After the Council receives a recommendation from the Commission, a public hearing shall be scheduled where 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 a part of the Title upon the passage and publication of an ordinance.

Budget Impact:

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

Regulatory Impact:

Approval will allow off-premise Open House Signs to advertise within public right-of way

History:

The City Council approved Ordinance 2012 on July 6, 1981 which replaced Twin Falls City Code - Title 10; Zoning & Subdivision Regulations in its entirety.

In December 2008, Ordinance 2957 was approved by the City Council. This ordinance replaced Twin Falls City Code - Title 10; Chapter 9: Sign Regulations in its entirety.

Ordinance 3005 was approved in June 2011 which made miscellaneous sign related changes within Twin Falls City Code - Title 10.

ANALYSIS:

This is a request submitted by the Greater Twin Falls Association of REALTORS asking for a Zoning Title Amendment which would amend Twin Falls City Code 10-9-9(K) Real Estate Signs.

The proposed amendment is requesting to allow Real Estate Open House Signs to be located on any public right-of-way subject to:

- a) limited hours not to exceed five (5) total hours in any one day,
- b) access of public right of way to remain open including wheelchair access, and
- c) signs to be removed from the right-of-way within one hour after completion of open house.

The Greater Twin Falls Association of REALTORS making this request state in their narrative they feel that placing signs on the public right-of-way, although not currently allowed in Twin Falls, has been a common practice and the sign ordinance as currently written often effectively eliminates licensed REALTORS from holding Open House Events within the City limits. The narrative further states that placing signs on private property can be problematic in residential and commercial areas due to many obstacles; homeowners not being home very often or not agreeing to allow the signs on their property, not able to get permission from businesses who are either closed on weekends or do not wish to have signs on their property during normal open house hours. These circumstances leave REALTORS feeling that they have few options. This leads them to use the only space available, the public right-of-way; sidewalks, streets; alleys etc to place their signs, thus violating the city code.

The Twin Falls Comprehensive Plan was updated in 2009. Within that plan, a section was devoted to the design of streetscapes and possible enhancements to road right-of-ways and surrounding corridors. The comprehensive plan does not address commercial signage within the streetscape design guidelines, or its associated streetscape enhancements.

Commercial signage within right-of-way is not addressed as a goal or objective of the Current Comprehensive Plan Community Design Concept Section.

Residential signage is not discussed at all as Title 10 does not allow for residential signage in the City of Twin Falls.

Assurance that any amendment to the code is in accordance with the established goals and objectives of the current Twin Falls Comprehensive Plan is stated in Title 10; Chapter 14.

POSSIBLE IMPACTS: If approved this Code amendment would not change the current regulation of any sign being prohibited within right-of-way (except for traffic control signs), sight triangles located at intersections of streets, alleys and driveways, as stated in Title 9; Chapter 9; Section 16; SIGHT OBSTRUCTIONS. The sight triangle is an industry standard that is focused on providing for and maintaining safety. It is designed to allow clear visibility for all types of traffic (pedestrian, bicycle, and vehicle) at intersections. Signs over three feet (3') tall would still not be allowed in this triangle. If the amendment is granted it would allow only one specific private commercial enterprise to utilize the public right of way for advertisement.

The current City Code prohibits all signs from being placed in the public right-of-way. The current City Code also prohibits all "Off-Premise Commercial" signage, with one exception that being City Code; 10-9-9(K) which allows - off-premise Real Estate direction signs subject to specific conditions . Currently the only rule for off-premise Real Estate direction signs is that they are to be placed on private property with the property owner's permission and out of the sight triangle. It is reasonable to assume that the level of advertising wishing to be accomplished by this code amendment could be accomplished within the current regulations outlined in current City Code.

Staff feels that this amendment to the City Code would cause confusion, and possibly an increase in violations by other private individuals and businesses that will see this as a precedent to allow all types of commercial advertising signs within the public right-of-way. Other businesses may feel that their business should also be permitted to advertise off-premise and within public right-of way to allow better visibility.

Staff consulted ICRMP regarding this request. They expressed concerns with signage being placed in public right-of-way which could cause an accident.

There was a comment made to staff prior to the public hearing that both the City of Caldwell and the City of Ketchum allow for real estate off-premise open house signs to be placed within the public right of way. Upon checking with those communities staff found both cities had regulations that prohibited all signs within public right-of-way.

Conclusion:

On Dec 10, 2013 the Commission held a public hearing on this request. There was considerable discussion and comments by both the real estate industry and the Commission-please see attachment #5-the P&Z Commission Minutes of the Dec 10th PH.

Upon conclusion of the public hearing and discussion the Commission recommended denial of this request as presented, by a vote of 3 for and 4 against. The vote was as follows:

- Commissioner Grey: No
- Commissioner Munoz: No
- Commissioner Tatum: Yes
- Commissioner DeVore: Yes
- Commissioner Woods: No
- Commissioner Boyd: Yes
- Commissioner Frank: No

Attachments:

1. Letter of Request
2. Proposed Amendment as submitted by the applicant
3. Photos of prior posting of real estate open house signs in violation
4. Citizen Letters(7), dated Oct 7, 2013
5. Portion of Minutes of the December 10, 2013 P&Z PH

B. REQUEST INFORMATION – Item 3

Ordinance No. 2957

ADDITION TO SECTION 10-9-9: ALLOWABLE SIGNS THAT DO NOT REQUIRE THE ISSUANCE OF A SIGN PERMIT – REASON FOR THE REQUEST:

Holding an open house as part of a marketing plan is a long standing practice of real estate professionals and of home owners selling their property without employing a real estate professional. Homeowners expect open houses as a part of the service provided by real estate firms. Real estate professionals belonging to the Greater Twin Falls Association of REALTORS® have traditionally provided this service for many years. Placing signs on the public right-of-way has been a common practice.

The sign ordinance as currently written often effectively eliminates licensed REALTORS® from holding open houses within the City limits. Open houses usually require a number of open house signs directing the general public to the home that is being offered for sale. Most open houses occur on weekends. Frequently, adjacent homeowners are away during weekends and are away during week days working and caring for personal business. This prevents REALTORS® from being able to make direct contact with them and to request permission to place a sign on their private property.

In addition, some homeowners do not agree to have open house signs placed on their property. This can prevent REALTORS® or home owners from being able to adequately place signs to direct the public to the home being marketed.

Another problem frequently encountered in areas near commercial properties is that the businesses are not open on weekends to allow REALTORS® to ask for permission to place open house signs. Many commercial properties, especially in the downtown area have no space other than the public right of way in front of the business to place signs.

REALTORS® generally hold open houses for between 2 and 4 hours. This means that it is a very limited time that the signs would be on the public right of way. There is no reason signs should be left after the conclusion of the scheduled open house.

The members of the Greater Twin Falls Association of REALTORS® are asking for a modification of the existing ordinance to allow the temporary placement of open house signs on the public right of way for short periods of time only in a manner that will not prohibit passage by the public including the passage of walkers, wheel chairs and motorized chairs used by the physically impaired.

PROPOSED AMENDMENT

10-9-9: ALLOWABLE SIGNS THAT DO NOT REQUIRE THE ISSUANCE OF A SIGN PERMIT:

(K) Real Estate Signs:

1. Definition: A "real estate sign" is a temporary stake sign that advertises a home, building, or property for sale or lease. This definition includes off premises real estate signs for directional purposes.

2. Real Estate Signs Permissible: Real estate signs, both on premises and off premises, are permissible subject to the following conditions:

a. Time: No restrictions.

b. Place:

(1) Real estate signs shall not be located within any public right of way. In general, a real estate sign shall be erected no closer than ten feet (10') from the street pavement.

(2) An on premises real estate sign shall be erected on the lot on which the home or property is for sale or lease.

(3) An off premises real estate sign shall be erected only on private real property, and only with the consent of the property owner. No more than three (3) off premises real estate signs may be located on any single lot or property.

c. Manner:

(1) A maximum of one real estate sign per street frontage may be erected on a lot.

(2) Residential real estate signs shall not exceed nine (9) square feet in area.

(3) Real estate signs on property zoned for nonresidential uses shall not exceed thirty two (32) square feet in area.

(4) Real estate signs on agricultural properties shall not exceed thirty two (32) square feet in area. Only properties that are larger than forty (40) acres and that currently produce agricultural products shall be considered to be agricultural properties.

(5) All real estate signs shall be located in conformance with the provisions of section [10-9-5](#) of this chapter.

3. Open House Real Estate Signs Permissible: Real estate signs, both on premises and off premises, are permissible subject to the following conditions:

a. Time:

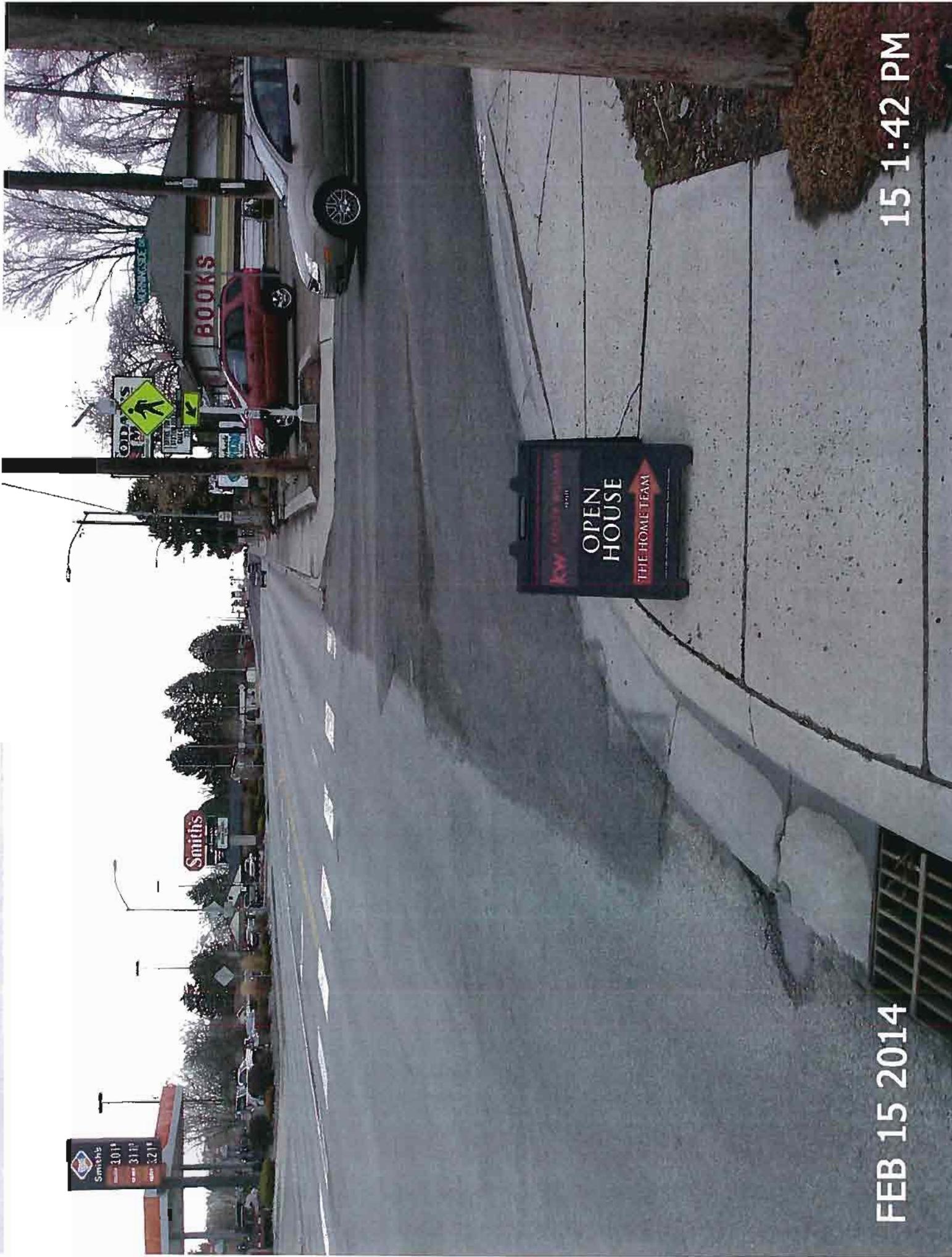
- (1) Open house signs may only be permitted on the public right of way one (1) hour before and one (1) hour after a scheduled open house. The total time an open house sign will be permitted on the public right of way shall not exceed five (5) hours in any one (1) day.***
- (2) No open house sign shall block the access of any public right of way so as to prevent passage by the general public including wheelchair access.***
- (3) All open house signs are to be removed from the public right of way within one (1) hour after the completion of the open house.***

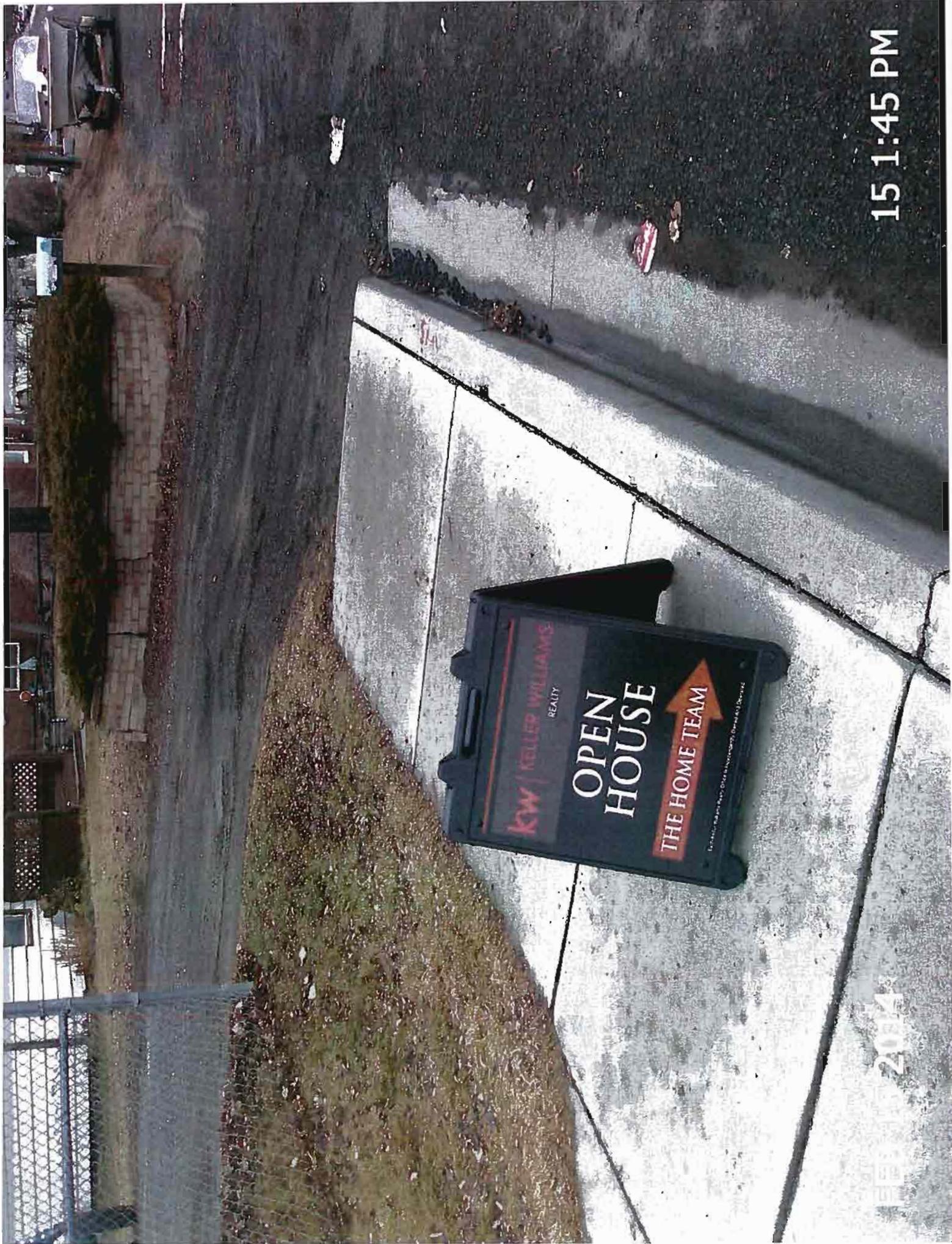
b. Manner:

- (1) Real estate open house signs placed on a sidewalk shall have a pedestrian or wheelchair passageway of a minimum of 36"***
- (2) Real estate open house signs shall not exceed nine (9) sf in area***
- (3) Real estate open house signs shall not be placed in a manner that would obstruct an ADA sidewalk ramp.***
- (4) Real estate open house signs placed in the right of way will not exceed 36" in height.***

FEB 15 2014

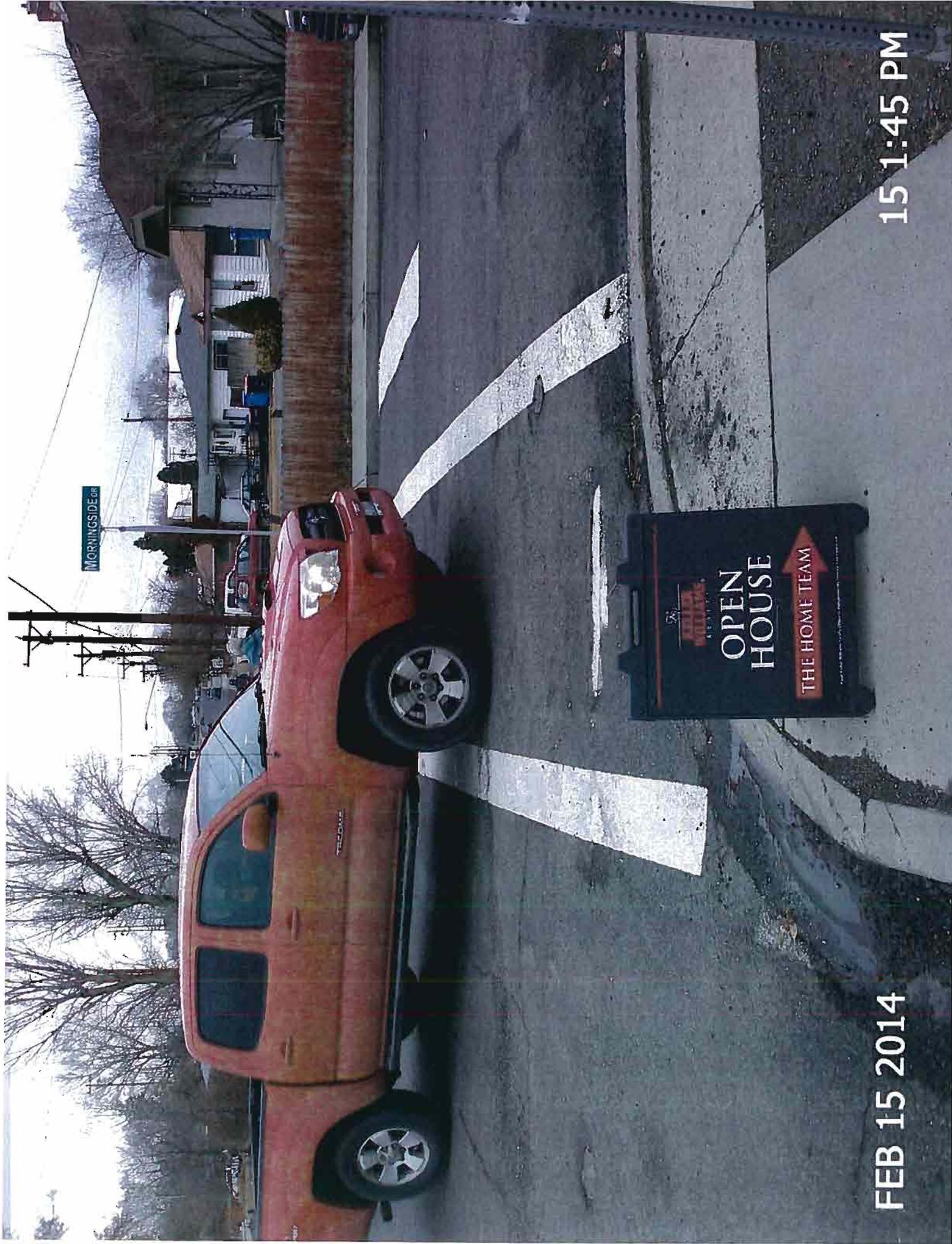
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Jonathan Spendlove

From: Donna Hall <donnahallrealtor@gmail.com>
Sent: Monday, October 07, 2013 2:15 PM
To: Renee Carraway
Subject: Sign Ordinance

Good day Renee.

My name is Donna Hall with Canyonside Irwin Realty. It is very important to my business that the sign ordinance is changes to allow us to do open houses.

I am hoping to attend the meeting tomorrow evening. In the event I can not this is my voice being heard.

Sincerely,
Donna

--

Donna Hall
Realtor,SFR
Canyonside Irwin Realty
208-404-6639

Jonathan Spendlove

From: Elaine Wright <elainewright@tfrealtors.com>
Sent: Monday, October 07, 2013 12:52 PM
To: Renee Carraway
Subject: Sign Ordinance

Please allow realtors to place "Open House" signs in the public right-of-way. This helps not only the realtor but the seller and any potential buyers to locate the property, and the local economy.

Thank you for your consideration!!

Elaine

--

Elaine Wright
Gateway Real Estate
208-420-4129 (cell)
208 733-5606 (fax)

Jonathan Spendlove

From: Erin Callen <erin@westerra.cc>
Sent: Monday, October 07, 2013 1:31 PM
To: Renee Carraway
Subject: Open House Signs

Renee,

I am writing this letter in support of the proposed sign ordinance modification. We as Realtors have a duty to our clients to advertise our open house efforts in order to gain exposure for the sale of their properties. Open Houses offer the chance for buyers to feel comfortable in a casual setting and are a successful tool in our business. In turn Open House signs need to be posted where potentials buyers can see them in order to know which direction to turn. The signs are temporary in nature and shouldn't be picked up by the City. They are put up before and taken down an Open House. The existing ordinance hinders our ability to do our jobs well thus affecting income source. Please take this into consideration when you make the choice of whether or not to allow such signs in public rights of way.

Thank you,

Erin Callen
Teton Trucking, LLC
Muni Storage
Westerra Real Estate Group
Mobile (208) 308-1310
Fax: (208) 734-9493

Jonathan Spendlove

From: jamiepbd@gmail.com on behalf of Jamie McDowell <jamie@gemstaterealty.com>
Sent: Monday, October 07, 2013 4:07 PM
To: Renee Carraway
Subject: Sign Ordinance Proposal

Hi Renee,

I am writing in support of the proposed sign ordinance that is going before the committee tomorrow night (Oct., 8 2013).

As an active, licensed Realtor in Twin Falls, I am compelled to voice my opinion in favor of the new ordinance. I, personally, have had my open house signs removed twice during an open house event. I cannot express to you how frustrating it is to comply with the current ordinance by placing an open house sign 10' from a public right away. It's nearly impossible!! And if you are lucky enough to meet that strict criteria, good luck with anyone even seeing the sign! I have actually stopped using them because they have to be placed in such an area (to abide by current requirements) that no one even sees them anyway. The last time I had a sign picked up by whomever is in charge of enforcing the code, I looked down the block and saw 3 yard sale signs prominently in the middle of the sidewalk and displayed in such a manner that any motorists could surely take a swipe at them. **But, they weren't picked up! ??**

Please, please consider changing this ordinance to accommodate Realtors. Not only will you be allowing us to do our job and market properties efficiently, but the sign themselves are out and about for such a very short period of time (usually only 2-3 hours on a Saturday), that it really seems to me they can't possibly be the hazard that the city thinks they are? Especially when there are so many other signs from yard sales and such that are displayed so dangerously and inappropriately.

Your consideration is very much appreciated. I know you have to do what's best for the city, and all we are asking for is just a few minor changes that will enable us to hold open houses for effectively, thus improving our livelihood as Realtors.

Thank you,
I sincerely appreciate your time.

—
Jamie McDowell

Realtor

[Gem State Realty](#)

1411 Falls Avenue East Suite 1000 A

Twin Falls, ID 83301

Cell: 208-320-2233

Office Toll Free: 800-455-1180

Fax: 208-733-6112

Jonathan Spendlove

From: Judy McCurdy <judymccurdy@ciragent.com>
Sent: Monday, October 07, 2013 2:36 PM
To: Renee Carraway
Subject: signs

Renee, please let me go on record in support of this ammendment. We need our signs as they are our best form of advertisement, and particularly the open house signs. We need as much visibility for those as we can get. We appreciate any effort on our behalf to make this possible. Thank you. Judy McCurdy, Canyonside Irwin Realty.

Jonathan Spendlove

From: Sara Bullers <sarabullers@ciragent.com>
Sent: Monday, October 07, 2013 2:20 PM
To: Renee Carraway
Subject: sign ordinance

Hello Renee,

I am sending this email to show my support for the proposed changes to the sign ordinance. It is important to have signage for Open Houses as that is one of our best forms of advertising for the event.

I am not able to attend the meeting so I am casting my yea vote via email.

Sincerely,

Sara Bullers

ABR, CRS, GRI, SFR, SRES, WCR

Canyonside Irwin Realty

Twin Falls, Id. 83301

208-539-6889 (mobile)

sara@sarabullers.com

From: Terry C. McCurdy [<mailto:TerryM@itechinc.com>]
Sent: Monday, October 07, 2013 4:30 PM
To: Renee Carraway
Subject: Proposed Sign Ordinance

Renee,

I encourage you to approve the new Proposed Sign Ordinance No. 2957, which addresses the placement of Open House signs in the public right-of-way during an open house. This proposal is exactly what needs to be approved to allow realtors to hold an Open House and market it in a very short time-frame. In the 15 years I have been doing Open Houses I have never seen a safety issue, however, not endorsing or not approving this proposed ordinance would not eliminate any safety concerns but would cause undue hardship to one of the largest industries in Twin Falls.

My understanding of the Planning and Zoning Commission is to address issues before them, listen to all concerned, and make decisions based on safety and economic factors. In this case, approving this proposal would accomplish this goal. Please encourage approval of this proposed ordinance.

Thank you so much!

Terry C. McCurdy
Canyonside Irwin Realty
208-308-2455



**MINUTES
PUBLIC MEETING
Twin Falls City Planning & Zoning Commission
December 10, 2013 6:00 PM
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 LIAISONS:

Suzanne Hawkins Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

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

AREA OF IMPACT MEMBERS

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

CITY COUNCIL LIAISON(S): Hawkins, Mills Sojka

CITY STAFF: Spendlove, Strickland, Vitek, Wonderlich

IV. PUBLIC HEARINGS:

- Request for the Commission's recommendation for a Zoning Title Amendment to amend Twin Falls City Code Title 10; Chapter 9; Section 9(k) to allow temporary real estate open house signs within public right of way under specific conditions. c/o Nan Gandy on behalf of Greater Twin Falls Association of Realtors (app. 2602)

Applicant Presentation:

Nan Gandy, the applicant, stated she is representing the 250 members of the Greater Twin Falls Association of Realtors. She read the proposed amendment to the Commission with conditions for approval. The proposed amendment is requesting to allow Real Estate Open House Signs to be located on the public right-of-way, one hour before and one hour after the scheduled open house subject to: a) limited hours not to exceed five (5) total hours in any one day, b) access of public right of way to remain open including wheelchair access, and c) all open house signs to be removed from the right-of-way within one hour after completion of open house. The manner in which the signs should be placed is a) the signs placed on the sidewalk shall have pedestrian or wheelchair passageway of a minimum of 36", b) shall not exceed 9 sq. ft. in area, c) shall not be placed in a manner that would obstruct any ADA sidewalk or ramp, and d) will not exceed 36" in height. The request is being made to expand the current ordinance in order to allow the 250 Real Estate Members to increase the visibility of temporary directional open house signs. This will help the 421 current families who are trying to sell their homes, as well as those who will sell in the future. It also impacts developers, builders, lenders, title companies, home inspectors, and insurance agents who depend on real estate sales for their continued success. The key to selling a property is to get maximum exposure of the property Open House Events are an

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important tool in accomplishing this goal. They are a time honored method for selling homes not only in Twin Falls, but they are a marketing tool used nationally. The present provisions of the current ordinance limit the use of directional signs as an important part of the marketing tool to sell the property. To have an effective open house advertisement is important, ads are costly, realtors are reluctant to place expensive ads in the newspaper when they are not able to place signs out directing potential buyers to the property. Realtors are not asking the ordinance be removed from the books, but to be modified slightly. They are asking for the signs to be placed within the public right-of-way for a very limited time in visible places to direct traffic to the Open House. Real Estate has one of the largest impacts economically and helping real estate thrive helps the City. The real estate market has historically driven the economic recovery process and has been hit hard in the past several years; the industry does not need any other impediments to restrict improvements to the real estate market. As for impacts, city staff mentions concerns regarding the site-triangle however Open House A-Frame signs are only 26" in height (An example of this described sign was presented). City Ordinance 9-9-16 defines obstruction to traffic as follows: obstruction constituting a traffic hazard shall exist if any object, structure or thing, except buildings and residences which are otherwise in conformance with law, is allowed to exist which exceeds three feet (3') above the existing center of roadway in elevation, the proposed amendment specifically limits the height of the directional sign to comply with the sight triangle provision. Realtors are not asking for any change in signage at their place of business or any regular realty marketing yard sign. The request is to increase flexibility for the placement of temporary directional devices to direct traffic to an Open House. The business model of realty is unique; no other business provides off-site Open House sales as a service to their clients. Buyers are conditioned to look for directional signs, although staff considers the existing ordinance to be adequate there are other communities that have recognized the challenges of Open House events and the need for directional signs. Similar ordinances are on the books in the City of Ketchum and the City of Caldwell allowing Open House signs in the public right-of-way with similar conditions proposed in this amendment. The association is aware of past problems with placing these signs on the sidewalk as shown in the pictures provided by the staff. Most of the signs shown would continue to be in violation of the ordinance. In an effort to eliminate violations the association proposes an aggressive educational process for all realtor members and new member orientation. Code Enforcement Coordinator Standley has indicated his willingness to provide an educational presentation at one of the associations monthly membership lunches. Association staff would also encourage individual brokers to provide training at their sales meetings.

Staff Presentation:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. The City Council approved Ordinance 2012 on July 6, 1981 which replaced Twin Falls City Code - Title 10; Zoning & Subdivision Regulations in its entirety. In December 2008, Ordinance 2957 was approved by the City Council. This ordinance replaced Twin Falls City Code - Title 10; Chapter 9: Sign Regulations in its entirety. Ordinance 3005 was approved in June 2011 which made changes to references in Twin Falls City Code - Title 10; Chapter 4: Zoning Designations, as well as various definitions in Title 10; Chapter 2: Definitions.

This is a request submitted by the Greater Twin Falls Association of REALTORS asking for the Commission's recommendation on a Zoning Title Amendment which would amend Twin Falls City Code 10-9-9(K) Real Estate Signs. The proposed amendment is requesting to allow Real Estate Open House Signs to be located on any public right-of-way subject to: a) limited hours not to exceed five (5) total hours in any one day, b) access

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December 10, 2013

of public right of way to remain open including wheelchair access, and c) signs to be removed from the right-of-way within one hour after completion of open house.

The Greater Twin Falls Association of REALTORS making this request state in their narrative that placing signs on the public right-of-way, although not allowed, has been common practice and the sign ordinance as currently written often effectively eliminates licensed REALTORS from holding Open House Events within the City limits. The narrative further states that placing signs on private property can be problematic in residential and commercial areas due to many obstacles; homeowners not being home very often or not agreeing to allow the signs on their property, not able to get permission from businesses who are either closed on weekends or do not wish to have signs on their property during normal open house hours. These circumstances leave REALTORS feeling that they have few options. This leads them to use the only space available, the public right-of-way.

The current Twin Falls Comprehensive Plan was updated in 2009. Within that plan, a section was devoted to the design of streetscapes and possible enhancements to road right-of-ways and surrounding corridors. The comprehensive plan does not address commercial signage within the streetscape design guidelines, or its associated streetscape enhancements. Commercial signage within right-of-way is not addressed in the goals or objectives of the Current Comprehensive Plan Community Design Concept Section.

The Commission shall ensure that any favorable recommendations for amendments are in accordance with the established goals and objectives of the current Twin Falls Comprehensive Plan.

If approved, this Code amendment would not change the regulation of signs being prohibited within sight triangles located at intersections of streets, alleys and driveways, as per Title 9; Chapter 9; Section 16. The sight triangle is an industry standard that is focused on providing for and maintaining safety. It is designed to allow clear visibility for all types of traffic (pedestrian, bicycle, and vehicle) at intersections. Signs over three feet (3') tall would still not be allowed in this triangle.

The current City Code prohibits all signs from being placed in the public right-of-way. City Code also prohibits off-premise commercial signage, with the one exception being off-premise Real Estate direction signs. The only rule for off-premise Real Estate direction signs is that they are to be placed on private property. It is reasonable to assume that the level of advertising wishing to be accomplished by this code amendment could be accomplished within the existing regulations outlined in current City Code.

Staff feels that this amendment to the City Code would cause confusion, and possibly an increase in violations by other individuals and entities that will see this as a precedent to allow all types of signs within the public right-of-way.

Planner I Spendlove stated upon conclusion the Commission may recommend to the City Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested (will require another public hearing before the Commission), or it may recommend that the amendment be denied.

Questions/Comments:

- Commissioner Boyd referred to the picture shown on page 11 of the staff report packet and asked if staff knew of the height of the sign and why this sign was in violation.
- Planner I Spendlove explained he did not have the height of the sign. This sign was in violation as it was placed in public right-of-way - many times the road is not built as wide as the road is intended to be built in the future. He deferred this question to the Assistant City Engineer for more clarification.
- Assistant City Engineer Vitek stated that most of the roads in the City were built at a standard width of 50 ft. and as capacity increases the roads are widened up to wherever the City has right-of-way and on most of the streets the right of way extends behind the sidewalk. A lot of people are not aware of this since they have maintained the property up to that point for so long. They cannot find the property pins indicating the true property boundary.
- Commissioner Boyd stated that she felt the placement of that particular sign was appropriate because it is not blocking the road or the sidewalk. The sign could be in violation because of a technicality that may not be obvious to the property owner or the person putting up the sign.
- Commissioner Frank asked the applicant if this were to be allowed would it give the realtors a privilege that other businesses or even someone in the neighborhood wouldn't have; for example a rummage sale sign or a home based business that wanted to have a sale for a short period of time. Would you be getting something that others in the community wouldn't be getting?
- Ms. Gandy she stated that this industry different than other business because they have a store front but that is not where the product is located. These are off-site remote situations that she doesn't think other businesses deal with.
- Commissioner DeVore asked if this would allow a private individual to have off-site open house signs posted also. So this would impact anyone who was selling their own home.
- Ms. Gandy: yes this code amendment would allow such an opportunity for the general public to have an open house sign if they were selling their home themselves.

Public Hearing:

- Nathan Lyda, 1852 Riverwood Road, explained the National Association of Realtors has done research on the impacts that realty has on the economy, approximately nine (9) Billion or 15.5% of the Gross State Product. Home sales have multiple ancillary effects on the economy including furniture, remodel and other items or individuals who benefit from this economic transaction. When buyers were asked how they found the home they purchased the top three answers were: internet, a realtor and an open house/sign. This tool helps the realtor do what they can to help market properties to the expectations of the seller.
- Stanley Tobiason, 2688 Carriage Way, he explained that they invite people into homes and he would like to be able to have as many people possible visit the homes. Many people just show up to check it out. He had an open house this weekend and the people thanked him for posting the directional signs. The signs would be temporary and they don't plan to block the sight triangle, and he doesn't think that this will set a precedence that will cause people to start putting out more signs on the sidewalk. Open house signs are something that is in the DNA of the real estate world. The process of asking people throughout the neighborhood to put the signs on private property is not feasible. Every time he sets out signs on private property he fears that after the open house they will be missing, luckily it hasn't happened yet. This is an important part of promoting business and supporting the economy of Twin Falls.

Discussion Followed:

- Commissioner Woods explained that he is conflicted on the issue. He does understand the unique situation for needing these directional signs in certain situations but is not sure that it's not going to create a situation where others are going to post signs in the right-of-way also. Another point is that the photos provided show a disregard for the current set of rules. In order to provide some means of compromise, he thought it might be better to only allow free standing signs in the right-of-way limit it to free- standing signs not signs on poles, and required each sign to have the contact number for whoever placed the sign, so that if the sign is in violation there is a means of fining the violator. It is clear in the pictures that the rules aren't followed now, having a means to fine and sink some teeth into the violation might be better.
- Commissioner Boyd asked to address Steve directly. These Open House signs already exist, they are already a common practice, they aren't something new coming into the City. She described two types of signs A-Frame Signs, which don't do well in wind, as well as the ones that have to be stuck into the ground; and because of the wind she prefers the ones that get stuck in the ground for stability. As for identification most of the signs have contact information on them so that person could be contacted. When a realtor is paying for their own signs, it is costly and the penalty is when a sign is missing they have to buy a replacement. It is a normal practice for people to look for the open signs. Very seldom are open house signs out for very long after the Open House is over because most realtors want to be able to go home soon after to enjoy their weekend. Education is necessary; she was not clear how public right-of-way can be documented but it is not obvious to the regular citizen. Having this amendment would make the rules very specific.
- Commissioner Munoz asked if signs are currently picked up when they are out of compliance.
- Planner I Spendlove stated typically the Code Enforcement Coordinator will pick them up if they are a safety hazard or a clear violation, in most instances he does try to educate the people when the signs are in violation and gives the person an opportunity to move the sign before he impounds them. The signs can be picked up from the City which could potentially cost \$25.00 as allowed.
- Commissioner Munoz stated the applicant is claiming that they are a **unique business**, but he is not convinced that they are the only ones that have sales away from their office. Estate sales for example and a MaryKay lady could be another potential business with off-site sales, and there are a lot more. He knows there are a lot of others like garage sales that place them on poles and other violations occur. He is conflicted as well; he understands how it could be a good tool, and how a well-educated group could manage the signs well. On the other hand, other entities that do not take pride in their signs will not follow the rules after seeing the realtor signs. His biggest concern is that others that are not well-educated about the rules will see the signs and think it is ok to put signs in the right-of-way. He wonders if approval of this amendment will give the realty group and unfair advantage over another group that does not have an association to work with to help them through this process. The process is difficult and he doesn't want to limit things to one specific group. The education will only apply to the groups that care, currently if the person has to ask permission to place a sign on private property they will do it correctly or they won't put it up if the owner of the property says no. Are we limiting the rights to one group, where everyone should have the same rights? Are we also creating a nightmare for other people, and the enforcement of

the rules that are different for different groups? That is why I am conflicted, a good organization like the realtors will know the rules whereas someone from the general public may not educate themselves on the rules and not understand why they can't do the same thing we are allowing the realtors to do.

- Commissioner Frank stated he struggles with the term "public right-of-way" and would like to see something opened up to more businesses, he knows there are other businesses that would like to have off-site advertising opportunities. This does limit it to one group, and he thinks there might be other potential users that would be interested in this allowance. He would like to see something that opens it to more users if we are going to allow one group. He thinks the amendment is too narrow.
- Commissioner Boyd asked if there are currently any sign compliance issues and if there are complaints. Do people complain about garage sales, yard sales, selling puppies at Winco?
- Planner I Spendlove explained that there are compliance issues all the time. There are violations with off premise signs all the time for example the signs advertising Christmas lights, blowing out sprinkler systems, cleaning out rain gutters, these are all illegal. Garage Sale signs in right-of-way are the biggest offenders. We have issues with people putting signs on sidewalks, in roadways, on light poles; yes we have issues with signs in Right-of-Way.
- Commissioner Frank asked if there is a way to bring things into compliance isn't that the goal.
- Planner I Spendlove explained compliance is the goal and penalty is the last option.
- Commissioner Munoz stated if the realtors will be willing to follow the rules making the public aware of the rules so that compliance is better, he would agree that change and education is necessary. Perhaps we have a mechanism that allows people to call before placing signs so as to make sure they are placing them in the correct place. Most people are willing to do that, are willing to comply with the rules.
- Commissioner Boyd stated that this is an industry trying to serve their clients and work with the City. She doesn't think that there will be a unilateral agreement on code, and policing private citizens, particularly yard sale signs, will not be the same as policing an industry that is trying to make a set of rules that can be followed. These signs have been around forever, and we do have issues with compliance but we have a group who wants to follow a set of rules that allows them to serve their Clients.
- Commissioner Frank explained that there are rules in place currently that aren't being followed.
- Commissioner Grey agreed.
- Commissioner Woods thinks the rules can be clear and specific to a group that is educated but the rest of the population just sees signs going up everywhere and they don't know what the rules are and which ones they should follow. It can be very confusing. How do things get controlled with lots of specialized rules for different groups.
- Commissioner Grey stated that the current rules are there now and are not being followed.
- Commissioner Tatum thanked the industry for trying to find an adult way of addressing this concern through a consensus. This could allow independent realtors or independent brokers that would be positively affected for this. Right now I would vote in favor of this at this point to go to the City Council.
- Commissioner Frank stated that the discussion has been lively and he believes it is a needed discussion.

Motion:

Commissioner Woods made a motion to approve the request, as presented, with staff recommendations.

Commissioner Boyd seconded the motion. **The motion was voted on in the following order:**

- Commissioner Grey: No
- Commissioner Munoz: No
- Commissioner Tatum: Yes
- Commissioner DeVore: Yes
- Commissioner Woods: No
- Commissioner Boyd: Yes
- Commissioner Frank: No

Recommendation to approve the request as presented was denied by a vote of 3 for and 4 against

City Council Public Hearing Scheduled for January 13, 2014