

COUNCIL MEMBERS:

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



**AGENDA**

Meeting of the Twin Falls City Council  
**Monday, July 28, 2014**  
City Council Chambers  
305 3<sup>rd</sup> Avenue East -Twin Falls, Idaho

<b>5:00 P.M.</b>		
<b>PLEDGE OF ALLEGIANCE TO THE FLAG</b> <b>CONFIRMATION OF QUORUM</b> <b>CONSIDERATION OF THE AMENDMENTS TO THE AGENDA</b> <b>PROCLAMATION: Senior Appreciation Month – August 2014</b> <i>(Jeanette Roe, Twin Falls Senior Center)</i>		
<b>GENERAL PUBLIC INPUT</b>		
<b>AGENDA ITEMS</b>		
<b>I. <u>CONSENT CALENDAR:</u></b>	<b>Purpose:</b>	<b>By:</b>
1. Consideration of a request to approve the Accounts Payable for July 22-28, 2015, total: \$493,087.89.	Action	Sharon Bryan
2. Consideration of a request to approve the 2014 MDA Fill the Boot campaign on August 8, 2014, at the intersection of Addison Avenue East and Locust.	Action	Edward Morris, Fire Fighters Assoc.
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b>	<b>Purpose:</b>	<b>By:</b>
1. Consideration of a request to accept right of way for the Cheney Drive Project, Key 11495 and authorize the Mayor to sign the Right-of-Way Certificate.	Action	Jacqueline Fields
2. Consideration of a request to begin discussions and possible negotiations in partnership with the College of Southern Idaho for the possible acquisition of real property owned by the Idaho Department of Water Resources.	Discussion/ Possible Action	Travis Rothweiler
3. A brief recap of the City Manager’s Recommended Budget for FY 2015.	Presentation	Travis Rothweiler Lorie Race
4. Public input and/or items from the City Manager and City Council.		
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>		
<b>IV. <u>PUBLIC HEARINGS:</u></b> <b>6:00 P.M.</b>		
1. Consideration of an appeal regarding the Planning and Zoning Commission’s decision on June 10, 2014, to approve a Special Use Permit to allow for a 24 Hour Gasoline Service Station with a drive through window on 2.7(+/-) acres located at the north east corner of Meadowview Lane and Kimberly Road.	PH/Action	Gary Asher /Appellant
<b>V. <u>ADJOURNMENT:</u></b>		
1. 67-2345(1)(c) EXECUTIVE SESSION to conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.		

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

### Twin Falls City Council-Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor shall review the public hearing procedures.
  2. Individuals wishing to testify or speak before the City Council shall wait to be recognized by the Mayor, approach the microphone/podium, state their name and address, then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the City Clerk. The City Clerk shall make an audio recording of the Public Hearing.
  3. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
    - A complete explanation and description of the request.
    - Why the request is being made.
    - Location of the Property.
    - Impacts on the surrounding properties and efforts to mitigate those impacts.Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor.
  4. A City Staff Report shall summarize the application and history of the request.
    - The City Council may ask questions of staff or the applicant pertaining to the request.
  5. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor may limit public testimony to no less than two minutes per person.
    - Five or more individuals, having received personal public notice of the application under consideration, may select by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the mayor. The spokesperson shall be limited to 15 minutes.
    - Written comments, including e-mail, shall be either read into the record or displayed to the public on the overhead projector.
    - Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
  6. Following the Public Testimony and Applicant's response, the hearing shall continue. The City Council, as recognized by the Mayor, shall be allowed to question the Applicant, Staff or anyone who has testified. The Mayor may again establish time limits.
  7. The Mayor shall close the Public Hearing. The City Council shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.
- \* Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor.

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

# Proclamation



***SENIOR APPRECIATION MONTH – AUGUST 2014***

Show your appreciation - Open your heart- Do your part – Volunteer, Share & Care

**WHEREAS**, seniors have contributed and continue to contribute immensely to the life and vibrancy of this community; and

Seniors continue to serve as leaders, mentors, historians, volunteers and most importantly dynamic members of this community; and

Their contributions, past and present, warrant appreciation and recognition, and their stories deserve to be told; and

The health and well-being of seniors is in the interest of all and further adds to the health and well-being of the community; and

The knowledge and experience seniors pass on to us continues to benefit all;

**THEREFORE**, I, Don Hall, Mayor of Twin Falls, *proclaim the month of August - SENIOR APPRECIATION MONTH*, in Twin Falls, Idaho, and urge all citizens to recognize and celebrate the accomplishments of our seniors.

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

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Mayor Don Hall

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Attest: Deputy City Clerk Leila A. Sanchez

Date: July 28, 2014



Date: July 28, 2014  
To: Honorable Mayor and City Council  
From: Edward Morris, Fire Fighters Assoc.

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**Request:** We are requesting permission to hold our Annual Muscular Dystrophy Fill the Boot on the street again this year.

**Background:** This is a nationwide fundraiser for MDA. We have requested and have obtained permission to do the Fill the Boot on the street from the Council. Since 2001, we have earned over \$120,000 to help Idaho families deal with this disease. While our firefighters are participating in this fund raiser, the MDA will provide insurance coverage for the Fill the Boot event.

**History:** The history behind the MDA Fill the Boot originated in the 1940's. Fire Fighters across the United States and Canada raise millions of dollars each year to help Jerry's Kids. Here in Twin Falls, we are in our 13<sup>th</sup> year of MDA Fill the Boot on the street. I am proud to say that we have not had a single accident while soliciting donations. This is because we only accept donations when the traffic light is on RED.

**Conclusion:** I would like to request that the City Council of Twin Falls authorize the Twin Falls Fire Fighters, Local 1556 permission to hold the 2014 MDA Fill the Boot campaign from 10 A.M. to 6 P.M. on Friday August 8th, at the intersection of Addison Avenue East and Locust.

Respectfully:  
Edward Morris  
Local 1556, Twin Falls Fire Fighters Assoc.



**Date:** Monday, July 28, 2014  
**To:** Honorable Mayor and City Council  
**From:** Jacqueline D. Fields, City Engineer

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**Request:**

Consideration of a request to accept right of way for the Cheney Drive Project, Key 11495 and authorize the Mayor to sign the Right-of-Way Certificate.

**Time Estimate:**

The staff presentation will take approximately 5 minutes.

**Background:**

The Cheney Drive project is new roadway that extends from the signal on Cheney Drive and Washington St North to just east of the Perrine Coulee on North College Dr. This is a federally funded project. The right of way needs to be in the ownership of the road maintenance entity/ project sponsor, which is the City of Twin Falls.

The roadway to be built on this project is on 3 properties currently owned by the College of Southern Idaho. Two parcels to the north, owned by KLS&M Family Limited Partnership and BCM&W Family Limited Partnership are necessary to provide for the construction of the roadway to the property line.

Five warranty deeds are attached. This comprises the total right of way necessary to construct the project so it is also appropriate to execute the right of way certificate.

**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 accept the rights-of-way and authorize the Mayor to sign the right of way certificate.

**Attachments:**

1. Warranty deeds for CSI, KLS&M Family Limited Partnership and BCM&W Family Limited Partnership

## Local Public Agency's Certificate Of Completion Of Right-Of-Way Activities

Idaho Transportation Department



Key Number	Project Number	Project Name
11495	A011(495)	Cheney Dr.; Washington St. N. to N. College Rd. CSI
Local Public Agency		
City of Twin Falls		

**Complete the applicable section below and the Certification section.**

**Right of Way is Not Required**

- All work will be done within the existing right of way
- No utilities are involved in this project
- Utilities are impacted and agreements are in place. Number of Utilities \_\_\_\_\_

**Right of Way is Required**

- Number of ownerships acquired 6 Total amount paid \$0
- Number of parcels in condemnation or pending final settlement 0
- Number of Relocations 0
- No utilities are involved in this project
  - Utilities are impacted and agreements are in place. Number of Utilities 3

**Certification**

I hereby certify that all acquisitions and relocations, if any, were performed in accordance with our assurances to comply with state and federal laws and regulations related to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and amendments thereto.

It is further certified that in all cases where the real property rights were obtained through donation, that the property owner(s) was fully informed of the right to receive just compensation and the owner has released our agency from its obligation to appraise the property in the event that the estimated value may exceed \$5,000.00.

Agency Contact's Name (Printed)	Phone Number	E-Mail Address	
Attester's Signature (Clerk or Secretary)	Date	Chairman, President, or Mayor's Signature	Date

65628a

TitleFact, Inc.  
163 Fourth Avenue North  
P.O. Box 486  
Twin Falls, Idaho 83303

\*\*\*\* SPACE ABOVE FOR RECORDER \*\*\*\*

**WARRANTY DEED**

FOR VALUE RECEIVED COLLEGE OF SOUTHERN IDAHO, hereinafter called the grantor, hereby grants, bargains, sells and conveys unto **THE CITY OF TWIN FALLS, a municipal corporation,,**

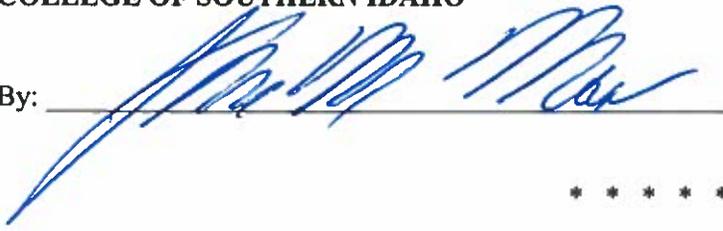
hereinafter called grantee, whose address is: P.O. Box 1907, Twin Falls, Idaho 83303, the following described premises, in **Twin Falls County, Idaho**, to-wit:

SEE ATTACHED LEGAL DESCRIPTION

**TO HAVE AND TO HOLD** the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: April 18, 2014

**COLLEGE OF SOUTHERN IDAHO**

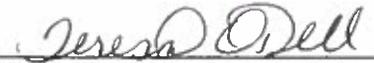
By: 

\* \* \* \* \*

STATE OF IDAHO }ss  
County of Twin Falls }

On this 27 day of May, 2014, before me, a Notary Public in and for said State, personally appeared John M. Anderson Mason, known or identified to me to be the Secretary-Treasurer of the Board of Trustees for the COLLEGE OF SOUTHERN IDAHO that executed this instrument, or the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same on behalf of the COLLEGE OF SOUTHERN IDAHO.

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

  
Notary Public for Idaho  
Residing in: Twin Falls  
Commission Expires: Aug 9, 2019

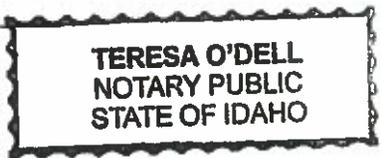


EXHIBIT A  
CHENEY DRIVE RIGHT OF WAY  
COLLEGE OF SOUTHERN IDAHO TO THE CITY OF TWIN FALLS

A PARCEL OF LAND FOR ROAD RIGHTS OF WAY PURPOSES BEING GENERALLY DESCRIBED AS AN IRREGULAR STRIP OF LAND IN THE SW1/4 NW1/4, SECTION 4, T. 10 S., R. 17 E., B.M. IN THE CITY OF TWIN FALLS, TWIN FALLS COUNTY, IDAHO AND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 4, T. 10 S., R. 17 E., B.M. TWIN FALLS COUNTY, WHICH BEARS SOUTH 00° 50' 41" WEST A DISTANCE OF 2525.39 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 4; THENCE ON A BEARING OF NORTH 00° 50' 41" EAST A DISTANCE OF 1275.82 FEET TO THE NORTHWEST CORNER OF THE SW1/4 NW1/4 OF SECTION 4; THENCE ON A BEARING OF SOUTH 89° 36' 55" EAST A DISTANCE OF 101.80 FEET ALONG THE NORTH BOUNDARY OF THE SW1/4 NW1/4 OF SECTION 4; THENCE ON A BEARING OF SOUTH 00° 50' 41" WEST A DISTANCE OF 63.97 FEET TO THE REAL POINT OF BEGINNING;

THENCE FROM THIS REAL POINT OF BEGINNING ON A BEARING OF NORTH 74° 29' 31" EAST A DISTANCE OF 51.00 FEET;

THENCE ON A BEARING OF SOUTH 89° 36' 55" EAST A DISTANCE OF 59.47 FEET PARALLEL WITH THE NORTH BOUNDARY OF THE SW1/4 NW1/4 OF SECTION 4;

THENCE ON A BEARING OF SOUTH 00° 23' 05" WEST A DISTANCE OF 14.00 FEET;

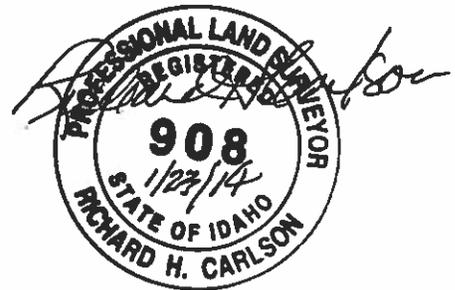
THENCE ON A BEARING OF NORTH 89° 36' 55" WEST A DISTANCE OF 108.56 FEET PARALLEL WITH THE NORTH BOUNDARY OF THE SW1/4 NW1/4 OF SECTION 4;

THENCE ON A BEARING OF NORTH 46° 46' 07" EAST A DISTANCE OF 0.05 FEET TO THE REAL POINT OF BEGINNING.

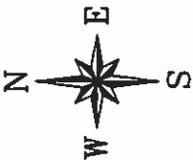
THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 1,177 SQUARE FEET MORE OR LESS. THERE IS HEREBY GRANTED A TEMPORARY EASEMENT OF INGRESS AND EGRESS FOR CONSTRUCTION OF FENCING, GATES, APPROACHES, OR ANY OTHER ITEM REQUIRING A TEMPORARY EASEMENT. SAID EASEMENT TO TERMINATE UPON COMPLETION OF CONSTRUCTION.

**(BASIS OF BEARINGS:** SECTION LINE FROM THE WEST QUARTER CORNER OF SECTION 4 TO THE NORTHWEST SECTION CORNER OF SECTION 4, ALL IN T. 10 S., R. 17 E., B.M., TWIN FALLS COUNTY, IDAHO. SAID SECTION LINE BEING ON A BEARING OF NORTH 00° 50' 41" EAST)

January 8, 2014  
January 13, 2014  
January 23, 2014



SECTION 4, T. 10 S., R. 17 E., B.M.



$N74^{\circ} 29' 31'' E - 51.00'$   
 $N46^{\circ} 46' 07'' E - 0.05'$   
 $S89^{\circ} 36' 55'' E - 59.47'$   
 $S0^{\circ} 23' 05'' W - 14.00'$   
 $N89^{\circ} 36' 55'' W - 108.56'$

1" = 200'

NW1/4 NE1/4  
GOV'T LOT 2

SW1/4 NE1/4

NE1/4 NW1/4  
GOV'T LOT 3

S1/2 NW1/4

NW1/4 NW1/4  
GOV'T LOT 4

CHENEY DRIVE

NORTH COLLEGE ROAD

1" = 400'

WASHINGTON STREET NORTH

SEE ENLARGEMENT  
THIS SHEET

65628b

TitleFact, Inc.  
163 Fourth Avenue North  
P.O. Box 486  
Twin Falls, Idaho 83303

\*\*\*\* SPACE ABOVE FOR RECORDER \*\*\*\*

**WARRANTY DEED**

FOR VALUE RECEIVED **THE COLLEGE OF SOUTHERN IDAHO**, hereinafter called the grantor, hereby grants, bargains, sells and conveys unto **THE CITY OF TWIN FALLS, a municipal corporation,,**

hereinafter called grantee, whose address is: P.O. Box 1907, Twin Falls, Idaho 83303, the following described premises, in **Twin Falls County, Idaho**, to-wit:

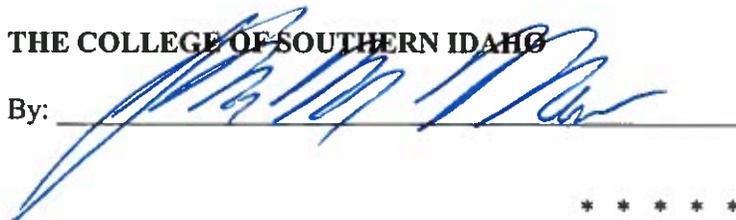
SEE ATTACHED LEGAL DESCRIPTION

**TO HAVE AND TO HOLD** the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: April 18, 2014

**THE COLLEGE OF SOUTHERN IDAHO**

By: \_\_\_\_\_



\* \* \* \* \*

STATE OF IDAHO }ss  
County of Twin Falls }

On this 27 day of May, 2014, before me, a Notary Public in and for said State, personally appeared John M Mason, known or identified to me to be the Secretary Treasurer of the Board of Trustees for the **THE COLLEGE OF SOUTHERN IDAHO** that executed this instrument, or the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same on behalf of the **THECOLLEGE OF SOUTHERN IDAHO**.

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

Teresa O'Dell  
Notary Public for Idaho  
Residing in: Twin Falls  
Commission Expires: Aug. 9, 2019

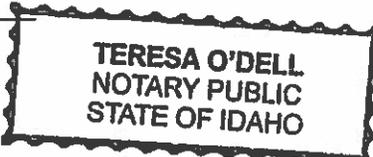


EXHIBIT A  
CHENEY DRIVE RIGHT OF WAY  
THE COLLEGE OF SOUTHERN IDAHO TO THE CITY OF TWIN FALLS

A PARCEL OF LAND FOR ROAD RIGHTS OF WAY PURPOSES BEING GENERALLY DESCRIBED AS AN IRREGULAR STRIP OF LAND IN THE N1/2, SECTION 4, T. 10 S., R. 17 E., B.M. IN THE CITY OF TWIN FALLS, TWIN FALLS COUNTY, IDAHO AND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 4, T. 10 S., R. 17 E., B.M. TWIN FALLS COUNTY, WHICH BEARS SOUTH 00° 50' 41" WEST A DISTANCE OF 2525.39 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 4; THENCE ON A BEARING OF NORTH 00° 50' 41" EAST A DISTANCE OF 1275.82 FEET TO THE NORTHWEST CORNER OF THE SW1/4 NW1/4 OF SECTION 4; THENCE ON A BEARING OF SOUTH 89° 36' 55" EAST A DISTANCE OF 2012.76 FEET ALONG THE NORTH BOUNDARY OF THE SW1/4 NW1/4 SECTION 4; THENCE ON A BEARING OF SOUTH 34° 08' 58" EAST A DISTANCE OF 243.67 FEET; THENCE ON A BEARING OF SOUTH 50° 18' 58" EAST A DISTANCE OF 219.01 FEET; THENCE ON A BEARING OF SOUTH 00° 18' 02" WEST A DISTANCE OF 196.00 FEET TO THE REAL POINT OF BEGINNING;

THENCE FROM THIS REAL POINT OF BEGINNING ON A BEARING OF SOUTH 48° 44' 13" EAST A DISTANCE OF 237.18 FEET;

THENCE ON A BEARING OF NORTH 41° 15' 47" EAST A DISTANCE OF 7.00 FEET;

THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 21° 03' 05", A RADIUS OF 806.00 FEET, A TANGENT OF 149.76 FEET, AN ARC LENGTH OF 296.14 FEET AND A LONG CHORD OF 294.48 FEET ON A BEARING OF SOUTH 38° 12' 40" EAST;

THENCE ON A BEARING OF SOUTH 27° 41' 07" EAST A DISTANCE OF 101.33 FEET;

THENCE ALONG A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 45° 19' 18", A RADIUS OF 460.00 FEET, A TANGENT OF 192.05 FEET, AN ARC LENGTH OF 363.87 FEET AND A LONG CHORD OF 354.45 FEET ON A BEARING OF SOUTH 50° 00' 48" EAST;

THENCE ON A BEARING OF SOUTH 00° 08' 07" WEST A DISTANCE OF 29.33 FEET;

THENCE ON A BEARING OF NORTH 89° 20' 15" WEST A DISTANCE OF 118.48 FEET;

THENCE ON A BEARING OF NORTH 37° 24' 14" EAST A DISTANCE OF 12.48 FEET;

THENCE ON A BEARING OF NORTH 89° 20' 32" WEST A DISTANCE OF 256.57 FEET;

THENCE ON A BEARING OF SOUTH 86° 24' 45" WEST A DISTANCE OF 264.05 FEET;

THENCE ON A BEARING OF NORTH 88° 56' 46" WEST A DISTANCE OF 69.27 FEET;

THENCE ON A BEARING OF NORTH 01° 18' 02" EAST A DISTANCE OF 19.07 FEET;

THENCE ON A BEARING OF SOUTH 89° 20' 29" EAST A DISTANCE OF 216.95 FEET;

THENCE ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 22° 00' 01", A RADIUS OF 484.00 FEET, A TANGENT OF 94.08 FEET, AN ARC LENGTH OF 185.84 FEET AND A LONG CHORD OF 184.70 FEET ON A BEARING OF NORTH 66° 20' 56" EAST;

THENCE ON A BEARING OF NORTH 55° 20' 55" EAST A DISTANCE OF 15.52 FEET;

THENCE ALONG A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 93° 33' 04", A RADIUS OF 20.00 FEET, A TANGENT OF 21.28 FEET, AN ARC LENGTH OF 32.66 FEET AND A LONG CHORD OF 29.15 FEET ON A BEARING OF NORTH 08° 34' 23" EAST;

THENCE ALONG A TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 10° 31' 01", A RADIUS OF 566.00 FEET, A TANGENT OF 52.09 FEET, AN ARC LENGTH OF 103.89 FEET AND A LONG CHORD OF 103.75 FEET ON A BEARING OF NORTH 32° 56' 38" WEST;

THENCE ON A BEARING OF NORTH 27° 41' 07" WEST A DISTANCE OF 101.33 FEET;

THENCE ALONG A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 21° 03' 05", A RADIUS OF 714.00 FEET, A TANGENT OF 132.66 FEET, AN ARC LENGTH OF 262.34 FEET AND A LONG CHORD OF 260.86 FEET ON A BEARING OF NORTH 38° 12' 40" WEST;

THENCE ON A BEARING OF NORTH 41° 15' 47" EAST A DISTANCE OF 7.00 FEET;

THENCE ON A BEARING OF NORTH 48° 44' 13" WEST A DISTANCE OF 171.82 FEET;

THENCE ON A BEARING OF NORTH 01° 18' 02" EAST A DISTANCE OF 101.77 FEET TO THE REAL POINT OF BEGINNING.

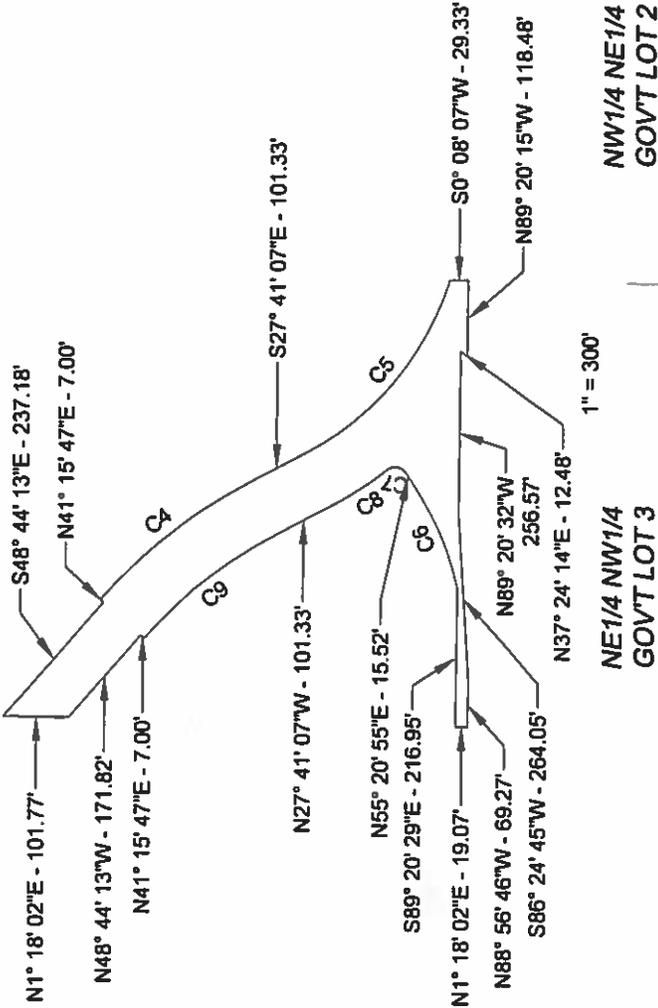
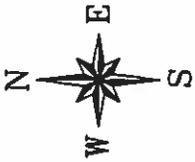
THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 99,380 SQUARE FEET MORE OR LESS AND IS SUBJECT TO A MAINTENANCE EASEMENT FOR THE TWIN FALLS CANAL COMPANY PERRINE COULEE CROSSING. THERE IS HEREBY GRANTED A TEMPORARY EASEMENT OF INGRESS AND EGRESS FOR CONSTRUCTION OF FENCING, GATES, APPROACHES, OR ANY OTHER ITEM REQUIRING A TEMPORARY EASEMENT. SAID EASEMENT TO TERMINATE UPON COMPLETION OF CONSTRUCTION.

**(BASIS OF BEARINGS:** SECTION LINE FROM THE WEST QUARTER CORNER OF SECTION 4 TO THE NORTHWEST SECTION CORNER OF SECTION 4, ALL IN T. 10 S., R. 17 E., B.M., TWIN FALLS COUNTY, IDAHO. SAID SECTION LINE BEING ON A BEARING OF NORTH 00° 50' 41" EAST)

January 8, 2014  
January 13, 2014  
January 23, 2014



SECTION 4, T. 10 S., R. 17 E., B.M.



1" = 300'

WASHINGTON STREET NORTH

CHENEY DRIVE

NORTH COLLEGE ROAD

SEE ENLARGEMENT THIS SHEET

1" = 400'

CURVE DATA TABLE

CURVE	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BEARING
C4	21°03'05"	806.00	296.14'	294.48'	149.76'	S 38°12'40" E
C5	45°19'16"	460.00	363.87'	354.45'	192.05'	S 50°00'48" E
C6	22°00'01"	484.00	185.84'	184.70'	94.08'	N 66°20'56" E
C7	93°33'04"	20.00	32.66'	29.15'	21.28'	N 08°34'23" E
C8	10°31'01"	566.00	103.89'	103.75'	52.09'	N 32°56'38" W
C9	21°03'05"	714.00	262.34'	260.86'	132.66'	N 38°12'40" W

S1/2 NW1/4

65628

TitleFact, Inc.  
163 Fourth Avenue North  
P.O. Box 486  
Twin Falls, Idaho 83303

\*\*\*\* SPACE ABOVE FOR RECORDER \*\*\*\*

**WARRANTY DEED**

FOR VALUE RECEIVED COLLEGE OF SOUTHERN IDAHO, hereinafter called the grantor, hereby grants, bargains, sells and conveys unto THE CITY OF TWIN FALLS, a municipal corporation,,

hereinafter called grantee, whose address is: P.O. Box 1907, Twin Falls, Idaho 83303, the following described premises, in Twin Falls County, Idaho, to-wit:

SEE ATTACHED LEGAL DESCRIPTION

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: April 17, 2014

COLLEGE OF SOUTHERN IDAHO

By: *[Handwritten Signature]*

\* \* \* \* \*

STATE OF IDAHO }ss  
County of Twin Falls }

On this 27 day of May, 2014, before me, a Notary Public in and for said State, personally appeared Johanna M. Mason, known or identified to me to be the Secretary Treasurer of the Board of Trustees for the COLLEGE OF SOUTHERN IDAHO that executed this instrument, or the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same on behalf of the COLLEGE OF SOUTHERN IDAHO.

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

*Teresa O'Dell*  
Notary Public for Idaho  
Residing in: Twin Falls  
Commission Expires: aug 9, 2019

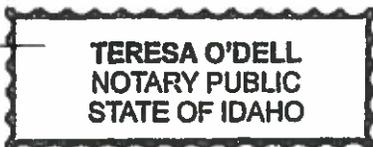


EXHIBIT A  
CHENEY DRIVE RIGHT OF WAY  
COLLEGE OF SOUTHERN IDAHO TO THE CITY OF TWIN FALLS

A PARCEL OF LAND FOR ROAD RIGHTS OF WAY PURPOSES BEING GENERALLY DESCRIBED AS AN IRREGULAR STRIP OF LAND IN THE SW1/4 NW1/4, SECTION 4, T. 10 S., R. 17 E., B.M. IN THE CITY OF TWIN FALLS, TWIN FALLS COUNTY, IDAHO AND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 4, T. 10 S., R. 17 E., B.M. TWIN FALLS COUNTY, WHICH BEARS SOUTH 00° 50' 41" WEST A DISTANCE OF 2525.39 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 4; THENCE ON A BEARING OF NORTH 00° 50' 41" EAST A DISTANCE OF 1275.82 FEET TO THE NORTHWEST CORNER OF THE SW1/4 NW1/4 OF SECTION 4; THENCE ON A BEARING OF SOUTH 89° 36' 55" EAST A DISTANCE OF 883.18 FEET ALONG THE NORTH BOUNDARY OF THE SW1/4 NW1/4 SECTION 4 AND BEING THE REAL POINT OF BEGINNING;

THENCE FROM THIS REAL POINT OF BEGINNING CONTINUING ON A BEARING OF SOUTH 89° 36' 55" EAST A DISTANCE OF 779.93 FEET ALONG THE NORTH BOUNDARY OF THE SW1/4 NW1/4 SECTION 4;

THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 19° 29' 10", A RADIUS OF 540.00 FEET, A TANGENT OF 92.72 FEET, AN ARC LENGTH OF 183.65 FEET AND A LONG CHORD OF 182.77 FEET ON A BEARING OF SOUTH 56° 03' 00" EAST;

THENCE ON A BEARING OF SOUTH 48° 44' 13" EAST A DISTANCE OF 663.72 FEET;

THENCE ON A BEARING OF SOUTH 01° 18' 02" WEST A DISTANCE OF 101.77 FEET;

THENCE ON A BEARING OF NORTH 48° 44' 13" WEST A DISTANCE OF 729.08 FEET;

THENCE ON A BEARING OF SOUTH 41° 15' 47" WEST A DISTANCE OF 7.00 FEET;

THENCE ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 40° 52' 28", A RADIUS OF 477.00 FEET, A TANGENT OF 177.75 FEET, AN ARC LENGTH OF 340.29 FEET AND A LONG CHORD OF 333.12 FEET ON A BEARING OF NORTH 69° 10' 41" WEST;

THENCE ON A BEARING OF NORTH 89° 36' 55" WEST A DISTANCE OF 148.99 FEET PARALLEL WITH THE NORTH BOUNDARY OF THE SW1/4 NW1/4 OF SECTION 4;

THENCE ON A BEARING OF NORTH 89° 00' 05" WEST A DISTANCE OF 280.02 FEET;

THENCE ON A BEARING OF NORTH 89° 36' 55" WEST A DISTANCE OF 135.92 FEET PARALLEL WITH THE NORTH BOUNDARY OF THE SW1/4 NW1/4 OF SECTION 4;

THENCE ON A BEARING OF NORTH 00° 58' 00" EAST A DISTANCE OF 46.00 FEET TO THE REAL POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 108,565 SQUARE FEET MORE OR LESS AND IS SUBJECT TO A MAINTENANCE EASEMENT FOR THE TWIN FALLS CANAL COMPANY LATERAL 41A CROSSING. THERE IS HEREBY GRANTED A TEMPORARY EASEMENT OF INGRESS AND EGRESS FOR CONSTRUCTION OF FENCING, GATES, APPROACHES, OR ANY OTHER ITEM

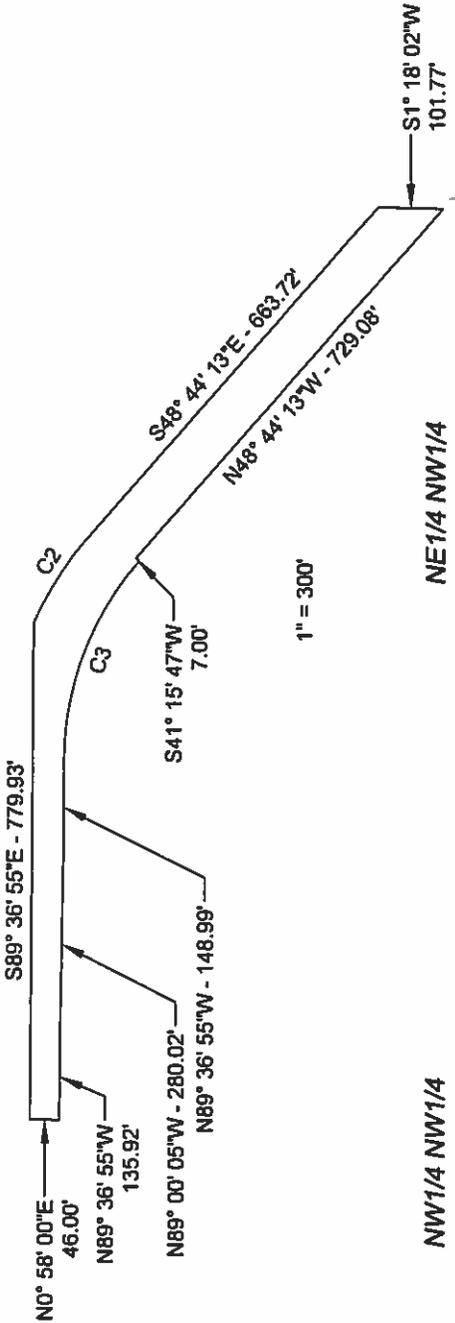
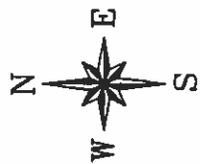
REGUIRING A TEMPORARY EASEMENT. SAID EASEMENT TO TERMINATE UPON COMPLETION OF CONSTRUCTION.

**(BASIS OF BEARINGS:** SECTION LINE FROM THE WEST QUARTER CORNER OF SECTION 4 TO THE NORTHWEST SECTION CORNER OF SECTION 4, ALL IN T. 10 S., R. 17 E., B.M., TWIN FALLS COUNTY, IDAHO. SAID SECTION LINE BEING ON A BEARING OF NORTH 00° 50' 41" EAST)

January 8, 2014  
January 13, 2014  
January 23, 2014



SECTION 4, T. 10 S., R. 17 E., B.M.



1" = 300'

NE1/4 NW1/4  
GOV'T LOT 3

NW1/4 NW1/4  
GOV'T LOT 4

CHENEY DRIVE

SEE ENLARGEMENT  
THIS SHEET

S1/2 NW1/4

SW1/4 NE1/4

WASHINGTON STREET NORTH

NORTH COLLEGE ROAD

1" = 400'

CURVE DATA TABLE

CURVE	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BEARING
C2	49°29'10"	540.00'	183.65'	182.77'	92.72'	S 56°03'00"E
C3	40°52'28"	477.00'	340.29'	333.12'	177.75'	N 69°10'41"W

65629

**TitleFact, Inc.**  
P.O. Box 486  
Twin Falls, Idaho 83303

\*\*\*\* SPACE ABOVE FOR RECORDER \*\*\*\*

**CORPORATION WARRANTY DEED**

FOR VALUE RECEIVED, **THE COLLEGE OF SOUTHERN IDAHO FOUNDATION, INC., an Idaho corporation** a corporation duly organized and existing under the laws of the state of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto **THE CITY OF TWIN FALLS, a municipal corporation,**

Grantee, whose address is: P.O. Box 1907, Twin Falls, Idaho 83303, the following described real estate, situated in Twin Falls County, Idaho, to-wit:

SEE ATTACHED LEGAL DESCRIPTION

**TO HAVE AND TO HOLD**, the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: April 17, 2014

**THE COLLEGE OF SOUTHERN IDAHO FOUNDATION, INC.**

By: *Debra J. Wilson*

\* \* \* \* \*

STATE OF IDAHO }ss  
County of Twin Falls }

On this 30 day of April, 2014, before me, the undersigned, Notary Public in and for said State, personally appeared *Debra J. Wilson*, known or identified to me to be the Executive Director of the corporation that executed this instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such 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

*Jeffrey M. Harmon*  
Notary Public for Idaho  
Residing at: *Twin Falls*  
My Commission expires: *11/08/2017*

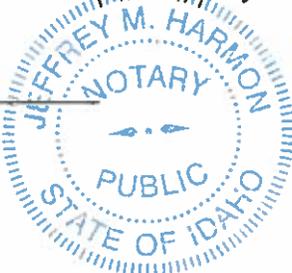


EXHIBIT A  
CHENEY DRIVE RIGHT OF WAY  
COLLEGE OF SOUTHERN IDAHO FOUNDATION, INC. TO THE CITY OF TWIN FALLS

A PARCEL OF LAND FOR ROAD RIGHTS OF WAY PURPOSES BEING GENERALLY DESCRIBED AS AN IRREGULAR STRIP OF LAND ALONG THE SOUTH BOUNDARY OF THE SW1/4 NE1/4, SECTION 4, T. 10 S., R. 17 E., B.M. IN THE CITY OF TWIN FALLS, TWIN FALLS COUNTY, IDAHO AND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 4, T. 10 S., R. 17 E., B.M. TWIN FALLS COUNTY, WHICH BEARS SOUTH 00° 50' 41" WEST A DISTANCE OF 2525.39 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 4; THENCE ON A BEARING OF SOUTH 89° 20' 29" EAST A DISTANCE OF 2632.70 FEET ALONG THE SOUTH BOUNDARY OF THE N1/2 OF SECTION 4 TO THE CENTER SECTION OF SECTION 4; THENCE CONTINUING ON A BEARING OF SOUTH 89° 20' 29" EAST A DISTANCE OF 514.88 FEET ALONG THE SOUTH BOUNDARY OF THE N1/2 SECTION 4; THENCE ON A BEARING OF NORTH 00° 39' 31" EAST A DISTANCE OF 30.00 FEET TO THE REAL POINT OF BEGINNING;

THENCE FROM THIS REAL POINT OF BEGINNING ON A BEARING OF NORTH 89° 20' 29" WEST A DISTANCE OF 131.67 FEET PARALLEL WITH THE SOUTH BOUNDARY OF THE SW1/4 NE1/4 OF SECTION 4;

THENCE ON A BEARING OF NORTH 00° 08' 07" EAST A DISTANCE OF 29.33 FEET;

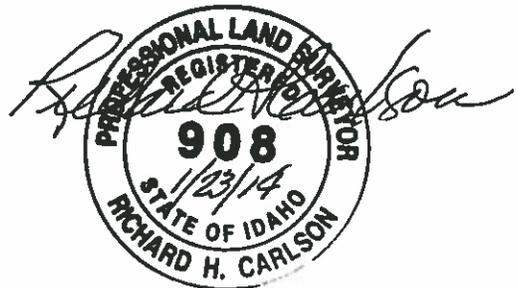
THENCE ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 16° 40' 06", A RADIUS OF 460.00 FEET, A TANGENT OF 67.39 FEET, AN ARC LENGTH OF 133.82 FEET AND A LONG CHORD OF 133.35 FEET ON A BEARING OF SOUTH 81° 00' 30" EAST;

THENCE ON A BEARING OF SOUTH 00° 39' 31" WEST FOR A DISTANCE OF 10.00 FEET TO THE REAL POINT OF BEGINNING.

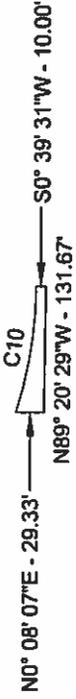
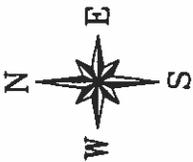
THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 2,158 SQUARE FEET MORE OR LESS. THERE IS HEREBY GRANTED A TEMPORARY EASEMENT OF INGRESS AND EGRESS FOR CONSTRUCTION OF FENCING, GATES, APPROACHES, OR ANY OTHER ITEM REQUIRING A TEMPORARY EASEMENT. SAID EASEMENT TO TERMINATE UPON COMPLETION OF CONSTRUCTION.

**(BASIS OF BEARINGS:** SECTION LINE FROM THE WEST QUARTER CORNER OF SECTION 4 TO THE NORTHWEST SECTION CORNER OF SECTION 4, ALL IN T. 10 S., R. 17 E., B.M., TWIN FALLS COUNTY, IDAHO. SAID SECTION LINE BEING ON A BEARING OF NORTH 00° 50' 41" EAST)

January 8, 2014  
January 13, 2014  
January 23, 2014



SECTION 4, T. 10 S., R. 17 E., B.M.



1" = 200'

NW1/4 NE1/4  
GOVT LOT 2

NE1/4 NW1/4  
GOVT LOT 3

NW1/4 NW1/4  
GOVT LOT 4

SW1/4 NE1/4

S1/2 NW1/4

CHENEY DRIVE

NORTH COLLEGE ROAD

1" = 400'

SEE ENLARGEMENT  
THIS SHEET

WASHINGTON STREET NORTH

CURVE DATA TABLE

CURVE	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BEARING
C10	16°40'06"	460.00'	133.82'	133.35'	67.39'	S 81°00'30" E

COLLEGE OF SOUTHERN  
IDAHO FOUNDATION, INC. TO  
THE CITY OF TWIN FALLS

EXHIBIT A

SCALE: AS SHOWN      DATE: 1/21/14      PROJ. NUMBER: 1110  
DWG. PATH: Z:\1110-CSI Safety Initiative, Cheney North College\CAD\1110\CIVIL\_3D\CRAWINGS\1110-PROP.dwg



202 Falls Avenue  
Twin Falls, Id. 83301  
Phone: (208) 733-2446  
Fax: (208) 734-2748

65631  
TitleFact, Inc.  
163 Fourth Avenue North  
P.O. Box 486  
Twin Falls, Idaho 83303

\*\*\*\* SPACE ABOVE FOR RECORDER \*\*\*\*

**WARRANTY DEED**

FOR VALUE RECEIVED **BCM&W FAMILY LIMITED PARTNERSHIP, an Idaho Limited Partnership**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **THE CITY OF TWIN FALLS, a municipal corporation**, hereinafter called Grantee, whose address is: P.O. Box 1907, Twin Falls, Idaho 83303, the following described premises, in **Twin Falls County**, Idaho, to-wit:

SEE ATTACHED LEGAL DESCRIPTION

**TO HAVE AND TO HOLD** the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current year's taxes, levies, and assessments and except U.S. Patent reservations and other restrictions and easements of record; and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: July 2, 2014

**BCM&W FAMILY LIMITED PARTNERSHIP, an Idaho Limited Partnership**  
BY: BCM&W LLC, an Idaho Limited Liability Company  
Its: General Partner

By: Gary J. Williams  
Gary J. Williams,  
Its: Managing Member

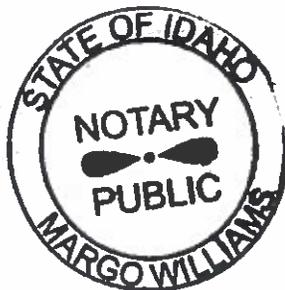
\* \* \* \* \*

STATE OF IDAHO  
County of Twin Falls

On this 8<sup>th</sup> day of July, 2014, before me, a Notary Public in and for said State, personally appeared **GARY J. WILLIAMS**, known or identified to me to be the Managing Member of **BCM&W LLC**, an Idaho limited liability company (the "Company"), the general partner of the **BCM&W FAMILY LIMITED PARTNERSHIP**, an Idaho limited partnership (the "Partnership") and the general partner who subscribed said Partnership name to the foregoing instrument, and acknowledged to me that he executed the same on behalf of said Company, and that said Company executed the same in said Partnership name.

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

Margo Williams  
Notary Public for Idaho  
Residing in Twin Falls  
Commission expires 9-1-2018



## LEGAL DESCRIPTION

A parcel of land for road rights-of-way purposes being generally described as an irregular strip of land along the South boundary of Government Lot 4 of Section 4, Township 10 South, Range 17 East of the Boise Meridian, in the City of Twin Falls, Twin Falls County, Idaho, and being more specifically described as follows:

COMMENCING at the West quarter corner of said Section 4, Township 10 South, Range 17 E., B.M., Twin Falls County, Idaho, which bears South  $00^{\circ}50'41''$  West a distance of 2525.39 feet from the Northwest corner of said Section 4;

THENCE on a bearing of North  $00^{\circ}50'41''$  East a distance of 1275.82 feet to the Southwest corner of Government Lot 4, Section 4;

THENCE on a bearing of South  $89^{\circ}36'55''$  East a distance of 65.70 feet along the South boundary of Government Lot 4, Section 4, and being the REAL POINT OF BEGINNING;

THENCE from this Real Point of Beginning along the new Easterly rights-of-way boundary of Washington Street North along a non-tangent curve to the right having a central angle of  $00^{\circ}30'00''$ , a radius of 8197.18 feet, a tangent of 35.76 feet, an arc length of 71.52 feet, and a long chord of 71.52 feet on a bearing of North  $03^{\circ}55'23''$  East;

THENCE on a bearing of South  $45^{\circ}22'08''$  East a distance of 32.08 feet;

THENCE on a bearing of South  $88^{\circ}13'34''$  East a distance of 123.78 feet;

THENCE on a bearing of South  $89^{\circ}36'55''$  East a distance of 242.97 feet parallel with the South boundary of Government Lot 4, Section 4;

THENCE on a bearing of South  $00^{\circ}23'05''$  West a distance of 36.00 feet;

THENCE on a bearing of South  $89^{\circ}36'55''$  East a distance of 236.16 feet parallel with the South boundary of Government Lot 4, Section 4;

THENCE on a bearing of South  $00^{\circ}50'13''$  West a distance of 10.00 feet to a point on the South boundary of Government Lot 4, Section 4;

THENCE on a bearing of North  $89^{\circ}36'55''$  West for a distance of 630.19 feet along the South boundary of Government Lot 4, Section 4, to the REAL POINT OF BEGINNING.

**SUBJECT TO** a temporary easement of ingress and egress for construction of fencing, gates, approaches, or any other item requiring a temporary easement. (said easement to terminate upon completion of construction)

**BASIS OF BEARINGS:** Section line from the West quarter corner of Section 4 to the Northwest Section corner of Section 4, all in Township 10 South, Range 17 E., B.M., Twin Falls County, Idaho; said Section line being on a bearing of North  $00^{\circ}50'41''$  East.

State of Idaho  
County of Twin Falls

File No. 65631

**Subject Property**

Legal Description: A parcel of land along the South boundary of Government Lot 4, Section 4, Township 10 South, Range 17 E., B.M., Twin Falls County, Idaho,

Before me, the undersigned authority, on this day personally appeared **GARY J. WILLIAMS, Managing Member of BCM&W FAMILY LIMITED PARTNERSHIP, an Idaho Limited Partnership**, personally known to me to be the person(s) whose name(s) is/are subscribed hereto and upon his/her/their oath(s) depose(s) and say(s) that no proceedings in **bankruptcy** or **receivership** have been instituted by or against him/her/them or the entity he/she/them represent(s) and, if it applies, that the **marital status** of affiant has not changed since the day of acquisition of said property and represent(s) to the purchaser, lender, Fidelity National Title Insurance Company and TitleFact, Inc., in this transaction that there are:

- 1. No loans or liens (including Federal or State liens, Judgment liens, Child Support liens or Medical Assistance liens) and no unpaid governmental or association taxes or assessments of any kind on such property, other than items being paid through this transaction, EXCEPT the following:  
(if none, state "NONE")

Creditor(s)	Approximate Amount
<u>NONE</u>	_____
_____	_____

- 2. No unpaid debts for plumbing fixtures, water heaters, floor furnaces, air conditions, radio or television antennas, carpeting, rugs, lawn sprinkling systems, blinds, window shades, draperies, electric appliances, fences, street paving, or any personal property or fixtures that are located on the subject property, and that no such items have been purchased on time payment contracts and there are no security interests on such property secured by financing statement, security agreement or otherwise, other than items being paid through this transaction, EXCEPT the following:  
(if none, state "NONE")

Secured Party/Parties	Approximate Amount
<u>NONE</u>	_____
_____	_____

- 3. There are no unpaid obligations for labor and material used in the construction of improvements or repairs on the subject property; and there are now no unpaid labor or material claims against the improvements or the land upon which same are situated; and I hereby declare that all sums of money due for the erection of improvements have been fully paid and satisfied. (if none, state "NONE")  
True  False \_\_\_\_\_ (if false, list below)

Laborer, or Material Supplier	Approximate Amount Owed
<u>NONE</u>	_____
_____	_____

- 4. No assistance has been provided to the undersigned or any of their legal dependents and no application for assistance for indigent care has been made in the last 31 days to the County, nor will the same be made by the undersigned pursuant to Idaho Code 31-3504.  
True  False \_\_\_\_\_

5. Parties in possession of the subject property is/are the affiant(s).  
 True  False \_\_\_\_\_ - If false, the parties in possession are: \_\_\_\_\_ by reason of:  
 \_\_\_\_\_  
 Option to Purchase  
 Lease with term of \_\_\_\_\_  
 Rental  
 Other (please explain) \_\_\_\_\_

**If a sales transaction, the following is to be completed by Seller:**  
 Office Address (if Seller is a business entity) c/o Gary J. Williams  
 720 West 3750 North  
 Ogden, Utah 84414-1449

**INDEMNITY:** I agree to pay on demand to the purchaser, lender, TitleFact, Inc., and/or Fidelity National Title Insurance Company in this transaction, their successors and assigns, all amounts secured by any and all liens not shown herein, together with all costs, losses and attorney's fees that said parties may incur in connection with such unmentioned liens and not shown in accompanying commitment. Provided said liens either currently apply to such property, or a part thereof, or are subsequently established against said property and are created by me, or have an inception date prior to the consummation of this transaction.

I realize that the purchaser, lender, TitleFact, Inc., and/or Fidelity National Title Insurance Company in this transaction are relying on the representations contained herein in purchasing same, lending money, or insuring title thereon, and would not purchase same, lend money, or issue title insurance unless said representations were made. If seller or borrower is a business entity, I have authority to sign on its behalf.

**BCM&W FAMILY LIMITED PARTNERSHIP, an Idaho Limited Partnership**  
 BY: BCM&W LLC, an Idaho Limited Liability Company  
 Its: General Partner  
 By: Gary J. Williams  
 Gary J. Williams,  
 Its: Managing Member

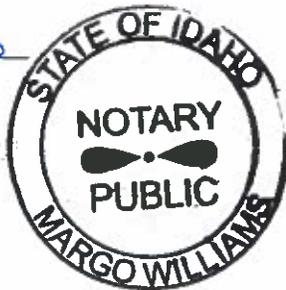
\* \* \* \* \*

STATE OF IDAHO  
 County of Twin Falls

On this 8<sup>TH</sup> day of July, 2014, before me, a Notary Public in and for said State, personally appeared **GARY J. WILLIAMS**, known or identified to me to be the Managing Member of **BCM&W LLC**, an Idaho limited liability company (the "Company"), the general partner of the **BCM&W FAMILY LIMITED PARTNERSHIP**, an Idaho limited partnership (the "Partnership") and the general partner who subscribed said Partnership name to the foregoing instrument, and acknowledged to me that he executed the same on behalf of said Company, and that said Company executed the same in said Partnership name.

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

Margo Williams  
 Notary Public for Idaho  
 Residing in Twin Falls  
 Commission expires 9-1-2018





**Date:** Monday, July 28, 2014  
**To:** Mayor and City Council  
**From:** Travis Rothweiler, City Manager

---

### **Request**

Request to begin discussions and possible negotiations in partnership with the College of Southern Idaho for the possible acquisition of real property owned by the Idaho Department of Water Resources.

### **Time Estimate**

The estimated amount of time this item will take is 15 minutes, plus time to answer questions.

### **Background**

In 2008 and 2009, the City of Twin Falls partnered with the Idaho Department of Water Resources, the North Snake and Magic Valley Ground Water Districts to acquire Pristine Spring and Sunnybrook Springs complex. The ground water districts contributed \$11 million for the right to use 10 cubic feet per second (cfs) of the 25.3 cfs Alpheus Creek water right to meet Blue Lakes Trout Farm delivery call. The City of Twin Falls contributed \$10 million for subordination of the remainder of the Pristine Springs water right (15.3 cubic feet per second) and the water rights to Sunnybrook Springs. The Sunny Brook Spring totally 41.7 CFS. These are non-consumptive aquaculture rights. We have applied for a 41.7 cfs water municipal right, of which the City believes it will be able to consumptively use 25+ cfs. The purchase of Pristine Springs assured the City would have sufficient water to meet the arsenic requirement without depending on our south well field and water right to support a growing community and economic base.

The Idaho Department of Water Resources retained the other assets. The Pristine Spring complex contains a total of 400 acres:

- with 25.3 subordinated water rights from Alpheus Creek, and Sunnybrook Springs
- Hydropower plant with geothermal water rights
- 200 irrigated acres and facilities to support agricultural operations
- A fish hatchery with a NPDES nutrient allocation

Because the primary purpose for the acquisition has been satisfied, the Idaho Department of Water is looking to sell this the asset and has approached the City of Twin Falls to gauge its interests. The Department's original share of the acquisition was \$5 million. However, recent appraisals completed on behalf of other entities indicated the current market value may be less.

The College of Southern Idaho has an expressed an interest in exploring opportunities with the geothermal water rights.

The property is located across the Snake River from the City's Auger Falls complex. Please see the attached map.

### **Approval**

There is no approval process.

### **Budget Impact:**

There are no budgetary or financial impacts from the negotiations.

**Regulatory Impact:**

As a public entity, the City of Twin Falls is required to negotiate the possible acquisition of real property from a public entity in open session and during a public meeting. The Idaho Department of Water Resources is a public entity.

Idaho Code Section 67-2345 States:

*EXECUTIVE SESSIONS -- WHEN AUTHORIZED. (1) An executive session at which members of the public are excluded may be held, but only for the purposes and only in the manner set forth in this section. The motion to go into executive session shall identify the specific subsections of this section that authorize the executive session. There shall be a roll call vote on the motion and the vote shall be recorded in the minutes. An executive session shall be authorized by a two-thirds (2/3) vote of the governing body. An executive session may be held:*

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

**Attachments**

1. Map



Auger Falls

Pristine Springs

Treatment Plant

Blue Lakes





Date: Monday, July 28, 2014  
To: Mayor and City Council  
From: Travis Rothweiler, City Manager

---

## Request

A brief recap of the City Manager's Recommended Budget for FY 2015.

## Time Estimate

The estimated amount of time this item will take is 15 minutes, plus time to answer questions.

## Background

The Recommended Budget addresses the need to protect the long-term future of the community, primarily in the areas of public safety, preservation of public infrastructure, and in delivering sustainable government that aligns with the demands of today, while ensuring the ability to rapidly respond to growth. This proposal is balanced, complete, sustainable, strategically driven and represents our continued commitment to prudent fiscal management, effective service delivery and transparency. While this budget covers only FY 2015, it continues to define a path that will move Twin Falls into the future as a safe city with a solid infrastructure and an ongoing commitment to a unique quality of life.

The budget is balanced and in accordance with the state law and Government Finance Officers' Association (GFOA) best practices. The total net budget for FY 2015 is \$57,082,189 or \$4,144,272, or 7.8% larger than the total net budget of \$52,937,917 in the current fiscal year.

The City's overall, total taxable valuation is expected to increase by approximately 1.45% from \$2,200,305,399 to \$2,232,160,038. If the taxable value used to calculate revenues for FY 2015 remains unchanged, we are projecting the maximum the City's tax rate will be is 0.007912650 or \$7.91 per \$1,000 in taxable value. The tax rate for 2014 was 0.007856543 or \$7.85 per \$1,000 in taxable value.

Additionally, all rate adjustments, which are discussed in great detail in subsequent sections, are lower than the municipal cost index increase of 2.19%.

## Budget Overview

The role of local government is to protect the citizen's health and provide for their safety. To realize that end, local governments, like the City of Twin Falls, are responsible for providing accessible streets, dependable emergency responses, and safe and aesthetically pleasing parks and public facilities—all in a manner that is both effective and efficient. While the budget does not fund all capital initiatives and projects in the entire organization, it does meet the City Council's priorities and the citizen's service level expectations. It recognizes that our local economy is not fully healed from effects of the "Great Recession." It demonstrates restraint in the areas of taxation and rate adjustments. It appropriately incorporates the use of cash reserves to cover one-time, critical and needed capital projects in the Library, Water, Impact Fee, Shop, Restitution, Dierkes, and Park Development Funds.

Budget concepts and funding strategies grew out of many internal conversations, public informational listening sessions and planning meetings. Six primary focus areas were developed. Those areas are:

- Implement 2030 City of Twin Falls Strategic Planning goals and objectives to realize outcomes.
- Limit Tax Collections and Corresponding Revenues.
- Invest in our employees.
- Continue to Invest in Our Infrastructure Systems

- Invest in our Structures and Facilities
- Continue to Pursue Innovative Strategies and Find More Effective Outcomes.

Five of the six primary focus areas have been addressed in the City Manager's Recommended Budget.

**Public Input and Transparency**

The City of Twin Falls strives to communicate, operate, function, and conduct the business of the people in an open and transparent manner. Equally, we recognize the value and importance of honoring and upholding our fiduciary duties and responsibilities. Because openness and transparency are part of our organizational culture and values, we have taken several steps designed to afford our citizens and stakeholders several opportunities to actively participate and contribute to the budgeting process.

The City of Twin Falls has taken additional steps designed to illustrate our commitment to effective community involvement in the annual budget process. The Council provided an opportunity for our citizens and stakeholders to communicate their thoughts about specific programs, strategic initiatives and priorities for the upcoming fiscal year prior to the more customary, internal staff conversations.

A summary presentation of the proposed budget has been placed on the City's website. On August 4, 2014, the City Council will adopt the preliminary budget for FY 2015, with a public hearing and final adoption scheduled to occur on August 18.

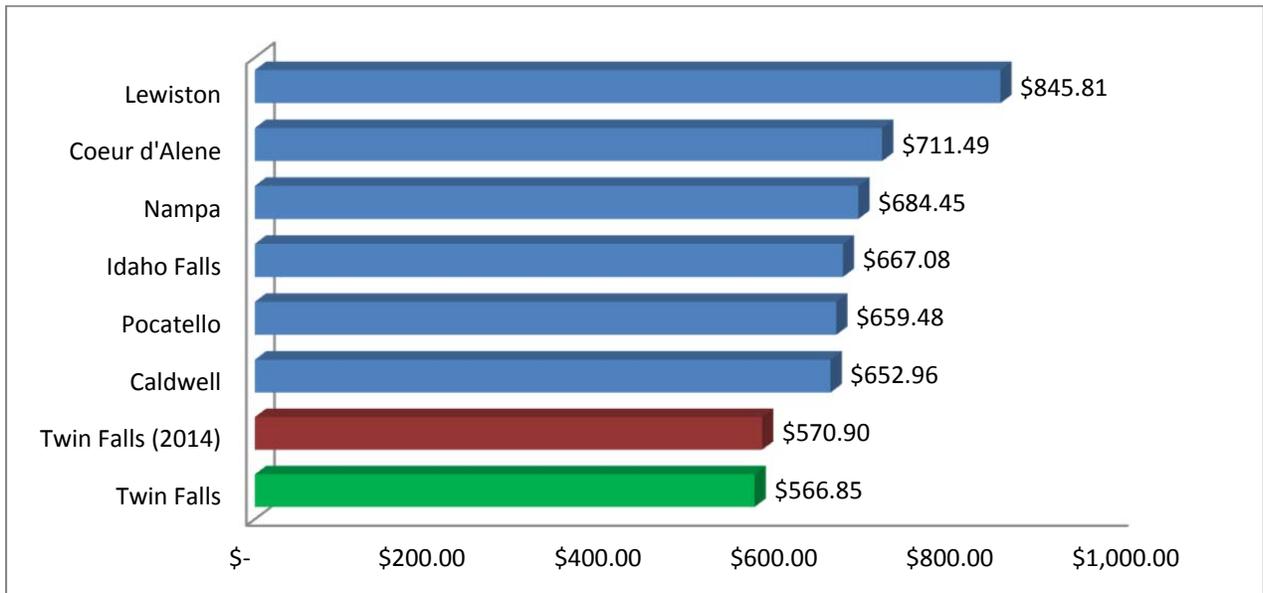
**Property Tax Collections**

As provided for in the Idaho Code, local government and independent taxing entities have the ability to increase its total tax revenue collections by three percent (3%) each year, in addition to making allowances for new construction, annexation, and foregone revenue. The Recommended Budget is balance with a .76% increase in revenue in property tax collections and incorporating the growth formula. As a result of the City not taking the allowed 3% increase, the City's foregone balance is expected to grow by \$387,693 from \$1,478,577 to \$1,866,270 (26.22%) Increasing the City's foregone balance is just one of many examples that can be used to illustrate the City of Twin Falls' conservative approach to using tax dollars. By comparison, no other local government in the Magic Valley has as large of a foregone balance as the City of Twin Falls.

**How does the City's Tax Rate compare to the other, large full-service Idaho cities?**

We are often asked the question, "how does our tax rate compare?" The table and graph provided below are intended to provide a "ballpark" answer to that question. Although only intended to be a rough illustration, the table and graph below show the amount of property tax paid on a median-valued, owner occupied home owner in each of the larger, full-service cities in Idaho.

	<i>Total Taxes</i>	<i>2012 Median Property Value</i>	<i>FY 2013</i>
<b><i>Twin Falls</i></b>	\$ 566.85	\$144,300	0.0078565
<b><i>Twin Falls (2014)</i></b>	\$ 570.90	\$144,300	0.0079126
<b><i>Caldwell</i></b>	\$ 652.96	\$106,600	0.0122506
<b><i>Pocatello</i></b>	\$ 659.48	\$132,700	0.0099393
<b><i>Idaho Falls</i></b>	\$ 667.08	\$147,800	0.0090267
<b><i>Nampa</i></b>	\$ 684.45	\$124,100	0.0110306
<b><i>Coeur d'Alene</i></b>	\$ 711.49	\$186,600	0.0067376
<b><i>Lewiston</i></b>	\$ 845.81	\$168,900	0.0096224



For the purposes of this analysis, the Cities of Boise and Meridian were intentionally excluded out of the first comparison because they are not directly responsible for the transportation systems in their communities; that responsibility lies primarily with the Ada County Highway District (ACHD). ACHD is an independent taxing authority specifically created for the purpose of maintaining the transportation system in these communities. In FY 2015, the Street Fund for the City of Twin Falls will be \$4,989,598, or approximately 14.5% of the total Government Fund-type budget.

***Note:** Information used was from the Associated Taxpayers of Idaho's 2013 Levy Book (tax rate) and the US Census Bureau – 2012 Census data (median home value).*

**Use of Cash Reserves in the FY 2015 Recommended Budget**

The FY 2015 Recommended Budget calls for a total of \$1,492,425 of “cash reserves” to be used to complete several, critical, one-time capital intensive projects. At this time there are no General Fund or Capital Fund Cash reserves allocated in the City Manager’s FY 2015 Recommended Budget.

**Water Fund**

The Water Fund supports the following water-related activities: water supply, water distribution, pressurized irrigation, and utility billing. To support each of these functions in FY 2015, the City Manager’s Recommended budgeting total system expenditures in the amount of \$9,818,687, an increase of \$32,302 (0.33%) when compared to the total allocation of \$9,786,385 in FY 2014. However, the City is using less cash reserves in the FY 2015 Recommended Budget compared to the FY 2014 Budget. In FY 2014, the City budgeted to spend \$800,000 in cash reserves on one-time capital projects. In FY 2015, the City is recommending the use of \$360,000 of cash reserves, which is a reduction of \$440,000 compared to the prior year.

The FY 2015 budget for the Water Fund calls for a 2% rate increase to the City’s adopted water rate. The increase to the average City residential water user – one who uses an average of 18,000 gallons of water per month – will see an increase of \$0.75 per month, causing the water consumption portion of their bill to increase from \$37.26 per month to \$38.01 per month.

The City Manager’s Recommended Budget takes a conservative approach to growth and projects the new customer growth rate will be 1%.

### **Sewer Fund**

The Sewer Fund is used to support all waste water services provided by the City of Twin Falls, namely waste water collections and waste water treatment. For FY 2015, the City Manager's Budget recommends expenditure totaling \$9,096,332 in the Sewer Fund. This represents a decrease of \$242,857 when compared to FY 2014 Sewer Fund expenditures of \$9,339,189.

In the FY 2015 Recommended Budget, the City Manager is requesting a rate adjustment of 1% to the assessed rates. This increase equals an average increase of \$0.25 per month to the average residential user, which is defined as one who typically produces 8,000 gallons per month of waste water. All increases are proportionate to the type of use. Like the water fund, we are projecting limited growth in the number of new waste water accounts to 1.0%.

### **Sanitation Fund**

The City's Sanitation Fund supports the City's sanitation and recycling program. The City of Twin Falls is the only City in the Magic Valley to offer its residents a curbside single stream recycling program. The program was started in 2011. Since the creation of the program, the City has diverted over 7,133 tons from entering into the regional landfill. Although we have seen a slight decrease in participation, the City's recycling program continues to meet and/or exceed initial expectations. It remains one of the highest rated services offered by the City.

Overall, the City Manager's Recommended Budget calls for an increase of \$0.19 per month, which equals a 1.11% increase to our sanitation customers. This will cause the monthly bill to increase from \$16.99 per month to \$17.18 per month. The rate adjustment is influenced by the requested price adjustment of 1.7% by the City's contracted service provider (PSI, Inc.) and increases in operational costs.

### **How much more will Twin Falls City Services Cost?**

In addition to understanding the levels of services and the amount of improvements programmed into the budget, it is also important that we recognize the impact this proposal has on our citizens and taxpaying shareholders.

The table below illustrates the impact the City Manager's Recommended Budget will have on the taxpayers residing or doing business in Twin Falls.

Specifically, as proposed in the Recommended Budget:

- The annual City property tax increase on a median-value home in Twin Falls is projected to increase \$0.34 per month, or by \$4.05 annually (.72%)
- The monthly utility bill for the average resident in Twin Falls is expected to increase by \$1.19 per month, or by \$14.28 annually (1.51%)

	FY 2014 Adopted Budget	FY 2015 Recommended Budget	Difference
<b>Property Tax</b>	Tax Rate of: \$7.86/\$1,000 tax value	Tax Rate of: \$7.91/\$1,000 tax value	Tax Rate of: \$0.05/\$1,000 tax value
Median Valued Home of an Owner-Occupied Home: \$144,300	<b>\$566.85</b> <i>annual</i>	<b>\$570.90</b> <i>annual</i>	<b>\$4.05</b> <i>annual</i>
<b>Utility Bills</b>			
Average Residential Customer Consumption of:			
<i>Water - 18,000 gallons</i>	\$37.26	\$38.01	\$0.75
<i>Sewer - 8,000 gallons</i>	\$24.49	\$24.74	\$0.25
<i>Sanitation &amp; Recycling</i>	\$16.99	\$17.18	\$0.19
<b>Monthly Total of Property tax and Utility Bills</b>	<b>\$78.74</b> <i>monthly</i>	<b>\$79.93</b> <i>monthly</i>	<b>\$1.19</b> <i>monthly</i>

It is important to recognize the tax rate does not necessarily indicate an individual's tax burdens. The tax rate is simply a multiplier used to determine a property owner's proportionate share of property tax liability. It is a fraction of a local government's total property tax collections divided by the total taxable value of that local government unit ( $\$17,662,302 / 2,232,160,083 = 0.007912650$ ).

*\*Preliminary and subject to further refinement by the Twin Falls County Assessor*

**Approval**

There is no approval process.

**Budget Impact:**

There are no budgetary or financial impacts from the conversation.

**Regulatory Impact:**

There is no regulatory impact.

**Attachments**

1. Recommended Budget for FY 2015 can be found online.



Public Hearing: **MONDAY JULY 28, 2014**

To: Honorable Mayor Hall and City Council

From: Jonathan Spendlove, Planner I

## ITEM IV-1

**Request:** Consideration of an appeal regarding the Planning and Zoning Commission's decision on June 10, 2014, to approve a Special Use Permit to allow for a 24 Hour Gasoline Service Station with a drive through window on 2.7(+/-) acres located at the north east corner of Meadowview Lane and Kimberly Road. **Appellant – Gary Asher** (App 2643)

**Time Estimate:**

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

**Background:**

<b>Appellant(s):</b>	<b>Status of Applicant:</b> Owner	<b>Size:</b> Construct a 6,000 sf bldg. on a 2.7 +/- acre parcel of undeveloped land
Gary Asher 260 JoEllen Dr Twin Falls, Idaho 83301	<b>Current Zoning:</b> C-1, Commercial Highway District	<b>Requested Zoning:</b> Special Use Permit
	<b>Comprehensive Plan:</b> Commercial/Retail	<b>Lot Count:</b> 1 Lot
	<b>Existing Land Use:</b> Vacant / Undeveloped	<b>Proposed Land Use:</b> Gasoline Service Station, 24 Hour C-Store with a drive-thru window
<b>Applicant:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
Nick Lynch/Mr. Gas 411 Overland Ave Burley, ID 83318 208-678-9009 nick@mrgas.com  <b>Representative:</b> Steve Fisher 223 1st Ave East Jerome ID, 83338 208-324-7653 sfisher0580@gmail.com	<b>North:</b> C-1, Residential Apartments	<b>East:</b> C-1, Vacant Undeveloped
	<b>South:</b> Kimberly Road; C-1, Vacant Undeveloped	<b>West:</b> Meadowview Lane; C-1, Vacant Undeveloped
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-8.2(B)6a & 10g & 10j, 10-7-6, 10-7-12, 10-10, 10-11-1 thru 8, 10-13-2.2(J)	

**Approval Process:**

As per TF City Code: 10-13-2.2 (F), & **(J)**

**(F) Public Hearing:** Prior to granting a special use permit, at least one public hearing before the Commission in which interested persons shall have the opportunity to be heard shall be held.

**(J) Appeal To The Council:** Upon receipt of an appeal from the action of the commission, the council shall set a hearing date, under the same provisions as the commission hearing, to consider all information, testimony and the commission's minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the decision of the commission. (Ord. 2124, 10-15-1984)

**Budget Impact:**

A decision regarding this request will have negligible impact on the City budget.

**Regulatory Impact:**

Approval of this request will deny the approval of the special use permit granted to the applicant. Denial of this request will allow the applicant to continue with the building permitting process for development of the site as approved.

**History:**

The location has been zoned C-1 at least as far back as the 1970's. There is no further zoning history for this location. It has been used as undeveloped agricultural land.

**Analysis:**

On June 10, 2014 the Commission granted a special use permit to construct and operate a 24-hour gas station/convenience store with a drive-through window on property located at the NE corner of Meadowview Lane and Kimberly Road subject to four (4) conditions.

On June 25, 2014 Mr. Gary Asher submitted a letter of appeal regarding the approval of the request. He states in his letter that he and his ..."neighbors have multiple concerns including, but not limited to the following: location and hours of operation increasing both automobile and truck traffic through our neighborhood, light and noise disturbance, the continued safety of the intersection of Meadowview and surrounding streets and the negative affect on our quality of life and property values." He further states he feels...."there are more appropriate locations for such an operation."

As per TF City Code: 10-13-2.2 **(J)**; Upon receipt of an appeal from the action of the commission, the council shall set a hearing date, under the same provisions as the commission hearing, to consider all information, testimony and the commission's minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the decision of the commission.

The request is for a special use permit to construct and operate a 24-hour gas station/convenience store with a drive-through window on undeveloped property located at the NE corner of Meadowview Lane and Kimberly Road.

The following is the analysis provided to the Commission at the June 10, 2014 public hearing:

***"Per City Code 10-4-8.2(B)-6a, 10g & 10j: A gasoline service station, a 24 hr. retail operation, and a drive thru, are all required to obtain a Special Use Permit prior to being established in the C-1 (Commercial Highway) Zoning District.***

***Per City Code 10-7-6 Street Setbacks: Any building located along this stretch of Kimberly Road will need to follow a Center Line Setback set forth in the code. On this section of Kimberly Road, the Centerline Setback is 93'. The site plan submitted by the applicant appears to meet this requirement; however, this setback will be officially reviewed at the time of building permit submittal.***

**Per City Code 10-7-12 Gateway Arterial Landscaping:** *This stretch of Kimberly Road is a Gateway arterial. There will be a required 30 foot wide landscape strip along the Kimberly Road frontage. This landscaping will be required to follow all applicable standards for numbers of trees and bushes. This requirement will be assessed at the time of building permit submittal.*

**Per City Code 10-10 Off Street Parking:** *The parking requirement for this type of use will be assessed at a rate of one parking space for every three hundred square feet (1:300). The site plan provided by the applicant shows a building footprint of approximately 7,500 square feet. The number of parking spaces shown on this site plan meets or exceeds the amount required. The official count and assessment will be performed at the time of building permit submittal.*

**Per City Code 10-11-1 thru 8 Required Improvements:** *All improvements required under this code section will be reviewed at the time of building permit submittal. The required improvements outlined in city code include landscaping, screening, parking, streets, and utilities. Some of these improvements have been addressed on the site plan; others will be reviewed at the time of building permit approval.*

*The lot in question was part of a larger parcel that was split sometime in 2008. This split by a previous owner was done without recognition by the City as a legal lot. As a consequence, this lot may need to be platted prior to approval of any development occurring on this lot. Further review by city staff will determine if required.*

**Possible Impacts:**

*The impacts of this gasoline service station will generally include an increase in customer traffic to the immediate streets in the area, light intrusion on surrounding properties, deliveries by larger trucks, a 24 hour operation for the store, and an increase in noise disturbance to neighboring properties.*

*The increase of traffic to the area should be kept to a minimum given the location of the property along Kimberly Road which is a major arterial in Twin Falls. It is safe to assume the majority of traffic will enter and exit onto Kimberly Road thus diminishing the negative impacts of the customer and truck traffic on the surrounding area.*

*The possibility of light intrusion on neighboring properties is something that can be a negative impact on neighboring properties. City Code currently requires all lighting to be downward facing in order to help mitigate the light intrusion. The City always encourages new businesses to be open to neighboring properties complaints about light intrusion. If a problem arises the City has a process to get the situation rectified if needed.*

*The drive thru and 24 hour operation could produce an increase in noise for neighboring property owners. Current City Code requires screening between commercial and residential properties. This can be accomplished in a variety of ways; the minimum standard of screening will be required and reviewed at the time of building permit submittal. The commission may require more than the minimum standard outlined in the code if it finds that the proposed development will have greater impacts on the neighboring properties than the minimum standard will mitigate. The applicant has attempted to address this issue by showing a landscape strip on the north side of the property that shows multiple trees.”*

## **ANALYSIS OF THE OF THE JUNE 10, 2014 PUBLIC HEARING:**

At the June 12, 2012 Planning & Zoning Commission public hearing there were a four (4) people who spoke against the request, below are the public comments from the public hearing:

- 1-... "concerns with late night traffic with diesel trucks parked and running at night", ...
- 2-...."this area still has a residential feel and this will increase a hazard to the residential area. The 24 hour service will provide a disturbance to the neighborhood. He stated a service station will increase traffic flow through the neighborhood, noise; fumes from the gasoline, people loitering and the glare from lights located on the site will impact the neighborhoods also", ...
- 3-...."While the concept may make since to have these services, the location prosed for this development doesn't make sense. Some of the reasons for this are that this is not going to be located at a lighted intersection; the RV vehicles are similar to semi-trucks and maneuvering to get to this location is going to be difficult without the benefit of the light. The easiest way to get back to Hankins Road or Kimberly Road would be to travel through the neighborhood" "
- 4- " with the apartments being built traffic has increased through their neighborhood and he is opposed to this request."

Upon conclusion of the public hearing the commissioners deliberated and asked for clarifications from staff on many traffic related issues and potential impacts, see minutes (attachment 4).

At the conclusion of their deliberations Commissioner Derricott, made a motion to approve the request, as presented, subject to compliance of four (4) conditions. Commissioner Reid seconded the motion. The Motion was unanimously approved.

### **UNANIMOUSLY APPROVED, AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to final determination, whether the property requires platting prior to development.
3. Subject to access location on adjacent roadways being approved by City Staff and the Idaho Transportation Department.
4. If ITD allows Kimberly Road access the applicant shall provide a right turn deceleration lane.

## **Conclusion:**

As per TF City Code: 10-13-2.2 **(J)**: Upon receipt of an appeal from the action of the commission, the council shall set a hearing date, under the same provisions as the commission hearing, to consider all information, testimony and the commission's minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the decision of the commission.

A motion shall be made in the affirmative and may be subject to specific conditions. The Council decision shall be to uphold, conditionally uphold or overrule the decision of the Commission. The decision shall be by simple majority vote.

## **Attachments:**

- 1. Letter of Appeal**
- 2. Portion of June 10, 2014 P&Z PH Minutes**
3. Letter of Request by applicant
4. Zoning Vicinity Map
5. Aerial Map
6. Applicant Submitted Site Plan
7. Applicant Submitted Elevations
8. Site Photos
9. 06-06-2014 Email from Jackie Fields/City Engineer to ITD



Franny Florance  
Customer #: 000000

RECEIVED

appeal of app 2643 Planning &  
Zoning Fees 50.00

June 25, 2014

JUN 2 2014

Total 50.00

Renee' Caraway  
Planning and Zoning Manager  
324 Hansen Street E  
Twin Falls, ID 83301

CITY OF TWIN FALLS  
BUILDING DEPT.

Cash 50.00  
Cash 50.00  
Change 0.00

Cashier: wthompson Station: D3370491  
Receipt #01540439

Ms. Caraway:

Please accept this letter as an appeal to the City Council for the decision made by the Planning and Zoning Commission Tuesday, June 10, 2014 to allow a 24 hour gasoline service station with a drive through window on Meadowview Lane and Kimberly Road.

My neighbors and I have multiple concerns including, but not limited to the following: location and hours of operation increasing both automobile and truck traffic through our neighborhood, light and noise disturbance, the continued safety of the intersection of Meadowview and surrounding streets and the negative affect on our quality of life and property values.

We feel there are more appropriate locations for such an operation.

Sincerely,



Gary Asher  
260 Jo Ellen Dr  
Twin Falls, ID  
83301

Contact.

J. Francis Florence  
195 River Vista Place  
Suite 302

Twin Falls, Idaho  
83301

208-280-5800

Jff@Webterra.cc

RECEIVED

JUN 25 2014

CITY OF TWIN FALLS  
BUILDING DEPT.

4. Request for a Special Use Permit to allow for a 24 Hour Gasoline Service Station with a drive through window on approximately 2.7(+/-) acres located at the north east corner of Meadowview Lane and Kimberly Road. c/o Steve Fisher on behalf of Nick Lynch / Mr. Gas (app. 2463)

**Applicant Presentation:**

Jim Lynch, the applicant stated they would like to grow their business and wanted to move to another area of town. This piece of land is in a great zone with high density apartments behind it and they plan to be good neighbors. He would like to provide an RV Island so that maneuvering is easier through the property. They are working on plans for design of the site; this building will be between 8500 to 10000 sq. ft. with a coffee shop and coolers. There is a large amount of growth in this area. They have requested an access from the state and will provide plenty of parking for the customers. They want to be good neighbors and it will be a great benefit to that area of town.

**Staff Presentation:**

Planner I Spendlove reviewed the request on the overhead and stated the location has been zoned C-1 at least as far back as the 1970's. There is no further zoning history for this location. It has been used as undeveloped agricultural land.

**Per City Code 10-4-8.2(B)-6a& 10g & j:** A gasoline service station, a 24 hr. retail operation, and a drive thru, are all required to obtain a Special Use Permit prior to being established in the C-1 (Commercial Highway) Zoning District.

**Per City Code 10-7-6 Street Setbacks:** Any building located along this stretch of Kimberly Road will need to follow a Center Line Setback set forth in the code. On this section of Kimberly Road, the Centerline Setback is 93'. The site plan submitted by the applicant appears to meet this requirement; however, this setback will be officially reviewed at the time of building permit submittal.

**Per City Code 10-7-12 Gateway Arterial Landscaping:** This stretch of Kimberly Road is a Gateway arterial. There will be a required 35 foot wide landscape strip along the Kimberly Road frontage. This landscaping will be required to follow all applicable standards for numbers of trees and bushes. This requirement will be assessed at the time of building permit submittal.

**Per City Code 10-10 Off Street Parking:** The parking requirement for this type of use will be assessed at a rate of one parking space for every three hundred square feet (1:300). The site plan provided by the applicant shows a building footprint of approximately 7,500 square feet. The number of parking spaces shown on this site plan meets or exceeds the amount required. The official count and assessment will be performed at the time of building permit submittal.

**Per City Code 10-11-1 thru 8 Required Improvements:** All improvements required under this code section will be reviewed at the time of building permit submittal. The required improvements outlined in city code include landscaping, screening, parking, streets, storm water retention and utilities. Some of these improvements have been addressed on the site plan; others will be reviewed at the time of building permit approval.

The lot in question was part of a larger parcel that was split sometime in 2008. This split by a previous owner was done without recognition by the City as a legal lot. As a consequence, this lot may need to be platted prior to approval of any development occurring on this lot. Further review by city staff will determine if required.

The impacts of this gasoline service station will generally include an increase in customer traffic to the immediate streets in the area, light intrusion on surrounding properties, deliveries by larger trucks, a 24 hour operation for the store, and an increase in noise disturbance to neighboring properties.

The increase of traffic to the area should be kept to a minimum given the location of the property along Kimberly Road which is a major arterial in Twin Falls. It is safe to assume the majority of traffic will enter and exit onto Kimberly Road thus diminishing the possible negative impacts of the customer and truck traffic on the surrounding residential area.

The possibility of light intrusion on neighboring properties is something that can be a negative impact on neighboring properties. City Code currently requires all lighting to be downward facing in order to help mitigate the light intrusion. The City always encourages new businesses to be open to neighboring properties complaints about light intrusion. If a problem arises the City has a process to get the situation rectified if needed.

The drive thru and 24 hour operation could produce an increase in noise for neighboring property owners. Current City Code requires screening between commercial and residential properties. This can be accomplished in a variety of ways; the minimum standard of screening will be required and reviewed at the time of building permit submittal. The commission may require more than the minimum standard outlined in the code if it finds that the proposed development will have greater impacts on the neighboring properties than the minimum standard will mitigate. The applicant has attempted to address this issue by showing a landscape strip on the north side of the property that shows multiple trees.

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

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to final determination, whether the property requires platting prior to development.
3. Subject to access location on adjacent roadways being determined by City Staff and Idaho Transportation Department.

**PZ Questions/Comments:**

- Commissioner Frank stated he was surprised to see that the apartments behind this property are zoned C-1.
- Zoning & Development Manager Carraway stated they are zoned C-1 but it is still considered a residential classification/use.
- Assistant City Engineer Vitek stated the approach shown on Kimberly Road is part of the Idaho Transportation Departments Roadway, the City really has no jurisdiction. They however do look to the see for input. He is not sure that what is shown on the site plan even meets the requirements for an access, and the applicant stated they are in discussions with ITD. This access could happen but he is not going to say that is an approved location for a secondary approach. If ITD does approve that he would also recommend a fourth condition be placed on the Special Use Permit to require a deceleration lane. Currently there is a right turn drop lane that enters that property along Kimberly Road west bound that would force the traffic onto Meadowview Lane allowing the traffic to slow down and make the right hand turn lane. However, if they develop the easterly approach there is no deceleration lane, essentially people would be stopping mid traffic to make the right turn. Staff recommends that a deceleration lane be installed if ITD approves the approach onto Kimberly Road shown on the site plan.
- Commissioner Frank asked if other developments have been required to install a deceleration lane.
- Assistant City Engineer Vitek stated that there are other properties that have installed these types of lanes and they have been successful. He stated he is not sure that ITD will grant the access but if they do the deceleration lane should be a condition.
- Commissioner Munoz asked if ITD does not approve the approach onto Kimberly Road what will happen to the layout of the project. If the special use permit has been approved based on this site plan.
- Zoning & Development Manager Carraway stated the request is for approval of the land use.
- Commissioner Munoz explained he understands however he may feel differently about approving the land use if the traffic flow changes forcing traffic to Meadowview Drive, which creates a different impact on the area.
- Commissioner Frank asked if there is going to be an outside kiosk for taking orders, and if the drive through is for the coffee shop.
- Mr. Lynch explained the drive through will be used for the coffee shop and the drive through will only operate from 6:00am to 10:00pm so it should not be a disturbance to the neighbors.
- Commissioner Reid asked what can go in the C-1 zone.
- Planner I Spendlove reviewed the allowed uses in the C-1 zone on the overhead.
- Commissioner Reid asked when the apartments were built.
- Planner I Spendlove explained the property was developed between 2006 and 2008.

**Public Hearing: Open**

- James Slimic, 267 Meadowview Lane, stated he is concerned with late night traffic with diesel trucks parked and running at night and he would hate to see this be built there. This is going to impact the area dramatically.
- Mike Worthington, 270 Jo Ellen Drive, stated he is opposed to this request he fails to see the need for another gas station along Kimberly Road. The proposed site is zoned C-1 but this area still has a residential feel and this will increase a hazard to the residential area. The 24 hour service will provide a disturbance to the neighborhood. He stated a service station will increase traffic flow through the neighborhood, noise; fumes from the gasoline, people loitering and the glare from lights located on the site will impact the neighborhoods also. He is opposed to this request.

- Fran Florence, 4129 Hidden Lakes Kimberly, stated typically he is speaking on behalf of most proposals. He is currently working with the property owner on the southeast corner at Hankins Road and Kimberly Road at a lighted intersection and along a truck route. While the concept may make sense to have these services, the location proposed for this development doesn't make sense. Some of the reasons for this are that this is not going to be located at a lighted intersection; the RV vehicles are similar to semi-trucks and maneuvering to get to this location is going to be difficult without the benefit of the light. The easiest way to get back to Hankins Road or Kimberly Road would be to travel through the neighborhood. As for the ITD discussion, when he developed another C-store in town he took the appropriate steps to resolve any issues related to the project prior to seeking approval from the City. The potential issues in question about this development have not been resolved and he feels that this makes it very difficult for the Commission to make a decision. He requested that the Commission consider this and table the request until answers are available.
- Gary Asher, 260 Joellen Drive, stated with the apartments being built traffic has increased through their neighborhood and he is opposed to this request.

**Public Hearing: Closed**

**Closing Statement:**

Mr. Lynch stated his business has been in Twin for at least 25 years. He has never had a delivery truck show up on site before 7:00am and they are not there at midnight making deliveries. Their engineer drew the site plan. He explained to his engineer that they want to provide an access so that the RV's can make the corner easily; this will not be a truck stop. This is designed to be a convenience store, and he doesn't understand why people would be inclined to travel through a neighborhood to travel in and out of the site. The majority of the customers will be coming into town to go to work and will not be crossing traffic to get in and out of the gas station. The last thing they want to do is have problems with the neighbors and will work to address any concerns.

**Deliberations:**

- Commissioner Grey stated that this is C-1 and development along this corridor is inevitable. He has frequented the applicant's services stations and they seem to be good stewards. He can't say this is an inappropriate use but taking into consideration the recommendation from Assistant City Engineer Vitek, he has difficulty approving the request without knowing the decision that has been made from ITD about the access on Kimberly Road and without requiring the deceleration lane if it is approved.
- Commissioner Munoz stated there are a lot of unknowns with this request. A gas station is not a big deal, but the 24 hours of operation makes it so that semi-trucks can come at any time of the night and park along the back of the property close to the residential area. He doesn't think he knows enough to approve the request, as presented, because he does have concerns about the final traffic flow layout without a decision from ITD about the access along Kimberly Road.
- Commissioner Derricott does agree with the traffic concern but development of any kind in this location is going to increase traffic. Traveling through a neighborhood street with an RV is not going to be convenient. If this were a Lowe's or something he could see even more of a traffic increase.
- Commissioner Munoz stated the Lowe's is not open 24 hours, a traffic increase is expected, but an increase in traffic 24 hours a day is more concerning.
- Commissioner Grey stated his concern is the rush hour without a deceleration lane.
- Commissioner Munoz stated if the access is not approved it will change the traffic pattern.

- Commissioner Frank stated if ITD doesn't approve the access along Kimberly Road the project is not viable.
- Commissioner Grey stated if ITD doesn't approve the access along Kimberly Road the only access to the property is from Meadowview Lane but it doesn't mean the project is dead. Should the Commission table this prior to having the decision made by ITD.
- Commissioner Frank stated he has seen conditions that have prevented projects from moving forward. This is a four lane road so he is not concerned about traffic. When you build close to C-1 there are going to be uses that may be difficult to deal with and it will increase traffic. If there is another gas station that goes in further down the road let the competition begin.
- Commissioner Munoz stated he is okay with the gas station, it's the 24 hour request and the traffic pattern he is concerned with because we don't have information from ITD.
- Commissioner Frank stated the motion can be made to address the concerns with the access.

**Motion:**

Commissioner Derricott, made a motion to approve the request, as presented, with the following amended conditions. Commissioner Reid seconded the motion.

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to a final determination whether the property requires platting prior to development.
3. Subject to access location on adjacent roadways being approved by City Staff and the Idaho Transportation Department.
4. If ITD allows Kimberly Road access the applicant shall provide a right turn deceleration lane.

**Discussion:**

- Commissioner Munoz ask if the, as presented, includes the tentative access along Kimberly Road.
- Zoning & Development Manager Carraway stated the site plan presented includes the access along Kimberly Road with the condition that if ITD approves the access that a deceleration lane is provided.
- Commissioner Tatum asked if they are locked into the site plan presented with the access on Kimberly Road.
- Zoning & Development Manager Carraway explained that the motion basically says the Commission is okay with a gas station that operates 24 hours and has a drive through window, the amended conditions only address the access.
- Commissioner Tatum, asked if the decision from ITD significantly alters the design of the project does the applicant have to come back again with the new configuration of the project.
- Zoning & Development Manager Carraway stated a change in the layout of the property to accommodate access would not require the applicant to come back through. A condition could be added that any major changes could be brought back through for the Commission to review.
- Commissioner Tatum stated she just wanted to make sure the applicant didn't have to bring it back if the layout changed from what was presented on the site plan.
- Zoning & Development Manager Carraway stated staff would just make sure that the final site plan complied with development standards and conditions.

**Vote:**

All members present voted in favor of the motion.

**Approved, As Presented, With Amended Staff Recommendations**

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to final determination, whether the property requires platting prior to development.
3. Subject to access location on adjacent roadways being approved by City Staff and the Idaho Transportation Department.
4. If ITD allows Kimberly Road access the applicant shall provide a right turn deceleration lane.

# Mr. Gas

## NEIGHBORHOOD MARKET

### Special Use Permit

From:

Nick Lynch  
President of Triple S. Oil  
411 Overland Ave.  
Burley, ID 83318

To:

City of Twin Falls  
Community Development Services  
PO Box 1907  
Twin Falls, ID 83303

To Whom It May Concern:

C.4.A

Triple S. Oil is excited to expand our first class neighborhood market to the location describe in our site plan. Our facility will give the area community many options of fresh food, beverages, snacks, milk, RV fueling stations, and quality fuel.

C.4.B

Hours of operation will be 24 hours per day for inside sales and drive through will have 15 hours per day, 6am-9pm. We plan to have 16 employees who will have good paying jobs averaging \$9.50 - \$14 per hour and anticipate 900 transactions per day at this facility.

C.4.C.

The property site plan will be laid out to reduce any noise, odor, glare, etc. The focus of our business will be toward Kimberly Rd. so the neighborhood to the rear will not be affected from our business operations. All reasonable precautions will be taken to ensure there will be no odor, fumes, etc that would affect the surrounding properties. We hope we are one of many retail facilities going in this direct area to support the growth on this side of Twin Falls.

Sincerely,

Nick Lynch

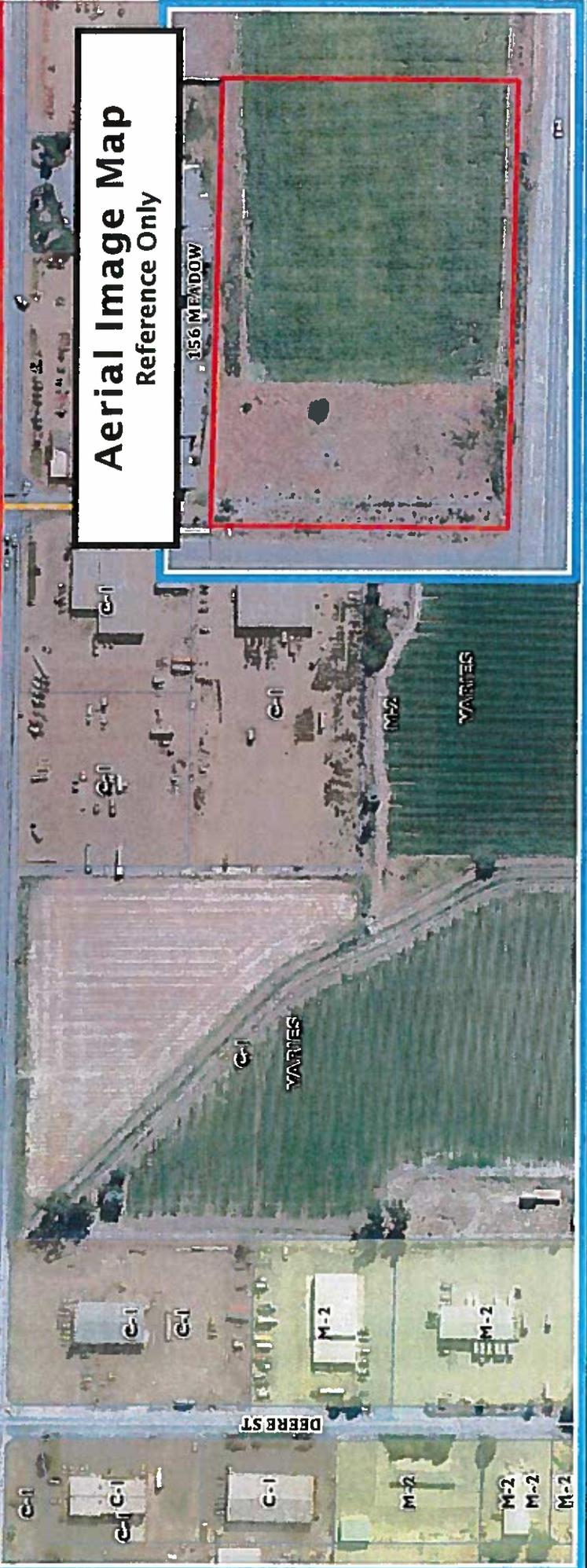
# Zoning Vicinity Map

Reference Only



# Aerial Image Map

Reference Only

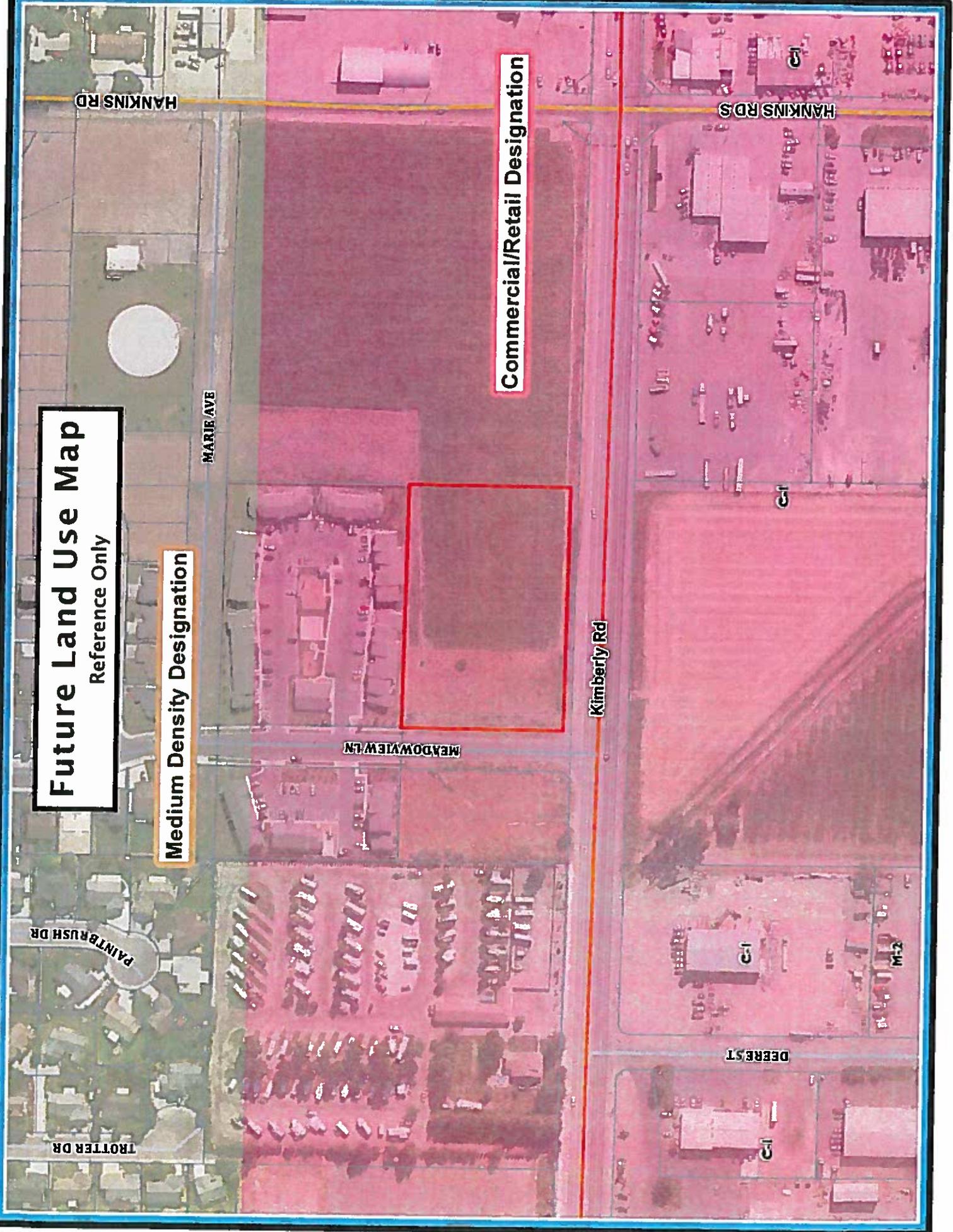


# Future Land Use Map

Reference Only

Medium Density Designation

Commercial/Retail Designation



HANKINS RD

HANKINS RDS

MARIB AVE

MEADOWVIEW LN

Kimberly Rd

PAINTBRUSH DR

TROTTER DR

C-1

C-1

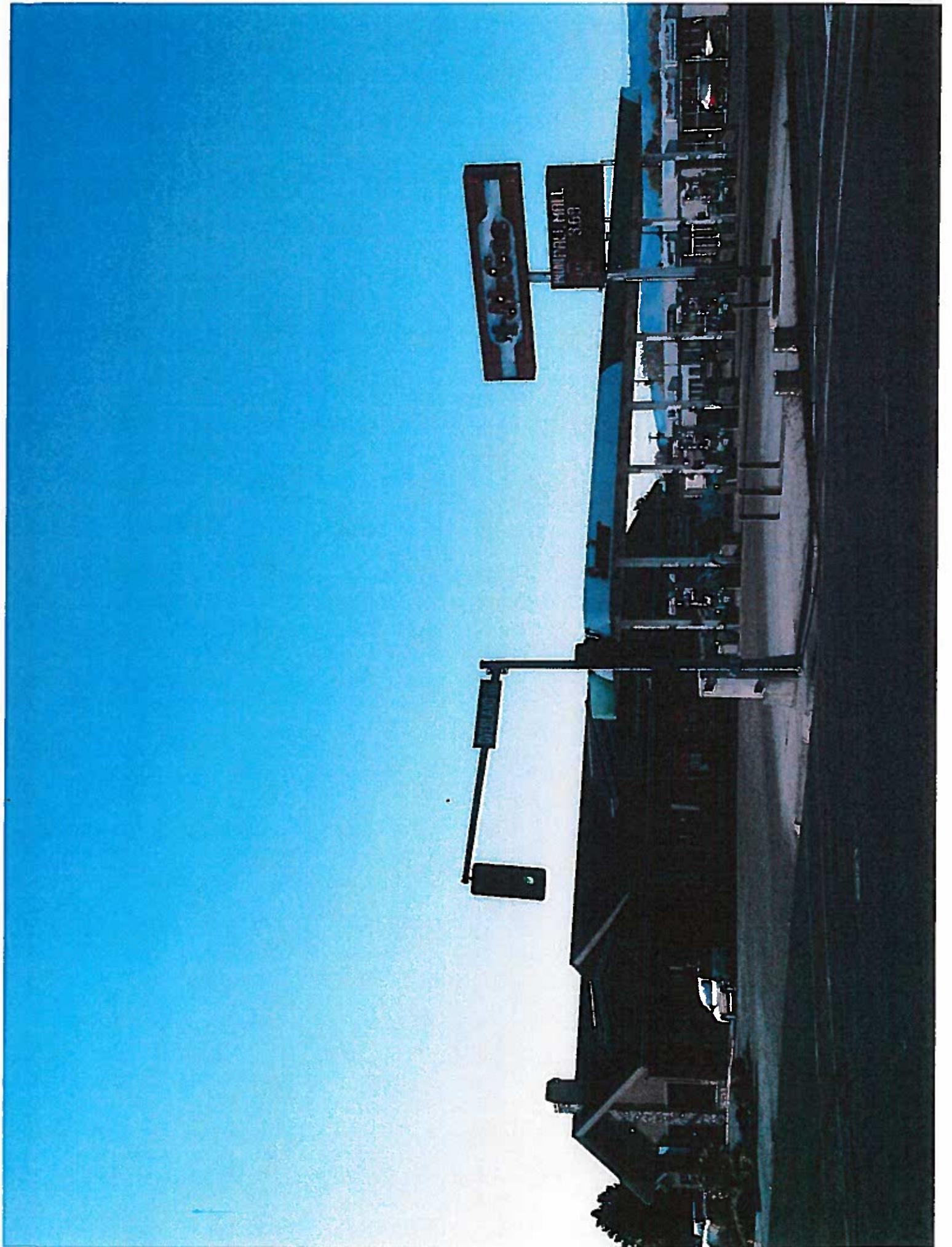
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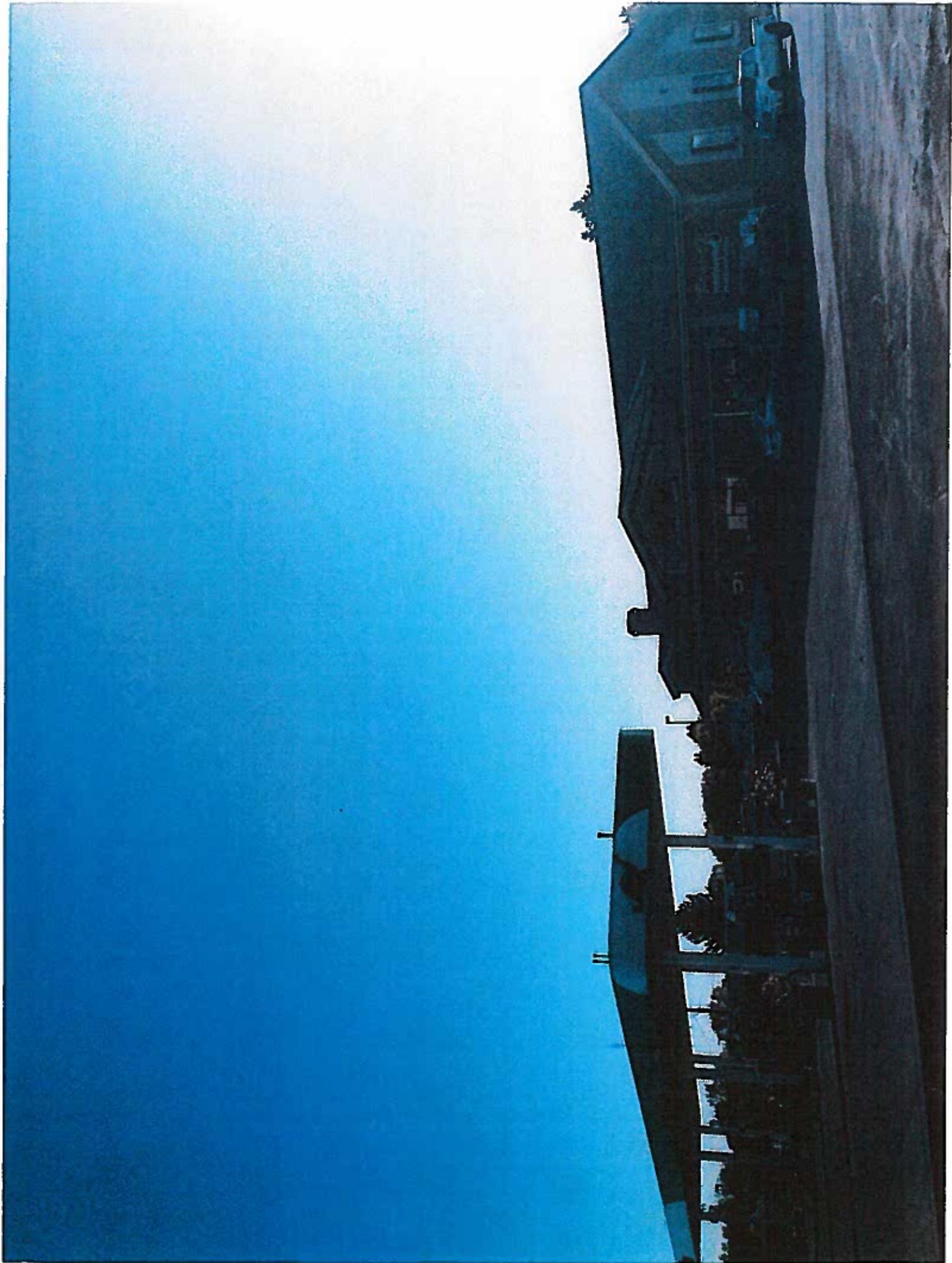
C-1

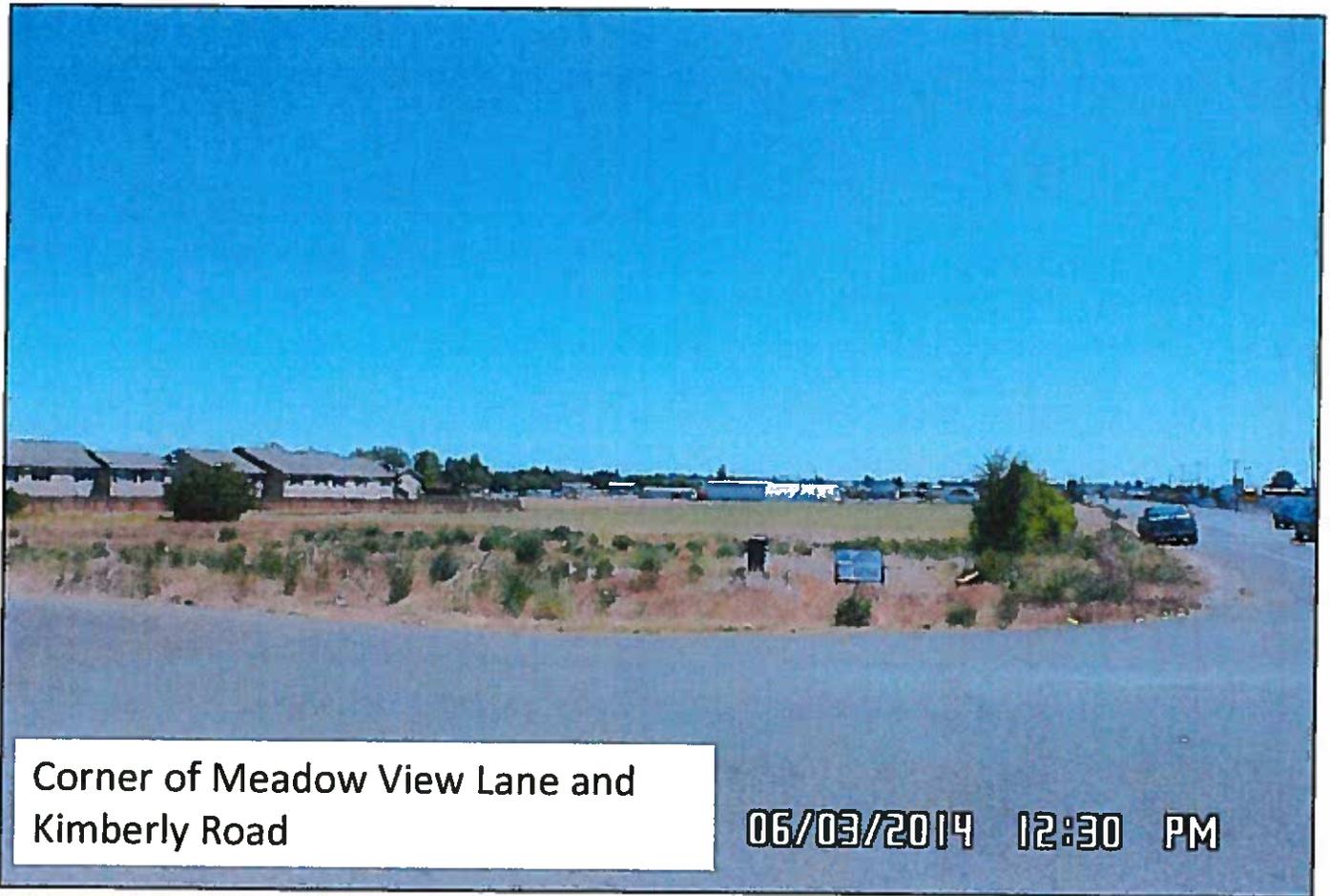
M-2

C-1



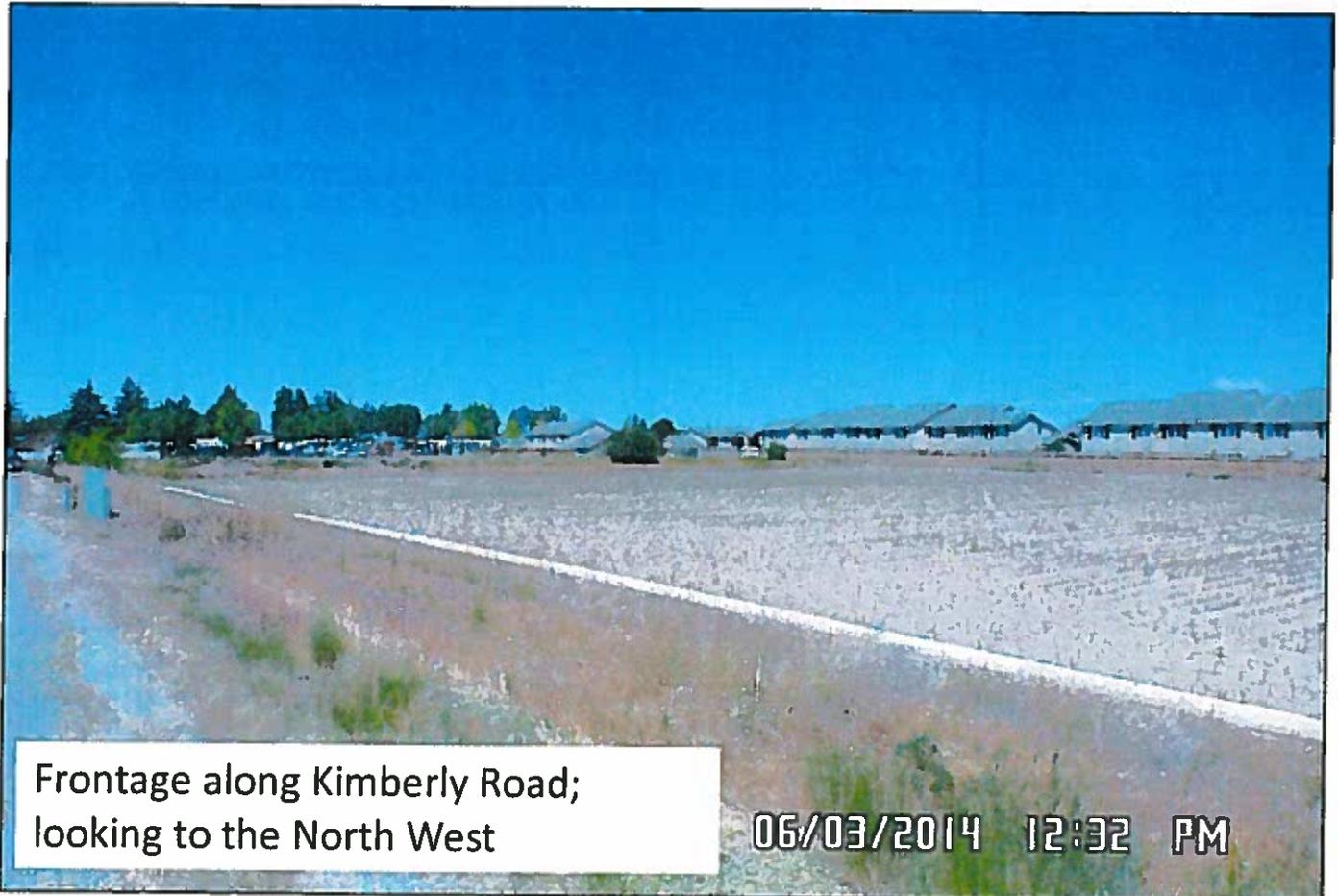






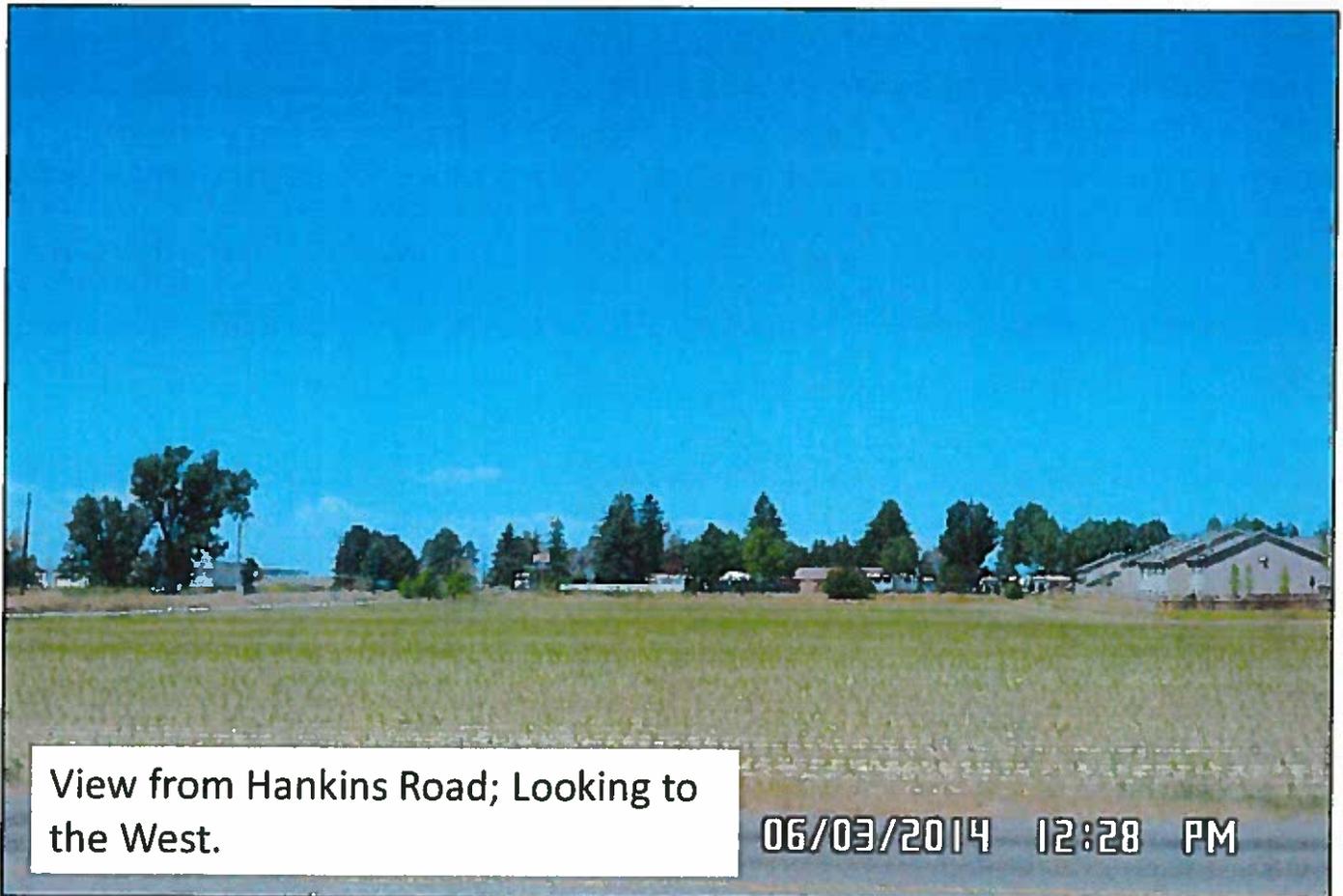
Corner of Meadow View Lane and  
Kimberly Road

06/03/2014 12:30 PM



Frontage along Kimberly Road;  
looking to the North West

06/03/2014 12:32 PM



## Renee Carraway

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**From:** Jackie Fields  
**Sent:** Friday, June 06, 2014 9:11 AM  
**To:** Devin Rigby; Scott.Malone@itd.idaho.gov; Walt; dave.jensen@itd.idaho.gov  
**Cc:** Jonathan Spendlove; Troy Vitek; Renee Carraway  
**Subject:** approach policy on US-30  
**Attachments:** img-606082629-0001.pdf

Sorry for the flock shoot but I am currently unclear on who I really should write to. We have a special use permit going to hearing on Tuesday. The special use is to allow a 24-hour convenience store with a gas station. It is for a gas station on the east corner of meadowview and Kimberly which shows a driveway from Kimberly road at about 400 feet east of meadowview lane. JUB prepared the exhibit for Triple S (lynch). The application indicates that they anticipate 900 transactions/day

I am not sure that they have begun the permitting process with you. It is not clear that they have done a traffic study for you or for us.

The planner assumed that the majority of traffic will access from Kimberly Road and stated that the impacts to meadowview lane will be diminished. I am assuming he means that westbound traffic will use that to pull in and eastbound traffic will use it to pull onto the highway, particularly if a left queue forms on Meadowview. The right turn bay (google) looks like it may be undeveloped for the anticipated use.

I can tell that this is a principal arterial but haven't been able to gather whether it is urban (300') or rural (1000'). So it is not clear to me that an approach would be permitted. I understood that this area was ¼ mile and there is an approach on Meadowview Lane so denial of a permit is just inconvenient. **If someone could clarify that for me**, I would greatly appreciate it, as it is extremely relevant to the site plan.

Also, they appear to be asking for 40' approaches and I believe that, while unpermitted in the City, the state has some special conditions for what that looks like. I think they would deal with that on the ITD permit.

I do not believe it is unreasonable to ask this land owner to extend the right turn bay and to work with the neighbor if, indeed, the driveway can be permitted in the first place. The reason for this opinion is that if we will have up to 3 more approaches here, a continuous right turn bay with a drop at Meadowview Lane is appropriate. There are some who would indicate that this isn't an appropriate condition on whether the use is OK or not. However, **it becomes a relevant piece if ITD cannot insist on the construction of a right turn bay offsite.**

There is a 5<sup>th</sup> lane on Kimberly for the whole parcel. I am assuming eastbound traffic will pull into the gas station from Meadowview Lane so this may be a suitable accommodation without a need to re-stripe the highway here.

The exhibit shows a 40' shared approach on US-30 which is split on the property line. I am assuming, but have not confirmed, that Mr. Lynch will construct the entire approach with appropriate ADA ramps on both sides. I will attach the exhibit.

Jackie

Jacqueline D Fields, P.E.  
City Engineer  
324 Hansen St.