

COUNCIL MEMBERS:

LANCE CLOW	TRIP CRAIG	DON HALL	DAVID E. JOHNSON	WILLIAM A. KEZELE	GREG LANTING	REBECCA MILLS SOJKA
<i>Mayor</i>			<i>Vice Mayor</i>			



Meeting of the Twin Falls City Council
August 1, 2011
City Council Chambers
305 3rd Avenue East Twin Falls, Idaho

5:00 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG
CONFIRMATION OF QUORUM
INTRODUCTION OF STAFF
CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:
PROCLAMATIONS: None.

AGENDA ITEMS	Purpose	By:
I. CONSENT CALENDAR: 1. Consideration of accounts payable for July 26 – August 1, 2011. 2. Consideration of the July 18, 2011, Minutes. 3. Consideration of a request from Kyle Tarbet and the Twin Falls Area Chamber of Commerce to approve the 2 nd Annual Great Cardboard Boat Regatta to be held at Dierkes Lake and Park on August 20, 2011. 4. Consideration of the Final Plat of K & L Subdivision, 0.653 (+/-) acres consisting of three residential lots and located at 776 Sparks Street North, c/o EHM Engineers/Gerald Martens on behalf of LAD Enterprises. 5. Consideration of the final plat for Eastridge Condominium Association Subdivision – a portion of Eastridge Professional Subdivision – a PUD, consisting of two condominium units of an existing professional office building located at 1186 Eastridge Drive North, Lot 2, Block 2, Eastridge Professional Subdivision, a PUD, c/o John Root/All Point Land Surveying. 6. Consideration of a request to approve an Improvement Agreement for Settler’s Ridge No. 2, Phase 4A. 7. Consideration of a request to accept a public easement located in Lots 27 and 28, Block 13, Canyon Trails Subdivision No. 10. 8. Consideration of a request to accept Tracts A and B, Block 1, Settler’s Ridge No. 3 Subdivision. 9. Findings of Fact, Conclusions of Law, and Decision: a) Final Plat for Canyon Villas Subdivision c/o EHM Engineers, Inc. b) Vacation for The Edmunds Group, LLC c/o EHM Engineers, Inc.	Action	Staff Report Sharon Bryan L. Sanchez Dan McAtee Mitch Humble Mitch Humble Troy Vitek. Troy Vitek Troy Vitek Mitch Humble
II. ITEMS FOR CONSIDERATION: 1. Consideration of a request to construct the Falls and Eastland intersection in accordance with Alternate B and execute a Development Agreement with Amazing Grace Fellowship to accept the right of way to construct the work. 2. Consideration of a request to adopt Resolution No. 1870 and authorize the Mayor to sign a Cooperative Agreement with ITD, associated with the encroachment permit on US-30 Kimberly Road. 3. Consideration of an Amendment to PUD Agreement #229 between the City of Twin Falls and Canyon Properties, LLC. 4. Consideration of adoption of Ordinance 3007 regarding a request for the vacation of 15’x109.14’ (1525 sq. ft.) Pressurized Irrigation Easement located between lots 27 and 28, Block 13, Canyon Trails Subdivision #10, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app.2247).	Action Action Action Action	Lee Glaesemann Jackie Fields Mitch Humble Mitch Humble

Agenda

August 1, 2011

Page 2 of 3

5. Adoption of the Preliminary Budget for the City of Twin Falls and set August 15, 2011 at 6:00 p.m. as the date and time for the public budget hearing. 6. Public input and/or items from the City Manager and City Council.	Action	Travis Rothweiler
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00		
1. For annexation and a Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD on property located at 1631 Grandview Drive North, c/o Mike Smit on behalf of the Twin Falls Reformed Church. (app.2458)	Public Hearing	Mitch Humble
V. <u>ADJOURNMENT :</u>		

**Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting.*

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.



TWIN FALLS POLICE DEPARTMENT

356 3RD AVENUE EAST
P.O. BOX 3027
TWIN FALLS, ID 83303-3027

TELEPHONE: (208) 735-4357
FAX: (208) 733-0876
www.tfid.org

Date: Monday, August 1, 2011
To: Honorable Mayor and City Council
From: Staff Sergeant Dan McAtee

Request:

Consideration of a request from Kyle Tarbet and the Twin Falls Area Chamber of Commerce to approve the 2nd Annual Great Cardboard Boat Regatta to be held at Dierkes Lake and Park on August 20, 2011.

Time Estimate:

As with other events sponsored by the Chamber, last year's Regatta proved to draw a positive response from the community and generated no calls for service from the Twin Falls Police Department. Therefore, we are requesting that this item be placed on the Council's Consent Calendar.

Background:

On July 5, 2011, I received a *Special Events Application* for the Great Cardboard Boat Regatta to be held at Dierkes Lake and Park. The date of the event will be Saturday, August 20, 2011, commencing at 12:00 p.m. and concluding at approximately 4:30 p.m.

Setup will begin in the morning at approximately 9:30 a.m. Registration for the event will start at 11:00 a.m. and the races will begin at 12:00 noon. The duration of the event is dependent upon the number of entries, but it is anticipated to be complete by 4:30 p.m. Teams or individuals will design and construct human muscle-powered boats made of corrugated cardboard capable of racing a 200-yard course three times (a copy of the "rules" is attached to this application and appropriate safety and security measures will be followed to comply with the sanctioning of this event). Shuttle bus service will be provided between River Christian Fellowship and Dierkes Lake Park. Food and alcohol (beer/wine) will be available for purchase through The Pressbox catering. Appropriate ID checks and bracelets will be used. Alcohol consumption will be confined to limited areas at Dierkes Lake as determined through discussions with the Twin Falls Parks and Recreation Department. There will be no separate admission fee charged for the event. Attendees will continue to pay the vehicle fee to enter the park. While this event will occupy areas at Dierkes Lake Park, the park will remain open and available for the general public during the event.

To eliminate the parking problem and to ensure safe access for emergency vehicles (if needed), the Chamber is proposing to reserve the Dierkes Lake parking lot for the duration of the event. A portion of the grassy area just east of the lot will be used for participants and volunteers to park their

"People Serving People"

cars, trucks and trailers. The marked spaces will be pre-sold as "VIP" event parking as a way to raise revenue for the event. Volunteers will be available at the turnoff to Dierkes Lake Road and at the lot to assist with parking. The Chamber has also reserved the parking lot of the River Christian Fellowship (at the corner of Falls Avenue and North 3300 East) for attendees. Shuttles have been secured from the North Side Bus Company to take attendees to and from the lake for a fee of \$3 for adults and \$2 for kids round trip as an admission to the event. This will provide enough spaces for people to park safely/legally and leave access for emergency vehicles (if needed) and the shuttles. Extra spaces will be designated for disabled parking at the lot.

This is the second of what the Chamber anticipates to be an annual summer event designed to raise funds for the Chamber's various charitable and civic activities and programs. This event does not require the closure of any streets. Chamber-sponsored events historically are well organized and last year's event generated no additional calls for Police service. I have reviewed the application and believe that the Twin Falls Area Chamber of Commerce has an effective plan in place.

Approval Process:

In that this is being held at Dierkes Lake and Park, a waiver of the No Alcohol Ordinance requires the consent of the City Council.

Budget Impact:

- This event will not affect the budget of the City of Twin Falls.
- Representatives from various City Departments have reviewed, approved and signed off on the Special Events Application.
- The Twin Falls County Sheriff's Office has been notified of the event and water-related permitting has been obtained.
- A beer and wine sales permit has been procured for this event.

Regulatory Impact:

The Twin Falls Police Department believes this to be a family-friendly event that is safe for the citizens of our community.

Conclusion:

Staff recommends that the City Council approve the Special Events Application submitted for the Chamber's 2nd Annual Great Cardboard Boat Regatta to be held on August 20, 2011.

Attachments:

1. Copy of the Special Events Application
2. Copy of the rules governing the event
3. Aerial photo of Dierkes Park and area for beer service and consumption
4. A copy of the Chamber's parking/shuttle plan.



**CITY OF TWIN FALLS
SPECIAL EVENTS APPLICATION**

DATE OF EVENT: August 20, 2010

TIME OF EVENT: Start: 12:00 PM End: 4:30 PM

LOCATION OF EVENT (Include business name, if applicable):

NIERIKES LAKE PARK

NUMBER OF PEOPLE IN ATTENDANCE: 1500-2000

WILL EVENT OCCUPY A PUBLIC STREET: Yes: No: X
(If yes, please provide diagram of proposal.)

WILL ALCOHOL BE SERVED: Yes: X No:

HAS CATERING PERMIT BEEN SECURED Yes: No: X
(If yes, attach copy of permit to application.)

*For the safety of event participants and law enforcement personnel, it is required that paper or plastic containers be used for alcoholic beverages.

NAME OF APPLICANT KYLE TARBET

ADDRESS 858 BLUE LAKES BLVD N

HOME TELEPHONE 316.6374

BUSINESS PHONE 733.3974

NAME OF RESPONSIBLE PARTY/CONTACT PERSON TWIN FALLS CHAMBER OF COMMERCE (KYLE TARBET)

ADDRESS 858 BLUE LAKES BLVD

HOME PHONE 316.6374 CELL

BUSINESS PHONE 733.3974 OFFICE

City of Twin Falls Special Events Application
Page Two

DESCRIPTION OF EVENT:

THE CARDBOARD BOAT REGATTA IS A FUNDRAISER FOR THE TWIN FALLS AREA
CHAMBER OF COMMERCE. COMPETITORS RACE HOMEMADE, CARDBOARD BOATS AROUND A
COURSE AT THE LAKE. FOOD VENDORS WILL BE ON HAND. SHUTTLES WILL RUN FROM
DIERCKES LAKE TO THE RIVER CHRISTIAN FELLOWSHIP TO EASE TRAFFIC
AND PARKING ISSUES.

I, _____, APPLICANT FOR THE ABOVE EVENT,
AUTHORIZE _____ TO APPLY FOR THE PERMIT
ON MY BEHALF.

Ryan Lambert
APPLICANT'S SIGNATURE

6/30/2011
DATE

**** EVENT APPLICATIONS MUST BE SUBMITTED NO LATER THAN 45 DAYS
PRIOR TO THE EVENT OR THE PERMIT MAY BE DENIED.**

REVIEWED BY:

Om 07/13/11
Twin Falls Police Department

Approved Denied _____

Bin
Twin Falls Fire Department

Approved Denied _____

DR
Parks & Recreation Department

Approved Denied _____

Shade Nuttle
Urban Renewal

Approved Denied _____

Building Department

Approved _____ Denied _____

Andee Reeder
Planning & Zoning

Approved Denied _____

Ed
Information Service

Approved Denied _____

PRESSBOX CATERING / SHUTTLE FROM CHURCH / RESERVE PARKING LOT / KIMI LOCO

“THE RULES”

are NOT to be posted on any web site for any reason whatsoever.

These are copyrighted under U.S. and international intellectual property laws and regulations.

Local Host Organizers

This document may be printed on 8½" X 14" paper for distribution to pre-registered or registered participants or serious inquirers.
This document may be disseminated electronically on an individual basis to pre-registered or registered participants or serious inquirers.
This copyright warning cover sheet must be disseminated along with the two-page rules document when such dissemination is permitted.

II. General Rules for ALL Boats/Craft

- A. The Boat Captain must register at the Regatta.
- B. The entire hull, superstructure, and seating of each cardboard craft must be made entirely of corrugated cardboard. See also Rules III.B. and IV.C.
- C. Only corrugated cardboard is permitted. Any thickness of corrugated cardboard is OK.
- D. Items used as fasteners (nuts, bolts, washers, staples, adhesives) as well as oars or paddles may be of material other than cardboard.
- E. The hull must not be wrapped in plastic, duct tape, shrink wrap, or anything else. However, Class III boats may be wrapped in the material provided in the Secret Kit.
- F. Only seams and joints may be taped, not the whole boat.
- G. Your boat must be free of sharp edges, pointy objects, or anything else that could be a menace to you nice folks.
- H. The passenger area of your boat must not be permanently enclosed above the shoulders of occupants. Each person must be visible while the boat is in the water. Absolutely **NO** use of the following items will be permitted: tar-based substances, two-part varnishes, fiberglass resin, epoxy glue, any other two-part or toxic barrels, honeycomb), or corrugated cardboard that is bonded to any other material.
- J. To qualify as a finisher in any heat, you must be IN your boat, paddling -- not towing it in your teeth or between your legs, or swimming and pushing/towing the boat.
- K. No more than 8 human occupants will be permitted in any boat. All crews must consist only of friendly and reasonably warm-blooded characters.
- L. All occupants of a boat must wear a lifejacket (a "PFD," a "personal flotation device"), properly fastened, while in the boat or water.
- M. Boat occupants must wear shoes or other footwear with a substantial sole while in the boat or water. Flip-flops won't do!
- N. Consumption of alcohol or any other substance that may impair your ability or safety will not be permitted either before or during the event. Race officials may disqualify individual participants or the entire boat.
- O. Read the Scoreboards to know in what heat(s) your boat will run.
- P. Boats with the fastest times in the preliminary heats will advance to the semi-finals; the fastest semi-finalists will advance to the finals.
- Q. A five-minute time limit per heat may be in effect. Listen for announcements.

III. Special Rules for CLASS I Boats

- A. Abide by all rules in Section II as well as those shown here.
- B. A Class I entry must be made entirely of corrugated cardboard.

IV. Special Rules for CLASS II Craft

- A. Abide by all rules in Section II as well as those shown here.
- B. You are not permitted to use any kind of paddles or oars at any time in Class II.
- C. The propulsion system (e.g., propellers, paddlewheels, sails) and/or steering system (rudder, etc.) may be made of materials other than corrugated cardboard; however, use of the material must not contribute significantly to structural rigidity of the craft. The propulsion and steering system, if fastened to the boat, must be connected through corrugated cardboard only.
- D. The propulsion and steering system, if fastened to the boat, must be connected through corrugated cardboard only.

NOTE: If only a few Class II craft are registered, we may skip semi-finals. Listen for announcements.

V. Special Rules for CLASS III Craft

- A. Abide by all rules in Section II as well as those shown here.
- B. Register at the Regatta to obtain your Secret Kit.
- C. Only ten (10) Secret Kits will be available and will be distributed at the same time to registered Class III boat captains. If there are more registrants than kits, names will be drawn by lottery.
- D. A Class III craft must be designed and constructed using only the materials and tools supplied in one Secret Kit. You will have up to two hours to build your craft.
- E. The course for Class III is shorter than the regular course; listen for announcements.

TECHNICAL INSPECTION

All entries are subject to Technical Inspection. Your boat/craft will be inspected for compliance with these rules. A boat must pass inspection to be eligible for any award or prize. You will have an opportunity to fix a violation and be re-inspected. Event officials reserve the right to inspect any and all enclosed compartments on a boat.

If the cardboard is not corrugated, don't use it.

"Rules" question? Call 888.378.2672, Regatta HQ

APP

EALS

THE ORIGINAL CARDBOARD BOAT REGATTA
Established in and operating continuously since 1974.

“THE RULES”

THE CHALLENGE

DESIGN AND CONSTRUCT A HUMAN MUSCLE-POWERED BOAT MADE OF CORRUGATED CARDBOARD, CAPABLE OF RACING A 200-YARD COURSE THREE TIMES.

We're all in this to enjoy a great event, be with friends, and try out some ingenious inventions. The idea here is to explore the characteristics of corrugated cardboard while being creative in meeting "The Challenge."

I. Boat Class Definitions

You may compete in more than one class, but you must comply with the rules for each class you enter.

CLASS I boats are those made entirely of corrugated cardboard and propelled only by canoe paddles, oars, or kayak paddles.

Youth Division: Participants must be 14 years of age or younger.
Open Division: Participants of any age are eligible.

CLASS II craft are those propelled by all other forms of muscle-powered devices (such as paddle/heels, propellers, etc.) or by sails. Swimming or paddling with a surfboard made of corrugated cardboard is not permitted. The use of any kind of paddle or oar is not permitted.

CLASS III craft are designed and built by spectators-turned-participants using a Secret Kit available only at the Regatta. Swimming or paddling with a surfboard made of corrugated cardboard is not permitted.

"Rules" question? Call Regatta HQ > 888.378.2672

Any appeal must be made promptly to the race coordinator. No other race official is authorized to resolve any appeal.

A. **Technical Inspection.** The captain of an entry that does not pass inspection may appeal a decision of the Technical Inspectors. If an appeal is made, it must be made promptly after initial inspection; an appeal must be made and settled before the boat or craft enters the water for its first heat.

B. **Other Infraction.** The captain of a boat charged with any other infraction may appeal the decision. If an appeal is made, it must be made promptly and settled before the Regatta ends so that the crew may still have the opportunity to participate.

THE AWARDS

PRIDE OF THE REGATTA. Most creative design/construction; best use of corrugated cardboard.	TEAM SPIRIT AWARD. Most-spirited and (?)best-organized team ... the looks of the boat don't count here.
VOGUE AWARD. Most attractive or spectacular-looking boat. The winner will be selected before heats begin.	BEST-DRESSED TEAM. May be funny, spiffy, or elegant ... but it must be creative.
TITANIC AWARD. Most-spectacular sinking ... to qualify, you must salvage the remains completely.	First, second, and third place in each class/division ... assuming we have three finishers!

Additional awards may be in effect at individual Regatta sites.

HOW TO ENTER

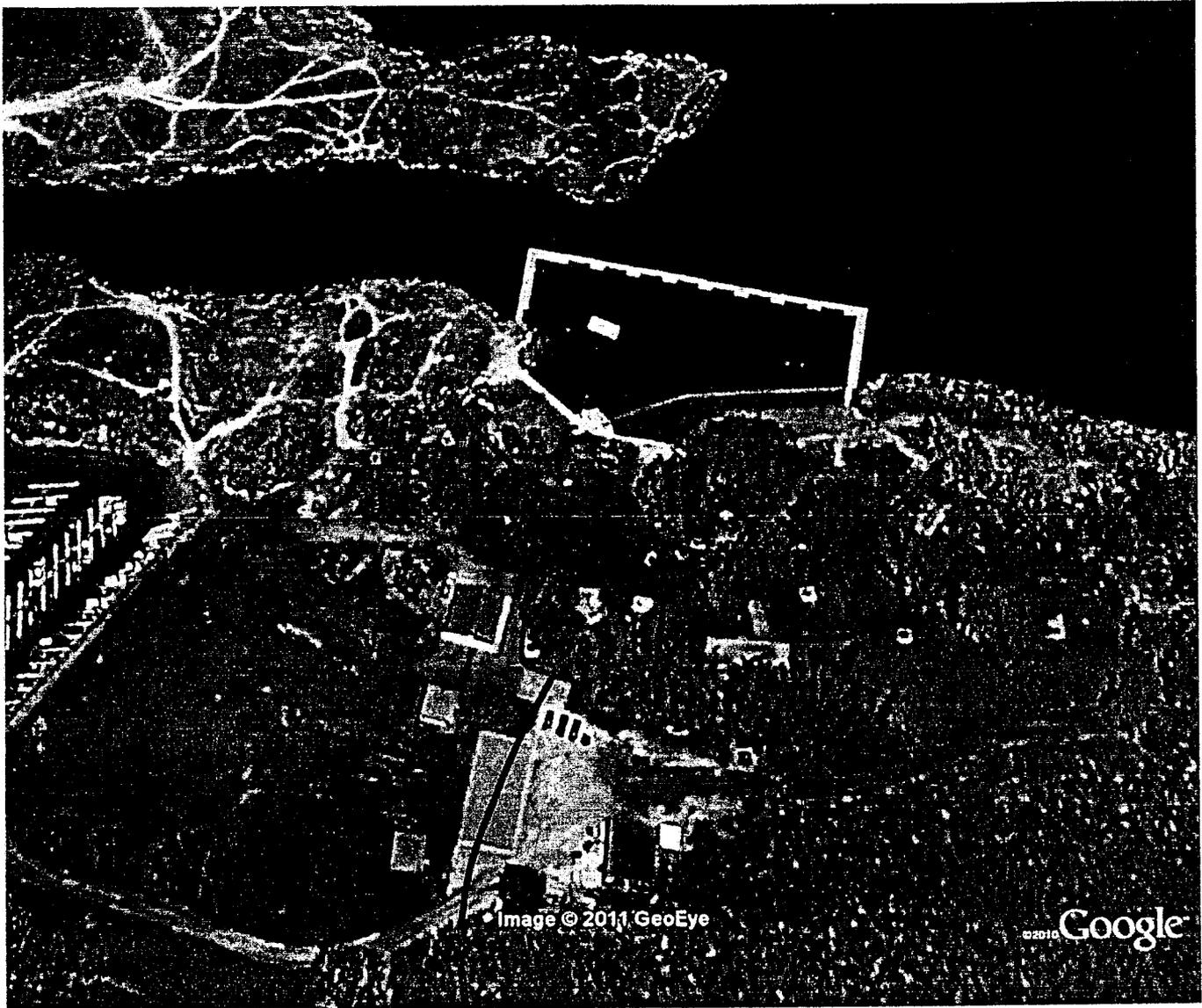
- ALL Boat Captains in all boat classes/divisions must register at the Regatta (even if you have pre-registered, where allowed).
- Class I, Class II: Fill out and return an entry form in advance (local option).
- Class III: Register for your Secret Kit at the Regatta. The number of kits is limited.

Inquiries about organizing a Regatta should be made to the Regatta Coordinator, (888) 378-2672.

www.gcbr.com

Copyright 2011 — All Rights Reserved

www.gcbr.com



BEER GARDEN
IN THIS AREA

Cardboard Boat Regatta Parking Plan

The cardboard boat regatta was very successful in our first year. The huge amount of community support presented a few logistical challenges. Access to Dierkes Lake is limited to one entrance/exit meaning every vehicle comes and goes by the same route. The parking lot has 123 marked parking spaces, 2 of which are reserved as disabled spaces. Last year we filled each space well before the event began. Additional vehicles were parked in unmarked areas along the side of the lot and in the small dirt lot on the West end of the lot. Every usable area was used for parking and motorists began parking their vehicles along the side of the road leading to the lot. This caused major backups, limited space for cars entering and leaving the lot, and limited access to larger vehicles such as RVs from entering the park.

To eliminate the parking problem and ensuring safe access for safety vehicles (if needed) we propose reserving the Dierkes Lake parking lot for the duration of the event. A portion of the grassy area just east of the lot will be used for our participants and volunteers to park their cars, trucks and trailers. The marked spaces will be pre-sold as "VIP" event parking as a way to raise revenue for the event. We will provide volunteers at the turnoff to Dierkes Lake Road and at the lot to assist with parking. The Chamber has also reserved the parking lot of the River Christian Fellowship (at the corner of Falls Ave and N 3300 E) for attendees. We have also secured shuttles from North Side Bus Company to take attendees to and from the lake for \$3/adults and \$2/kids round trip as an admission to the event. This will provide enough spaces for people to park safely/legally and leave access for emergency vehicles (if needed) and the shuttles. Extra spaces will be designated for disabled parking at the lot.

The Chamber would be happy to pay the city a fee to allow our shuttles, volunteers, participants and attendees access to the lake. This would prevent congestion at the toll booth and eliminate extra stress on the toll booth staff. We could pay a flat fee to allow access or pay by car entering the park.



DATE: MONDAY AUGUST 01, 2011

To: Honorable Mayor and City Council

From: Mitch Humble, Community Development Department

ITEM II-

Request: Consideration of the Final Plat of K&L Subdivision, 0.653 (+/-) acres consisting of three (3) residential lots and located at 776 Sparks Street North, c/o EHM Engineers/Gerald Martens on behalf of LAD Enterprises.

Time Estimate:
This item is on the Consent Calendar.

Background:

Applicant:	Status: Owner/Developer	Size: 0.653(+/-) acres
LAD Enterprises c/o Keith Detmer 2027 Candlewood Circle Twin Falls, ID 83301 208-731-6172	Current Zoning: R-4	Requested Zoning: Preliminary Plat approval
	Comprehensive Plan: Commercial/Retail	Lot Count: 3
	Existing Land Use: Existing single family residence	Proposed Land Use: Residential subdivision
Representative:	Zoning Designations & Surrounding Land Use(s)	
EHM Engineers, Inc. 621 North College Rd, Ste 100 Twin Falls, ID 83301 208-734-4888 Gerald Martens	North: R-4; single family residential	East: R-4; single family residential
	South: R-4; multi-family residential	West: R-2; Sparks Street, school
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-5, 10-11-1 thru 9, 10-12-2.4,	

Approval Process:

TF City Code Title 10: Chapter 12-Subdivision Regulations; Section 2.4-Final Plat:

(A)Application: After the approval or conditional approval of the preliminary plat, the subdivider may cause the total parcel, or any part thereof, to be surveyed, and a final plat prepared in accordance with the approved preliminary plat. The subdivider shall submit to the Administrator three (3) copies of the final plat. (Ord. 2012, 7-6-1981)

(D)Administrator Review:

1. Acceptance: Upon receipt of the final plat and compliance with all other requirements as provided for herein, the Administrator, after review by the City Engineering Department, shall certify the application as complete and shall affix the date of acceptance thereon.
2. Resubmittal Of Final Plat: The Administrator shall review the final plat for compliance with the approved or conditionally approved preliminary plat. If the Administrator determines that there is substantial difference in the final plat than that which was approved as a preliminary plat or conditions which have not been met, the Administrator may require that the final plat be submitted to the Commission in the same manner as required in the preliminary plat process.
3. Submission To The Council: Upon the determination that the final plat is in compliance with the preliminary plat and all conditional requirements have been met, the Administrator shall place the final plat on the Council agenda at the next regular meeting. (Ord. 2620, 8-2-1999)

(I)Approval Period: Final plat shall be filed with the county recorder within one year after written approval by the council; otherwise such approval shall become null and void unless prior to said expiration date an extension of time is applied for by the subdivider and granted by the council.

Budget Impact:

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

Regulatory Impact:

Approval of this request will allow the applicant to proceed to develop a Final Plat in conformance with the approved Preliminary Plat and any conditions placed on the approval.

History:

No known zoning history. In 1997 the garage on the southwest portion of the property was constructed. On June 20, 2011, the City Council approved a Parks In-Lieu contribution for the proposed K&L Subdivision.

Analysis:

This Final Plat for the K&L Subdivision includes 0.653 (+/-) acres and is zoned R-4. The request is to plat three (3) lots for residential development. The site is located on the east side of the 700 block of Sparks Street North.

The proposed plat will divide the existing residential property into three (3) lots. There is an existing residence and two (2) existing accessory buildings. The developer intends to remove the two (2) out-buildings. The home would remain as a single family residence on a 10,079 sf lot. The rest of the property would be divided into two (2) lots and a duplex would be developed on each lot. The square footage of Lot 2 is 7,818 sf and Lot 3 is 8,148 sf. The minimum lot square footage requirement for a single family residence in the R-4 zone is 4,000 sf and 7,000 sf for a duplex. All of the proposed lots meet minimum standards.

As four (4) new residential units are proposed there is a requirement for parkland dedication or an in-lieu contribution. As the property is not large enough to provide a park and there are park facilities in the area then an In-Lieu contribution was required. On June 20, 2011 the City Council approved an In-Lieu request.

The subdivision does not require any additional development of the Sparks Street roadway. Curb and gutter exist but the developer will be responsible for installing sidewalk along the Sparks Street frontage. There is one (1) existing access to the property currently and an additional access is proposed on the north end of the property to accommodate the additional development. Lot 2 would be accessed from a cross access, utility, and storm water retention easement on the north end of Lot 1. Lot 3 is accessed from a cross access and utility easement on the south portion of Lot 1.

City Code 10-12-1.2(P)1 states that the use of the city's potable water supply as a primary source of irrigation water in all new developments shall be prohibited. City Code 10-12-1.2(P)3 authorizes the City Engineer to grant a variance from the requirement of a pressure irrigation system. Upon review of the proposed plat it was determined by the City Engineer that the applicant will not be required to construct a pressure irrigation system.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for medium density residential uses. No building permit shall be issued until a site inspection confirms accessory buildings have been removed.

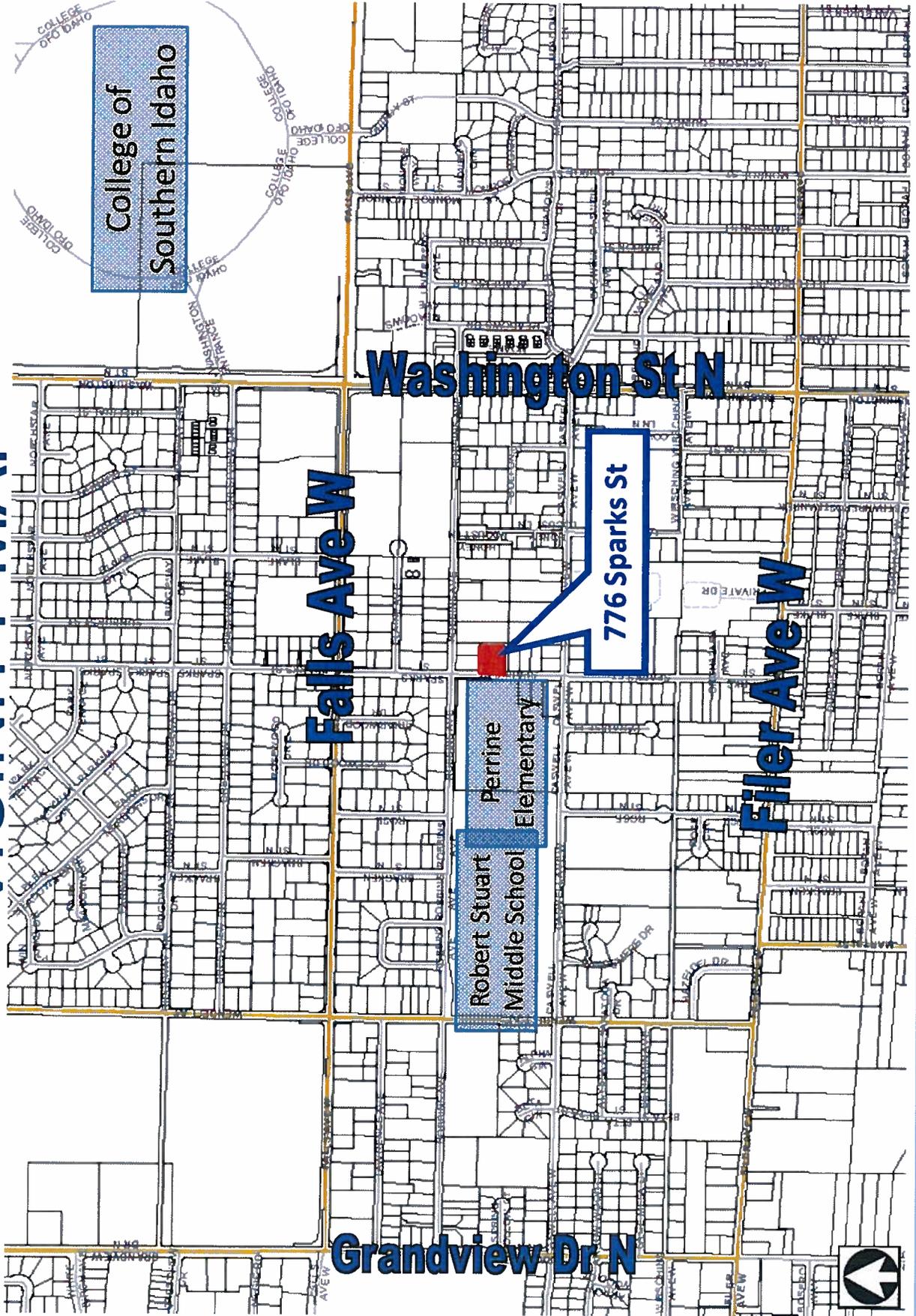
On July 26, 2011 the Commission unanimously approved the K&L Preliminary Plat, as presented, subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to Existing Accessory Building(s) being removed prior to recordation of a final plat.
3. Subject to development of detached sidewalk as part of subdivision construction and completed prior to recordation of final plat.

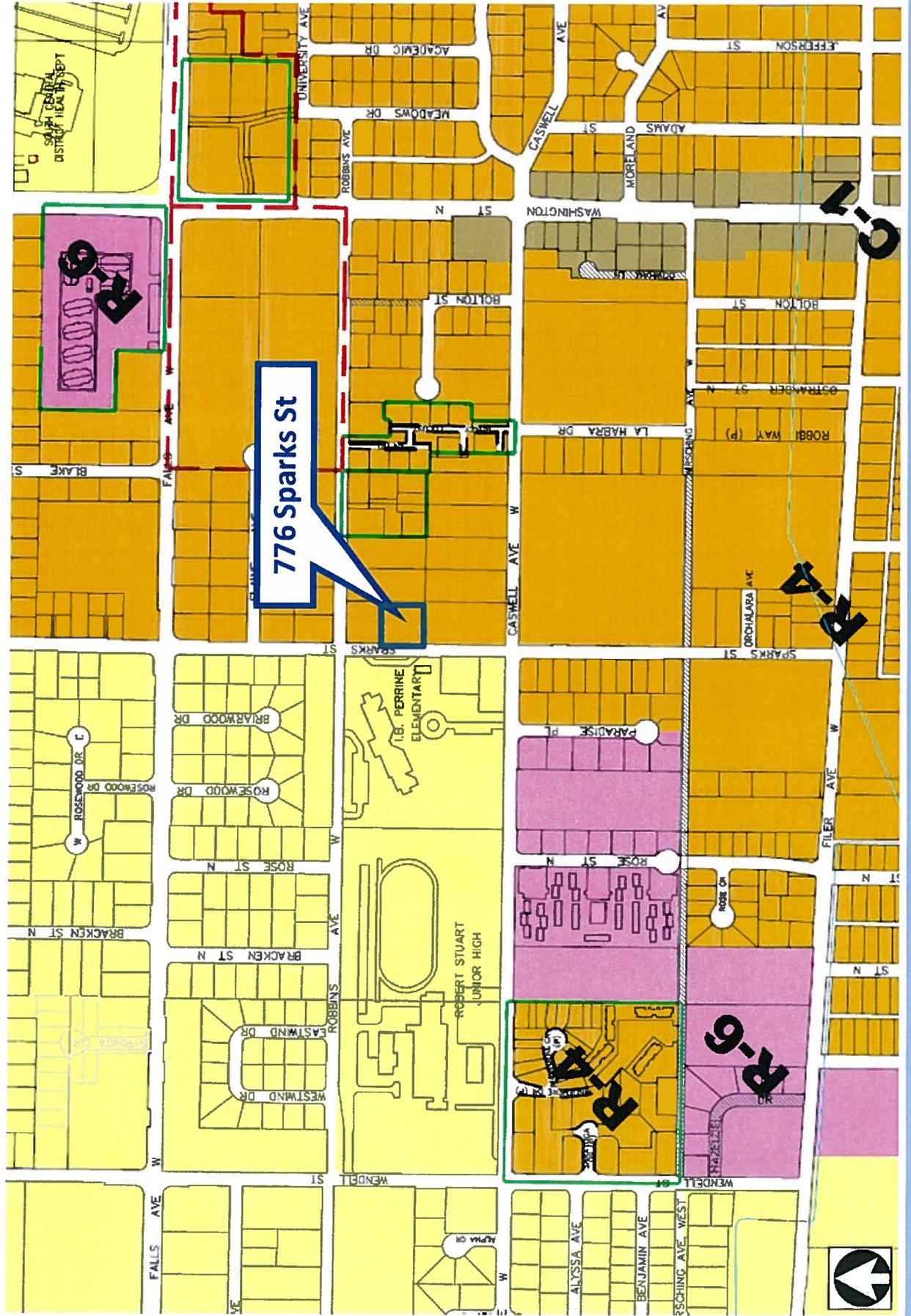
Attachments:

- | | |
|-------------------------------|------------------------------|
| 1. Vicinity Map | 4. Approved Preliminary Plat |
| 2. Area Zoning Map | 5. Final Plat |
| 3. Aerial of the Project Site | |

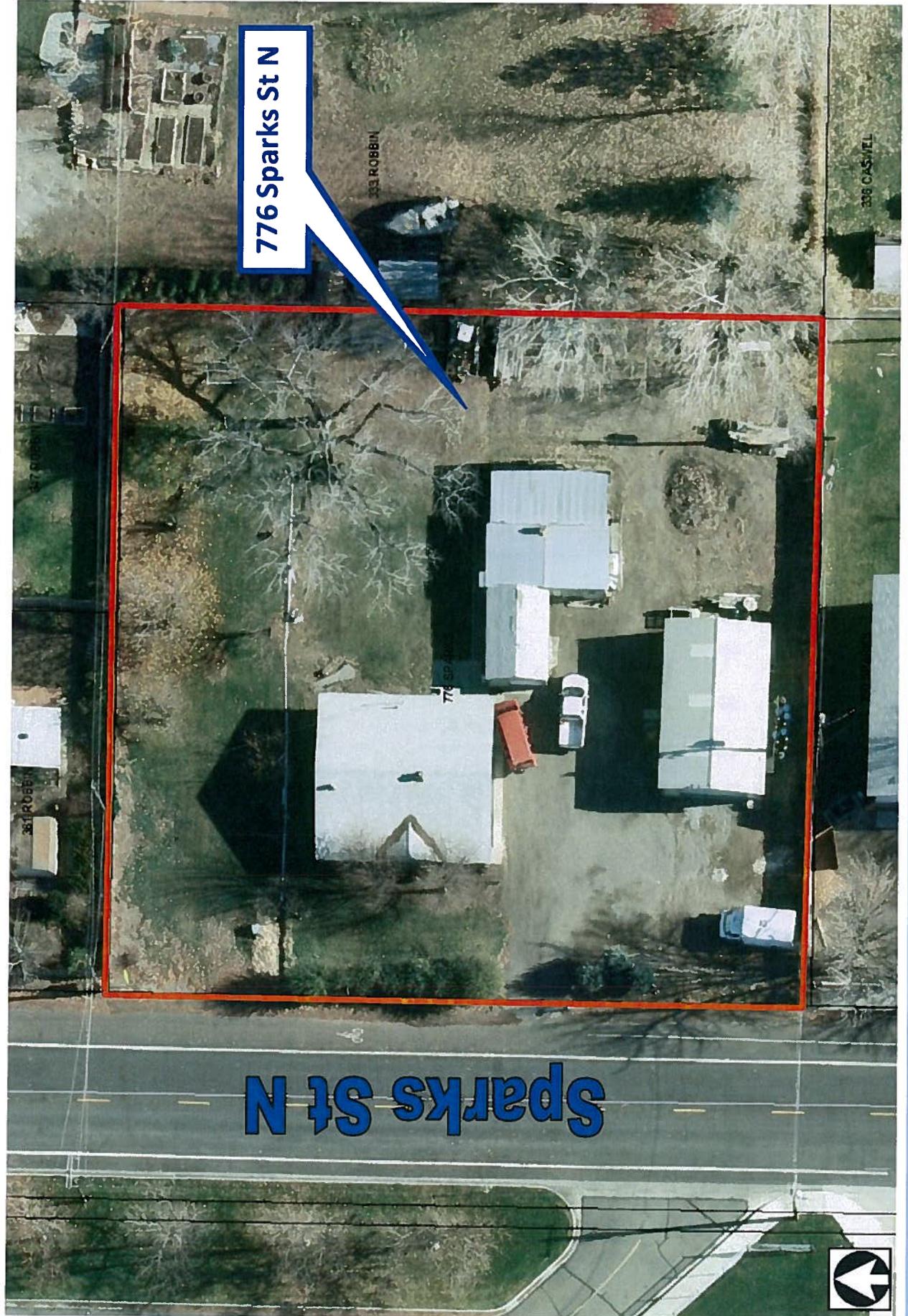
VICINITY MAP



ZONING MAP



AERIAL VIEW



Sparks St N

776 Sparks St N

333 ROBBIN

336 CASWELL



PRELIMINARY PLAT/MASTER UTILITY PLAN
for
K & L SUBDIVISION

Sheet 3

DESIGN DATA

OWNER/DEVELOPER: LAURA C. GREEN
 ENGINEER/PLANNING: J.R. SKEEN
 EXISTING ZONING: R-1
 PROPOSED USE: RESIDENTIAL
 SETBACKS: 25' FRONT, 5' SIDE, 5' REAR
 CALCULATED: 17' FRONT, 5' SIDE, 5' REAR
 UTILITIES: WATER, SEWER, GAS, ELECTRIC, TELEPHONE
 VARIANCES: NONE
 SALES: NONE

DRAINAGE CALCULATIONS

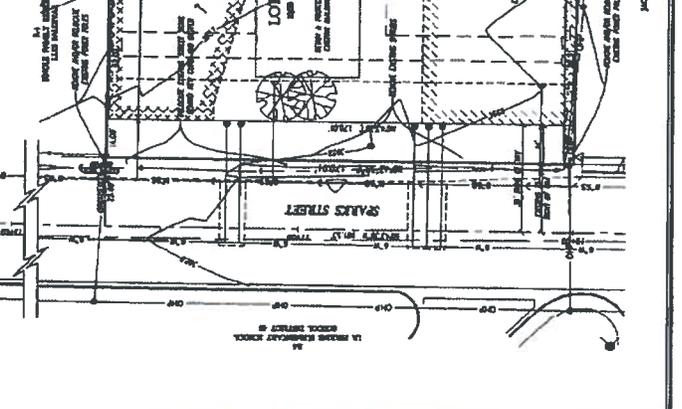
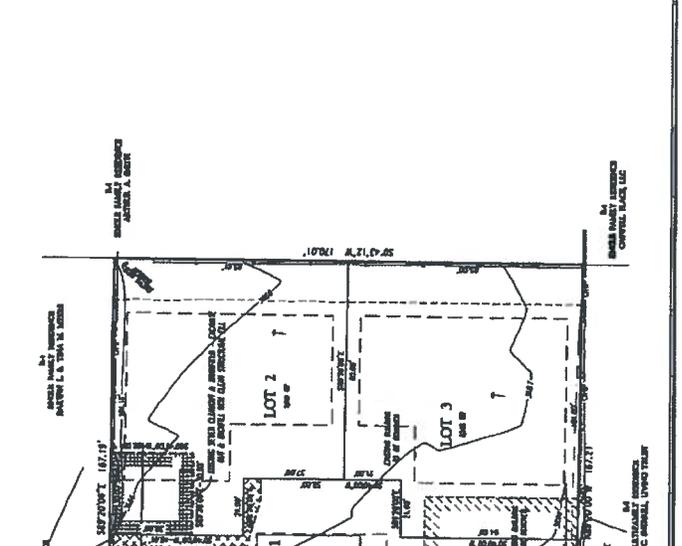
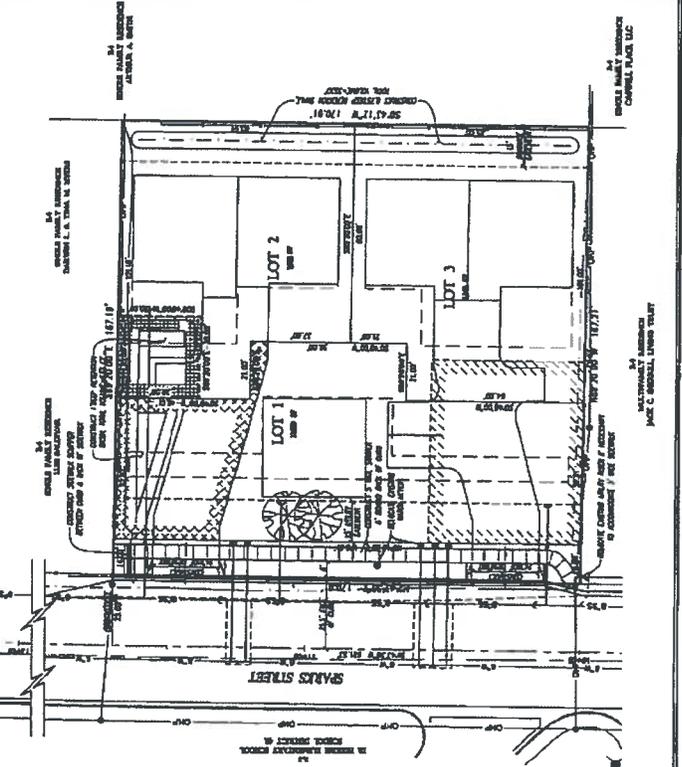
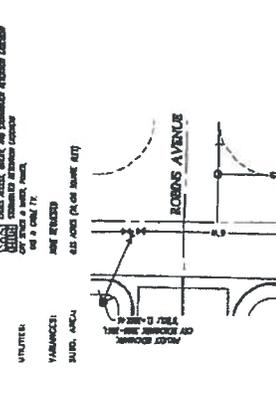
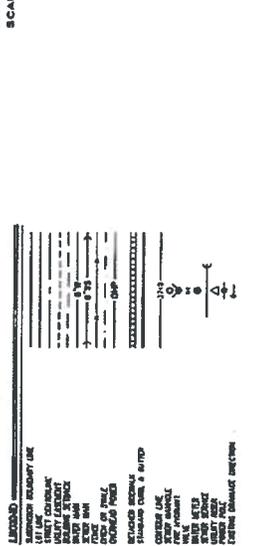
1. DRAINAGE AREA (A) = 1.00
 2. DRAINAGE AREA (B) = 1.00
 3. DRAINAGE AREA (C) = 1.00
 4. DRAINAGE AREA (D) = 1.00
 5. DRAINAGE AREA (E) = 1.00
 6. DRAINAGE AREA (F) = 1.00
 7. DRAINAGE AREA (G) = 1.00
 8. DRAINAGE AREA (H) = 1.00
 9. DRAINAGE AREA (I) = 1.00
 10. DRAINAGE AREA (J) = 1.00
 11. DRAINAGE AREA (K) = 1.00
 12. DRAINAGE AREA (L) = 1.00
 13. DRAINAGE AREA (M) = 1.00
 14. DRAINAGE AREA (N) = 1.00
 15. DRAINAGE AREA (O) = 1.00
 16. DRAINAGE AREA (P) = 1.00
 17. DRAINAGE AREA (Q) = 1.00
 18. DRAINAGE AREA (R) = 1.00
 19. DRAINAGE AREA (S) = 1.00
 20. DRAINAGE AREA (T) = 1.00
 21. DRAINAGE AREA (U) = 1.00
 22. DRAINAGE AREA (V) = 1.00
 23. DRAINAGE AREA (W) = 1.00
 24. DRAINAGE AREA (X) = 1.00
 25. DRAINAGE AREA (Y) = 1.00
 26. DRAINAGE AREA (Z) = 1.00

PROJECT BENCH MARK

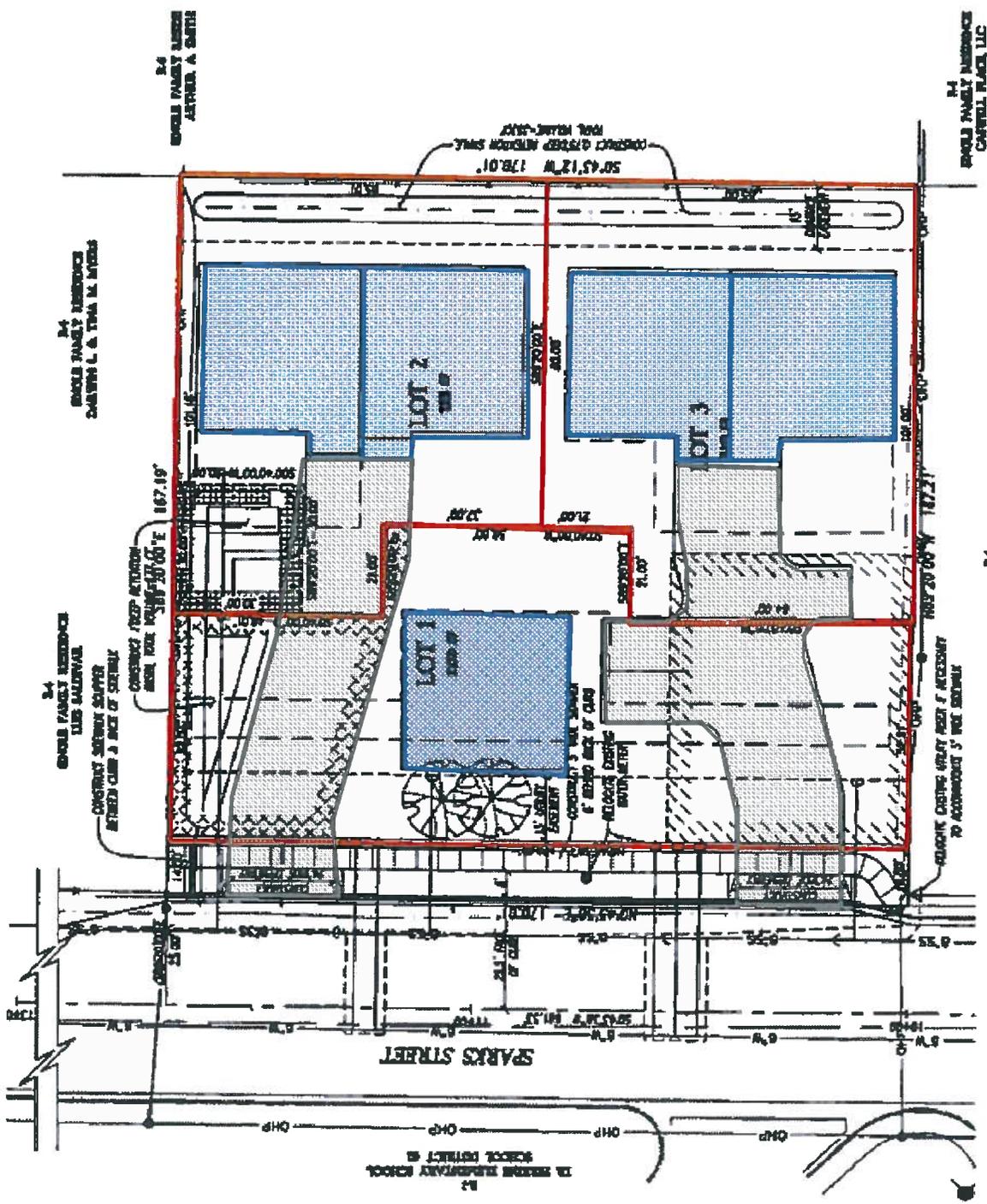
City of Twin Falls Hydro No. 200 - 200, South West 1/4 on the
 Section 10, T.10N. R.10E. S.10E. 1/4, Section 10, T.10N. R.10E. S.10E. 1/4

LANDMARK: NORTH COLLEGE AND COLLEGE OF EDUCATION
 STREET ADDRESS: 1715 WASHINGTON ST. N.
 ELEVATION: 4171.10

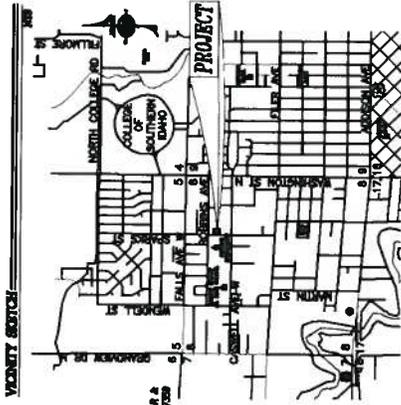
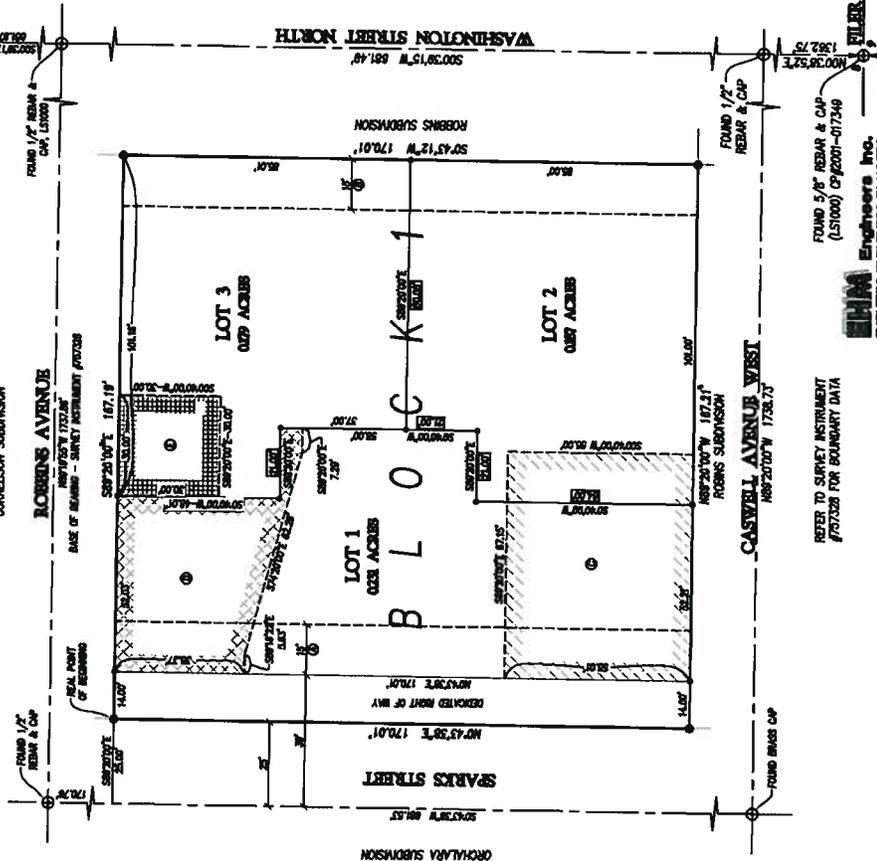
VICINITY SKETCH



RECEIVED JUL 19 2011



K & L SUBDIVISION
A. Resubdivision & Re-numbering Of Lot 2, Robbins Subdivision
 Located In NW 1/4 NE 1/4 Section 8
 Township 30 South, Range 17 East, Rate Meridian
 Twin Falls County, Idaho
 2021



- LEGEND**
- SUBDIVISION BOUNDARY
 - LOT LINE
 - EASEMENT
 - EASEMENT LESSOR
 - SET 5/8" ± 3/4" REBAR & CAP (3.5 1000)
 - SET 1/2" ± 3/4" REBAR & CAP (3.5 1000)
 - FOUND MANHOLE AS NOTED
- EASEMENT LEGEND**
- UTILITY EASEMENT
 - STORMWATER EASEMENT
 - CROSS ACCESS AND UTILITY EASEMENT
 - CROSS ACCESS, UTILITY, AND STORMWATER RETENTION EASEMENT
 - STORMWATER RETENTION EASEMENT

HEALTH CERTIFICATE

THESE IMPROVEMENTS AS SHOWN BY THIS PLAN HAVE BEEN EXAMINED BY THE HEALTH DEPARTMENT AND APPROVED AS BEING IN ACCORDANCE WITH THE HEALTH DEPARTMENT ORDINANCES AND THE HEALTH DEPARTMENT REGULATIONS. THE HEALTH DEPARTMENT DOES NOT GUARANTEE THE ACCURACY OF THE SURVEY DATA OR THE INFORMATION PROVIDED BY THE SUBMITTER. THE HEALTH DEPARTMENT DOES NOT GUARANTEE THE ACCURACY OF THE SURVEY DATA OR THE INFORMATION PROVIDED BY THE SUBMITTER. THE HEALTH DEPARTMENT DOES NOT GUARANTEE THE ACCURACY OF THE SURVEY DATA OR THE INFORMATION PROVIDED BY THE SUBMITTER. THE HEALTH DEPARTMENT DOES NOT GUARANTEE THE ACCURACY OF THE SURVEY DATA OR THE INFORMATION PROVIDED BY THE SUBMITTER.

Date: _____
 Health Department, IDHS
 355-3600
 SHEET 7 OF 3

REFER TO SURVEY INSTRUMENT #170328 FOR BOUNDARY DATA
 FOUND 5/8" REBAR & CAP (LS1000) CP#2001-077340
ELIMA Engineers Inc.
 1000 S. 10th Street, Twin Falls, ID 83421
 (208) 733-1111

SPARKS STREET
 ORCHALARA SUBDIVISION
 WASHINGTON STREET NORTH
 CORNELSON SUBDIVISION
 ROBBSANS AVENUE
 CASWELL AVENUE WEST
 WASHINGTON AVE
 SPARKS AVE



DATE: MONDAY AUGUST 01, 2011

To: Honorable Mayor and City Council

From: Mitch Humble, Community Development Department

ITEM II-

Request: Request for approval of the final plat for Eastridge Condominium Association Subdivision – a portion of Eastridge Professional Subdivision – a PUD, consisting of two (2) condominium units of an existing professional office building located at 1186 Eastland Drive North, Lot 2, Block 2, Eastridge Professional Subdivision, a PUD, c/o John Root/All Points Land Surveying

Time Estimate:

This item is on the Consent Calendar.

Background:

Applicant:	Status: Owner/Developer/	Size: .5 (+/-) acres/building
Michael Dingman 3013 East 3600 North Twin Falls, Idaho 83301	Current Zoning: R-2 PRO PUD	Requested Zoning: Approval of a final plat
	Comprehensive Plan: Office/Professional	Lot Count: two (2) condominium units of an existing professional office building
	Existing Land Use: Professional office building	Proposed Land Use: Professional office building with separate ownership opportunities
Representative:	Zoning Designations & Surrounding Land Use(s)	
John Root All Points Land Surveying 1049 Plain View Drive Twin Falls, Idaho 83301 280-1050	North: R-2; Aol – Twin Falls Bowlin Addition Subdivision – residential subdivision	East: R-2 PRO PUD; Professional Office
	South: R-2 PRO PUD; Professional Office	West: R-2; Eastland Drive N/ Candleridge Sub #6-residential sub
	Applicable Regulations: 10-1-4, 10-1-5, 10-12-2.4, 10-12-5.3	

Approval Process:

TF City Code Title 10; Chapter 12-Subdivision Regulations; Section 2.4-Final Plat:

(A)Application: After the approval or conditional approval of the preliminary plat, the subdivider may cause the total parcel, or any part thereof, to be surveyed, and a final plat prepared in accordance with the approved preliminary plat. The subdivider shall submit to the Administrator three (3) copies of the final plat. (Ord. 2012, 7-6-1981)

(D)Administrator Review:

1. Acceptance: Upon receipt of the final plat and compliance with all other requirements as provided for herein, the Administrator, after review by the City Engineering Department, shall certify the application as complete and shall affix the date of acceptance thereon.
2. Resubmittal Of Final Plat: The Administrator shall review the final plat for compliance with the approved or conditionally approved preliminary plat. If the Administrator determines that there is substantial difference in the final plat than that which was approved as a preliminary plat or conditions which have not been met, the Administrator may require that the final plat be submitted to the Commission in the same manner as required in the preliminary plat process.
3. Submission To The Council: Upon the determination that the final plat is in compliance with the preliminary plat and all conditional requirements have been met, the Administrator shall place the final plat on the Council agenda at the next regular meeting. (Ord. 2620, 8-2-1999)

(I)Approval Period: Final plat shall be filed with the county recorder within one year after written approval by the council; otherwise such approval shall become null and void unless prior to said expiration date an extension of time is applied for by the subdivider and granted by the council.

10-12-5-3: PLANNED UNIT DEVELOPMENTS AND CONDOMINIUM SUBDIVISIONS:

Planned unit and condominium developments shall be subject to requirements set forth in this Title and also subject to all provisions herein contained.

(A) Allowances: See [Chapter 6](#) of this Title for subdistrict provisions.

(B) Site Development Plan: The developer shall provide the Commission with a colored rendering of adequate scale to show the completed development that will include at least the following where applicable:

1. Architectural style and building design.
2. Building materials and color.
3. Landscaping.
4. Screening.
5. Solid waste areas.
6. Parking.
7. Open space.

A concept site development plan may be approved by the Commission but shall be conditioned upon approval of a final site development plan before final approval of the PUD or Condominium Subdivision.

(C) Home Owners' Association: The Home Owners' Association By-Laws and other similar deed restrictions, which provide for the control and maintenance of all common areas, recreation facilities or open space shall meet with the approval of the Council. Any and all powers as specified in such agreements may also be assigned to the Council and the City may elect to accept said powers for the purpose of assessing property for delinquencies and enforcement of motor vehicle regulations to protect the best interests of the owners involved and of the general public.

(D) Storage Areas: Storage areas shall be provided for the anticipated needs of boats, campers and trailers. For typical residential development, two hundred (200) square feet shall be provided every two (2) living units. This may be reduced by the Council if there is a showing that the needs of a particular development are less.

(E) Parking Space: One additional parking space beyond that which is required by [Chapter 10](#) of this Title may be required for every three (3) dwelling units to accommodate visitor parking.

(F) Maintenance Building: A maintenance building shall be provided, size and location to be suitable for the service needs that are necessary for the repair and maintenance of all common areas.

(G) Open Space: The location of open space shall be appropriate to the development and shall be of such shape and area to be usable and convenient to the residents of the development.

(H) Control During Development: Single ownership or control during development shall be required and a time limit may be imposed to guarantee the development is built and constructed as planned. (Ord. 2012, 7-6-81)

(I) Storm Drainage: Refer to Section [10-11-8](#) for additional drainage requirements. (Ord. 2481, 5-1-95)

History:

The City Council approved a rezone from R-2 to R-2 PRO PUD and a Comprehensive Plan Amendment from urban residential to professional office of this property on June 19, 2000. The Eastridge Professional Office Park PUD Agreement was recorded on November 9, 2000. The Eastridge Professional PUD Subdivision final plat, consisting of 10 +/- acres with 14 commercial lots was approved October 10, 2000. A special use permit was granted on March 29, 2005 for the construction of a professional office on this site.

Budget Impact:

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

Regulatory Impact:

Approval of this request will allow the applicant to proceed with recordation of the plat which will allow separate ownership of individual units within the building.

Analysis:

The property is zoned R-2 PRO PUD. The request is to plat a constructed and occupied commercial building into two (2) condominium units. The building is legally described as Lot 2, Block 2, Eastridge Professional PUD Subdivision aka 1186 Eastland Drive North.

The conversion of this building into two (2) condominium units does not change the land use of the site. The conversion allows separate ownership of the two (2) units of the building with common ownership of the areas outside of the building. Building code compliance relative to firewalls should be required.

Whether this building is under one (1) ownership or two (2) will have no impacts on surrounding properties. .

Conclusion:

Should the City Council approve the final plat of Eastridge Condominium Association Subdivision – a portion of Eastridge Professional Subdivision – a PUD, as presented, staff recommends that approval be subject to the following condition:

1. Subject to compliance with the building code for condominiums.

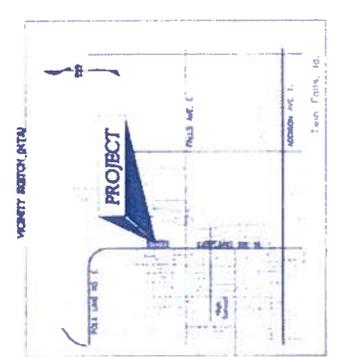
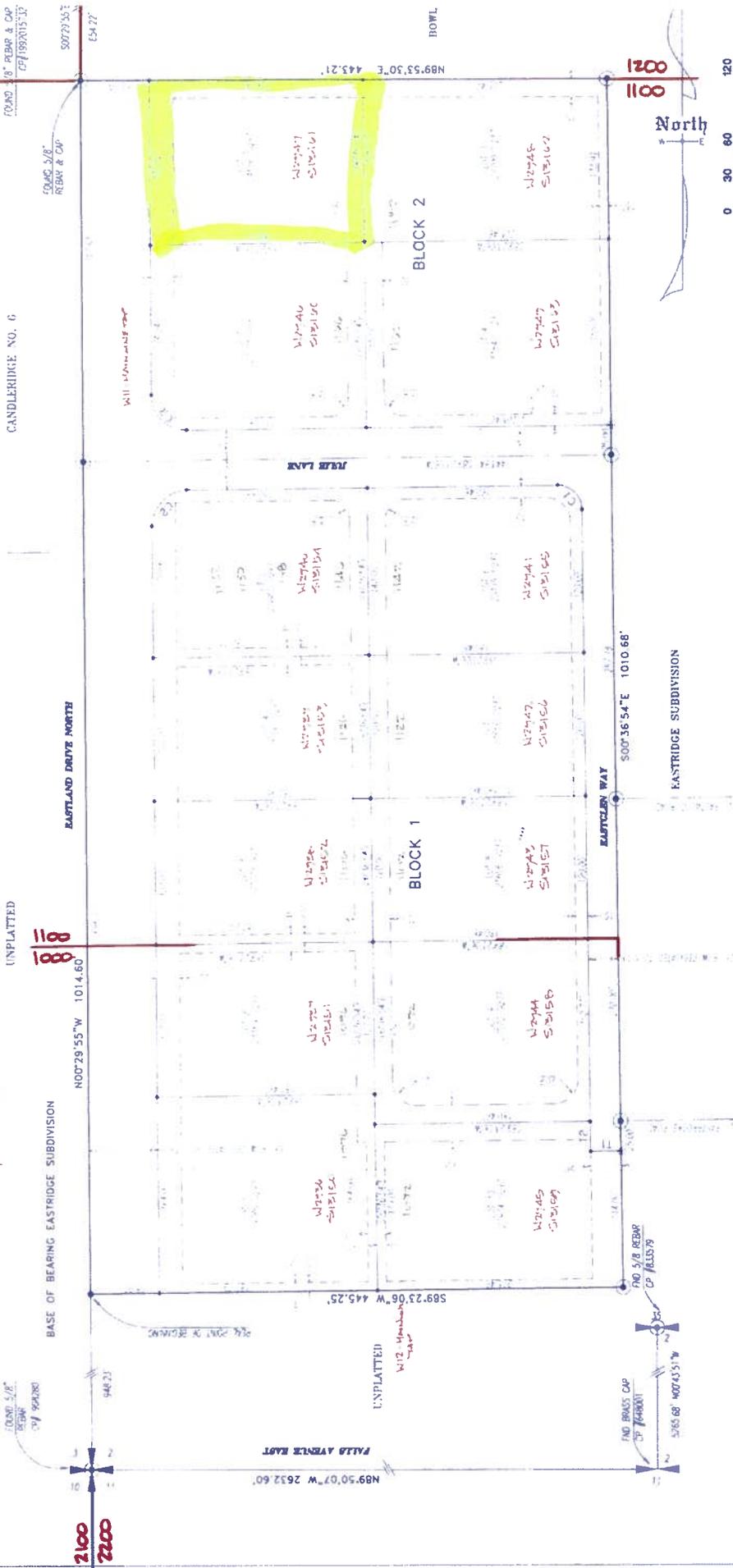
Attachments:

1. Zoning Map
2. Subdivision Map
3. Aerial Map
4. Eastridge Professional PUD Subdivision
5. Eastridge Condominium Association Subdivision – a portion of Eastridge Professional Subdivision – a PUD

EASTRIDGE PROFESSIONAL SUBDIVISION

LOCATED IN A PORTION OF
 W1/2 SW1/4, SECTION 2
 T. 10 S., R. 17 E., B.M.
 TWIN FALLS COUNTY, IDAHO
 2000

ALL PARTS ARE UNPLATTED

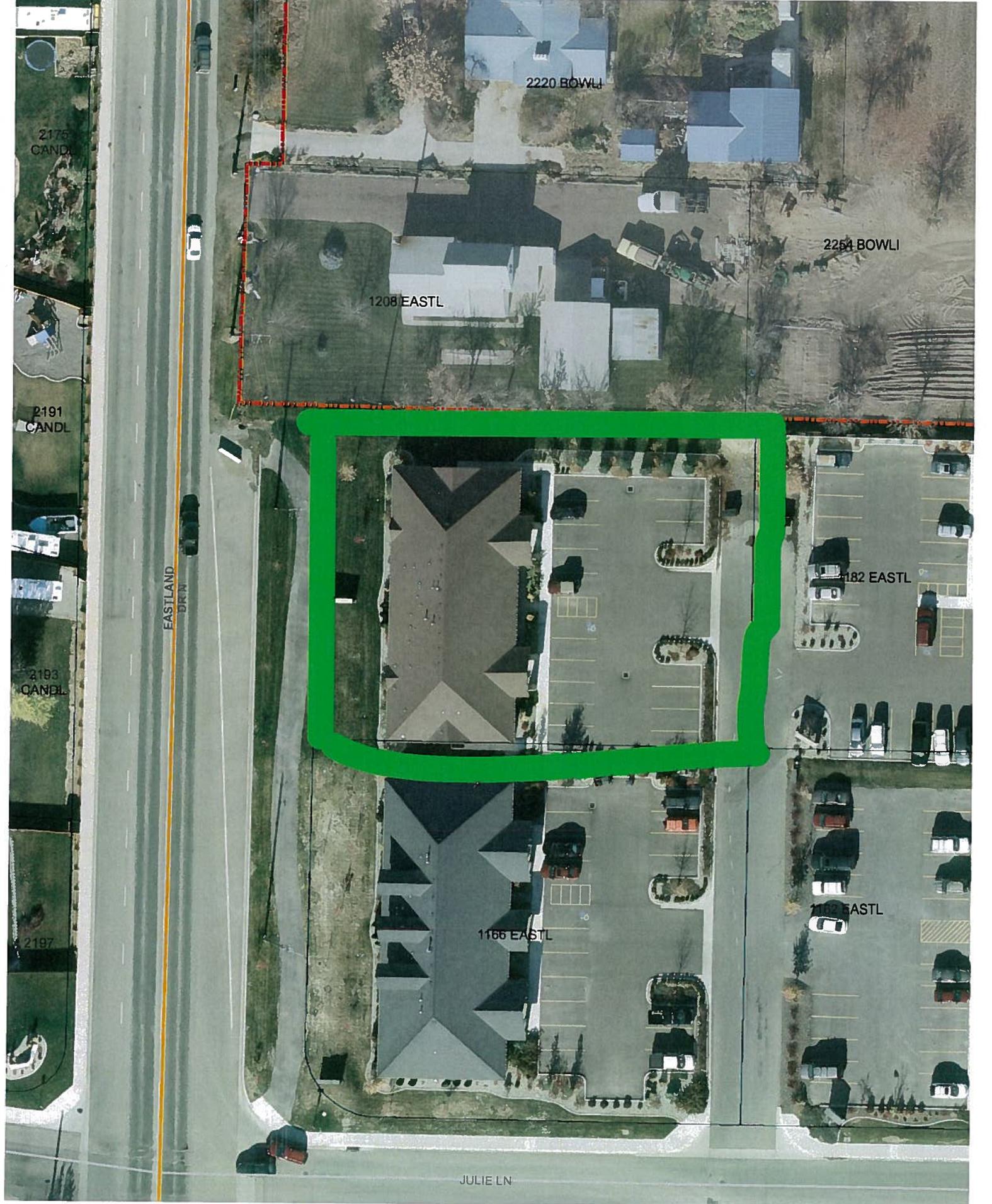


NUMBER	DELTA	CHORD BRG	CURVE RADIUS	LENGTH	TANGENT	CHD LENGTH
C1	90°00'00"	N 45°36'54" W	20.00'	31.42'	20.00'	28.28'
C2	89°53'01"	N 44°26'35" E	30.00'	47.06'	29.94'	42.38'
C3	90°06'59"	N 45°33'25" V	30.00'	47.19'	30.06'	42.47'

NUMBER	DISTANCE	BEARING
T1	25.00'	N 89°23'06" E
T2	25.00'	S 00°36'54" E

HEALTH CERTIFICATE
 Sanitary regulations as required by Idaho Code Title 50, Chapter 13, Section 50-1326, by the issuance of a health certificate of approval.
 Date: 1/10/2020
 South Central District Health Dept., DC

EASTRIDGE PRC
SUBD



2175
CANDL

2191
CANDL

2193
CANDL

2197

2220 BOWLJ

2254 BOWLJ

1208 EASTL

1182 EASTL

1166 EASTL

1188 EASTL

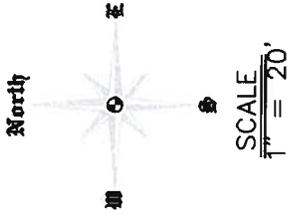
EASTLAND
DRN

JULIE LN

EASTRIDGE CONDOMINIUM ASSOCIATION SUBDIVISION

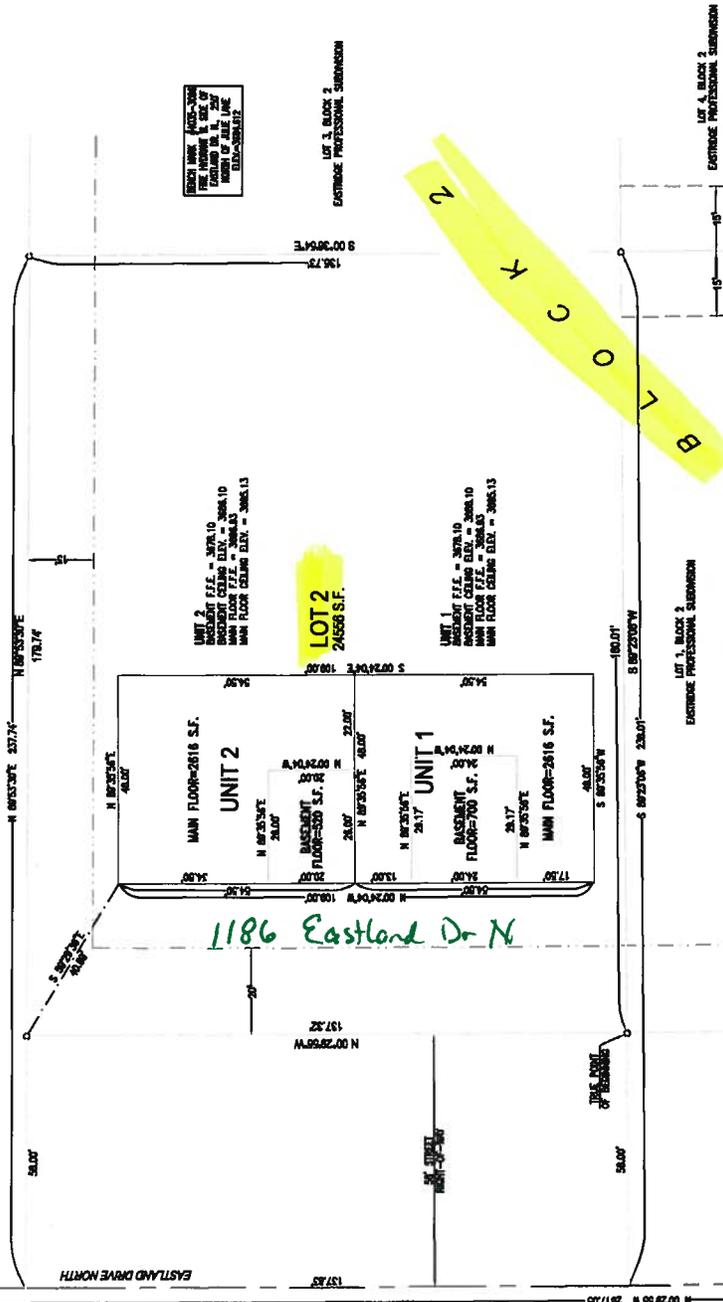
AN OFFICE SUBDIVISION OF LOT 2, BLOCK 2, EASTRIDGE PROFESSIONAL SUBDIVISION

LOCATED IN
 NW 4 SW 4 SECTION 2,
 TOWNSHIP 10 SOUTH,
 RANGE 17 EAST,
 BOISE MERIDIAN
 TWIN FALLS COUNTY, IDAHO
 2011



L E G E N D

	SUBDIVISION BOUNDARY
	STREET CENTERLINE
	ACCESS, UTILITY, & DRAINAGE EASEMENT
	UTILITY, DRAINAGE, & IRRIGATION EASEMENT
	FOUND 5/8" STEEL PIN
	FOUND 1/2" STEEL PIN



FROM UNIT 1, UNIT 2 OR UNIT 3, THE OWNER SHALL MAINTAIN THE ELEVATION OF THE BALCONY AT THE ELEVATION OF THE BALCONY.



- NOTES:
1. THE PHYSICAL BOUNDARIES OF THE UNITS ARE AS SHOWN IN TABLE 10, CHAPTER 15 OF THE BIRD CODE OR AS OTHERWISE INDICATED HEREON.
 2. AS TO THE INTERIOR OF THIS PLAN THAT ALL BUILDING AREA ARE LIMITED TO THE UNITS 1 OR UNIT 2 OR AS OTHERWISE INDICATED HEREON.
 3. THE PHYSICAL BOUNDARIES OF THE UNITS ARE THE EXTERIOR SURFACES OF THE WALLS, FLOOR, CEILING, ROOFING, AND FINISHES OF THIS CONDOMINIUM UNIT TO BE BUILT FOR RECORD THEREAFTER WITH ALL EASEMENTS, ENCUMBRANCES, AND INTERESTS THEREON. THE UNITS ARE TO BE BUILT WITH ALL EASEMENTS, ENCUMBRANCES, AND INTERESTS THEREON. THE UNITS ARE TO BE BUILT WITH ALL EASEMENTS, ENCUMBRANCES, AND INTERESTS THEREON. THE UNITS ARE TO BE BUILT WITH ALL EASEMENTS, ENCUMBRANCES, AND INTERESTS THEREON.
 4. EASEMENTS, ENCUMBRANCES, AND INTERESTS SHALL FOLLOW THE UNIT BOUNDARIES.



Date: Monday, August 1, 2011
To: Honorable Mayor and City Council
From: Troy Vitek, P.E., Assistant City Engineer

Consent Request:

Consideration of a request to approve an Improvement Agreement for Settler's Ridge No.2, Phase 4A.

Background:

Settler's Ridge No.2, Phase 4A has been in escrow, but now the owner wishes to build, which requires an updated developer's agreement.

Budget Impact:

None

Regulatory Impact:

Accepting the Improvement Agreement allows the developer to build on the lots in the subdivision.

Conclusion:

Staff recommends that the Council accept the agreement and authorize the Mayor to sign.

Attachments:

1. Improvement Agreement

IMPROVEMENT AGREEMENT

for

DEVELOPMENTS

This Agreement made and entered into this ____ day of ____, 20____, by and between the CITY OF TWIN FALLS, State of Idaho, a municipal corporation, hereinafter called "City" and SETTLER'S RIDGE, LLC hereinafter called "Developer" for the purpose of constructing certain improvements on property sought to be developed for the following Development SETTLER'S RIDGE No. 2, PHASE 4A.

WHEREAS, there is attached hereto and incorporated herein as if the same were set out in full, a certified copy of the deed to the real property showing ownership of said real property to be in the Developer's name, or, as the case may be, there is attached hereto and incorporated herein as if the same were set out in full, a copy of the deed to the above described real property showing ownership in fee simple in someone other than Developer together with a notarized authorization, signed by the real property owner, authorizing Developer to act on behalf of said real property owner, and;

WHEREAS, Developer desires to develop said real property for the following purposes:

RESIDENTIAL SUBDIVISION

WHEREAS, the Developer is obligated to construct certain improvements pursuant to City Code Section 10-12-4.2, and;

WHEREAS, the Developer has committed to construct special features as part of the development, and;

WHEREAS, the City has certain policies, ordinances, rules and regulations governing the construction of improvements, and;

WHEREAS, it is in the best interest of the City and Developer to clearly establish in one concise document the policies, ordinances, rules and regulations which apply to developments of the type contemplated herein.

WITNESSETH

That for and in consideration of the mutual promises, conditions, and covenants contained herein the parties agree as follows:

I.

City agrees: (1) to operate and maintain all approved streets, alleys, service and roads, excluding state highways, constructed under the terms of this Agreement in any public rights-of-way

or easements and which are presently within or subsequently annexed into the City limits. Those streets, excluding state highways, lying outside the City limits and within the City Area of Impact shall be constructed to City standards but shall become the responsibility of the Twin Falls Highway District until such time as they are annexed or a maintenance agreement is signed by the City and the Twin Falls Highway District. (2) To operate and maintain all approved water lines, drainage lines, and sewer lines constructed under the terms of this Agreement in any public rights-of-way or easements and to provide water and sewer service to the Developer's real property, subject to all ordinances, rules and regulations governing sewer and water service. (3) To maintain non-pressure irrigation lines only where they cross City streets. All other maintenance of non-pressurized irrigation lines is the responsibility of the Twin Falls Canal Company or the irrigation users.

II.

In lieu of the actual installation of required public improvements before recording of the final plat, the Council may permit the subdivider to provide a financial guarantee of performance in one (1) or a combination of the following arrangements for those requirements which are over and beyond the requirements of any other agency responsible for the administration, operation and maintenance of the applicable public improvement.

a. Surety Bond

1. Accrual - The Bond shall accrue to the City covering construction, operation and maintenance of the specific public improvement.
2. Amount - the bond shall be in an amount equal to one hundred percent (100%) of the total estimated cost for completing construction of the specific public improvements, as estimated by the Developer's Engineer and approved by the City Engineer.
3. Term Length - The term length in which the bond is in force, for the duration of that phase of the project, shall be until completed and accepted by the City Engineer.
4. Bonding for Surety Company - The bond shall be with a surety company authorized to do business in the State of Idaho, acceptable to the Council.
5. The escrow agreement shall be drawn and furnished by the subdivider to the satisfaction of the Council.

b. Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit.

1. Treasurer, Escrow Agent or Trust Company - A cash deposit, certified check, negotiable bond or an irrevocable bank letter of credit such surety acceptable by the Council, shall be deposited with an escrow agent or trust company.
2. Dollar Value - The dollar value of the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be equal to one hundred percent (100%) of the estimated cost of construction for the specific public improvements, as estimated by Developer's Engineer and approved by the City Engineer.
3. Escrow Time - The escrow time for the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be until all required improvements are completed and accepted by the City Engineer.
4. Progressive Payment - In the case of cash deposits or certified checks, an agreement between the City and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.

III.

Developer agrees to retain a Professional Engineer, hereinafter called the Developer's Engineer, registered by the State of Idaho to perform the following minimum Engineering Services in accordance with Title 10 Chapter 12 Section 4-1 of the City Code:

- a. Prepare a master utility plan showing the location of all existing and proposed utility lines to include but not be limited to sewer, water, gas, electricity, telephone, irrigation, pressure irrigation and storm sewer.
- b. Prepare detailed plans and specifications for construction of all improvements required by this Agreement and shall include but not be limited to a complete set of construction plans, including profiles, cross-sections, specifications and other supporting data, for all required public streets, utilities and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies. All

- construction plans shall be prepared in accordance with the public agencies' standards and specifications.
- c. Perform construction surveying, staking, testing, inspection and administer the construction of all facilities required by this contract.
 - d. Submit all test reports, inspection reports, change orders and construction diaries to the City Engineer every week during the construction of the development or subdivision.
 - e. Prepare and submit an updated copy of the enclosed development and subdivision checklist to the City Engineer every week during the construction of the development or subdivision, and also upon completion of the project.
 - f. Submit to the City Engineer the final plans, and master utility plan for the City records showing any approved changes to the original plans and specifications. A permanent drawing in ink on approved transparent polyester drafting film and an electronic media copy of the plans in ACAD 2000 using City standard format shall be provided within thirty (30) days after completion of the project.
 - g. Submit a letter upon completion of construction stating that the work has been constructed in conformance to the plans and specifications, with the certification by the Developer's Engineer that improvements were constructed to the lines and grades shown.

The above work shall be subject to the approval of the City Engineer.

The City agrees to provide asphalt pavement testing for conformance with City standards, but it shall be the responsibility of Developer's Engineer to provide all necessary quality control during construction. All tests shall be taken at a frequency based upon City of Twin Falls Standard Specifications.

The Developer agrees to: (1) allow the City full and complete access to the work (2) provide all materials necessary to conduct all tests (3) supply all water necessary to test pipe joints and (4) provide the equipment and perform or have performed any testing of manufactured materials required by the City Engineer.

The Developer shall submit a letter to the City Engineer upon completion of the project, requesting that the City assume the responsibility for maintenance and operation of all public improvements as stated herein.

IV.

The Developer agrees to obtain a permit or letter of approval from the Twin Falls Highway District or the State of Idaho Department of Highways prior to constructing improvements on their respective right-of-ways. The original or a certified copy of said permit or letter shall be submitted to the City Engineer prior to beginning of construction thereon.

V.

The Developer agrees to dedicate rights-of-way to the public for the development of all streets and alleys in accordance with the City Master Street Plan and to dedicate easements for the maintenance and operation of all public utilities. The size and location of said rights-of-way and easements shall be determined by the City Engineer.

VI.

The Developer hereby agrees and petitions the City to annex into the corporate limits of said City, the above described real property that is contiguous with the same or becomes contiguous to said City limits. Developer agrees to annexation of said real property by the City upon the terms and conditions as shall be set forth by said City.

VII.

The Developer and the City agree that the improvements listed herein are required unless specifically waived by action of the City Council and that said improvements will be constructed on any public rights-of-way or easements approved and accepted by the City Council all as designed by the Developer's Engineer and approved by the City Engineer and in accordance with standards established by the City Engineer and that all required improvements will be completed in a timely manner. If improvements are not completed in a timely manner, the Developer shall provide an updated, current version of the developer's agreement and financial guarantee for City Council consideration.

VIII.

The Developer agrees to pay the total actual costs of all materials, labor and equipment necessary to completely construct all of the improvements required herein, except those costs specifically shown to be paid by the City and to construct or contract for the construction of such improvements.

IX.

Developer agrees to pay the total extra cost of all additional materials, labor and equipment necessary to construct any streets the City requires to be wider or deeper than a standard street or any water or sewer lines the City requires to be larger than the size required to properly serve the

development. The requirement for wider and deeper streets shall be based on the City Master Street Plan. Requirements for larger water and sewer lines shall be based on the citywide sewer and water system sizing guidelines.

X.

The City shall provide no compensation for the cost of an oversize water or sewer line. In the case of water or sewer lines extended adjacent to or outside the limits of development, the Developer shall be eligible for payback from adjacent property owners pursuant to Resolution No. 1182. The Developer shall also be eligible for compensation when a private developer extends or connects to any water or sewer system previously installed by private developer, pursuant to Resolution 1651.

XI

Developer agrees to request in writing that the Developer's Engineers make the inspections required herein and the Developer or his Contractors shall not proceed with the next construction phase until the required inspection is complete and the work has been approved by the Developer's Engineer, the City Engineer or the Engineer's authorized inspector. All such inspections shall be scheduled in accordance with the City of Twin Falls Standard Specifications. Developer agrees to pay all costs resulting from: 1) his failure to properly schedule and request a required test or inspection or 2) proceeding with work before receiving approval to proceed. Developer agrees to remove or correct any rejected, unapproved or defective work or materials as required by the Developer's Engineer or the City Engineer. Any such defective work whether the result of poor workmanship, use of defective materials, damage through carelessness or any other cause, shall be removed within ten (10) days after written notice is given by the Developer's Engineer or the City Engineer, and the work shall be re-executed by the Contractor at his expense. The fact that either Engineer may have previously overlooked such defective work or materials shall not be a basis for acceptance of any part of it.

The issuance or approval of plans, specifications and computations shall not be construed as an approval of any violation of any provisions of City code, specifications, standards, policy, or any other ordinance of the City. Approvals of plans that may violate City code, specifications or departmental policies will not be valid.

The approval of construction plans, specifications, and other data shall not prevent the City from thereafter requiring the correction of errors or omissions in said plans or specifications prior to or during actual construction or final acceptance by the City.

The Developer shall remove from all public property all temporary structures, rubbish, and waste materials resulting from their operation or caused by his employees.

The Developer shall guarantee all materials, workmanship and equipment furnished for a period of one (1) year from the date of written acceptance of the work by the City Engineer or authorized representative.

The Developer shall be responsible for any damage to any existing public improvements and shall repair or replace any such damage as required by the City Engineer, during or after completion of this project.

XII.

The City and the Developer agree to the following minimum for Required Improvements, City Costs, Required Inspections and to any other improvements, approved or required by the City Council and shown on the approved construction plans.

PUBLIC WAYS

(a) Required Improvements

- (1) Curb, gutter and sidewalk on all public street rights-of-way.
- (2) A standard residential street thirty six feet (36') wide with an eight inch (8") gravel course and two inch (2") asphaltic concrete surface course on all public street rights-of-way serving residential use property.
- (3) Minor residential and private streets as specified in the City of Twin Falls Standard Drawings.
- (4) A standard commercial or collector street forty eight feet (48') wide with an eleven inch (11") gravel course and three inch (3") asphaltic concrete surface course on all public street rights-of-way serving commercial use property or as a collector street. Whenever a street serves an industrial use property the City Engineer will determine the appropriate structural section.
- (5) A service-road twenty four feet (24') wide with an eight inch (8") gravel course and two inch (2") asphaltic concrete surface course and with concrete curb-gutter or curb and valley-gutter on all public service road rights-of-way.
- (6) A sidewalk five feet (5') wide minimum on all public pedestrian rights-of-way. Four foot (4') sidewalks by special permission of the City Council are allowed by City of Twin Falls Standard Drawings for minor residential streets under certain conditions.

(7) Landscaping and sidewalk placement required adjacent to arterial and collector streets: A tract of land eleven feet (11') in depth behind the curb line will be dedicated as part of any residential development adjacent to arterial and collector streets. Within that tract the developer shall install landscaping six feet (6') in depth with a sprinkler system and with grass and trees behind the curb line and shall also install a five foot (5') sidewalk. The landscaping will be maintained by the city and funded through a fee added to the water bill of each account within the development. Irrevocable restrictive covenants for this development and maintenance shall provide for this funding. TFCC §10-12-4.2(O).

(8) Street signs and traffic control devices on all public streets.

(9) Street lights as determined by City policy for street light installation.

(b) City Costs

(1) The cost of any street signs or traffic control devices installed by the City on new or existing streets.

(2) The cost of any required street lights (standard luminaires mounted on a wood pole). The Developer shall pay the extra cost of any decorative luminaries or poles. Prior approval will be required, and the cost of maintenance, replacement and power usage will be considered.

(c) Required Inspections and Testing

(1) All inspections and testing shall be as required by City of Twin Falls Standard Specifications.

WATER SYSTEM

(a) Required Improvements

(1) Pursuant to City Code Section 7-8-3, 7-8-10 and 10-12-4.2 water line and fittings six inch (6") minimum diameter that will transport a flow of water, which will satisfy fire, domestic, other water demands of the development, based upon the City water pipe sizing plan and computer water model. Water line extension shall include connection from the existing City Water System to each building site and fire hydrants and then loop back to the City System in a manner that will provide a properly functioning system approved by the City Engineer, Water Superintendent and Fire

Chief. If the development is to be constructed in phases, the water system shall be looped back to the City system during the first phase. No dead-end lines will be allowed during any phase of the project.

- (2) Water lines and fittings adjacent to and internal to the development shall be sized to continue the orderly expansion of the City water distribution network in accordance with existing sizing guidelines.
- (3) Water valves that will allow temporary suspension of water flow for maintenance and repair of portions of water system without causing undue inconvenience to a large number of users or creating a critical situation in the suppression of fires.
- (4) Fire hydrant connections and fire hydrants spacing to substantially comply with the minimum standards suggested by the Fire Rating Bureau and American Water Works Association. Fire hydrants are required in all developments.
- (5) One water service line shall be constructed to each building site at the time the water lines are installed. Each service line shall not exceed fifty feet (50') in length and shall terminate at the right-of-way.

During construction of the curb the letter W shall be stamped into the top or face of the curb directly in front of the water meter box. The impression shall be not less than one and one half inches (1½") high. Meters shall be grouped at adjacent side lot lines when possible or at another location if requested by the Developer and approved by the City Engineer and Water Superintendent.

Water meter boxes will not be allowed in driveway approaches. Any cost associated in relocating meters from driveway approaches will be the responsibility of the Developer or Lot Owner. Temporary address or lot number signs shall be staked at the location where the water meter box is to be installed. The City may install multiple water meters in a single water meter box.

The City will make the water line tap only after all appropriate tap fees for a Water Connection General Permit have been received and permits issued. All new water service line and connections made from existing water service mains to service any new development will be the responsibility of the

Developer. The City will make the necessary service line tap after payment of the required water connection general permit fees.

- (6) One water service line tap, meter box, and service line shall be constructed for each building connected to the City water system. It is understood and agreed that the City will make all service line taps and install all meter boxes and that the fee paid by the developer for a Water Connection General Permit will reimburse the City for such work.
- (7) It is further understood and agreed that the City will make all connections to the existing water system. The City will disinfect the new water system at the developer's expense.

(b) City Costs

- (1) None.

(c) Required Inspections

- (1) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

WASTE WATER COLLECTION SYSTEM

(a) Required Improvements

- (1) Pursuant to City Code Section 7-7-4, 7-7-11 and 10-12-4.2 a waste water collection system (eight-inch (8") minimum diameter) that will transport a flow of waste water, under conditions of maximum and minimum discharge from the development, to the existing City waste water system.
- (2) Waste water sewer lines adjacent to or internal to the development will be sized to continue the orderly expansion of the City Waste Water Collection System in accordance with existing sizing guidelines and computer sewer model.
- (3) Manholes to provide access for maintenance and cleaning of the sewer lines located at any change of grade or alignment of the sewer, at the end of each sewer and spaced not more than four hundred feet (400') apart.
- (4) During construction of the curb the letter S shall be stamped into the top or face of the curb directly in front of the sewer service line location. The impression shall be not less than one and one half inches (1½") high.

(b) City Costs

(1) None.

(c) Required Inspections and Testing

(1) All inspections and testing shall be as required by City of Twin Falls Standard Specifications.

DRAINAGE SYSTEM

(a) Required Improvements

(1) Any valley-gutters, ditching, grading or other surface drainage facilities necessary to convey any storm run-off originating from or traversing across the proposed development over the land surface to a point of retention, detention or discharge approved by the City Engineer.

(2) Any catch basin, storm sewer and other sub-surface drainage facilities necessary to convey any storm run-off, originating from or traversing across the proposed development, to a point of retention, detention or discharge approved by the City Engineer, that cannot, in the City Engineer's opinion, be conveyed over the land surface without causing damage to public or private property or without being an unreasonable inconvenience or hazard to a private individual, a group of individuals or the general public.

(b) City Costs

(1) None.

(c) Required Inspections and Testing

(1) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

GRAVITY IRRIGATION SYSTEM

(a) Required Improvements

(1) Any pipe, boxes or other appurtenances necessary to convey all irrigation water in underground pipe across the development and any adjacent public property. Irrigation facilities outside an established City irrigation district shall be constructed in an irrigation easement on private property except where it is necessary for irrigation water to cross the public right-of-way and all such crossings shall be perpendicular to the center line of said right-of-way unless otherwise approved by the City Engineer due to some unusual condition.

- (b) City Costs
 - (1) None.
- (c) Required Inspections and Testing
 - (1) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

PRESSURE IRRIGATION SYSTEM

- (a) Required Improvements
 - (1) Pursuant to Section 7-8-3 of the City Code, the use of the City's potable water supply as the primary source of irrigation water in all new developments shall be prohibited. For purposes of this subsection, the term "new development" means any new subdivision or PUD, or any development of any parcel of land of two (2) acres or larger that is not part of a subdivision or PUD. One (1) share of Twin Falls Canal Company Water for each acre of property within the subdivision shall be deeded to the City of Twin Falls before the filing of the final plat for use in the City's pressurized irrigation system.
 - (2) Pressure irrigations water line and fittings shall be four inch (4") minimum diameter or larger that will transport a flow of water, which will satisfy all irrigation water demands of the development, based upon the computer irrigation water model that the developer's engineer has prepared.
 - (3) Water lines and fittings adjacent to and internal to the development shall be sized to continue the orderly expansion of the City Pressure Irrigation water distribution network in accordance with existing sizing guidelines.
 - (4) Water valves that will allow temporary suspension of water flow for maintenance and repair of portions of water system without causing undue inconvenience to a large number of users. One pressure irrigation water service line shall be constructed to each subdivision

lot site at the time the pressure irrigation water lines are installed. Each service line shall not exceed fifty feet (50') in length and shall terminate at the right-of-way. One Pressure irrigation water service line tap, irrigation box, and service line shall be constructed for each subdivision lot connected to the City pressure irrigation water system.

- (5) The Developer shall be responsible for all costs incurred in designing and installing the pressure irrigation station. This includes the land, pumps, motors, filters, buildings, delivery system to the station from the TFCC head gate, storage pond, Supervisory Control and Data Acquisition (SCADA) system, and power to the station.
 - (6) All pressure irrigation system plans must be prepared by the Developer's engineer shall be according to the City's standard specifications and drawings. Plans submitted to the City shall be signed by a Professional Engineer for review and final approval, before the City Engineer will sign the plat or approve construction plans.
 - (7) The Pressure Irrigation System shall be located within easements, right of ways and/or property deeded to the City of Twin Falls.
- (b) City Cost.
- (1) None
- (c) Required Inspections and Testing
- (1) All inspections and testing shall be as required by the City of Twin Falls Standard Specifications.

SPECIAL FEATURES

Pursuant to commitments made by the Developer as conditions of approval of the development, the following special features shall be constructed:

a) Required Improvements

N/A

b) City Costs

(1) None.

XIII.

The City and the Developer agree that the sequence of construction shall be as follows unless special approval in writing is obtained from the City Engineer:

1. Erosion and sedimentation controls.
2. Stormwater retention and detention facilities.
3. Waste water sewers and service connections.
4. Waste water manholes.
5. Storm sewers and catch basins.
6. Gravity irrigation pipes and boxes.
7. Pressure irrigation lines, service connections, etc.
8. Water lines and service connections.
9. Gas lines, power lines, telephone lines and cablevision lines.
10. Any other underground improvements that are required.
11. Sub-base preparation for public ways.
12. Gravel base course for public ways.
13. Curb-gutter, valley-gutter and sidewalk.
14. Gravel leveling course.
15. Asphalt paving.
16. Special Features.

XIV.

The Development may be phased as indicated on the attached development plan submitted by the Developer and approved by the City Engineer.

The terms of the basic agreement shall apply individually to each phase shown on the attached plan as though each phase were a separate and independent development providing each phase is begun in the sequence indicated on the development plan.

The two (2) year time limit, (indicated in Section VII of the Agreement) for completing the required improvements shall begin for each phase when the Developer sells a lot or an application or a building permit to construct a building within the phase has been received by the City.

The Developer may cease further development after completing any phase and before beginning the next phase and the basic agreement shall terminate in accordance with Section XVI, of the basic agreement for any undeveloped phases of the development originally proposed in the basic agreement.

XV.

This agreement shall bind the parties hereto, their heirs, successors in interest, and lawful assigns.

XVI.

In the event of a breach of Agreement, or should legal action of any kind be taken to enforce the provisions, hereof, the prevailing party shall be entitled to reasonable attorney fees and costs awarded by the Court.

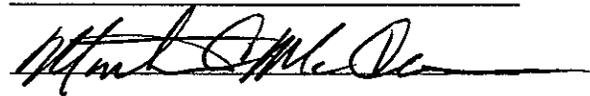
Attest:

CITY OF TWIN FALLS, IDAHO

City Clerk

Mayor

Developer



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

On this ____ day of _____, 20__, before me, the undersigned, a Notary Public for Idaho, personally appeared _____, known to me to be the persons whose names are subscribed to the within instrument on behalf of said Owner and acknowledged to me that said Owner executed the same.

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

Notary Public for Idaho
Residing at Twin Falls, Idaho

CORPORATION

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

On this 17 day of June, 2011, before me, the undersigned, a Notary Public for Idaho, personally appeared Monte McClure, known or identified to me (or proved to me on the oath of _____) to be the president, or vice-president, or secretary or assistant secretary, of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



Date: August 1, 2011
To: Honorable Mayor and City Council
From: Troy Vitek, P.E., Assistant City Engineer

Request:

Consideration of a request to accept a public easement.

Time Estimate:

The staff presentation will take approximately 2 minutes.

Background:

This easement would be located in Lots 27 and 28, Block 13, Canyon Trails Subdivision No. 10. The intended use for this easement would be for the installation, operation, maintenance, repair, and/or replacement of a pressure irrigation mainline and appurtenances.

Budget Impact:

The Council's approval of this request will not impact the City budget.

Regulatory Impact:

None.

Conclusion:

Staff recommends that the Council approve the request as presented.

Attachments:

1. Warranty Deed

TWIN FALLS COUNTY
RECORDED FOR:
EHM ENGINEERS
2:01:41 pm 06-07-2011
2011-010733
NO. PAGES: 2 FEE: \$13.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: BHUNTER

Public Easement

FOR VALUABLE CONSIDERATION, The receipt of which is hereby acknowledged, **CANYON PROPERTIES LLC**, an Idaho Limited Liability Company, having lawful authority to do so, hereafter referred to as "Grantor(s)", does hereby irrevocably grant and convey unto **THE CITY OF TWIN FALLS**, a Municipal Corporation, whose address is P.O. Box 1907, Twin Falls, Idaho, 83303-1907, hereafter referred to as "Grantee", an easement for the installation, operation, maintenance, repair, and/or replacement of a pressure irrigation mainline and appurtenances:

The location of the easement granted herein being described as follows:

An easement located in Lots 27 and 28, Block 13, Canyon Trails Subdivision No. 10, P.U.D. according to the official plat thereof recorded in the office of the Twin Falls County Recorder in book 22 of plats on page 14.

Said easement being described as follows.

The North 15 feet of said Lots 27 and 28.

This grant of easement is permanent, and shall bind the parties, their heirs, personal representatives, lawful assigns and successors in interest.

TO HAVE AND TO HOLD, said easement unto Grantee, its successors and assigns this 7th day of June, 2011.

CANYON PROPERTIES LLC, An Idaho Limited Liability Company

BY: 
Gary N. Nelson, Managing Member

STATE OF Idaho)

)ss

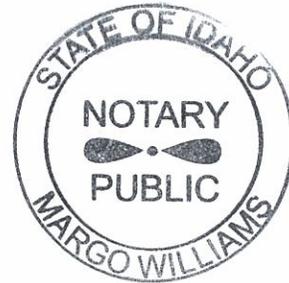
County of Twin Falls

On this 7th day of June, 2011, at 12:00 P.M., before me, a Notary Public, personally appeared **Gary N. Nelson**, known or identified to me to be the Managing Member of **CANYON PROPERTIES LLC**, an Idaho Limited Liability Company and acknowledged to me that the company executed the same. In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in the certificate first above written.

Margo Williams
Notary Public for Idaho

Residing at Twin Falls

Commission Expires 9-1-2012





Date: August 1, 2011
To: Honorable Mayor and City Council
From: Troy Vitek, P.E., Assistant City Engineer

Request:

Consideration of a request to accept Tracts A and B, Block 1, Settler's Ridge No. 3 Subdivision.

Time Estimate:

The staff presentation will take approximately 2 minutes.

Background:

These tracts will provide access and a location for a pressurized irrigation pond which is in the design of the subdivision. Previously the developer granted easements to the City for construction of a pressurized irrigation station. Now that the subdivision is platted, the developer is deeding over the Tracts that the PI station sits on per staff recommendations.

Budget Impact:

The Council's approval of this request will not impact the City budget.

Regulatory Impact:

None.

Conclusion:

Staff recommends that the Council approve the request as presented.

Attachments:

1. Warranty Deed

WARRANTY DEED

FOR VALUE RECEIVED **SETTLER'S RIDGE, LLC, an Idaho Limited Liability Company**, hereinafter called the grantor, hereby grants, bargains, sells and conveys unto **THE CITY OF TWIN FALLS, IDAHO, A Municipal Corporation**, hereinafter called grantee, whose address is:
P.O, Box 1907, Twin Falls, Idaho 83303-1907, the following described premises, in Twin Falls County, Idaho, to-wit:

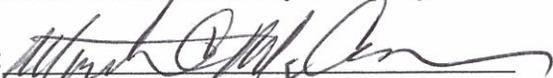
Tracts A and B, Block 1, **SETTLER'S RIDGE NUMBER 3 SUBDIVISION**, Twin Falls County, Idaho, according to the official plat thereof recorded in Book 24, of Plats, page 2, records of Twin Falls County, Idaho.

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: 5-26-11, 2011

SETTLER'S RIDGE, LLC,
an Idaho Limited Liability Company

By: Triad Capital, LLC,
an Idaho Limited Liability Company

BY: 
Monte C. McClure, Member

SETTLER'S RIDGE, LLC,
an Idaho Limited Liability Company

By: Canyon View Properties,
an Idaho General Partnership

BY: 
Gary Blick, Partner

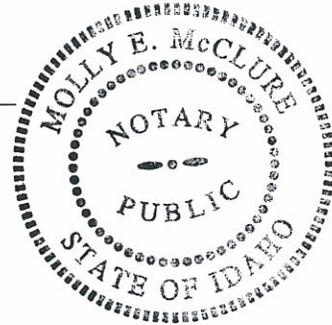
STATE OF IDAHO
County of ~~Twin Falls~~ Ada

On this 26 day of May, 2011, before me, a Notary Public in and for said State, personally appeared Monte C. McClure, known or identified to me to be a member of **Triad Capital, LLC** as member of the limited liability company of **SETTLER'S RIDGE, LLC**, and the member who subscribed said limited liability companies' names to the foregoing instrument and acknowledged to me that he executed the same in said limited liability companies' names.

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

Molly E. McClure

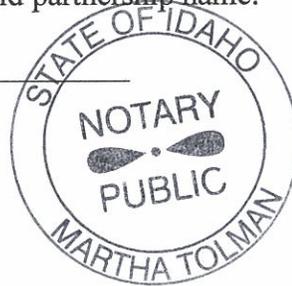
Notary Public for Idaho
Residing in Bose, ID
Commission expires 1/30/16



STATE OF IDAHO
County of Twin Falls

On this 20th day of July, 2011, before me, a Notary Public, personally appeared Gary Blick, known or identified to me to be the General Partner in **Canyon View Properties**, a partnership, and the partner who subscribed said partnership name as member of the limited liability company of **SETTLER'S RIDGE, LLC** and acknowledged to me that he executed the same in said partnership name.

Martha Tolman
Notary Public for Idaho
Residing in Twin Falls
Commission Expires 10/17/12





BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:)	
)	
<u>Final Plat Application,</u>)	FINDINGS OF FACT,
)	
<u>Canyon Villas Subdivision</u>)	CONCLUSIONS OF LAW,
<u>c/o EHM Engineers, Inc.</u>)	
Applicant(s).)	AND DECISION
)	

This matter having come before the City Council of the City of Twin Falls, Idaho on July 18, 2011 for consideration of the final plat of the Canyon Villas Subdivision, approximately 15.33 (+/-) acres consisting of 27 residential lots located at the northwest corner of Grandview Drive North & Falls Avenue West within the Perrine Point PUD, and the City Council having heard testimony from interested parties, having received written Findings from the Planning and Zoning Commission and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has requested approval of the final plat of the Canyon Villas Subdivision, approximately 15.33 (+/-) acres consisting of 27 residential lots located at the northwest corner of Grandview Drive North & Falls Avenue West within the Perrine Point PUD.
2. The property in question is zoned R-6 PUD pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Neighborhood Center/Urban Village/Urban Infill in the duly adopted Comprehensive Plan of the City of Twin Falls.
3. The existing neighboring land uses in the immediate area of this property are: to the north, Sunterra Subdivision/Residential & Agricultural; to the south, Falls Avenue West/Agricultural; to the east, Grandview Drive North/Orchalara Subdivision/Agricultural; to the west, Residential/Agricultural.

4. The City Engineering Office has reviewed the final plat and has approved the proposed street accesses and public utility extensions, subject to availability of such services at the time of development. The developer will pay all costs of public improvements, including but not limited to streets, curb gutter and sidewalks, sewer, water and pressurized irrigation systems. The proposed development includes dedication of additional right-of-way in compliance with the Master Street Plan.

Based on the foregoing Findings of Fact and the regulations and standards set forth below, the City Council hereby makes the following

CONCLUSIONS OF LAW

1. The final plat of the Canyon Villas Subdivision, approximately 15.33 (+/-) acres consisting of 27 residential lots located at the northwest corner of Grandview Drive North & Falls Avenue West within the Perrine Point PUD is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.

2. The final plat is in conformance with the Comprehensive Plan as required by Twin Falls City Code §10-12-2.3(H)(2)(a).

3. Public services are currently available to accommodate the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (b). Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity.

4. The development of streets, sewer, water, irrigation, dedication of park land and other public improvements at the cost of the developer will not adversely affect any capital improvement plan and will integrate with existing public facilities, as required by Twin Falls City Code §10-12-2.3(H)(2)(c).

5. There is sufficient public financial capability of supporting services for the proposed development, as required by Twin Falls City Code §10-12-2.3(H)(2)(d).

6. There are no other health, safety or environmental problems associated with the proposed development that were brought to the City Council's attention, per Twin Falls City Code §10-12- 2.3(H)(2)(e).

7. The final plat is in conformance with the Preliminary Plat. Based on the foregoing Conclusions of Law, the Twin Falls City Council hereby enters the following

DECISION

The request for approval of the final plat of the Canyon Villas Subdivision, approximately 15.33 (+/-) acres consisting of 27 residential lots located at the northwest corner of Grandview Drive North & Falls Avenue West within the Perrine Point PUD is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

"EXHIBIT NO. A"

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to approval and recordation of an ordinance for the vacation of a 15(+/-) acre portion of the Perrine Point Subdivision prior to recordation of the Canyon Villas Subdivision a re-plat of a portion of the Perrine Point Subdivision, a PUD, final plat.



BEFORE THE PLANNING & ZONING COMMISSION OF THE CITY OF TWIN FALLS

In Re:

Vacation Application,

The Edmunds Group, LLC

c/o EHM Engineers, Inc.

Applicant(s)

)
) FINDINGS OF FACT,
)
) CONCLUSIONS OF LAW,
)
) AND DECISION
)

This matter having come before the City Council of the City of Twin Falls, Idaho on July 18, 2011 for public hearing pursuant to public notice as required by law for Vacation of a portion of Perrine Point Subdivision, including all dedicated public right-of-way, easements and property lines consisting of fifteen (15) +/- acres of property for the purpose of re-platting the Perrine Point Subdivision located north and west of the intersection of Falls Avenue West and Grandview Drive North and the City Council of the City of Twin Falls having heard testimony from interested parties and being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for Vacation of a portion of Perrine Point Subdivision, including all dedicated public right-of-way, easements and property lines consisting of fifteen (15) +/- acres of property for the purpose of re-platting the Perrine Point Subdivision located north and west of the intersection of Falls Avenue West and Grandview Drive North
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following dates: June 30, 2011 & July 7, 2011

3. The property in question is zoned R-6 PUD pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Neighborhood Center/Urban Village/Urban Infill in the duly adopted Comprehensive Plan of the City of Twin Falls.

4. The existing neighboring land uses in the immediate area of this property are: to the north, Sunterra Subdivision/Residential/Agricultural; to the south, Falls Avenue West/Agricultural; to the east, Grandview Drive N/Orchalara Subdivision/Agricultural to the west, Residential & Agricultural

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

CONCLUSIONS OF LAW

1. The application for Vacation of a portion of Perrine Point Subdivision, including all dedicated public right-of-way, easements and property lines consisting of fifteen (15) +/- acres of property for the purpose of re-platting the Perrine Point Subdivision located north and west of the intersection of Falls Avenue West and Grandview Drive North is consistent with the purpose of the R-6 PUD Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use is consistent with the provisions of the Comprehensive Plan and Zoning Ordinance of the City of Twin Falls, and in particular Sections 10-1-4, 10-1-5, 10-16-1 & 2, Twin Falls City Code.

3. The proposed use is proper use in the R-6 PUD Zone, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

4. The application for Vacation of a portion of Perrine Point Subdivision, including all dedicated public right-of-way, easements and property lines consisting of fifteen (15) +/- acres of property for the purpose of re-platting the Perrine Point Subdivision located north and west of the intersection of Falls Avenue West and Grandview Drive North should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls.

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

DECISION

1. The application Vacation of a portion of Perrine Point Subdivision, including all dedicated public right-of-way, easements and property lines consisting of fifteen (15) +/- acres of property for the purpose of replatting the Perrine Point Subdivision located north and west of the intersection of Falls Avenue West and Grandview Drive North is hereby granted.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls.

MAYOR - TWIN FALLS CITY COUNCIL

DATE

Exhibit No. A

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to a letter of approval from each of the utility companies impacted by this vacation.

APPLICATION #: 2464



Date: Monday, August 1st, 2011
To: Honorable Mayor and City Council
From: Lee Glaesemann, Staff Engineer

Request:

Consideration to construct the Falls and Eastland Intersection in accordance with Alternate B and execute a Development Agreement with Amazing Grace Fellowship to accept the right of way to construct the work.

Time Estimate:

The staff presentation will take approximately 5 minutes plus time for Q & A.

Background:

The Falls Avenue East and Eastland Drive North intersection is scheduled to be reconstructed as part of the ongoing efforts to repair and reconstruct Eastland Drive. As part of the reconstruction of the intersection, 3 alternatives were considered.

Alternative A is the base project, which includes pavement reconstruction, necessary Handicap Access improvements, and reconstruction of curb & gutter on the northeast corner to adjust asphalt grades to accommodate future widening.

Alternative B Includes Alternative A, but also includes the construction of a turn lane on the northeast corner to increase intersection capacity, particularly for traffic approaching the intersection from the East. To construct the turn lane on the northeast corner, additional right of way is needed. Amazing Grace Church owns the property on the property and has been approached regarding the acquisition of the needed right of way. They have signed the attached agreement to dedicate the right of way to the City if the City will agree to construct the turn and merge lanes.

Alternative C includes both Alternatives A and B, but also includes adding a westbound lane on the North side of Falls between Wood River Drive and Eastland. Existing right of way already exists to construct this additional lane. Although this additional lane will be needed at some point in the future, it does not appreciably improve capacity on westbound Falls Avenue because there is only one westbound lane on Falls Avenue from Wood River to Locust. This lane should not be needed until it is necessary to widen Falls Avenue East between Eastland and Locust. Also, this widening would have impacts on the homeowners along this stretch of Falls Avenue that may be unnecessary at this time.

Estimated Incremental Costs of Alternatives:

Alternative A: \$174,649.85
Alternative B: \$108,916.29
Alternative C: \$107,672.27

Estimated Cumulative Costs of Alternatives:

Alternative A	Total: \$174,649.85
Alternative B (A+B)	Total: \$283,566.14
Alternative C (A+B+C)	Total: \$391,238.41

These cost estimates assume that this work would be added to the Falls Ave East Waterline project. If constructed as a separate project, additional time and costs would be expected due to loss of efficiency and added redundancies involved with multiple contracts.

Approval Process:

State Statute requires that property or right of way cannot be dedicated to the City without the City Council's acceptance.

Approval by the Council to construct Alternative B and execute the Development Agreement with Amazing Grace Church.

Budget Impact:

An estimated cost of **\$284,000**, which would be funded through the use of reserves previously authorized by the Council to reconstruct Eastland Drive.

Regulatory Impact:

NA

Conclusion:

Staff recommends that the Council approve Alternative B as part of the reconstruction of the intersection of Falls Avenue East and Eastland North and execute the Development Agreement with Amazing Grace Church to acquire the needed right of way.

Attachments:

1. Maps – Alternate A, Alternate B, Alternate C, Aerial.
2. Amazing Grace Development Agreement

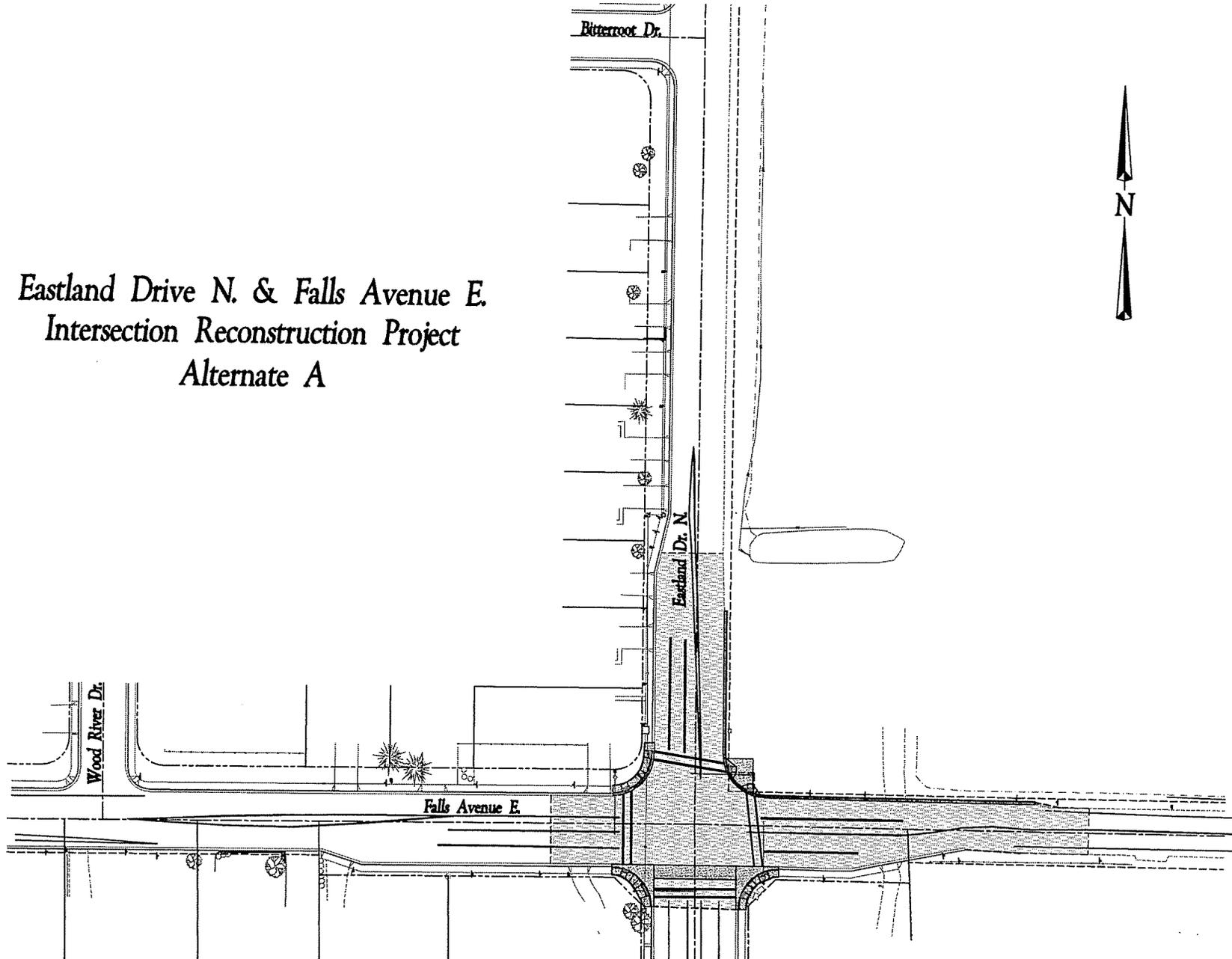


Amazing Grace Church

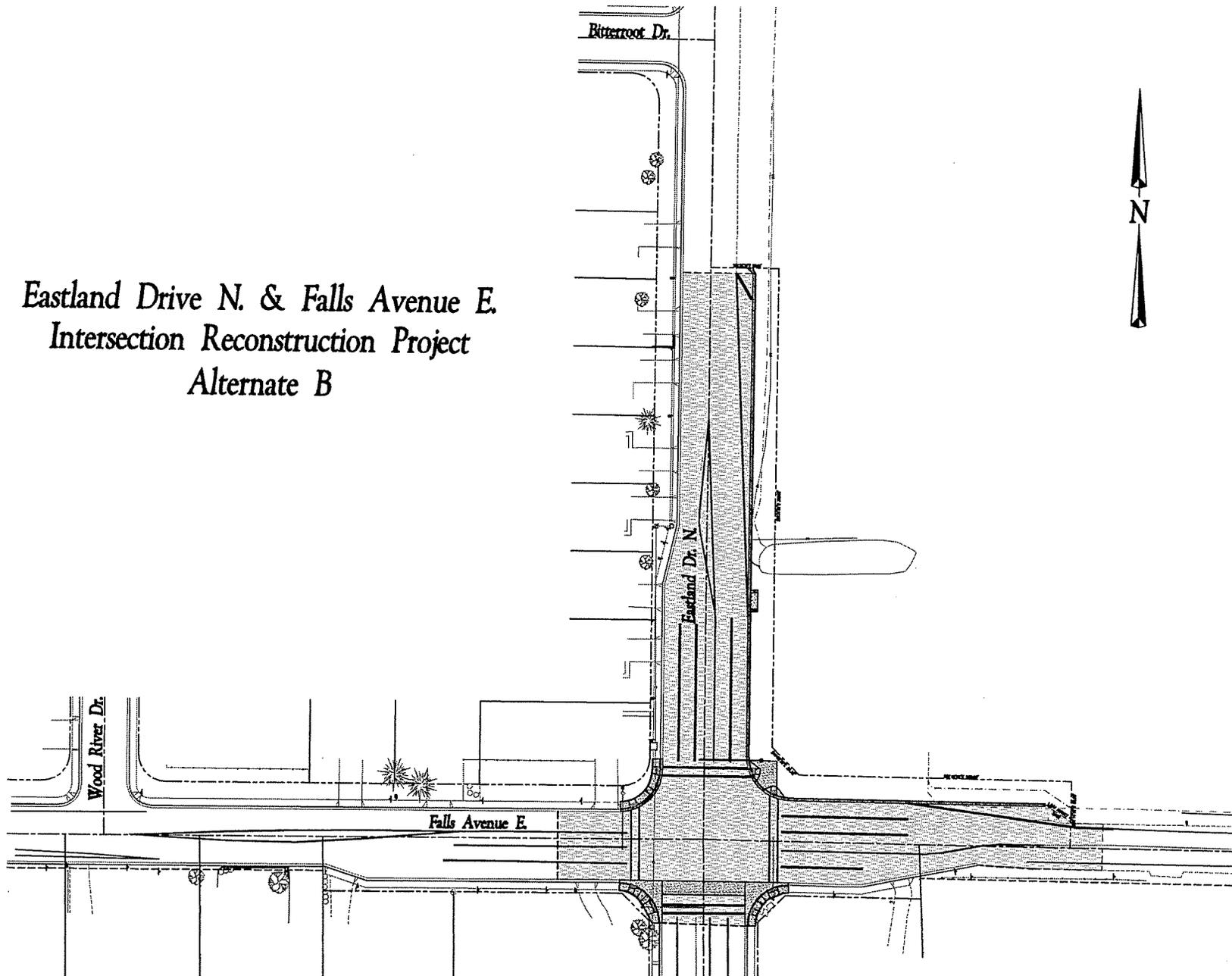
Falls Avenue East

Eastland Drive North

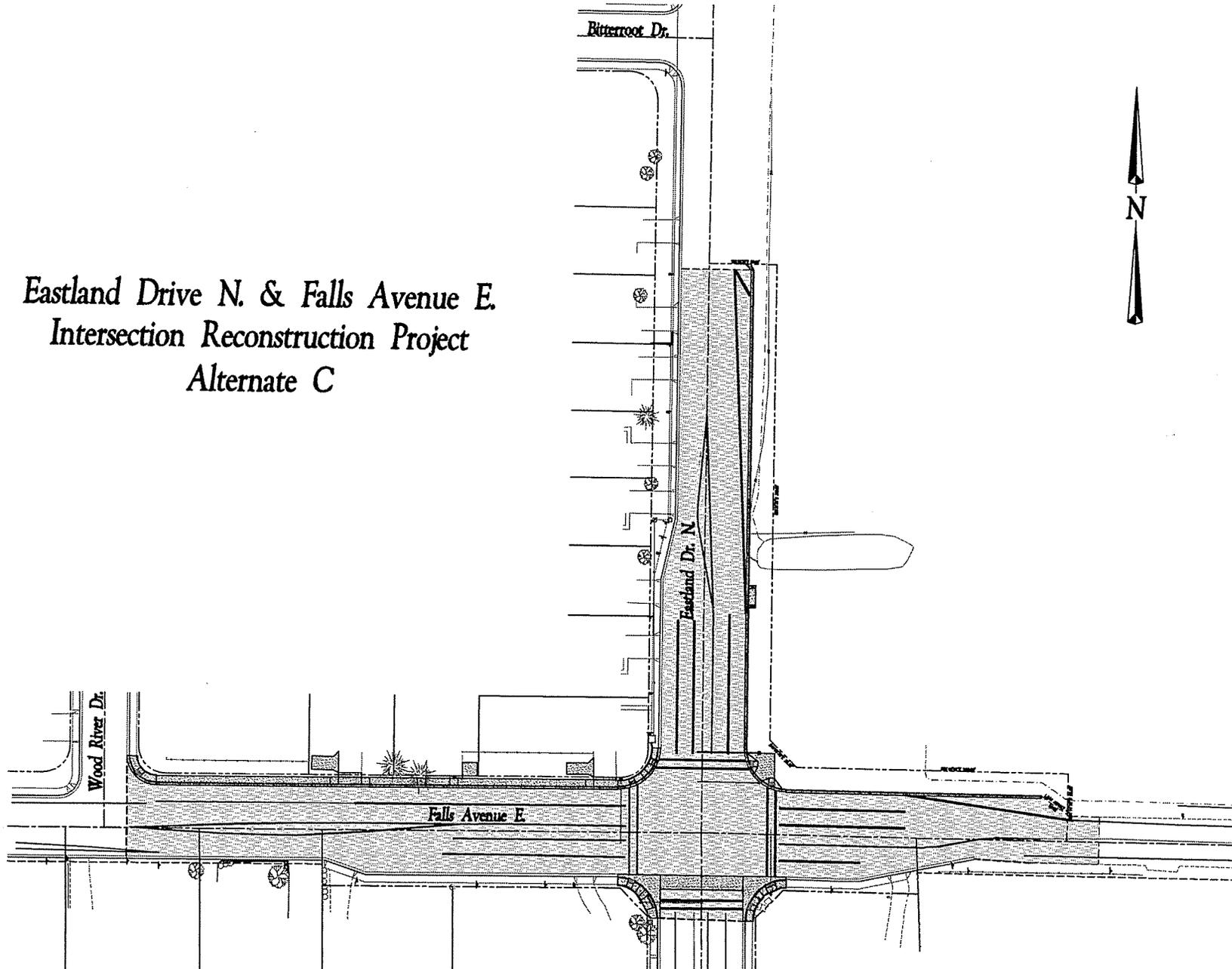
*Eastland Drive N. & Falls Avenue E.
Intersection Reconstruction Project
Alternate A*



*Eastland Drive N. & Falls Avenue E.
Intersection Reconstruction Project
Alternate B*



*Eastland Drive N. & Falls Avenue E.
Intersection Reconstruction Project
Alternate C*



DEVELOPMENT AGREEMENT

This Development Agreement (the "Agreement") is made and entered into this 17th day of May, 2011, by and between **AMAZING GRACE FELLOWSHIP, INC.**, an Idaho Corporation, (hereinafter "Grantor"); and the **CITY OF TWIN FALLS, IDAHO** (hereinafter "Grantee"), and is made with respect to the following facts and objectives:

WITNESSETH:

Grantor will dedicate property (Exhibit A) within two weeks of acceptance of the agreement by the City Council of Twin Falls.

WHEREAS, it is the desire and intent of Grantor and Grantee to arrange, by and through this Agreement, for the orderly development and responsibilities of development on the Property, in a manner that is conducive to achieving full compliance with applicable rules and regulations of Twin Falls County, Idaho, and the City of Twin Falls, Idaho.

NOW THEREFORE, it is agreed between the parties hereto as follows:

Grantee Shall:

1. Construct roadway improvements including paving, curb and gutter, ADA approaches, and relocate the existing traffic signal pole.
2. Relocate and reconnect electrical feed and irrigation pump as needed to accommodate roadway work.
3. Construct a temporary approach for access to the existing irrigation pond and pump.

Grantor Shall:

1. Dedicate right of way as described in Exhibit A to the Grantee within two weeks of acceptance of this Agreement by the Grantee.
2. Remove and replace the temporary driveway approach with standard curb and gutter upon development of the Grantors adjoining property.
3. Shall retain storm water runoff resulting from the road widening.

Date: 5/17/11

GRANTOR:
AMAZING GRACE FELLOWSHIP, INC.,
an Idaho Corporation

BY: [Signature]

Date: _____

GRANTEE:
CITY OF TWIN FALLS, IDAHO

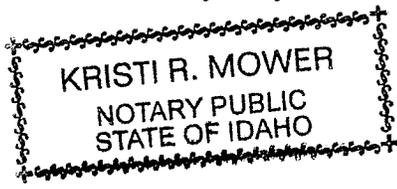
BY: _____
Don Hall, Mayor

STATE OF IDAHO
County of Twin Falls

On this 17th day of May, 2011, before me, a Notary Public in and for said State, personally appeared Lynn Schaal, known or identified to me to be the President 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 said corporation's name.

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

[Signature]
Notary Public for Idaho
Residing in Twin Falls, ID
Commission expires 1/23/2013



STATE OF IDAHO
County of Twin Falls

On this _____ day of _____, 2011, before me, the undersigned, Notary Public in and for said State, personally appeared _____, known or identified to me to be the _____ for the City of Twin Falls, Idaho, and known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same on behalf of the City of Twin Falls, Idaho.

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

Notary Public for Idaho
Residing at:
My Commission expires:

EXHIBIT A

A parcel of land located in a portion of the Southwest quarter of Section 2, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho; being more particularly described as follows:

Commencing at the Southwest corner of said Section 2, being the REAL POINT OF BEGINNING.

Thence, North 00°34'25" East, 419.19 feet, along the West boundary of Section 2.

Thence, South 89°25'35" East, 50.00 feet.

Thence, South 00°34'25" West, 350.00 feet, along a line 50 feet east of and parallel with the West boundary of Section 2.

Thence, South 44°05'39" East, 28.12 feet.

Thence, South 88°45'42" East, 200.00 feet, along a line 50 feet north of and parallel with the South boundary of Section 2.

Thence, South 01°14'18" West, 50.00 feet, to a point on the South boundary of Section 2.

Thence, North 88°45'42" West, 269.19 feet, along the South boundary of Section 2 to the REAL POINT OF BEGINNING.

Containing approximately 32,143 square feet.



Date: Monday, August 1, 2011
To: Honorable Mayor and City Council
From: Jackie Fields, City Engineer

Request:

Consideration of a request to adopt Resolution No. ___ and authorize the Mayor to sign a Cooperative Agreement with ITD, associated with the encroachment permit on US-30 Kimberly Road.

Time Estimate:

The staff presentation will take approximately 5 minutes.

Background:

The Urban Renewal Agency (URA) is constructing a 24-inch waterline in the shoulder of US-30 Kimberly Road between Hankins Road (3200 E) and Champlin Road (3300 E). As part of the encroachment permit, ITD has asked the City to enter into a cooperative agreement for maintenance of the shoulder until an overlay or more significant roadway work is constructed in the area of the permit. This request helps the City avoid a requirement to bore a new pavement. It is similar to the agreements that the City entered into with ITD for the arsenic projects.

The agreement is in draft form and will be amended per the email that is attached to this item. Conceptual approval of the document and authorization of the mayor to sign the final agreement will facilitate the issuance of the permit for this project so that the contractor can proceed as expediently as possible.

Approval Process:

ITD requires cooperative agreement to delineate shared responsibilities on projects affecting State highway. They also require a resolution to confirm the City's acceptance of the agreement.

The Council is asked to authorize the Mayor to sign the final agreement and is asked to adopt the resolution.

Budget Impact:

There is no budget impact associated with this request. The construction contract places suitable requirements on the contractor so that risk of failure is low.

Regulatory Impact:

None.

Conclusion:

Staff recommends that the Council authorize the Mayor to sign the cooperative agreement and adopt the resolution.

Attachments:

1. Draft Cooperative Agreement for issuance of encroachment permit associated with the URA waterline project.
2. Resolution
3. Email from Kimbol Allen to Jackie Fields on 7/22/2011

COOPERATIVE AGREEMENT
For
ISSUANCE OF ENCROACHMENT PERMIT
CITY OF TWIN FALLS

DRAFT

PARTIES

THIS AGREEMENT is made and entered into this _____ day of _____, _____, by and between the **IDAHO TRANSPORTATION DEPARTMENT**, hereafter called the State, and the **CITY OF TWIN FALLS**, hereafter called the City.

PURPOSE

The City has applied for an encroachment permit (Permit) for the construction, operation and maintenance of a water line on U.S. Highway 30 between approximate milepost 220.67 and 220.97. A copy of the permit is attached hereto marked Exhibit A. The City has agreed to provide maintenance of the roadway within this section. This Agreement will set out the responsibilities of the parties related to this action.

THE PARTIES AGREE AS FOLLOWS:

1. The State agrees to grant the City an Encroachment Permit for the purpose of installing water line within the eastbound shoulder of US-30 from milepost 220.67 to milepost 220.97.
2. The City agrees to assume all duties and responsibilities as it relates to the Permit.
3. The City shall be responsible for maintenance of the water line installed under the Permit.
4. The City shall be responsible for maintenance of US-30, as follows:
 - a. Replace and maintain asphalt shoulder and adjacent pavement from the southeast corner at the intersection of Kimberly Road (US-30) and Hankins for approximately 1600 Ft to the east.
 - b. Provide surface repair, including but not limited to, potholes, setting, and cracking, including crack sealing.

Such maintenance responsibilities shall continue until such time as ~~the State reconstructs the roadway.~~ *NOT APPLICABLE jaf*

- 5. The City further agrees that as consideration for this Agreement the City agrees to indemnify and hold harmless the State from any and all claims of any kind, character or nature arising out of the operation of the City's water line, including, but not limited to, the introduction of hazardous chemicals or substances into the water line. This provision for indemnification shall include, in addition to any damages which may be claimed or result, reimbursement for reasonable attorney fees and the cost of defense incurred by the State.

EXECUTION

This Agreement is executed for the State by its Highways Program Oversight Engineer, and executed for the City by its Mayor, attested to by the City Clerk, with the imprinted corporate seal of the City of Twin Falls.

IDAHO TRANSPORTATION DEPARTMENT

APPROVED BY:

Highways Program Oversight Engineer

APPROVED AS TO FORM:

RECOMMENDED:

Samuel J. All

Deputy Attorney General

District Engineer

ATTEST:

CITY OF TWIN FALLS

City Clerk

DRAFT

Mayor

hm:TwinFalls SH30 Coop.docx

*FINAL as revised
to follow.*

RESOLUTION

WHEREAS, the Idaho Transportation Department, hereafter called the **STATE**, has submitted an Agreement stating obligations of the **STATE** and the **CITY OF TWIN FALLS**, hereafter called the **CITY**, for construction of a water line within US30 from MP 220.67 - 220.97;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Agreement for construction of a water line within US30 from MP 220.67 - 220.97 is hereby approved.
2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the **CITY**.
3. That duly certified copies of the Resolution shall be furnished to the Idaho Transportation Department.

CERTIFICATION

I hereby certify that the above is a true copy of a Resolution passed at a *regular, duly* called special (X-out non-applicable term) meeting of the City Council, City of Twin Falls, held on _____, 2011.

(Seal)

City Clerk

SPECIAL PROVISIONS

Permittee shall notify Dennis Jensen or Dave Dana, Maintenance Foreman, 48 hours prior to commencing work and arrange for a preconstruction meeting if requested by the foreman.

Permittee shall notify the Maintenance Foreman again upon completion of the work. (208-736-3088 or 208-316-0490 or 208-316-0494)

All work associated with this permit shall be in compliance with the ITD Standard Specifications for Highway Construction.

The Code of Federal Regulations, Part 634, Title 23 requires all persons working in State Highway Right of Way to wear Class 2 or 3 high-visibility clothing and headwear. Clothing must meet American National Standard Institute/International Safety Equipment Association 107-2004 specifications.

Permittee shall notify Gary Bybee, Traffic Signal Electrician Foreman at 886-7855 or 316-0503 and Bruce Christensen at 886-7860, 48 hours prior to commencing work if any Idaho Transportation Department traffic signals or electrical structures exist at work area.

If permitted work will impact the normal flow of traffic for more than two hours, permittee shall provide a completed ITD-0511 form at least two working days prior to the beginning of traffic impact. Information will be added to the ITD 511-Road Information website. The completed form is to be sent by e-mail to Nathan Jerke (nathan.jerke@itd.idaho.gov; 208-886-7809) and Kathy Williams (kathy.williams@itd.idaho.gov; 208-886-7815).

Highway signs disturbed during construction shall be temporarily mounted in a location where they will continue to serve their intended purpose. Upon completion of the installation they shall be replaced in their present location.

In accepting this permit, the Permittee agrees that the State of Idaho will not be liable for damage to the Permittee's facility within 15' of the shoulder due to maintenance of the highway.

In accepting this permit, the Permittee agrees to re-seed the disturbed area by drilling or broadcasting. (Refer to attached Seeding Guide)

In accepting this permit, the permittee agrees to adhere to all laws that deal the Americans with Disabilities Act (ADA).

Paved two-way traffic shall be maintained throughout the project.

Compliance with submitted and Approved Traffic Control Plan is required.

Compliance with submitted and Approved Design Plans is required.

Note: All traffic control devices shall meet NCHRP-350 crashworthiness requirements.

It shall be the Permittee's responsibility, prior to commencing excavation, to notify owners of underground facilities as stipulated in Chapter 22, Title 55 of the Idaho Code. Dig Line number is 811 or 1-800-342-1585.

Any damage to traffic light wiring or conduits shall be repaired or replaced by the permittee.

The permit holder and all subcontractors, agents, or assigns working for, or on the behalf of the permit holder are required to have a copy of the approved Encroachment Permit at the work site while work is in progress.

This permit shall be void unless the work herein contemplated shall have been completed before 05-09-2012.

Permittee shall place buried water line within 2 feet of existing utilities or as close to right of way boundary as feasible.

All unearthed rock or other material shall be hauled away, buried or dispersed to natural state.

Any damage to existing paved surfaces shall be repaired with crushed aggregate and plantmix to match the existing material depths.

All asphalt patches shall be made of approved plant hot mix and installed in two courses with .20 in each course for a total thickness of .40 and tack coat on abutting edges of pavement prior to pavement placement.

All traffic control devices on State or Federal Highways shall meet the requirements of the current edition of the Manual on Uniform Traffic Control Devices (MUTCD).

All equipment shall be removed from the roadway during off hours.

All aggregate shall come from a source approved by ITD.

The City of Twin Falls shall be subject to the "Cooperative Agreement for Maintenance of State Highways: "US-30".

Asphalt shoulder, from the southeast corner at the intersection of Kimberly Rd (US-30) and Hankins for approximately 1600 feet to the east, shall be replaced to the existing asphalt depth.

Trench Backfill shall be "Engineered Backfill" with inspection reports regularly sent to ITD according to project specifications in the contract documents.

Compaction reports for borrow, pipe density, $\frac{3}{4}$, and plant mix shall be sent to the Idaho Transportation Department according to project specifications in the contract documents.

Testing and reporting shall be done by a person certified to inspect the materials and placement of materials during construction by the "Western Alliance for Quality Transportation Construction" (WAQTC) policies and procedures.

ITD Maintenance Foreman shall have authority to update and change traffic control during construction.

ITD Maintenance Foreman shall be invited to the Contractors weekly planning and safety meetings. He must also be provided with a daily schedule of work.

All trenches shall be covered as work progresses each day and trenches or bore pits shall be covered so they are not accessible overnight.

Businesses affected by the construction shall be notified a week prior to construction in their area. Businesses must have adequate continuous access.

When project is completed permittee shall send ITD their as-built plans or as constructed location of all encroachments.

The contractor will be required to comply with all Federal, State, and local laws and regulations controlling pollution and contamination of the environment. The permittee is responsible for sediment and erosion control.

The permittee is responsible for obtaining all other State or Federal permits required by the work (for example a 404 permit from the USACE).

Right-Of-Way Encroachment Application and Permit for Utilities



Key Number	Project Number F-2981(14)	Beginning Station ~105	Ending Station ~158+68	Permit Number 4-11-100
Segment Code 002040	Access Control Type (I-V) II	Roadway Type (Urban, Rural) Rural		Number of Lanes 4
GPS Coordinates	Latitude 42° 32' 53.919" N	Longitude 114° 25' 16.307" W	Elevation 3804' to 3824'	
Fee \$	<i>N/C</i>	<input type="checkbox"/> Inspection Fee Required \$	<input type="checkbox"/> Performance Bond Required \$	

Utility Company Complete Below

Permit Type	<input checked="" type="checkbox"/> New Installation <input type="checkbox"/> Upgrade <input type="checkbox"/> Relocation <input type="checkbox"/> Other						
	<input type="checkbox"/> Gas <input checked="" type="checkbox"/> Water <input type="checkbox"/> Cable <input type="checkbox"/> Telephone <input type="checkbox"/> Electric <input type="checkbox"/> Sewer <input type="checkbox"/> Fiber Optic <input type="checkbox"/> Other						
	<input type="checkbox"/> Overhead <input checked="" type="checkbox"/> Underground <input type="checkbox"/> Overhead and Underground Both Involved						
Method of Installation	<input type="checkbox"/> Jack <input checked="" type="checkbox"/> Bore <input type="checkbox"/> Cut <input type="checkbox"/> Trench <input checked="" type="checkbox"/> Casing <input type="checkbox"/> Plow <input type="checkbox"/> Other						
	Location	Route US-30	Beginning Milepost 220.668	Ending Milepost 221.675	Township 10 South	Range 17 East	Sections 24
	County(s) Twin Falls	Name of Nearest Crossroad Hankins Rd. to 3300 East			Distance From Crossroad (Feet)		
	Distance From Center of Road (Feet) ~ 50 South	OR	Right-of-Way Line (Feet) ~ 14 north	Right-of-Way Width (Feet) 100			
	Angle of Crossing (Degrees) 90	Vertical Clearance (Feet)		Depth (Inch) 36" min			
Facility Specifications	Potential (V, KV)	Pipe Size (Inch) 24"		Pressure (PSI)			
	Structure Attachment Type (Requires Bridge Approval)						
Other Permits Required	<input type="checkbox"/> Railroad <input type="checkbox"/> DEQ <input type="checkbox"/> 404 (COE) <input type="checkbox"/> BLM <input type="checkbox"/> Forest Service <input type="checkbox"/> Tribal						
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other						

Attach the following:

1. Plans or drawings (3 sets) showing proposed work, all utility locations, trench details, and traffic control. Include Department roadway alignment or project plans when available.
2. Details or shop drawings for attachment to any structures within the highway right-of-way.
3. Special Provisions and/or variance when applicable.

I certify that I am the Authorized Utility Company Representative and request permission to construct the above facilities within the State Highway Rights-of-Way in accordance with the General Provisions printed on the reverse side of this form, the Special Provisions, and the Plans made a part of this permit.

Company Name City of Twin Falls	Authorized Representative (Print) Rob Bohling	Phone 208-736-2275
Address PO Box 1907, 321 2 nd Ave. East	City Twin Falls	State ID
Zip 83301	Signature of Authorized Representative	
Date		

Subject to all terms, conditions, and provisions shown on this form or attachments, permission is hereby granted to the above-named applicant to perform the work described.

Local Government Approval When Required		
Signature <i>[Signature]</i>	Title Assist City Engineer	Date 5/5/11

Department Approval	
Chief / District Engineer <i>[Signature]</i>	Date 5/19/11

NOTE: Permit will be considered Temporary until final inspection and approval by a Department representative.

General Provisions Permit # 4-11-100

1. No work shall commence until the permittee is given notice to proceed by an authorized representative of the Department. The permittee shall notify the Department five (5) working days prior to commencing the permitted work. This permit is valid for one year and SHALL BE VOID if all work is not completed and as-built drawings submitted, and the Department has not been contacted to make final inspection for approval within one year of the issuance date.
2. The permittee shall observe and comply with all applicable laws, ordinances, regulations, orders and decrees. By signing this permit, the permittee, his designated representative or successors, agree to indemnify, save harmless, and defend regardless of outcome the State from the expenses of and against all suits or claims, including costs, expenses, and attorney fees that may be incurred by reason of any act or omission, neglect, or misconduct of the permittee or its contractor in the design, construction, and maintenance or use of the facility covered by this permit. The permittee is responsible for obtaining all other necessary permits and approvals prior to starting work. The permittee must adhere to Idaho Code 55, Chapter 22, "Underground Facilities Damage Prevention", prior to any excavation work.
3. During the progress of all work, traffic control devices shall be erected and maintained as necessary or as directed for the protection of the traveling public. All utility companies, or contractors working for utility companies, are required to identify the name of the utility company at the work site. All traffic control devices shall conform to the *Manual on Uniform Traffic Control Devices for Streets and Highways* (latest edition adopted by the Department) and all other Department requirements. All flagging personnel shall have flagging certification valid in Idaho (some other State's are accepted).
4. Except as herein authorized, all underground crossings shall be bored or jacked.
5. Parked equipment and stored materials shall be as far from the traveled way as feasible. Items, excavations or obstacles within 30 feet of the traveled way shall be properly marked and/or protected.
6. Upon completion of the permitted work, the permittee shall restore the site to original condition or better at no expense to the Department. Restoration includes, but is not limited to, repair of any and all damage, correction of any interferences with highway drainage, restoration of survey monuments and traffic control devices, and all required grading and seeding. All rubbish and debris shall be immediately removed from the work area, to the satisfaction of the Department.
7. The permitted work shall be subject to inspection at any time by the Department. The Department shall be reimbursed by the permittee for any additional inspection required under the Special Provisions of this permit. All work shall be in conformity with the permit requirements including location and depth or height, and current government and industry standards. The permittee shall provide satisfactory evidence to the Department that the work was performed, and the utility located, as required by this permit.
8. A copy of this permit, complete with special provisions, plans and traffic control requirements, shall be kept at the work site at all times when work is in progress.
9. This permit shall not be deemed or considered an exclusive right, and shall not prohibit the Department from using any of its highways, streets, or public places or affect its right to full supervision and control over all or any part of them, none of which is hereby surrendered. This permit shall not prohibit the Department from granting other permits or franchise rights of like or other nature to other public or private utilities. The Department reserves the right to make at any time such modification, addition, repair, relocation, or removal of an existing encroachment(s) or its appurtenances or any encroachment(s) or subject(s) authorized by this permit within the highway right-of-way as may be necessary to permit the relocation, reconstruction, widening, and maintenance of the highway and/or to provide proper protection to life and property on or adjacent to the highway. Said change or removal shall be made at the sole expense of the permittee, or its successors and assigns. All such modifications, relocation, or removal by the permittee shall be done in such a manner as will cause the least interference with the traveling public or any of the Department's work.
10. The Department may revoke, amend, amplify, or terminate this permit or any of the conditions herein enumerated if the permittee fails to comply with any or all of its provisions, requirements, or regulations as herein set forth or through willful or unreasonable neglect, fails to heed or comply with notices given, or if the utility herein granted is not installed or operated and maintained in conformity herewith.
11. The permittee shall maintain at its sole expense the structure or subject for which this permit is granted.
12. If trench or pavement settlement should occur, or any other kind of displacement, due to the work covered under this permit, within two years from the date of installation, repairs shall be made by the permittee as directed by the District Engineer at no cost to the Department. If the permittee fails to make the necessary repairs, the Department will make the repairs and bill the permittee. No new permits shall be issued to the permittee until such claims have been settled.
13. Any modification or addition to, or removal or relocation of, work granted by this permit may require a new permit for approval by the District Engineer. All work within the highway right-of-way shall be document on as-built drawings and submitted to the District within 30 days of completion of work.

Also See Attached Special Provisions

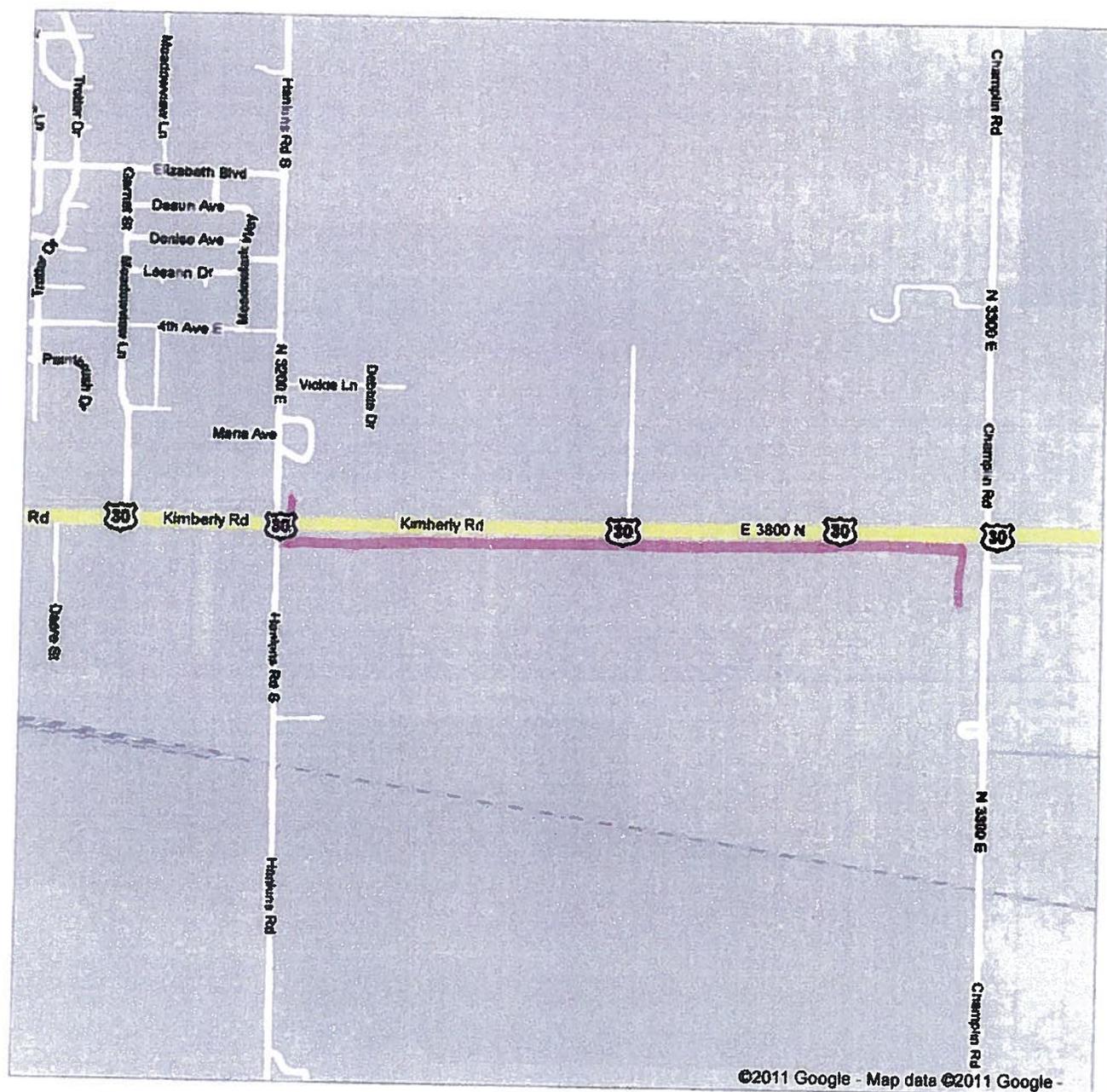
District Staff Review									
Review	Reviewer Name	Date	Recommendation		Other Review	Reviewer Name	Date	Recommendation	
			Yes	No*				Yes	No*
Traffic			<input type="checkbox"/>	<input type="checkbox"/>	Planner	AS	5-9-11	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maintenance	KRA	5/9/11	<input checked="" type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>
Design		5/9/11	<input checked="" type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>
Right-of-Way	MS	5-9-11	<input checked="" type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>	<input type="checkbox"/>

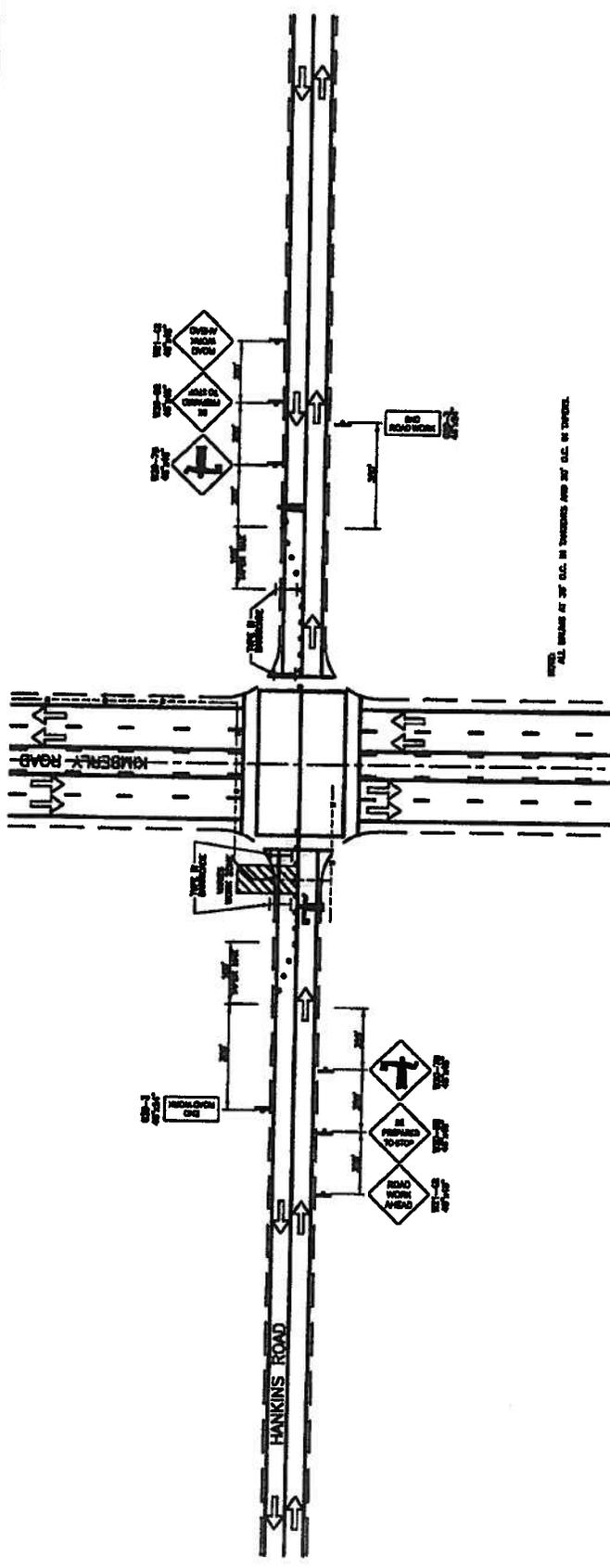
Appeal Review									
Review	Reviewer Name	Date	Recommendation		Review	Reviewer Name	Date	Recommendation	
			Deny	Approve				Deny	Approve
Local Agency			<input type="checkbox"/>	<input type="checkbox"/>	CE			<input type="checkbox"/>	<input type="checkbox"/>
DTE			<input type="checkbox"/>	<input type="checkbox"/>	Hearing Officer			<input type="checkbox"/>	<input type="checkbox"/>
DE			<input type="checkbox"/>	<input type="checkbox"/>	Director			<input type="checkbox"/>	<input type="checkbox"/>
STE			<input type="checkbox"/>	<input type="checkbox"/>	Board			<input type="checkbox"/>	<input type="checkbox"/>

*Attach Reason(s) for Denial and/or Recommendations for Variances.

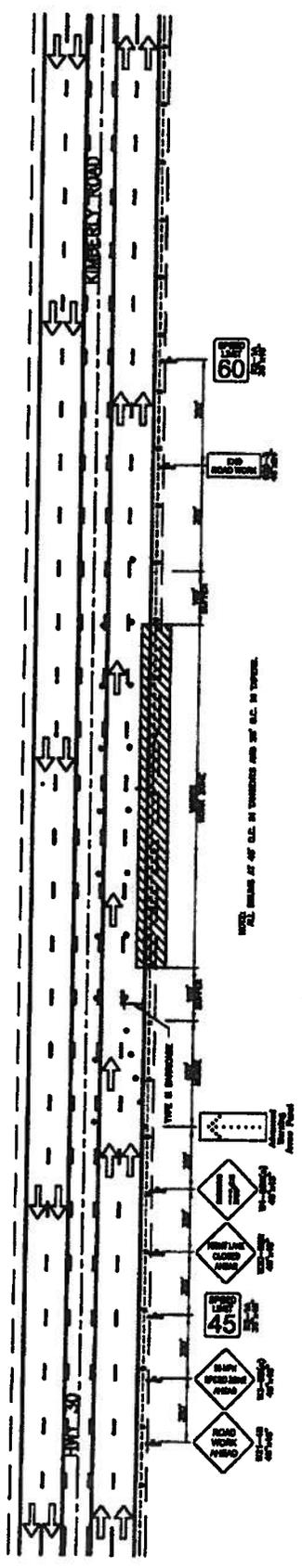


To see all the details that are visible on the screen, use the "Print" link next to the map.





LANE CLOSURE - ONE LANE/TWO WAY AT INTERSECTION - HANKINS ROAD
BOULEVARD TO ROAD



LANE CLOSURE - FOUR LANE/TWO WAY - KIMBERLY ROAD
BOULEVARD TO ROAD

ITD DISTRICT 4 SEEDING GUIDE

Southern Idaho Type Sites (Standard Mixes)

	<u>GRASSES</u>	<u>LBS. BULK SEED PER ACRE</u>
SHOSHONE SOUTH	Siberian W.G. (AGSI)	5
	"Ephraim" Crested (AGCR)	5
	Covar Sheep Fescue	5
	<u>LEGUME</u>	
	<u>NATIVES</u>	
	To Be Determined	1
	TOTAL:	16

Northern Idaho Type Sites (Standard Mixes)

	<u>GRASSES</u>	<u>LBS. BULK SEED PER ACRE</u>
HAILEY & ALBION AREAS	"Durar" Hard Fescue (FEOVD)	7
	"Tegmar" Dwarf Intermediate W.G. (AGINI)	7
	"Manchar" Smooth Brome (BRIN)	4
	<u>LEGUME</u>	
	Ladak Alfalfa (MESAL)	1
	<u>NATIVES</u>	
	To Be Determined	1
	TOTAL:	20

	<u>GRASSES</u>	<u>LBS. BULK SEED PER ACRE</u>
SHOSHONE TO HAILEY	"Sodar" Streambank W.G. (AGRI)	9
	"Tegmar" Dwarf Intermediate W.G. (AGINI)	7
	"Ephraim" Crested (AGCR)	3
	<u>LEGUME</u>	
	Ladak Alfalfa (MESAL)	1
	<u>NATIVES</u>	
	To Be Determined	1
	TOTAL:	21

	<u>GRASSES</u>	<u>LBS. BULK SEED PER ACRE</u>
KETCHUM NORTH & STANLEY BASIN	"Secar" Blue Bunch Wheat Grass	5
	Idaho Fescue	2
	Prairie Junegrass	1
	"Bromer" Mountain Brome	5
	Western Wheat Grass	3
	Sulfur Flower Buckwheat	1
	TOTAL:	17

* Call Vegetation Foreman, Shawn Webb "Prior" if any substitutions need to be made: (208) 736-3088, Cell (208)316-0470

Jackie Fields - Re: FW: Kimberly Road agreement

From: Jackie Fields
To: Haderlie, Gary; dave.jensen@itd.idaho.gov; kimbol.allen@itd.idaho.gov
Date: 7/21/2011 4:20 PM
Subject: Re: FW: Kimberly Road agreement
CC: Vitek, Troy

I can take this to the council with the statement below recommending approval. it is highly likely that the council will approve it as amended below. of course, i can't guarantee that but it would be extraordinary if they didn't concur because this community needs that waterline.

Jackie

Jacqueline D. Fields, P.E.
City Engineer
208.735.7273

>>> "Gary Haderlie" <ghaderlie@jub.com> 7/21/2011 9:08 AM >>>
 Hi Jackie,

The State has agreed to provide the permit, if you can provide an email stating you agree to the following change to the maintenance agreement. The email should go to Kimbol and Dave and copy me.

Kimbol.Allen@itd.idaho.gov

Dave.Jensen@itd.idaho.gov

I have attached the change to the agreement which consists of the following wording:

W "Such maintenance responsibilities shall continue until such time as the State provides an overlay or more significant road construction, but will terminate no later than five years from construction of the waterline."

We have discussed that the maintenance agreement should reflect this change rather than a cover letter.

Again if you could email that you will agree to this change, they will provide the permit, and a new blue-backed agreement will also be prepared.

Gary

From: Kimbol Allen [mailto:Kimbol.Allen@itd.idaho.gov]
Sent: Thursday, July 14, 2011 11:20 AM
To: 'jfields@tfid.org'
Cc: Gary Haderlie
Subject: RE: Kimberly Road agreement

Jackie,

We agree on releasing the City prior to major reconstruction. We have discussed a termination clause that would allow the City to request pavement maintenance by the State after 5 years or upon completion of an overlay or more significant road construction.

Would you be comfortable with a cover letter to that effect or would you prefer that we have the agreement rewritten and resubmitted to you?

Thanks,

Kimbol

From: Gary Haderlie [mailto:ghaderlie@jub.com]
Sent: Thursday, July 14, 2011 10:28 AM
To: Kimbol Allen
Subject: FW: Attached Image

Hi Kimbol,

Attached is the agreement Dave scanned to me. I have also scanned in and attached the proposed changes.

Gary

From: Scanner Account
Sent: Thursday, July 14, 2011 10:18 AM
To: Gary Haderlie
Subject: Attached Image

This e-mail and any attachments transmitted with it are created by and are the property of J-U-B ENGINEERS, Inc. and may contain information that is confidential or otherwise protected from disclosure. The information it contains is intended solely for the use of the one to whom it is addressed, and any other recipient is directed to immediately destroy all copies. If this electronic transmittal contains Professional Design Information, Recommendations, Maps, or GIS Database, those are "draft" documents unless explicitly stated otherwise in the email text.

This e-mail and any attachments transmitted with it are created by and are the property of J-U-B ENGINEERS, Inc. and may contain information that is confidential or otherwise protected from disclosure. The information it contains is intended solely for the use of the one to whom it is addressed, and any other recipient is directed to immediately destroy all copies. If this electronic transmittal contains Professional Design Information, Recommendations, Maps, or GIS Database, those are "draft" documents unless explicitly stated otherwise in the email text.



MONDAY AUGUST 01, 2011

To: City Council Meeting

From: Mitch Humble, Community Development Department

AGENDA ITEM II-

Request: Consideration of an Amendment to PUD Agreement #229 between the City of Twin Falls and Canyon Properties, LLC

Background:

Applicant: Canyon Properties, LLC c/o Gary N. Nelson 5422 North 400 East Hagerman, Idaho 83332 736-8400/731-5030 Nelsonandco@cableone.net	Status: Owner/Developer Current Zoning: C-1 PUD Comprehensive Plan: Commercial/retail and residential Existing Land Use: Mixed Use PUD; Residential, and undeveloped professional/commercial	Size: 160 (+/-) acres Requested Zoning: Amendment to Canyon Properties PUD Agreement #229 and Master Development Plan Lot Count: PUD Proposed Land Use: Mixed Use Planned Unit Development
Representative: EHM Engineers, Inc. c/o Tim Vawser 621 North College Rd, ste 100 Twin Falls, Idaho 83301 208-734-4888 tvawser@ehm-inc.com	Zoning Designations & Surrounding Land Use(s)	
	North: R-2; Federation Road - Northern Passage Sub/residential; South: C-1 PUD; Pole Line Road-St Luke's/Wal-Mart-portions of undeveloped commercial PUD's	East: R-4 PUD Aol/R-2; Villa Del Rio PUD Subdivision; residential/Northern Sky Subdivision; residential West: R-2 & C-1 PUD; Columbia Dr/Grandview Estates Subdivision-undeveloped residential subdivision & Center Point PUD; undeveloped professional/commercial PUD
	Applicable Regulations: 10-1-4, 10-1-5, 10-6-1	
	Applicable Regulations: 10-1-4, 10-1-5, 10-6-1	

Approval Process:

As per City Code 10-6-1:

10-6-1: PUD, PLANNED UNIT DEVELOPMENT SUBDISTRICTS:

(E) Approval of a PUD Subdistrict:

1. Preliminary Development Plan. The petitioner for a planned unit development subdistrict may, after pre-application conferences with the planning staff, submit a preliminary development plan to the Commission for review, which development plan shall include the following:
 - a. The proposed site plan, showing building locations and land use areas;
 - b. Proposed traffic circulation, parking areas, pedestrian walks and landscaping;
 - c. Proposed construction sequence for buildings, streets, spaces and landscaped areas;
 - d. Existing zoning district boundaries;
 - e. A survey of the property, including topography, buildings, watercourses, trees over six inches (6") in trunk diameter, streets, utility easements, drainage patterns, right of way and land use;
 - f. Other requirements that the Planning Department, Planning Commission, or legislative body may request.
2. After Commission review, a public hearing shall be held before the Commission and Council for a zoning district and zoning map amendment.
3. Final Development Plan. Within one year after approval of the preliminary development plan, the petitioner shall submit to the Planning Commission a final development plan. This plan shall include the following information:
 - a. A survey of the property, including topography, buildings, watercourses, trees over six inches (6") in trunk diameter, streets, utility easements, drainage patterns, right of way and land use;
 - b. A site plan showing proposed building locations, open spaces and land use area;
 - c. Traffic circulation, parking areas and pedestrian walks;
 - d. Landscaping plans;
 - e. Land indicated as open space, streets and sidewalks and the plan shall provide that they be permanently maintained as such either by private covenants attached to a made a part of the plan, or, if suitable and mutually agreeable, by public dedication. In the event the

open space is to be maintained through private covenants, the Planning Commission shall require, prior to the approval of any final plat, the establishment of a home owner's association, and either:

- (1) Specific performance of the open space portion of the proposed plan, or
- (2) Posting a bond sufficient to assure specific performance.

f. Such final development plan shall be in general conformance with the approved preliminary development plan.

g. Final approval shall be binding on the development and changes from the final plan shall be subject to approval by the Planning Commission and legislative body.

h. The applicant may request extension of the time limit not later than thirty (30) days prior to the expiration of the base year limit.

4. Findings Required. The Planning Commission shall recommend to the Council approval, approval with modifications, or disapproval of the final development plan. Upon approval, the plan shall constitute the zoning requirements and subdivision plat for the land in the planned unit development subdistricts.

5. Approval of a planned unit development subdistrict shall be based on the following standards:

a. The proposed uses shall not be detrimental to present any potential surrounding uses; nor shall they be detrimental to the health, safety and general welfare of the public.

b. The density of the planned unit development shall be in substantial conformity with the density of surrounding zoning districts.

c. Any variation from the basic zoning district requirements must be warranted by the design and amenities incorporated in the final development plan.

d. The final development plan must be in conformance with the comprehensive land use plan.

e. Existing and proposed streets and utility services must be suitable and adequate for the proposed development.

f. The execution of a PUD agreement signed by the developer and the City which delineates commitments of the developer to the City and of the City to the developer. (Ord. 2124, 10-15-1984)

History:

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

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

On May 10, 2011 the Planning & Zoning Commission unanimously recommended approval of an amendment to Canyon Properties PUD #229 as presented and subject to conditions.

On June 6, 2011 The City Council approved the presented PUD agreement amendment to allow for the modifications within the identified buffer zones to allow for a maximum height of 28 feet – measured from the highest point of the top of curb or future curb or adjacent to the subject property, to allow for a Hospice office and a Transitional Care and Physical Rehabilitation Facility on Lots 24, 27 and 28, Block 13 Canyon Trails Subdivision No. 10 to allow unlimited hours of operation for the Hospice office and Transitional Care and Physical Rehabilitation Facility constructed on Lots 24, 27 and 28, Block 13, Canyon Trails Subdivision No. 10, and to allow up to eight (8) off premise signs as shown on the Amended Master Sign Plan, property located on the north side of 300-400 blocks of Pole Line Road West and within the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions – west of Blake Street North, as described on the Canyon Properties PUD Master Development Plan, and subject to:

1. Subject to Master Development Plan amendments as required by Building, Fire, Engineering and Zoning Officials to compliance with all applicable City Code requirements and standards.
2. Subject to recordation of Canyon Properties PUD Agreement #229 amendment, as approved by the City Council, prior to development of this site.
3. Signage being permitted as per City Code and as shown in sign plan in the PUD, with the 500 foot sign separation applying to signs on Pole Line Road only.
4. Vacation of the PI easement between lots 27 & 28, block 13, Canyon Trails Subdivision #10 be approved, an ordinance adopted & recorded and dedication of a new location for the PI easement be approved by the City Council prior to development of the transitional care facility.

Budget Impact:

Approval of this request will not impact the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to proceed with his development as approved.

Conclusion:

Staff feels that the attached agreement correctly reflects the PUD as it was approved and recommends Council approval of the agreement, as presented.

Attachments:

1. Final Draft of the Amendment to the Canyon Properties, LLC PUD Agreement #229 with attachments
2. Portion of Minutes of the June 06, 2011 CC public meeting

ADDENDUM TO C-1 PLANNED UNIT DEVELOPMENT AGREEMENT #229

CANYON PROPERTIES, P.U.D.

The Addendum Agreement is made and entered into as of the _____ day of _____, 20____, by and between the **CITY OF TWIN FALLS**, a Municipal Corporation (hereinafter called "City") and **CANYON PROPERTIES LLC**, An Idaho limited liability company (hereinafter called "Developer"), whose address is 5422 North 400 East, Hagerman, Idaho, 83332.

RECITALS:

WHEREAS, the City and Developer entered into a C-1 Planned Unit Development Agreement for the development of Canyon Properties, P.U.D. dated March 26, 2003;

WHEREAS, the C-1 Planned Unit Development agreement specifies the areas to be developed within Canyon Properties, P.U.D.;

WHEREAS, Canyon Properties LLC, has requested a PUD agreement modification to allow for modifications within buffer zones for additional allowable building height, allowance of certain uses and extended hours of operation for those uses, and inclusion of off-premise signs;

WHEREAS, the city, at a meeting of its City Council held on June 6, 2011 considered and approved the proposed PUD agreement modification to allow for the modifications within buffer zones to allow for a maximum height of 28 feet – measured from the highest point of the top of curb or future curb or adjacent to the subject property, to allow for a Hospice office and a Transitional Care and Physical Rehabilitation Facility on Lots 24, 27 and 28, Block 13 Canyon Trails Subdivision No. 10 to allow unlimited hours of operation for the Hospice office and Transitional Care and Physical Rehabilitation Facility constructed on Lots 24, 27 and 28, Block 13, Canyon Trails Subdivision No. 10, and to allow up to eight (8) off premise signs as shown on the Amended Master Sign Plan, property located on the north side of 300-400 blocks of Pole Line Road West and within the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions – west of Blake Street North, as described on the Canyon Properties PUD Master Development Plan, and subject to:

1. Subject to Master Development Plan amendments as required by Building, Fire, Engineering and Zoning Officials to compliance with all applicable City Code requirements and standards.
2. Subject to recordation of Canyon Properties PUD Agreement #229 amendment, as approved by the City Council, prior to development of this site.
3. Signage being permitted as per City Code and as shown in sign plan in the PUD, with the 500 foot sign separation applying to signs on Pole Line Road only.
4. Vacation of the PI easement between lots 27 & 28, block 13, Canyon Trails Subdivision #10 be approved, an ordinance adopted & recorded and dedication of a new location for the PI easement be approved by the City Council prior to development of the transitional care facility.

WHEREAS, the parties hereto now desire to amend the above referenced C-1 Planned Unit Development agreement to allow for the modifications within buffer zones for additional allowable building height, allowance of uses and extended hours of operation, and off premise signs at Canyon Properties, P.U.D.;

NOW, THEREOF, the parties hereto, agree to modify the PUD agreement as follows:

1. To allow for a building height of 28 feet measured from the highest point of the top of curb or future curb adjacent to the subject property within Canyon Trails Subdivision Number 10 in the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions.
2. To allow for a transitional care and physical rehabilitation facility within the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions.
3. To allow unlimited hours of operation for buildings constructed on Lots 24, 27, and 28, Block 13, Canyon Trails Subdivision No. 10.
4. To include multi-tenant signs providing no more than two (2) multi-tenant signs may be allowed on the west side of Park View Drive and no more than two (2) multi-tenant signs may be allowed on the east side of Park View Drive adjacent to Pole Line Road. In addition, two (2) multi-tenant signs may be placed on both the east and west side of the roadway adjacent to Park View Drive. Multi-tenant signs adjacent to Pole Line Road to have a minimum separation of 500' from another multi-tenant sign.

IN WITNESS WHEREOF, this Addendum Agreement has been executed on the day and year first above written.

City of Twin Falls,
a Municipal Corporation

Canyon Properties LLC,
an Idaho Limited Liability Corporation

By: _____
Don Hall, Mayor

By: _____
Gary N. Nelson, Managing Member

STATE OF IDAHO)
 :ss.
COUNTY OF TWIN FALLS)

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Don Hall, Mayor of Twin Falls, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

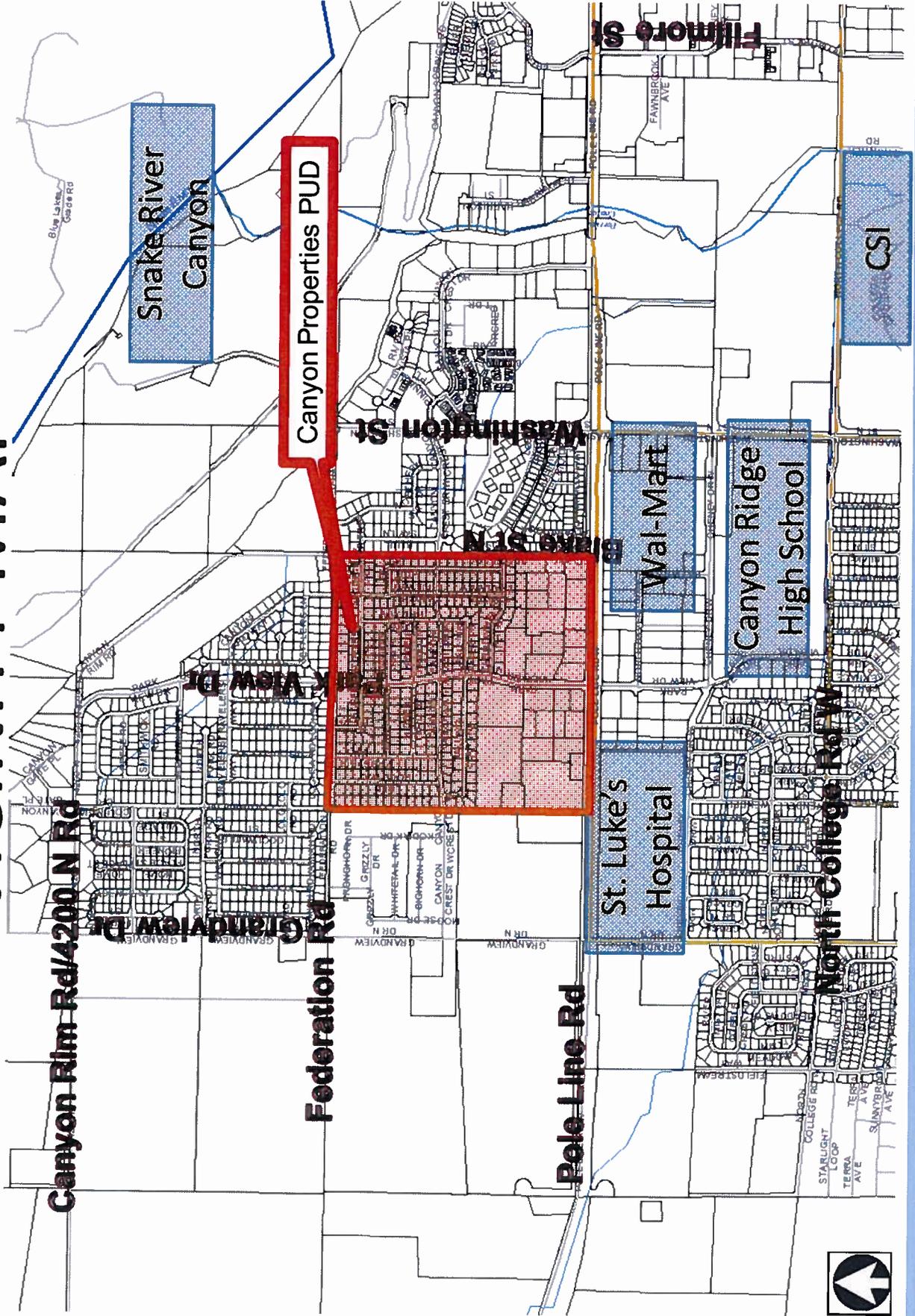
NOTARY PUBLIC FOR IDAHO
Residing at _____ Idaho
My commission expires: _____

STATE OF IDAHO)
 :ss.
COUNTY OF TWIN FALLS)

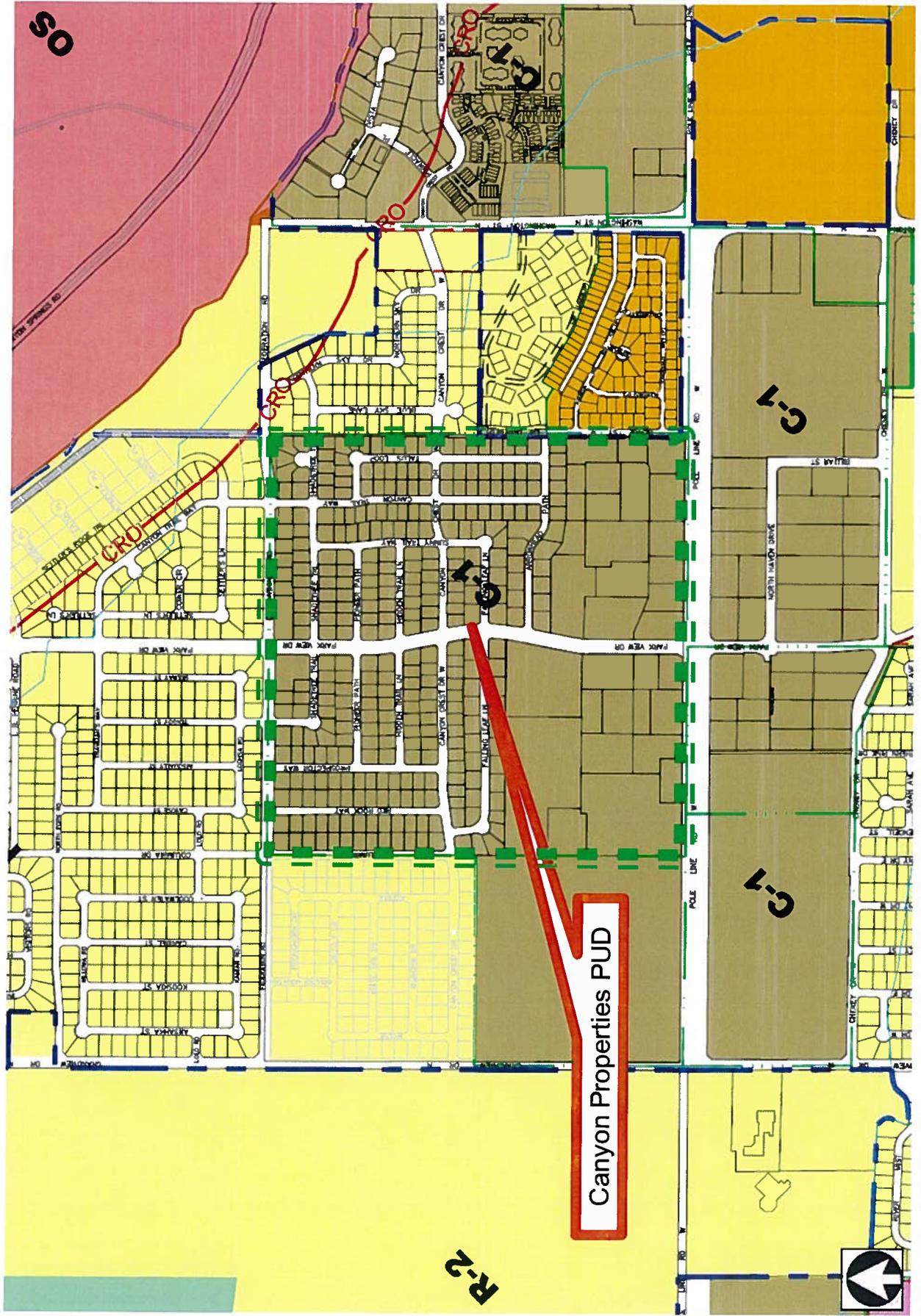
On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Gary N. Nelson, to me personally known who, being by me duly sworn, did for himself say that he is the Managing Member for that certain company known as Canyon Properties LLC, an Idaho limited liability company, and that the within instrument was executed by him, for and on behalf of said limited liability company.

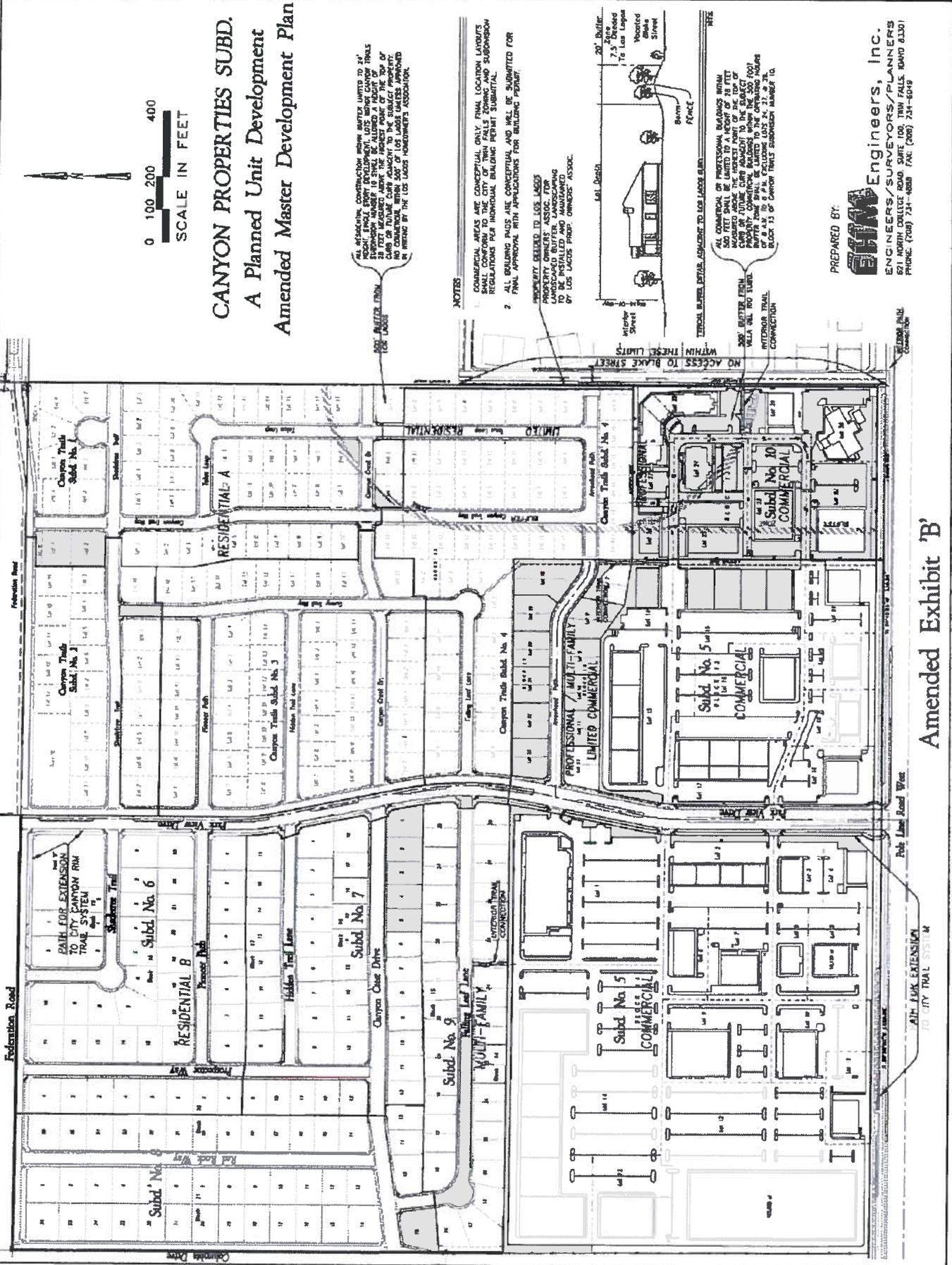
Notary Public
My commission expires: _____

VICINITY MAP



ZONING MAP





0 100 200 400
SCALE IN FEET

CANYON PROPERTIES SUBD.

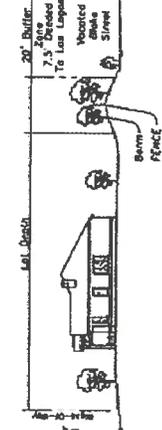
A Planned Unit Development Amended Master Development Plan

ALL RESIDENTIAL CONSTRUCTION SHALL BE LIMITED TO 24' HEIGHTS UNLESS OTHERWISE SPECIFIED. ALL CONSTRUCTION SHALL BE LIMITED TO 100 FEET FROM THE CENTERLINE OF THE TRAIL SYSTEM UNLESS OTHERWISE SPECIFIED. ALL CONSTRUCTION SHALL BE LIMITED TO 100 FEET FROM THE CENTERLINE OF THE TRAIL SYSTEM UNLESS OTHERWISE SPECIFIED.

NOTES

1. COMMERCIAL AREAS ARE CONCEPTUAL. ONLY FINAL LOCALITY MAPS SHALL CONFORM TO THE CITY OF TRIN FALLS ZONING AND SUBDIVISION REGULATIONS FOR INDIVIDUAL BUILDING PERMIT SUBMITTAL.
2. ALL BUILDING PLANS ARE CONCEPTUAL AND WILL BE SUBMITTED FOR FINAL APPROVAL WITH APPLICATIONS FOR BUILDING PERMIT.

PROPERTY BEHIND LOS LAGOS TRAIL SYSTEM ASSOC. FOR LANDSCAPE DESIGN TO BE INSTALLED AND MAINTAINED BY LOS LAGOS TRAIL SYSTEM ASSOC.



ALL COMMERCIAL OR PROFESSIONAL BUILDINGS WITHIN 500 FEET SHALL BE LIMITED TO A HEIGHT OF 18 FEET UNLESS OTHERWISE SPECIFIED. ALL CONSTRUCTION SHALL BE LIMITED TO 100 FEET FROM THE CENTERLINE OF THE TRAIL SYSTEM UNLESS OTHERWISE SPECIFIED.

PREPARED BY:
ETM Engineers, Inc.
ENGINEERS/SURVEYORS/PLANNERS
521 NORTH COLLEGE ROAD SUITE 100, TRIN FALLS, OREGON 97130
PHONE: (503) 734-4888 FAX: (503) 734-6049

Amended Exhibit 'B'

CANYON PROPERTIES COMMERCIAL

A Planned Unit Development

Master Sign Plan

Sign Key:

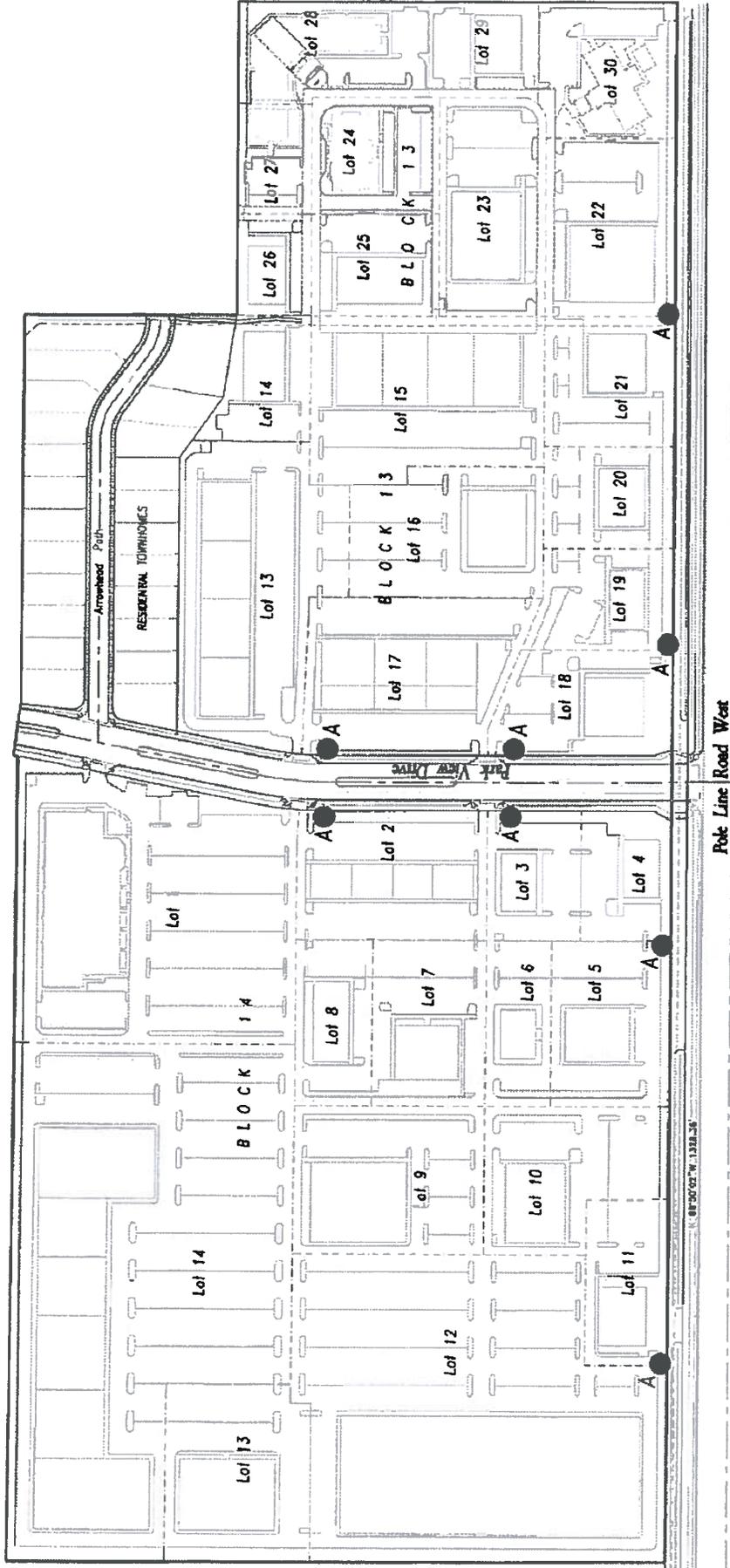
A ● OFF PREMISE MULTI-USER SIGN
(MIN. 500' SPACING APART)

ALL LOTS SHALL BE ALLOWED ADDITIONAL
SIGNAGE (MONUMENT, FREE-STANDING, ETC.)
PER CITY SIGN REGULATIONS.

SIGN LOCATIONS SHOWN ARE PRELIMINARY. FINAL
LOCATIONS WILL BE DETERMINED PER INDIVIDUAL
SITE PLANS.



n.t.s.



<p>2. Request for the vacation of a 15' x 109.14' (1525 sq. ft.) Pressurized Irrigation Easement located between lots 27 and 28, Block 13, Canyon Trails Subdivision #10, <u>c/o Gary Nelson on behalf of Canyon Properties, LLC. (app.2447)</u></p> <p>3. Request for a Zoning Title Amendment that would amend Twin Falls City Code 8-2-14(C), and 10-2-1; and by deleting Sections 10-4-1.3(I), 10-4-2.3(I), 10-4-4.3(I) 10-4-5.3(I), 10-4-6.3(I), 10-4-11.3(I), 10-4-12.3(I), 10-4-13.3(H), 10-4-15.3(), 10-4-18.3(H), 10-4-19.4(F), and 10-4-21.3(I) <u>c/o City of Twin Falls (app.2449)</u></p>	<p>Public Hearing</p>	<p>Mitch Humble</p>
<p>V. ADJOURNMENT: to Executive Session 67-2345(1)(f) To consider and advise its legal representatives in pending litigation or where there is a general awareness of probable litigation.</p>		

****Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting.***

IV. PUBLIC HEARINGS: 6:00 P.M.

1. For an amendment to Canyon Properties PUD Agreement #229, to allow for a maximum height of 28 feet – measured from the highest point of the top of curb or future curb or adjacent to the subject property, to allow for a Hospice office and a Transitional Care and Physical Rehabilitation Facility on Lots 24, 27 and 28, Block 13 Canyon Trails Subdivision No. 10 to allow unlimited hours of operation for the Hospice office and Transitional Care and Physical Rehabilitation Facility constructed on Lots 24, 27 and 28, Block 13, Canyon Trails Subdivision No. 10, and to allow up to eight (8) off premise signs as shown on the Amended Master Sign Plan, property located on the north side of 300-400 blocks of Pole Line Road West and within the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions – west of Blake Street North, as described on the Canyon Properties PUD Master Development Plan, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app.2448)
2. Request for the vacation of a 15' x 109.14' (1525 sq. ft.) Pressurized Irrigation Easement located between lots 27 and 28, Block 13, Canyon Trails Subdivision #10, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app.2447)

Tim Vawser, EHM Engineers, representing the applicant, reviewed the PUD Agreement request for Canyon Trails Subdivision #10 and the request for vacation of a PI easement. The request would allow for the following:

1. Allow for a building height of 28' measured from the highest point of the top of curb or future curb adjacent to the subject property in the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions.
2. Allow for a transitional care and physical rehabilitation facility within the 5000' buffer zones from the Los Lagos and Villa Del Rio Subdivisions.
3. Allow unlimited hours of operation for buildings constructed on Lots 24, 27, and 28, Block 13, Canyon Trails Subdivision No. 10.
4. Allow for a multi tenant sign to identify to the traffic off Pole Line Road and Parkwood Drive the business destinations backing off the public roads and getting them off the arterials and collectors quicker.

A pressurized irrigation easement was platted in between lots 27 and 28 and the proposal is to dedicate an easement on the north boundary and tie in on the western part as shown on overhead projection.

Discussion followed:

Vice Mayor Lanting stated that residents on Parkview are interested on when the street will be completed.

Tim Vawser stated that the completion of the street will be market driven. The purchase and sale of lot 24 closed on Friday.

Gary Nelson stated that one of the buildings will be owner/operated.

Community Development Director Humble explained that the request for the vacation of a 15' x 109.14' (1525 sq. ft.) Pressurized Irrigation Easement located between lots 27 and 28, Block 13, Canyon Trails Subdivision #10, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app.2447).

On May 10, 2011 the Planning & Zoning Commission unanimously recommended approval, as presented, subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to dedication of a pressurized irrigation easement on the north 15' of Lot 27 and Lot 28, Block 13.
3. Subject to legal combination of Lot 27 and Lot 28, Block 13, should a building be constructed over the property line.

Community Development Director Humble explained the request for an amendment to Canyon Properties PUD Agreement #229, to allow for a maximum height of 28' – measured from the highest point of the top of curb or future curb or adjacent to the subject property, to allow for a Hospice office and a Transitional Care and Physical Rehabilitation Facility on Lots 24, 27 and 28, Block 13 Canyon Trails Subdivision No. 10 to allow unlimited hours of operation for the Hospice office and Transitional Care and Physical Rehabilitation Facility constructed on Lots 24, 27 and 28, Block 13, Canyon Trails Subdivision No. 10, and to allow up to eight (8) off premise signs as shown on the Amended Master Sign Plan, property located on the north side of 300-400 blocks of Pole Line Road West and within the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions – west of Blake

Street North, as described on the Canyon Properties PUD Master Development Plan, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app.2448)

On May 10, 2011, the Planning & Zoning commission unanimously recommended approval as presented, subject to the following conditions:

1. Subject to Master Development Plan amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recordation of canyon properties PUD Agreement #229 amendment, as approved by the City Council, prior to development of this site.
3. Subject to signage being permitted as approved or as per City Code §10-9, as amended, whichever is the more restrictive.
4. Vacation of the PI easement between lots 27 & 28, block 13, Canyon Trails Subdivision #10 be approved, an ordinance adopted & recorded and dedication of a new location for the PI easement be approved by the City Council prior to development of the transitional care facility.

Staff concurs with the Commission's recommendation.

The public testimony portion of the hearing was opened and closed with no input.

Rebuttal:

Tim Vawser stated that he would like to add clarity on the sign plan. In the PUD agreement there is a 500' minimum spacing on Pole Line Road but the 500' on Pole Line is not much farther apart than the two entry roads on either side of Parkview. He requested to be allowed to revise the sign key to state minimum 500' spacing on Pole Line. He stated that it is very essential that the multi tenant signs line up with the driveways where their accesses are located.

Discussion followed.

Councilperson Johnson asked the modification for recommendation 3. state "signage being permitted as per City Code and as shown in sign plan in the PUD.

The public portion of the hearing was closed at 7:39 P.M.

MOTION:

Councilperson Johnson made the motion to approve the amendment to Canyon Properties PUD Agreement #229, to allow for a maximum height of 28 feet – measured from the highest point of the top of curb or future curb or adjacent to the subject property, to allow for a Hospice office and a Transitional Care and Physical Rehabilitation Facility on Lots 24, 27 and 28, Block 13 Canyon Trails Subdivision No. 10 to allow unlimited hours of operation for the Hospice office and Transitional Care and Physical Rehabilitation Facility constructed on Lots 24, 27 and 28, Block 13, Canyon Trails Subdivision No. 10, and to allow up to eight (8) off premise signs as shown on the Amended Master Sign Plan, property located on the north side of 300-400 blocks of Pole Line Road West and within the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions – west of Blake Street North, as described on the Canyon Properties PUD Master Development Plan, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app.2448) as presented with the following conditions:

1. Subject to Master Development Plan amendments as required by Building, Fire, Engineering and Zoning Officials to compliance with all applicable City Code requirements and standards.
2. Subject to recordation of Canyon Properties PUD Agreement #229 amendment, as approved by the City Council, prior to development of this site.
3. Signage being permitted as per City Code and as shown in sign plan in the PUD, with the 500 foot sign separation applying to signs on Pole Line Road only.
4. Vacation of the PI easement between lots 27 & 28, block 13, Canyon Trails Subdivision #10 be approved, an ordinance adopted & recorded and dedication of a new location for the PI easement be approved by the City Council prior to development of the transitional care facility.

The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Councilperson Mills Sojka made the motion to approve the request for the vacation of a 15' x 109.14' (1525 sq. ft.) Pressurized Irrigation Easement located between lots 27 and 28, Block 13, Canyon Trails Subdivision #10, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app.2447), as presented, with the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to dedication of a pressurized irrigation easement on the north 15' of Lot 27 and Lot 28, Block 13.
3. Subject to legal combination of Lot 27 and Lot 28, Block 13, should a building be constructed over the property line.

The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

3. Request for a Zoning Title Amendment that would amend Twin Falls City Code 8-2-14(C), and 10-2-1; and by deleting Sections 10-4-1.3(I), 10-4-2.3(I), 10-4-4.3(I) 10-4-5.3(I), 10-4-6.3(I), 10-4-11.3(I), 10-4-12.3(I), 10-4-13.3(H), 10-4-15.3(), 10-4-18.3(H), 10-4-19.4(F), and 10-4-21.3(I) c/o City of Twin Falls (app.2449)

Community Development Director Humble reviewed the request.

On May 10, 2011, the Commission unanimously recommended approval as presented.

Staff concurs with the Commission's recommendation.

The public testimony portion of the hearing was opened and closed with no input.

Rebuttal: None.

The public hearing was closed.

MOTION:

Vice Mayor Lanting made the motion to suspend the rules and place Ordinance #3005, entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS IDAHO

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

on third and final reading by title only. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Deputy City Clerk Bryan read the ordinance title.

MOTION:

Councilperson Kezele made the motion to adopt Ordinance #3005 as presented. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Councilperson Mills Sojka announced the Post Office will be having a meeting June 7, 2011 at CSI at 7:00 P.M.

- V. **ADJOURNMENT:** to Executive Session 67-2345(1)(f) To consider and advise its legal representatives in pending litigation or where there is a general awareness of probable litigation.

MOTION:

Councilperson Craig made the motion to adjourn to Executive Session as presented. The motion was seconded by Vice Mayor Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

The meeting adjourned at 7:49 P.M.

Deputy City Clerk Sharon Bryan



DATE: MONDAY – AUGUST 01, 2011

To: Honorable Mayor and City Council

From: Mitch Humble, Community Development Director

AGENDA ITEM II-

Request:

Consideration of adoption of one (1) ordinance(s) regarding a request for the vacation of a 15' x 109.14' (1525 sq. ft.) Pressurized Irrigation Easement located between lots 27 and 28, Block 13, Canyon Trails Subdivision #10, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app. 2447) **Ordinance #** _____

Time Estimate:

Staff presentation may be approximately five (5) minutes.

Approval Process:

State Code: Idaho Code 67-6509

City Code: Title 10; Chapter 14; Zoning Amendments

10-14-7: ACTION BY COUNCIL:

The Council, prior to adopting, revising or rejecting the amendment to this Title as recommended by the Commission shall conduct at least one public hearing using the same notice and hearing procedures as the Commission. Following the Council hearing, if said Council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Council adopts the amendment.

Upon granting or denying an application to amend this Title, the Council shall specify:

- (A) The regulations and standards used in evaluating the application.
- (B) The reasons for approval or denial.
- (C) The actions, if any, that the applicant could take to obtain a permit.

In the event the Council shall approve an amendment, such amendment shall thereafter be made a part of this Title upon the preparation and passage of an ordinance. (Ord. 2012, 7-6-1981)

Budget Impact:

Approval of this request will not impact the City budget.

Regulatory Impact:

The Council's adoption of the ordinance(s) will allow the code to be amended as approved.

History:

On June 06, 2011 the City Council approved a request for the vacation of a 15' x 109.14' (1525 sq. ft.) Pressurized Irrigation Easement located between lots 27 and 28, Block 13, Canyon Trails Subdivision #10, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app. 2447) , as presented, by a unanimous vote subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to dedication of a pressurized irrigation easement on the north 15' of Lot 27 and Lot 28, Block 13.
3. Subject to legal combination of Lot 27 and Lot 28, Block 13, should a building be constructed over the property line.

Analysis:

The ordinance has been prepared as directed by the Council and is recommended for adoption as submitted.

Conclusion:

Staff recommends that the Council adopt the attached ordinance as submitted.

Attachments:

1. DRAFT Ordinance
2. Portion of the June 06, 2011 City Council minutes

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, VACATING THE REAL PROPERTY DESCRIBED BELOW AND PROVIDING FOR VESTING OF TITLE TO THE PROPERTY SO VACATED.

WHEREAS, Canyon Properties, LLC, c/o Gary Nelson, has made application for the vacation of property located between lots 27 and 28, Block 13, Canyon Trails Subdivision #10 in the City of Twin Falls; and,

WHEREAS, the City Planning and Zoning Commission for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 10th day of May, 2011, to consider the vacation of the real property below described; and,

WHEREAS, the City Planning and Zoning Commission has made recommendations to the City Council for the City of Twin Falls, Idaho; and,

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing to consider the same matter on the 6th day of June, 2011.

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

SECTION 1. That the following described real property be and the same is hereby VACATED:

See "Attachment A"

SECTION 2. That title to the real property by this Ordinance vacated be divided among the adjoining property owners in the portions herebelow described to the persons named below:

NAME: Canyon Properties, LLC, c/o Gary Nelson
ADDRESS: 5422 North 400 East, Hagerman, ID 83332
PROPERTY: See "Attachment A"

SECTION 3. That the City Clerk immediately upon the passage and publication of this Ordinance as required by law certify a copy of the same and deliver said certified copy to the County Recorder's Office for indexing and recording, in the same manner as other instruments affecting the title to real property, as required by Idaho Code 50-1324(2).

PASSED BY THE CITY COUNCIL

, 2011

SIGNED BY THE MAYOR

, 2011

Mayor

ATTEST:

Deputy City Clerk

PUBLISH: Thursday,

, 2011

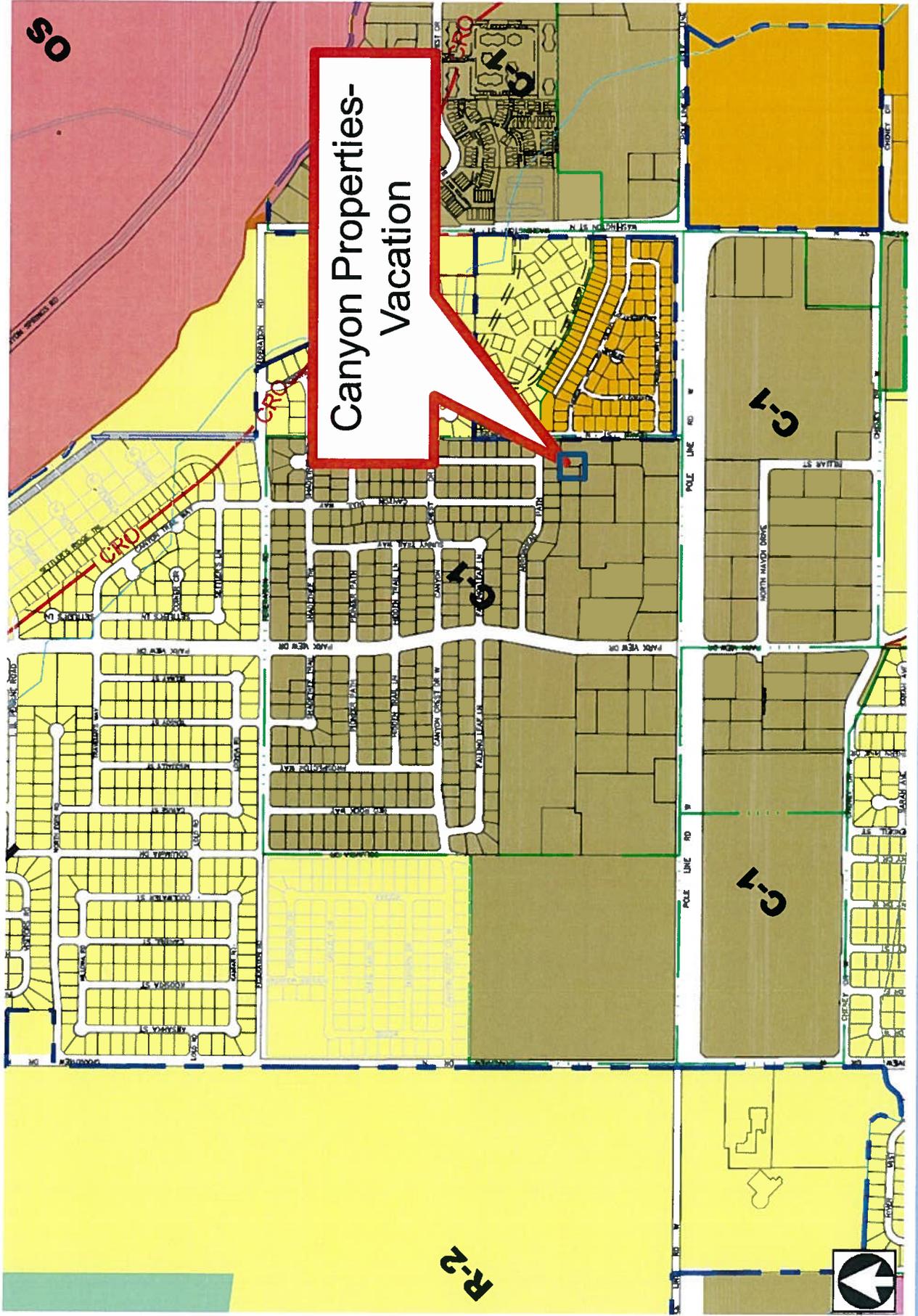
Attachment A

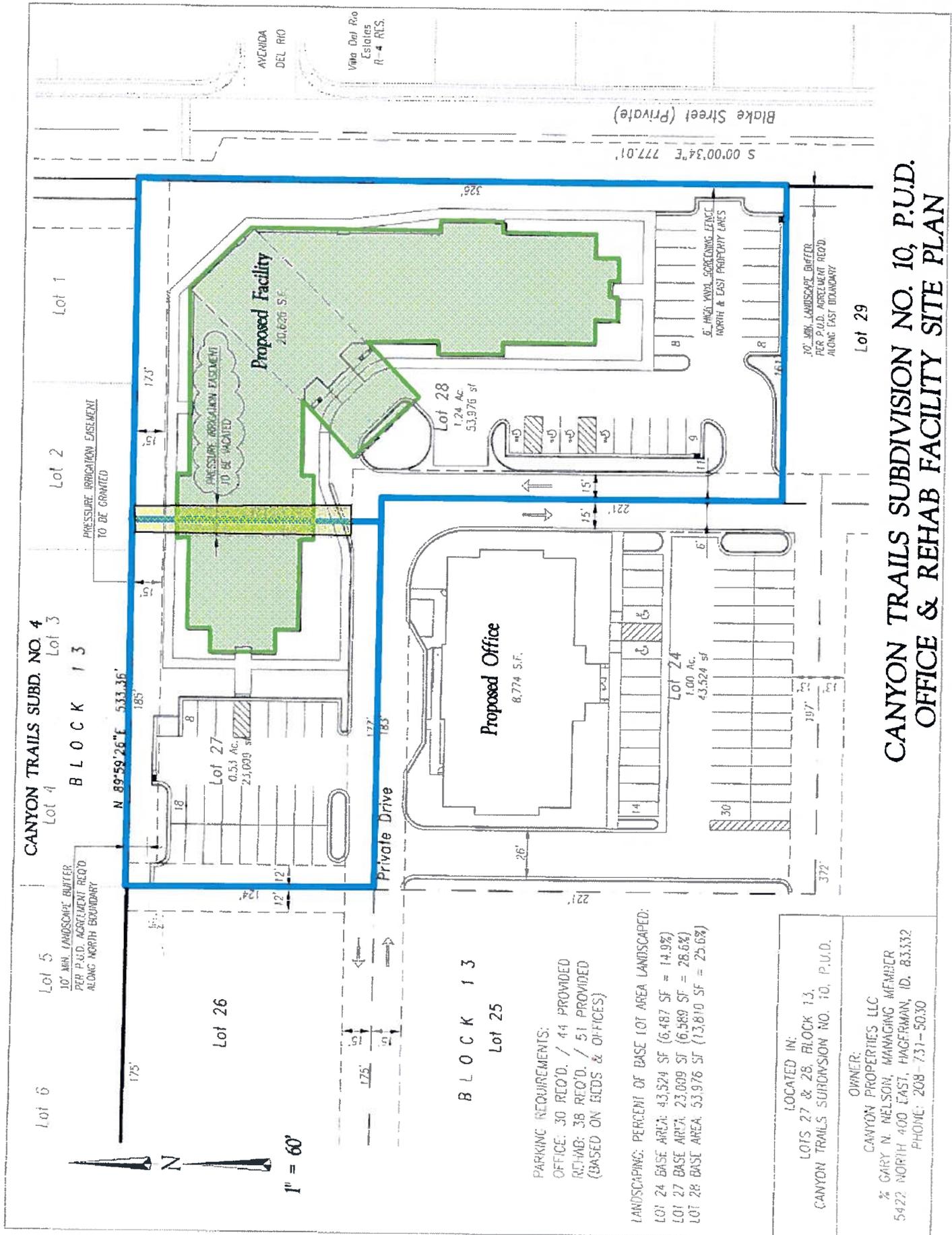
An easement located in Lot 27 and Lot 28, Block 13, Canyon Trails Subdivision No. 10, according to the official plat thereof recorded in the office of the Twin Falls County Recorder in book 22 of plats on page 14.

Said easement being more particularly described as follows:

The East 7.5 feet of the North 109.14 feet of Lot 27, Block 13, Canyon Trails Subdivision No. 10 and the West 7.5 feet of the North 109.14 feet of Lot 28, Block 13, Canyon Trails Subdivision No. 10.

ZONING MAP





**CANYON TRAILS SUBDIVISION NO. 10, P.U.D.
 OFFICE & REHAB FACILITY SITE PLAN**

COUNCIL MEMBERS:

LANCE CLOW	TRIP CRAIG	DON HALL	DAVID E. JOHNSON	WILLIAM A. KEZELE	GREG LANTING	REBECCA MILLS SOJKA
---------------	---------------	-------------	---------------------	----------------------	-----------------	------------------------

Mayor

Vice Mayor



Minutes
 Meeting of the Twin Falls City Council
 June 6, 2011
 City Council Chambers
 305 3rd Avenue East Twin Falls, Idaho

CALL MEETING TO ORDER: 5:00 P.M.
PLEDGE OF ALLEGIANCE TO THE FLAG
CONFIRMATION OF QUORUM
INTRODUCTION OF STAFF
CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:
PROCLAMATIONS: None.

AGENDA ITEMS	Purpose	By:
<p>CONSENT CALENDAR:</p> <ol style="list-style-type: none"> 1. Consideration of accounts payable for May 24 – June 6 2011. 2. Consideration of the May 23, 2011, Council Minutes. 3. Consideration of the request for an extension of approval of the Final plat of Kelley Garden Subdivision, consisting of 6.35 (+/-) acres and 8 commercial lots on property located north and east of the intersection of Addison Avenue East and Eastland Drive North aka Kelley Garden Center, c/o Gerald Martens/EHM Engineers, Inc. on behalf of Richard Kelley. 4. Consideration of a request to approve an accessibility compliance transition plan for the City's development services building located at 324 Hansen Street East. 5. Consideration of requests for the following agreements: <ol style="list-style-type: none"> a. Curb, gutter, and sidewalk deferral agreement for improvements on property located at 686 Addison Avenue c/o Stan and Diane Haye. b. Multi-year improvement deferral agreement for improvements on property located at 686 Addison Avenue, c/o Stan and Diane Haye. c. Sidewalk deferral agreement for improvements on property located at 598 Rim View Drive, c/o Wade Bond. d. Curb-gutter, sidewalk, and driveway approach deferral agreement for improvements on property located at 236 Washington Street South care of Glanbia Foods, Inc. e. Curb-gutter, sidewalk & driveway approach on property located at 874 Maurice Street, c/o Carrie L. Hahn. 	<p>Action</p>	<p>Staff Report Sharon Bryan L. Sanchez Mitch Humble</p> <p>Mitch Humble</p> <p>Troy Vitek</p>
<p>II. ITEMS FOR CONSIDERATION:</p> <ol style="list-style-type: none"> 1. Discussion of the Senior Citizens request to modify the existing lease with the City of Twin Falls. 2. Presentation by Donna Meyer, APWU Local 179, regarding an Area Mail Processing (AMP) feasibility study at the Twin Falls, ID, Customer Service Mail Processing Center. 3. Presentation of the five year forecasting model. 4. Public input and/or items from the City Manager and City Council. 	<p>Discussion</p> <p>Presentation</p> <p>Presentation</p>	<p>Travis Rothweiler</p> <p>Donna Meyer</p> <p>Lorie Race</p>
<p>III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</p>		
<p>IV. PUBLIC HEARINGS: 6:00 P.M.</p> <ol style="list-style-type: none"> 1. For an amendment to Canyon Properties PUD Agreement #229, to allow for a maximum height of 28 feet – measured from the highest point of the top of curb or future curb or adjacent to the subject property, to allow for a Hospice office and a Transitional Care and Physical Rehabilitation Facility on Lots 24, 27 and 28, Block 13 Canyon Trails Subdivision No. 10 to allow unlimited hours of operation for the Hospice office and Transitional Care and Physical Rehabilitation Facility constructed on Lots 24, 27 and 28, Block 13, Canyon Trails Subdivision No. 10, and to allow up to eight (8) off premise signs as shown on the Amended Master Sign Plan, property located on the north side of 300-400 blocks of Pole Line Road West and within the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions – west of Blake Street North, as described on the Canyon Properties PUD Master Development Plan, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app.2448) 	<p>Public Hearing</p> <p>Public Hearing</p>	<p>Mitch Humble</p> <p>Mitch Humble</p>

<p>2. Request for the vacation of a 15' x 109.14' (1525 sq. ft.) Pressurized Irrigation Easement located between lots 27 and 28, Block 13, Canyon Trails Subdivision #10, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app.2447)</p> <p>3. Request for a Zoning Title Amendment that would amend Twin Falls City Code 8-2-14(C), and 10-2-1; and by deleting Sections 10-4-1.3(I), 10-4-2.3(I), 10-4-4.3(I) 10-4-5.3(I), 10-4-6.3(I), 10-4-11.3(I), 10-4-12.3(I), 10-4-13.3(H), 10-4-15.3(), 10-4-18.3(H), 10-4-19.4(F), and 10-4-21.3(I) c/o City of Twin Falls (app.2449)</p>	<p>Public Hearing</p>	<p>Mitch Humble</p>
<p>V. ADJOURNMENT: to Executive Session 67-2345(1)(f) To consider and advise its legal representatives in pending litigation or where there is a general awareness of probable litigation.</p>		

****Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting.***

IV. PUBLIC HEARINGS: 6:00 P.M.

1. For an amendment to Canyon Properties PUD Agreement #229, to allow for a maximum height of 28 feet – measured from the highest point of the top of curb or future curb or adjacent to the subject property, to allow for a Hospice office and a Transitional Care and Physical Rehabilitation Facility on Lots 24, 27 and 28, Block 13 Canyon Trails Subdivision No. 10 to allow unlimited hours of operation for the Hospice office and Transitional Care and Physical Rehabilitation Facility constructed on Lots 24, 27 and 28, Block 13, Canyon Trails Subdivision No. 10, and to allow up to eight (8) off premise signs as shown on the Amended Master Sign Plan, property located on the north side of 300-400 blocks of Pole Line Road West and within the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions – west of Blake Street North, as described on the Canyon Properties PUD Master Development Plan, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app.2448)
2. Request for the vacation of a 15' x 109.14' (1525 sq. ft.) Pressurized Irrigation Easement located between lots 27 and 28, Block 13, Canyon Trails Subdivision #10, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app.2447)

Tim Vawser, EHM Engineers, representing the applicant, reviewed the PUD Agreement request for Canyon Trails Subdivision #10 and the request for vacation of a PI easement. The request would allow for the following:

1. Allow for a building height of 28' measured from the highest point of the top of curb or future curb adjacent to the subject property in the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions.
2. Allow for a transitional care and physical rehabilitation facility within the 5000' buffer zones from the Los Lagos and Villa Del Rio Subdivisions.
3. Allow unlimited hours of operation for buildings constructed on Lots 24, 27, and 28, Block 13, Canyon Trails Subdivision No. 10.
4. Allow for a multi tenant sign to identify to the traffic off Pole Line Road and Parkwood Drive the business destinations backing off the public roads and getting them off the arterials and collectors quicker.

A pressurized irrigation easement was platted in between lots 27 and 28 and the proposal is to dedicate an easement on the north boundary and tie in on the western part as shown on overhead projection.

Discussion followed:

Vice Mayor Lanting stated that residents on Parkview are interested on when the street will be completed.

Tim Vawser stated that the completion of the street will be market driven. The purchase and sale of lot 24 closed on Friday.

Gary Nelson stated that one of the buildings will be owner/operated.

Community Development Director Humble explained that the request for the vacation of a 15' x 109.14' (1525 sq. ft.) Pressurized Irrigation Easement located between lots 27 and 28, Block 13, Canyon Trails Subdivision #10, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app.2447).

On May 10, 2011 the Planning & Zoning Commission unanimously recommended approval, as presented, subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to dedication of a pressurized irrigation easement on the north 15' of Lot 27 and Lot 28, Block 13.
3. Subject to legal combination of Lot 27 and Lot 28, Block 13, should a building be constructed over the property line.

Community Development Director Humble explained the request for an amendment to Canyon Properties PUD Agreement #229, to allow for a maximum height of 28' – measured from the highest point of the top of curb or future curb or adjacent to the subject property, to allow for a Hospice office and a Transitional Care and Physical Rehabilitation Facility on Lots 24, 27 and 28, Block 13 Canyon Trails Subdivision No. 10 to allow unlimited hours of operation for the Hospice office and Transitional Care and Physical Rehabilitation Facility constructed on Lots 24, 27 and 28, Block 13, Canyon Trails Subdivision No. 10, and to allow up to eight (8) off premise signs as shown on the Amended Master Sign Plan, property located on the north side of 300-400 blocks of Pole Line Road West and within the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions – west of Blake

Street North, as described on the Canyon Properties PUD Master Development Plan, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app.2448)

On May 10, 2011, the Planning & Zoning commission unanimously recommended approval as presented, subject to the following conditions:

1. Subject to Master Development Plan amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recordation of canyon properties PUD Agreement #229 amendment, as approved by the City Council, prior to development of this site.
3. Subject to signage being permitted as approved or as per City Code §10-9, as amended, whichever is the more restrictive.
4. Vacation of the PI easement between lots 27 & 28, block 13, Canyon Trails Subdivision #10 be approved, an ordinance adopted & recorded and dedication of a new location for the PI easement be approved by the City Council prior to development of the transitional care facility.

Staff concurs with the Commission's recommendation.

The public testimony portion of the hearing was opened and closed with no input.

Rebuttal:

Tim Vawser stated that he would like to add clarity on the sign plan. In the PUD agreement there is a 500' minimum spacing on Pole Line Road but the 500' on Pole Line is not much farther apart than the two entry roads on either side of Parkview. He requested to be allowed to revise the sign key to state minimum 500' spacing on Pole Line. He stated that it is very essential that the multi tenant signs line up with the driveways where their accesses are located.

Discussion followed.

Councilperson Johnson asked the modification for recommendation 3. state "signage being permitted as per City Code and as shown in sign plan in the PUD.

The public portion of the hearing was closed at 7:39 P.M.

MOTION:

Councilperson Johnson made the motion to approve the amendment to Canyon Properties PUD Agreement #229, to allow for a maximum height of 28 feet – measured from the highest point of the top of curb or future curb or adjacent to the subject property, to allow for a Hospice office and a Transitional Care and Physical Rehabilitation Facility on Lots 24, 27 and 28, Block 13 Canyon Trails Subdivision No. 10 to allow unlimited hours of operation for the Hospice office and Transitional Care and Physical Rehabilitation Facility constructed on Lots 24, 27 and 28, Block 13, Canyon Trails Subdivision No. 10, and to allow up to eight (8) off premise signs as shown on the Amended Master Sign Plan, property located on the north side of 300-400 blocks of Pole Line Road West and within the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions – west of Blake Street North, as described on the Canyon Properties PUD Master Development Plan, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app.2448) as presented with the following conditions:

1. Subject to Master Development Plan amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recordation of Canyon Properties PUD Agreement #229 amendment, as approved by the City Council, prior to development of this site.
3. Signage being permitted as per City Code and as shown in sign plan in the PUD, with the 500 foot sign separation applying to signs on Pole Line Road only.
4. Vacation of the PI easement between lots 27 & 28, block 13, Canyon Trails Subdivision #10 be approved, an ordinance adopted & recorded and dedication of a new location for the PI easement be approved by the City Council prior to development of the transitional care facility.

The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Councilperson Mills Sojka made the motion to approve the request for the vacation of a 15' x 109.14' (1525 sq. ft.) Pressurized Irrigation Easement located between lots 27 and 28, Block 13, Canyon Trails Subdivision #10, c/o Gary Nelson on behalf of Canyon Properties, LLC. (app.2447), as presented, with the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to dedication of a pressurized irrigation easement on the north 15' of Lot 27 and Lot 28, Block 13.
3. Subject to legal combination of Lot 27 and Lot 28, Block 13, should a building be constructed over the property line.

The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

3. Request for a Zoning Title Amendment that would amend Twin Falls City Code 8-2-14(C), and 10-2-1; and by deleting Sections 10-4-1.3(I), 10-4-2.3(I), 10-4-4.3(I) 10-4-5.3(I), 10-4-6.3(I), 10-4-11.3(I), 10-4-12.3(I), 10-4-13.3(H), 10-4-15.3(), 10-4-18.3(H), 10-4-19.4(F), and 10-4-21.3(I) c/o City of Twin Falls (app.2449)

Community Development Director Humble reviewed the request.

On May 10, 2011, the Commission unanimously recommended approval as presented.

Staff concurs with the Commission's recommendation.

The public testimony portion of the hearing was opened and closed with no input.

Rebuttal: None.

The public hearing was closed.

MOTION:

Vice Mayor Lanting made the motion to suspend the rules and place Ordinance #3005, entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS IDAHO

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

on third and final reading by title only. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Deputy City Clerk Bryan read the ordinance title.

MOTION:

Councilperson Kezele made the motion to adopt Ordinance #3005 as presented. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Councilperson Mills Sojka announced the Post Office will be having a meeting June 7, 2011 at CSI at 7:00 P.M.

- V. **ADJOURNMENT:** to Executive Session 67-2345(1)(f) To consider and advise its legal representatives in pending litigation or where there is a general awareness of probable litigation.

MOTION:

Councilperson Craig made the motion to adjourn to Executive Session as presented. The motion was seconded by Vice Mayor Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

The meeting adjourned at 7:49 P.M.

Deputy City Clerk Sharon Bryan



Date: Monday, August 1, 2011
To: Honorable Mayor and City Council
From: Travis Rothweiler, City Manager

Request:

Adoption of the Preliminary Budget for the City of Twin Falls and set August 15, 2011 at 6:00 p.m. as the date and time for the public budget hearing.

Time Estimate:

City Staff will provide a brief presentation. The staff presentation will take approximately 10 minutes, plus any additional time needed to address questions presented by Council members.

Background:

The FY 2012 budget was developed from the conversations with the City Council, input from department leaders, review of the City's strategic plan, and the efforts of the City's long term plan committee. The budget concepts and strategies grew from the conversations and planning meetings. Four primary focus areas were developed. Those areas are: *hold the line on tax increases, treat our employees fairly, allocate more money to our roadway and transportation system, and continue to pursue innovative strategies and find more efficient outcomes.*

Hold the Line on Tax Increases – As discussed throughout the City Manager's Budget Message, the balanced budget follows the City Council's common practice of only capturing the growth formula. It does not incorporate the statutorily allowed 3% increase and continues to build the City's foregone balance.

Treat our Employees Fairly – This budget includes funding to adjust the City's salary table by two-percent (2%) adjustment and maintains health insurance benefit levels.

Allocate More Money to Our Roadway and Transportation System – The recommended budget increases road maintenance funding from \$550,000 to \$750,000, an increase 36.36%. In future fiscal years, the City staff will continue to find ways to further increase funding levels.

Continue to Pursue Innovative Strategies and Find More Effective Outcomes – In our continued pursuit of excellence, we will continue to review our processes. Our reviews and examination will continue beyond the budget conversation. This budget allocates funding to update the City's strategic plan and funds the development and implementation of a performance measurement and management system as developed by the International City Management Association's Center for Performance Measurement.

Additionally, the FY 2012 recommended budget adheres to the City's financial policies and enhances the City's financial position while providing excellent levels of service. This document is intended to give the reader a comprehensive view of proposed funding for the City's day-to-day operations, scheduled capital improvement expenditures, and principal and interest payments for outstanding long-term debt and capital leases. The operations are organized into programs of service or operating departments to give the public a clear idea of how resources are allocated. This budget uses tools designed to provide the Council with additional qualitative information, such as the municipal cost index.

2012 Fiscal Year Budget Summary & Overview

The FY 2012 budget continues to hold the line on new costs with only essential expansion of services to meet the operational needs of the community.

Preparing any fiscal year budget requires close scrutiny of department tasks. The goals and plans discussed in this proposed budget represent a balance of the needs and expectations with available resources. Costs are minimized and the efforts to economize continue. Further increases in services and service levels will require additional sources of revenue. When preparing this budget, we found ourselves emphasizing the same points as in previous budgets. It could appear to some as simply rhetoric. Yet, we continue to highlight the same things as we have for the past several years, such as securing appropriate funding levels to maintain city assets and infrastructure, and ensuring appropriate compensation to our employees. Comments made in the past are truer now than ever before.

The City's overall, total taxable valuation is expected to increase by approximately one-and-one-half percent (1.5%), from \$2,283,427,290 to \$2,316,503,549. We are projecting the City's tax rate will be approximately 0.006917648, or \$6.92 per \$1,000 in taxable value, which is the same tax rate that was assessed in FY 2011.

The total proposed preliminary budget for FY 2012 is \$45,821,660, a decrease of \$49,581, or -0.11% compared to the 2011 fiscal year adopted budget of \$45,871,241.

Of the total recommended FY 2012 budget, \$27,851,617 is from the Government Funds and \$17,970,043 is in the Enterprise Funds. In 2011, the City appropriated \$27,884,174 in the Government Fund departments and \$17,987,067 in the Enterprise Funds departments.

By maintaining an equitable, competitive tax rate, funds will cover essential staffing, operating costs and capital needs. When compared to FY 2011, the recommended budget for FY 2012 has some noteworthy changes. Those changes are the following:

- Total personnel cost will decrease from \$19,320,259 in FY 2011 to \$18,903,377 in FY 12, or by \$416,882 or -2.16%. Total FTEs will be 10.0 less than staff levels authorized in FY 2011 budget.
- Overall operating costs are programmed to increase from \$13,654,552 to \$13,986,713 or by \$332,161 or 2.4%. Most significant increases are associated with increases in fuel costs, an increase of \$106,000 from FY 2011.
- Total funding for capital improvements and acquisitions are scheduled to increase from \$11,406,630 to \$11,475,145, or by \$68,515 or 0.60%. However, this recommended allocation does not include \$8.0 million for improvements to be made at the City's waste water treatment plant; \$5.5 million to be spent on roadway improvements on Eastland Drive, and several million in capital construction costs associated with the City's ongoing water project to ensure compliance with EPA's arsenic compliance standards. The City has plans to fund these projects with cash reserves and therefore have not been included in the FY 2012 recommended budget.

The proposed budget has been set for public hearing on August 15, 2011, which is designed to allow citizens the opportunity to provide comments regarding the proposed budget. The proposed budget is tentatively scheduled to be adopted by the City Council on August 22, 2011.

Approval Process:

Approving the tentative/preliminary budget requires a simple majority (50%+1) of the members in attendance at this meeting.

Budget Impact:

This is the appropriations ordinance for the 2011-2012 fiscal year.

Regulatory Impact:

Section 50-811 (8) of the Idaho Code states the City shall "prepare and submit to the council a tentative budget for the next fiscal year."

Section 50-1003 of the Idaho Code states "...the city council of each city shall, prior to the commencement of each fiscal year, pass an ordinance to be termed the annual appropriation ordinance, which in no event shall be greater than the amount of the proposed budget, in which the corporate authorities may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such corporation, not exceeding in the aggregate the amount of tax authorized to be levied during that year in addition to all other anticipated revenues."

Conclusion:

City Staff recommends the adoption of the tentative/preliminary budget for the 2011-2012 Fiscal Year.

Attachments:

Changes from Preliminary Budget
2012 Budget Summary

	Revenue		Expense	
Net Tax Supported Funds	\$ 27,863,506		\$ 27,863,506	
Fire District Revenue	\$ (18,297)	Capital Contingency	\$ (18,297)	reduction in Fire District revenue
General Fund Property Tax	\$ 18,297			
Capital Property Tax	\$ (18,297)			
General Fund Property Tax	\$ 2,720	IS 451-53	\$ 2,720	bumped up per email from Tami to cover increase in cell
Capital Property Tax	\$ (2,720)	Capital Contingency	\$ (2,720)	
		IS Prof Svcs 442-00	\$ 7,518	upgrade for baseline irrigation clocks
General Fund Property Tax	\$ 4,998	Capital Contingency	\$ (4,998)	amount remaining for baseline clocks
Capital Property Tax	\$ (4,998)			
GF Transfer from CAM	\$ 2,520			
Capital Property Tax	\$ 3,888	Capital Contingency	\$ 3,888	Increase from changes to county assessed and annexation values
	<u>\$ 27,851,617</u>		<u>\$ 27,851,617</u>	
Net Other Funds	\$ 17,970,043		\$ 17,970,043	
CAM Revenue	\$ 2,520	CAM Trsfr to IS	\$ 2,520	
Transfer - from Cam to GF	\$ (2,520)		\$ (2,520)	
	<u>\$ 17,970,043</u>		<u>\$ 17,970,043</u>	
	\$ 45,833,549		\$ 45,833,549	
	<u>\$ 45,821,660</u>		<u>\$ 45,821,660</u>	\$ 11,889

City of Twin Falls
Budget Summary for Fiscal Year 2012

<u>Fund</u>	<u>Est. Revenues</u>	<u>Est. Expenditures</u>	<u>Excess (Deficit)</u>
<i>Tax Supported Funds:</i>			
General	\$ 18,049,555	\$ 18,049,555	\$ -
Street	\$ 4,912,082	\$ 4,912,082	\$ -
Street Light	\$ 299,633	\$ 299,633	\$ -
Library	\$ 1,427,743	\$ 1,427,743	\$ -
Operating Fund	\$ 61,500	\$ 61,500	\$ -
Airport	\$ 1,166,766	\$ 1,166,766	\$ -
Capital Improvement	\$ 2,002,117	\$ 2,002,117	\$ -
Pool	\$ 170,900	\$ 170,900	\$ -
Fireworks	\$ 8,000	\$ 8,000	\$ -
Insurance	\$ 388,363	\$ 388,363	\$ -
<i>Total Tax Supported Funds</i>	\$ 28,486,659	\$ 28,486,659	\$ -
Less: Interfund Transfers	\$ (635,042)	\$ (635,042)	\$ -
<i>Net Tax Supported Funds</i>	\$ 27,851,617	\$ 27,851,617	\$ -
<i>Other Funds:</i>			
Historic Pres Comm	\$ 6,000	\$ 6,000	\$ -
Airport Construction	\$ 1,147,800	\$ 1,147,800	\$ -
Waterworks	\$ 8,705,330	\$ 8,705,330	\$ -
Wastewater	\$ 6,181,701	\$ 6,181,701	\$ -
Comm Area Maint Fund	\$ 31,420	\$ 31,420	\$ -
Sanitation	\$ 2,785,238	\$ 2,785,238	\$ -
Golf	\$ 98,252	\$ 98,252	\$ -
Dierkes/Shoshone Falls	\$ 182,100	\$ 182,100	\$ -
Parking	\$ 64,100	\$ 64,100	\$ -
Shop	\$ 267,432	\$ 267,432	\$ -
BID	\$ -	\$ -	\$ -
CSI Safety Initiative	\$ 273,725	\$ 273,725	\$ -
Park Development	\$ -	\$ -	\$ -
Seizures/Restitution	\$ -	\$ 84,800	\$ (84,800) **
LID Guarantee Fund	\$ -	\$ -	\$ -
Total Other Funds	\$ 19,743,098	\$ 19,827,898	\$ (84,800)
Less: Interfund Transfers	\$ (1,857,855)	\$ (1,857,855)	\$ -
<i>Net Other Funds</i>	\$ 17,885,243	\$ 17,970,043	\$ (84,800)
<i>TOTAL NET BUDGET</i>			
	\$ 45,736,860	\$ 45,821,660	\$ (84,800)
Reserves used to balance tax supported funds	\$ -	\$ -	\$ -
Reserves used to balance non-tax supported funds	\$ 84,800	\$ -	\$ 84,800
<i>TOTAL NET BUDGET WITH RESERVES</i>	\$ 45,821,660	\$ 45,821,660	\$ -



DATE: MONDAY AUGUST 01, 2011

To: Honorable Mayor and City Council

From: Mitch Humble, Community Development Department

ITEM IV-

Request: For annexation and a Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD on property located at 1631 Grandview Drive North. c/o Mike Smit on behalf of the Twin Falls Reformed Church. (app. 2458)

Time Estimate:

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

Background:

Applicant:	Status: Owner/Developer	Size: 22.1 (+/-) acres
Twin Falls Reformed Church 1631 Grandview Dr North Twin Falls, ID 83301 208-733-6128 Mike Smit, mikesmit@tffc.org	Current Zoning: R-2 Aol (Area of Impact)	Requested Zoning: Annexation and rezone from R-2 to C-1 PUD
	Comprehensive Plan: Urban Village/ Urban Infill	Lot Count: PUD
	Existing Land Use: Religious facility and performing arts private school	Proposed Land Use: same with expansion of auxiliary facilities
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: R-2 Aol; Pole Line Rd West, agricultural	East: C-1 PUD; Grandview Dr North, St. Luke's Regional Medical Center
	South: R-2; Fieldstone Subdivision-residential	West: C-1 PUD; undeveloped agricultural land
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-4, 10-4-8, 10-6-1 through 3, 10-7-6, 10-10-1 through 3, 10-11-1 through 9, 10-14-1 through 6	

Approval Process:

As per Twin Falls City Code 10-6-1.4(E) Approval of a PUD Sub-District:

1. Preliminary Development Plan. The petitioner for a planned unit development sub-district may, after pre-application conferences with the planning staff, submit a preliminary development plan to the Commission for review, which development plan shall include the following: a. The proposed site plan, showing building locations and land use areas; b. Proposed traffic circulation, parking areas, pedestrian walks and landscaping; c. Proposed construction sequence for buildings, streets, spaces and landscaped areas; d. Existing zoning district boundaries; e. A survey of the property, including topography, buildings, watercourses, trees over six inches (6") in trunk diameter, streets, utility easements, drainage patterns, right of way and land use; f. Other requirements that the Planning Department, Planning Commission, or legislative body may request.
2. After Commission review, a public hearing shall be held before the Commission and Council for a zoning district and zoning map amendment. (Ord. 2124, 10-15-1984)

10-15-2 Annexation

The Commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard.

The Commission public hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

- (B) At least fifteen (15) days prior to the hearing, notice of time and place, and a description of the proposed zoning changes for the unincorporated area shall be published in the official newspaper or paper of general circulation within the jurisdiction of the City. Additional notice shall be provided by mail to property owners and residents within the land being considered; three hundred feet (300') of the external boundaries of the land being considered; and any additional area that may be impacted by the proposed change as determined by the Zoning Administrator. Notice shall be posted on the premises not less than one week prior to the public hearing.

Budget Impact:

Approval of this request will not impact the City budget at this time.

Regulatory Impact:

A recommendation from the Planning and Zoning Commission for the requested zoning district change will allow the request to proceed to the City Council for a decision on annexation and zoning designation.

History:

A Special Use Permit was granted in April 1981 for construction of a religious facility. Construction began in November 1986. Another Special Use Permit was granted in September 1994 for a private pre-school to operate within the church. A 3rd Special Use Permit was issued on May 12, 1998 to operate a junior and senior high school for one year. On March 30, 1999 a Special Use Permit was granted to allow the junior and senior high school to operate with no time limit. In February 1999 and April 1999 a Variance and a Special Use Permit were granted allowing an expansion of the church with a height variance. There was no expansion done at that time. On July 9, 2002 a Special Use Permit was approved for an expansion of the church facility. Construction on a phase of the expansion was started in November 2002. A Certificate of Occupancy was issued on May 5, 2005.

On December 28, 2010, the Planning and Zoning Commission denied a request for a variance to the sign code. The Twin Falls Reformed Church requested a variance to allow for a freestanding sign larger than allowed for non-residential uses in a residential zone.

Analysis:

This is a request for **ANNEXATION** with a **ZONING DISTRICT CHANGE AND ZONING MAP AMENDMENT** from **R-2**, residential to a **C-1 PUD** to allow for expansion of an existing religious facility and accessory uses, and to include a variety of light commercial and professional uses that are consistent with the land use designation of Urban Village/Urban Infill as defined in the Twin Falls Comprehensive Plan and to allow for signage as allowed for non-residential uses on property located at 1631 Grandview Drive North.

The property is 22.1 acres in size on the southwest corner of Pole Line Road West and Grandview Drive North. It is the location of the Twin Falls Reformed Church and the Magic Valley School for the Performing Arts.

This property is zoned R-2 in the City's Area of Impact (Aoi). The church and school on the property were developed in accordance with R-2 standards and other applicable regulations. The property is bounded by City limits on the eastern, western, and a portion of its southern boundaries and so it is able to request annexation. The facilities on site are served by City of Twin Falls water and sewer utilities through an out-of-City services agreement. Current City policy does not allow for out-of-City service agreements and requires that properties must be within City limits to receive services. Annexation of this property would bring it into compliance with current regulations. Twin Falls City Code sections 10-15-1 and 10-15-2 require a hearing and recommendations from the Commission on planning and zoning designations for areas proposed to be annexed. The City Council shall then hold an additional public hearing to determine whether the designated area should be annexed and if so what the zoning designation shall be. Section 10-15-2(A) states: "The Commission hearing shall not consider comments on annexation and shall be limited to the proposed development plan and zoning changes."

City Code requires that the applicants make a preliminary PUD presentation to the Commission and to the public. This presentation allows the Commission and the public to become familiar with the project prior to the actual public hearing. At the presentation the applicant stated that the primary purpose for the change to zoning as part of the request is to allow for additional signage. The request would also allow for additional uses that would be auxiliary to the church and school on the site and for expansion of the existing facilities as budget allows.

The Comprehensive Plan calls out this property as Urban Village/Urban Infill. This long-range land use type does not have a current zoning district that corresponds to this classification. The applicant has proposed a C-1 zoning that is very limited to infill uses that are consistent with the Comprehensive Plan description of Urban Village/Urban Infill and that would be low-impact and complement the church and school. Staff feels that the uses listed in the PUD are generally in line with mixed-use infill development of the site. The remaining area outside of the developed portion and area proposed for expansion of the church is only about five (5) acres. Staff does have concern that hotels and motels are permitted uses and there are a number of medical uses listed in the PUD including offices for health care professionals, clinics, nursing and assisted living facilities. The medical uses do not seem to be auxiliary to the church as the other proposed uses are, such as bookstores,

parsonage, food sales, and offices. Staff would recommend that the medical uses and hotels/motels are removed from the PUD agreement. – The Commission agreed with staff’s recommendation and the TF Reformed Church removed the land uses.

The church is currently restricted to the signage allowances for a non-residential use in a residential zone. For freestanding signs this limits them to a maximum height of 8’ and 60 sq ft in size. Because of the properties frontage on major arterial roadways the church would like to have additional allowances to make their signs more visible. The PUD proposes a message center sign for the church on the northeast corner of the property and for an additional off-premise sign to be allowed on Pole Line Road to identify any future development on the southern portion of the property.

The landscaping requirements are similar to other PUDs in the area including a 20’ wide buffer including landscaping and sidewalk along Cheney Drive West and any other future interior streets. Building heights would be limited to 35’ in height. The applicants stated that land for half of the development for Cheney Drive West would be provided upon the time it is needed and its layout has been determined. Staff would recommend that commitment be stated as a condition of approval and included in the PUD Agreement. The applicant also indicated that the canal lateral on the south and west sides of the property be left in their current location as open channels. Staff would recommend that the state of the lateral be determined by the Twin Falls Canal Company and verbiage to this effect be included in the PUD Agreement.

Properties to the east and west are zoned C-1 PUD. The new St. Luke’s Magic Valley Regional Medical Center just started operations to the east. The undeveloped southern portion of the property currently provides a buffer to residential property to the south. The provision for Cheney Drive West and a 20’ wide landscape and sidewalk buffer would provide a transition to residentially zoned property to the south. The proposed zoning with staff recommendations should be a good transition to the area and provide for additional uses while maintaining the integrity of the site.

On June 14, 2011 the Commission unanimously recommended the requested zoning of C-1 PUD as an appropriate zoning designation and determined it was consistent with the Comprehensive Plan, as presented, subject to the following conditions:

1. Subject to amendments as required by Building, Fire, Engineering & Zoning Officials to ensure compliance with all applicable City Code requirements and standards
2. Subject to the elimination of the permitted and special uses listed under “Medical Facilities” in the PUD Agreement and removal of “Motels and transient hotels” as permitted residential uses in the PUD Agreement Exhibit “C”.
3. Subject to recordation of a PUD Agreement, as approved by the City Council
4. Subject to dedication of half of Cheney Drive West when directed by the Engineering Department or upon platting.
5. Subject to the lateral on the south and west of the property being maintained and any development or alteration being reviewed and approved by the Twin Falls Canal Company.

Attachments:

1. PUD Narrative
2. Vicinity Map
3. Area Zoning Map
4. Aerial Map
5. Long Range Land Use Map (Comprehensive Plan)
6. Proposed Master Development Map
7. Proposed Sign Exhibit
8. Draft PUD Agreement Land Use Exhibit C
9. Special Use Permit #0783
10. 2002 Expansion Floor Plan, Site Plan, and Northeast elevation
11. Portion of the draft minutes from the May 24, 2011, Planning and Zoning Commission meeting
12. Page 2-32 of the Twin Falls Vision 2030: A Comprehensive Plan for a Sustainable Future with “Urban Village/Urban Infill” definition
13. Portion of the June 14, 2011 P&Z minutes

PUD NARRATIVE

4a. Reason for the request:

Twin Falls Reformed Church, Inc. is requesting a rezone of the subject property from R-2 to C-1, PUD to allow for uses and signage not allowed under the current zoning designation.

4b.i. Relation to Comprehensive Plan:

The proposed use is in conformance with the City's comprehensive plan.

4b.ii. Compatibility with surrounding area:

The zoning designation being requested is compatible with the zoning and land use plans of the surrounding areas. The area immediately to the west and southwest has been rezoned for similar uses and the owner of Fieldstone is currently entertaining a request for changes within the undeveloped portions of that subdivision. The property is bordered by two major arterials, Pole Line Road on the north and Grandview Drive North to the east, with the Saint Lukes project currently about to open.

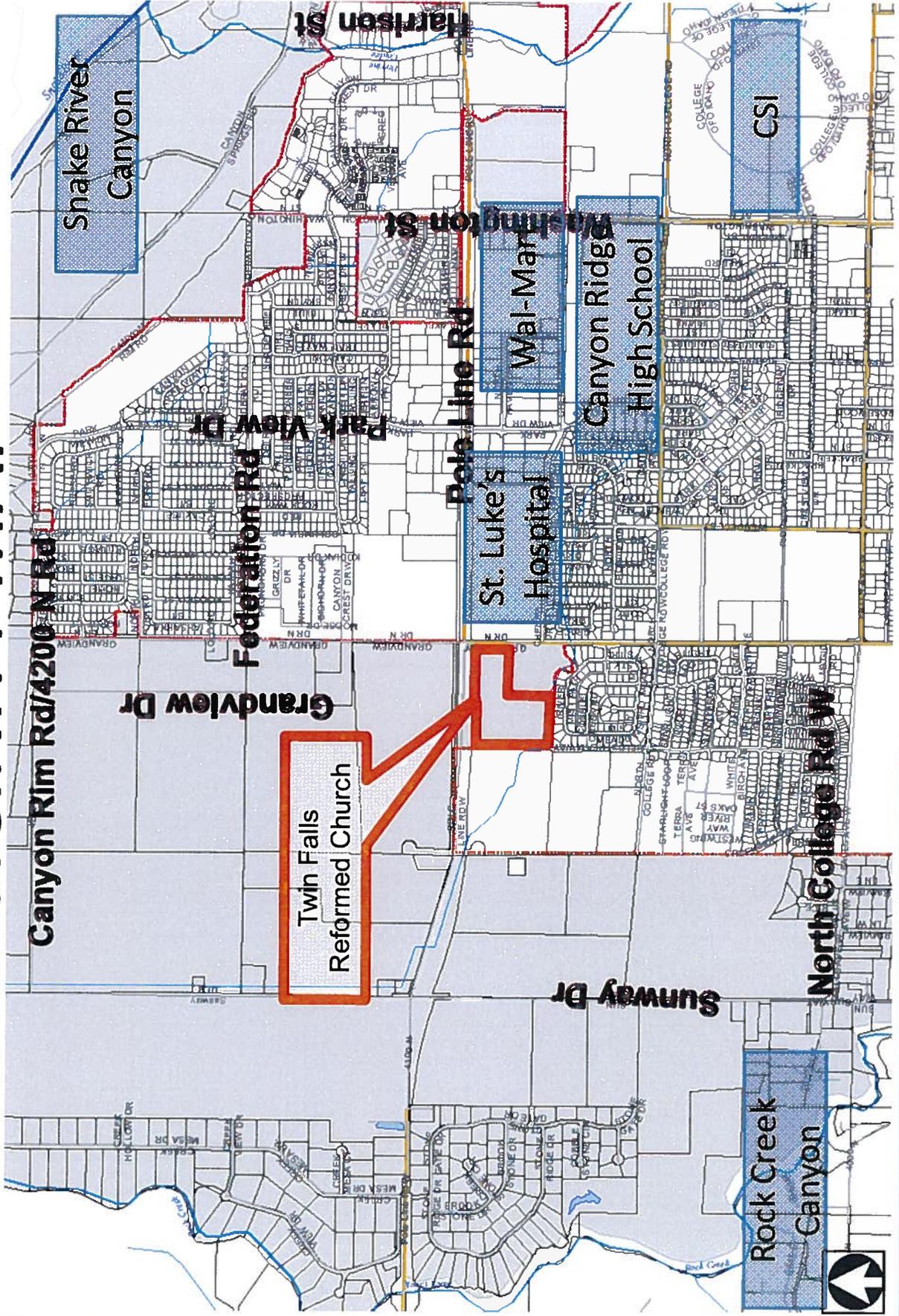
4b.iii. Intended use/development of the property.

The intended use is to continue the religious facility operation with probable expansion of the main facility as funds are available. Any other type of future development contemplated would be auxiliary and an asset to the church as well as the adjacent neighbors.

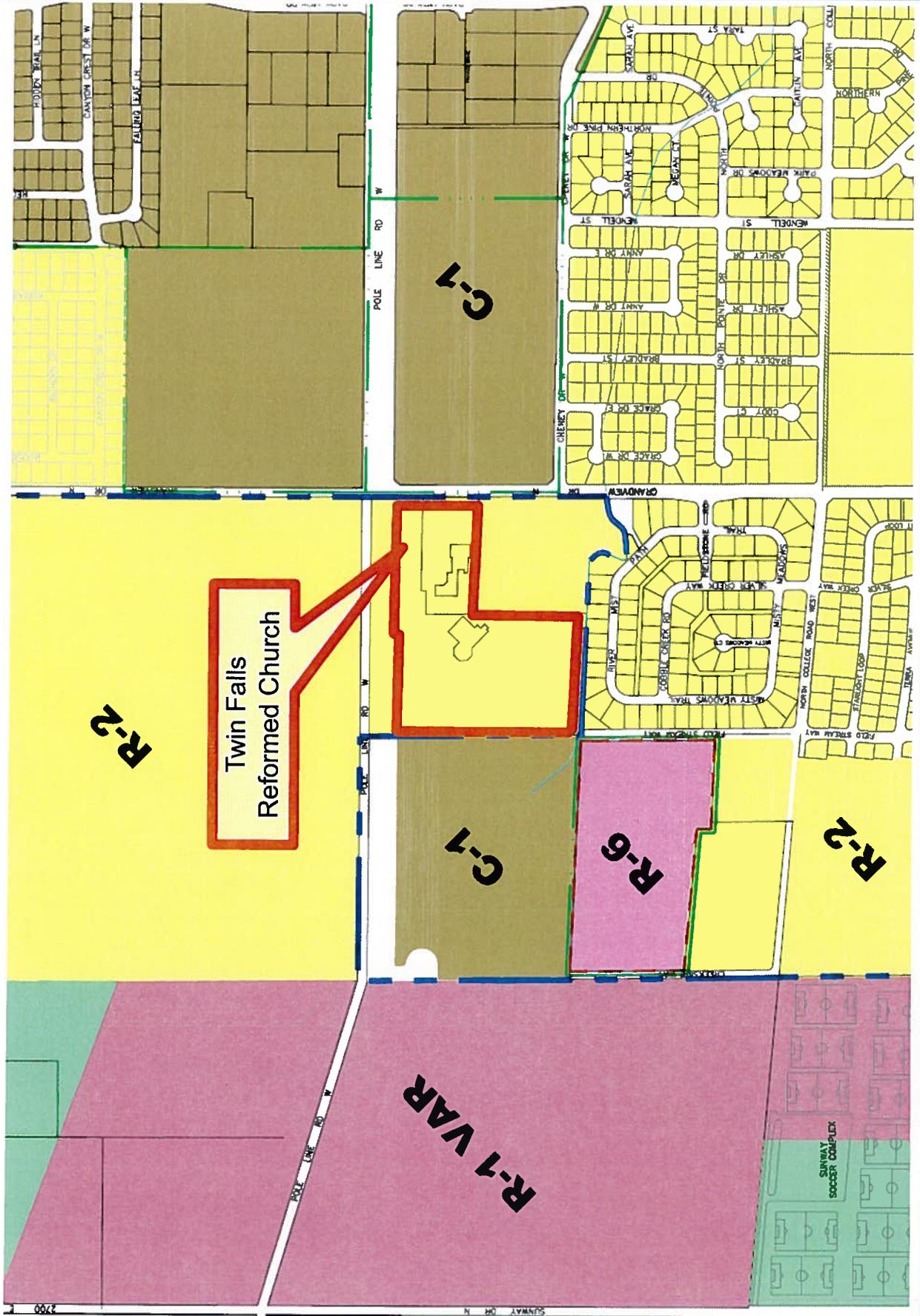
4b.iv. Exceptions for specific uses and/or development standards(s).

Specific uses that would be allowed are listed in the planned unit development agreement. Half right of way will be given for Cheney Drive upon the need for it and the lateral on the south and west boundaries is being depicted as being left as a relocated open channel.

VICINITY MAP

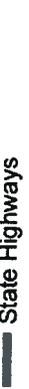


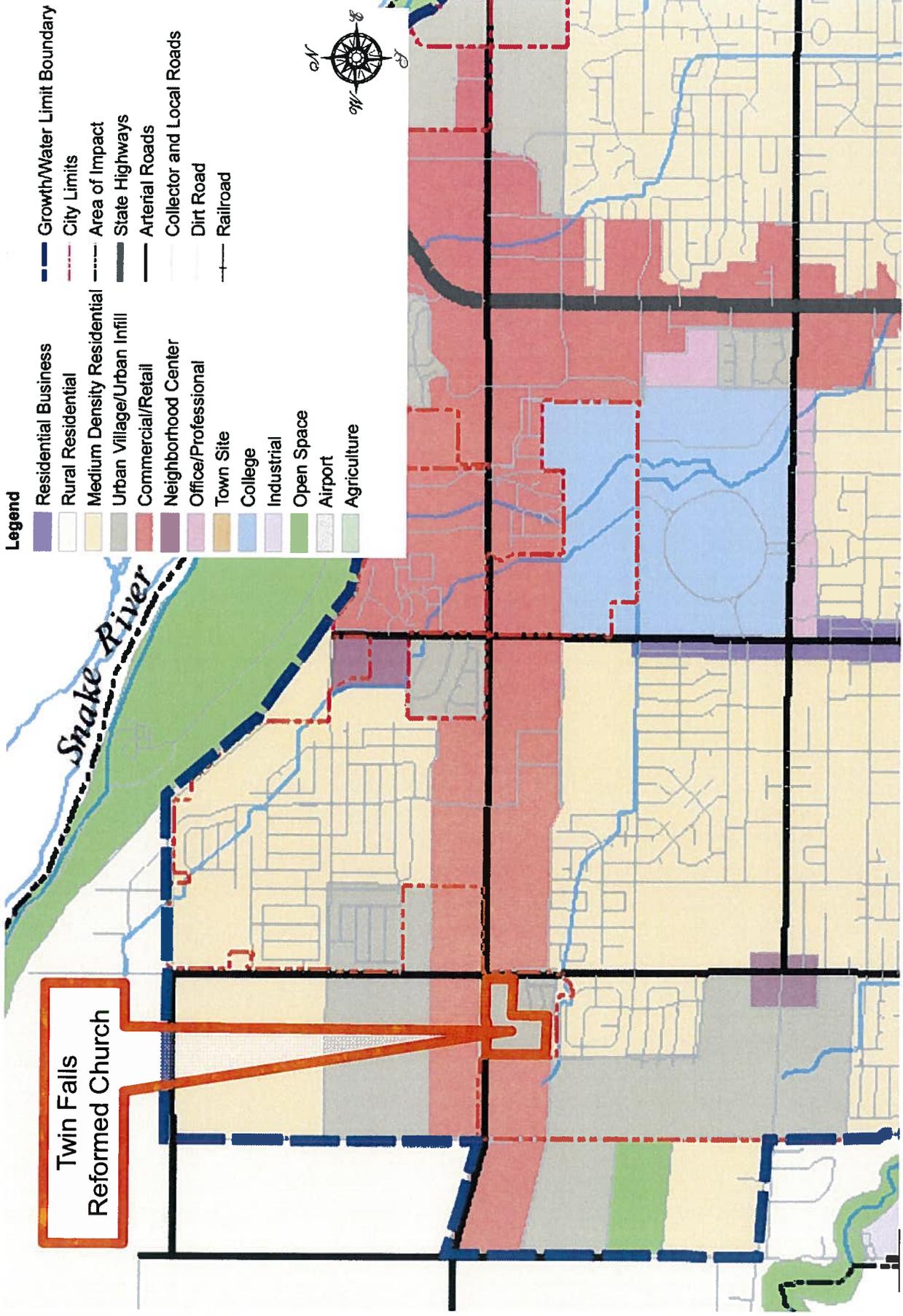
ZONING MAP

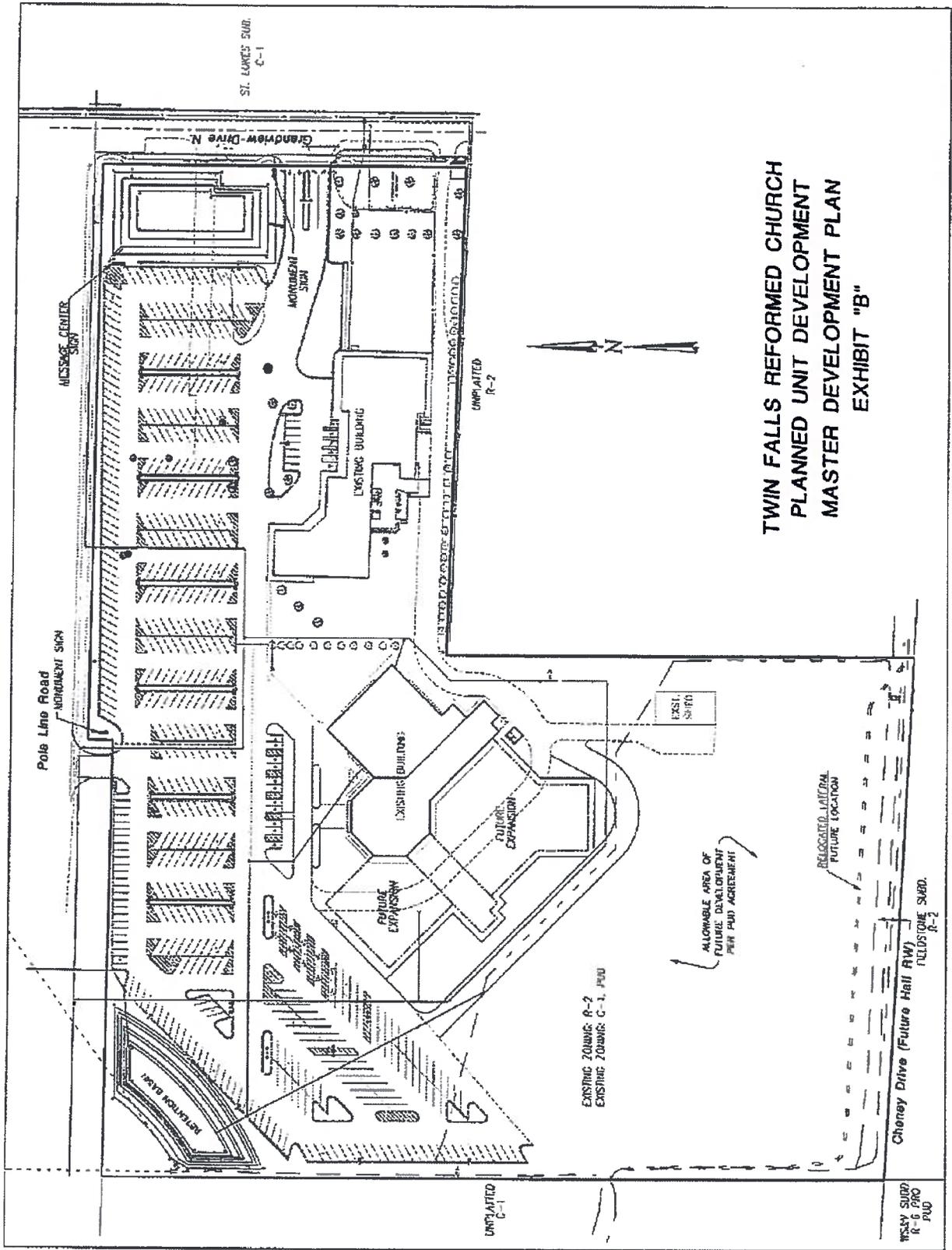


LONG RANGE LAND USE MAP

Legend

- | | |
|--|---|
|  Residential Business |  Growth/Water Limit Boundary |
|  Rural Residential |  City Limits |
|  Medium Density Residential |  Area of Impact |
|  Urban Village/Urban Infill |  State Highways |
|  Commercial/Retail |  Arterial Roads |
|  Neighborhood Center |  Collector and Local Roads |
|  Office/Professional |  Dirt Road |
|  Town Site |  Railroad |
|  College | |
|  Industrial | |
|  Open Space | |
|  Airport | |
|  Agriculture | |





**TWIN FALLS REFORMED CHURCH
 PLANNED UNIT DEVELOPMENT
 MASTER DEVELOPMENT PLAN
 EXHIBIT "B"**



PRELIMINARY CONCEPTS FOR A MAIN I.D. SIGN WITH ELECTRONIC MESSAGE CENTER AND TWO ENTRANCE SIGNS
 50 Sq. Ft. message center 5'5" x 9'3" overall size

UNAUTHORIZED USE, REPRODUCTION AND OR DISPLAY SHALL RENDER THE INFRINGER LIABLE FOR UP TO \$150,000 IN STATUTORY DAMAGES, PLUS ATTORNEY'S FEES AND COSTS FOR EACH REPRODUCTION UNDER THE U.S. COPYRIGHT ACT (17 U.S.C. § 112 & 504)
 COLORS RENDERED HERE MAY NOT REPRESENT ACTUAL FINISH—REFER TO COLOR CALL-OUTS FOR APPROVED COLOR SPECIFICATIONS

- 1. CLIENT: Twin Falls Reformed Church
- 2. PROJECT: Twin Falls Church
- 3. PROJECT NO: PFL 100
- 4. DATE: 12-10-10
- 5. SCALE: 3/8" = 1'
- 6. ARCHITECT: PROJECT
- 7. CONTRACTOR: INC.
- 8. ELEMENTS: APPROVED CONCEPTS SIGN
- 9. NOTES: 11-22-10 N.C. OF BNC Revised AG 11-24-10
- 10. DATE: 11-24-10
- 11. DATE: 11-24-10
- 12. DATE: 11-24-10
- 13. DATE: 11-24-10
- 14. DATE: 11-24-10
- 15. DATE: 11-24-10
- 16. DATE: 11-24-10
- 17. DATE: 11-24-10
- 18. DATE: 11-24-10
- 19. DATE: 11-24-10
- 20. DATE: 11-24-10



1125 S. 10th St.
 PO Box 100
 Twin Falls, ID 83420
 208-733-1779
 1-800-651-4444
 Fax: 208-733-1823
 WWW.LIFESIGNS.COM

Staff's & Commission's recommendations are included. Additions are underlined and in blue and ~~proposed deletions are struck through and in red.~~

EXHIBIT C – USES

10-4-8: C1, COMMERCIAL HIGHWAY DISTRICT:

10-4-8.1: PURPOSE:

~~This district is intended to provide for commercial activities of various sizes from the existing religious facility and its future expansion to potential auxiliary facilities. This district is designed for application on major streets or portions thereof. (Ord. 2526, 5-20-1996)~~

This district is intended for areas within the existing City Limits on sites that are surrounded by built-up areas and which are generally smaller than land located on the outskirts of the community. Instead of being developed with single-family homes or similar homogenous uses, a mixed-use profile is envisioned, incorporating a range of residential uses and densities, in addition to commercial and community uses which support urban lifestyles. Mixed uses could be both vertical and horizontal, depending on the design qualities of each specific project.

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Communications And Utilities:

- a. Radio and television stations without transmission and receiving towers.
- b. Utility owned buildings and structures less than twenty-five (25) square feet in area and less than six feet (6') above ground.

2. Cultural Facilities:

- a. Botanical gardens and arboretums.
- b. Historic sites and monuments.
- c. Libraries, museums and art galleries.

~~3. Medical Facilities:~~ *3 - Governmental Facilities - a) Government Offices*

~~3. Medical Facilities:~~

- ~~a. Offices for health care professionals~~
- ~~b. Hospitals and clinics~~
- ~~c. Rehabilitation services~~
- ~~d. Assisted living facilities~~
- ~~e. Extended care facilities~~

~~f. Nursing homes~~

4. Parks:

- a. Open space.
- b. Private parks and playgrounds without crowd attracting facilities.
- c. Private parks and playground with crowd attracting facilities.

5. Public Assembly:

- a. Auditoriums.
- b. Funeral Chapels.
- c. Religious Facilities.
- d. Schools – private, single purpose.
- e. Schools – private, vocational and/or academic.
- f. Theaters – indoor.

6. Residential:

- a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
- b. Bed and breakfast facilities.
- c. Parsonage.
- d. Household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use.
- e. Household units in upper floor of commercial or professional buildings.

7. Retail Trade:

- a. Bookstore.
- b. Craft Shop, in conjunction with retail business.
- c. Eating places.
- d. Florist shop.
- e. Food, drugs, etc.
- f. Ice cream store.
- g. Music store.

8. Services:

- a. Beauty and barber shops.
- b. Business associations.
- c. Copy center – self service.
- d. Daycare services.
- e. Duplicating and stenographic offices.
- f. Professional services.
- g. Welfare and charitable facilities.
- h. Finance and investment offices.
- i. Government offices *– separate to own land use category*

9. Transportation:

- a. Bus facilities, including pick up shelters.

Notwithstanding the foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit. (Ord. 2786, 6-1-2004; amd. Ord. 2798, 8-2-2004)

(B) Special Uses: A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. Communications And Utilities:

- a. Radio and television stations with wireless communications facilities.

2. Manufacturing:

- a. Handcrafted Furniture.

~~3. Medical Facilities:~~

- ~~a. Prosthetics – sales, service and/or construction.~~

4. Miscellaneous:

- a. Any facility with drive-through service.

5. Residential:

- ~~a. Motels and Hotels~~
-

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)



P.O. Box 1907

321 Second Avenue East

Twin Falls, Idaho 83303-1907

Fax: (208) 736-2296

OFFICE OF THE PLANNING & ZONING DIRECTOR

208-735-7267

SPECIAL USE PERMIT

Permit No.0783

Granted by the Twin Falls City Planning and Zoning Commission on July 9, 2002, to Twin Falls Reformed Church whose address is 1631 Grandview Drive North, for the purpose of expanding an existing religious facility by more than 25% on real property located at 1631 Grandview Drive North and legally described as part of NE¼ NE¼, Section 6, Township 10 South, Range 17 East, Twin Falls County Idaho.

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

- 1) *Approval is subject to final resolution of required parking.*
- 2) *Existing unpaved parking area to be paved if it is to be used as parking.*
- 3) *Truck access to be clarified.*
- 4) *Only one access allowed to be from Grandview Drive North split with a landscape median.*
- 5) *Six-foot high screening fence required adjacent to residential property unless waived by adjacent property owners.*
- 6) *Install pressure irrigation system if connected to City water.*
- 7) *Construct curb, gutter, and sidewalk but, deferred until the State project on Pole Line is completed.*
- 8) *Dedicate 32 feet of right-of-way on the southern boundary of the site.*



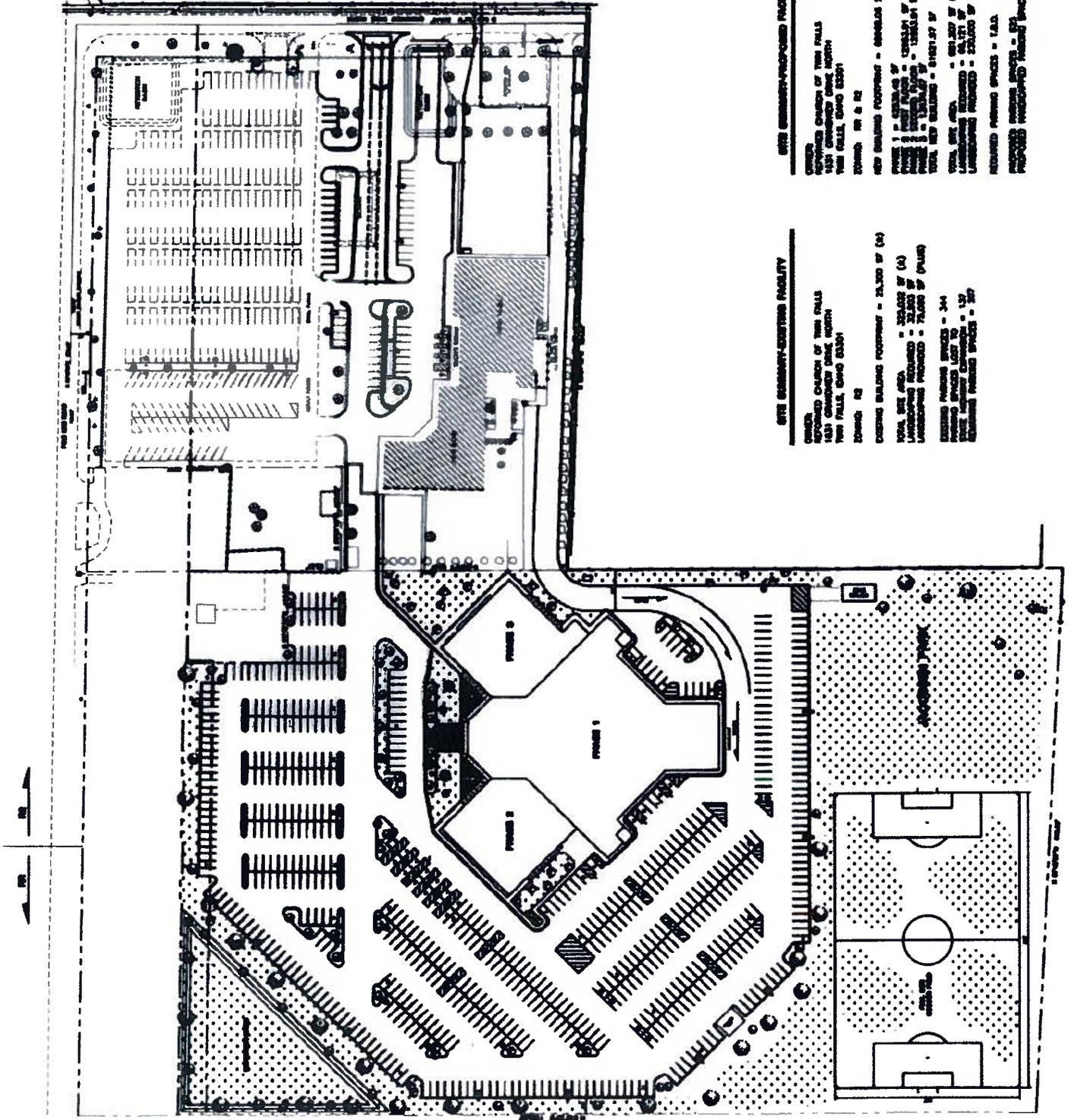

Chairman

This permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

Please contact the Building Department at 735-7238 for further information.

This permit corresponds to Application No 1660

cc: Building Inspection



SITE EXISTING-EXISTING FACILITY

CHURCH
 REFORMED CHURCH OF TWIN FALLS
 1633 GRANDESERB DRIVE NORTH
 TWIN FALLS, IDAHO 83301

Zoning: R2

EXISTING BUILDING FOOTPRINT = 25,300 SF (A)

TOTAL SITE AREA = 32,032 SF (A)

LANDSCAPED REQUIRED = 25,300 SF (A)

LANDSCAPING PROVIDED = 75,000 SF (PLUS)

EXISTING PARKING SPACES = 344

REQUIRED PARKING SPACES = 132

REQUIRED PARKING SPACES = 307

SITE EXISTING-PROPOSED FACILITY

CHURCH
 REFORMED CHURCH OF TWIN FALLS
 1633 GRANDESERB DRIVE NORTH
 TWIN FALLS, IDAHO 83301

Zoning: R2 & R2

NEW BUILDING FOOTPRINT = 66,600 SF

TOTAL SITE AREA = 98,632 SF (A)

LANDSCAPED REQUIRED = 132,000 SF (A)

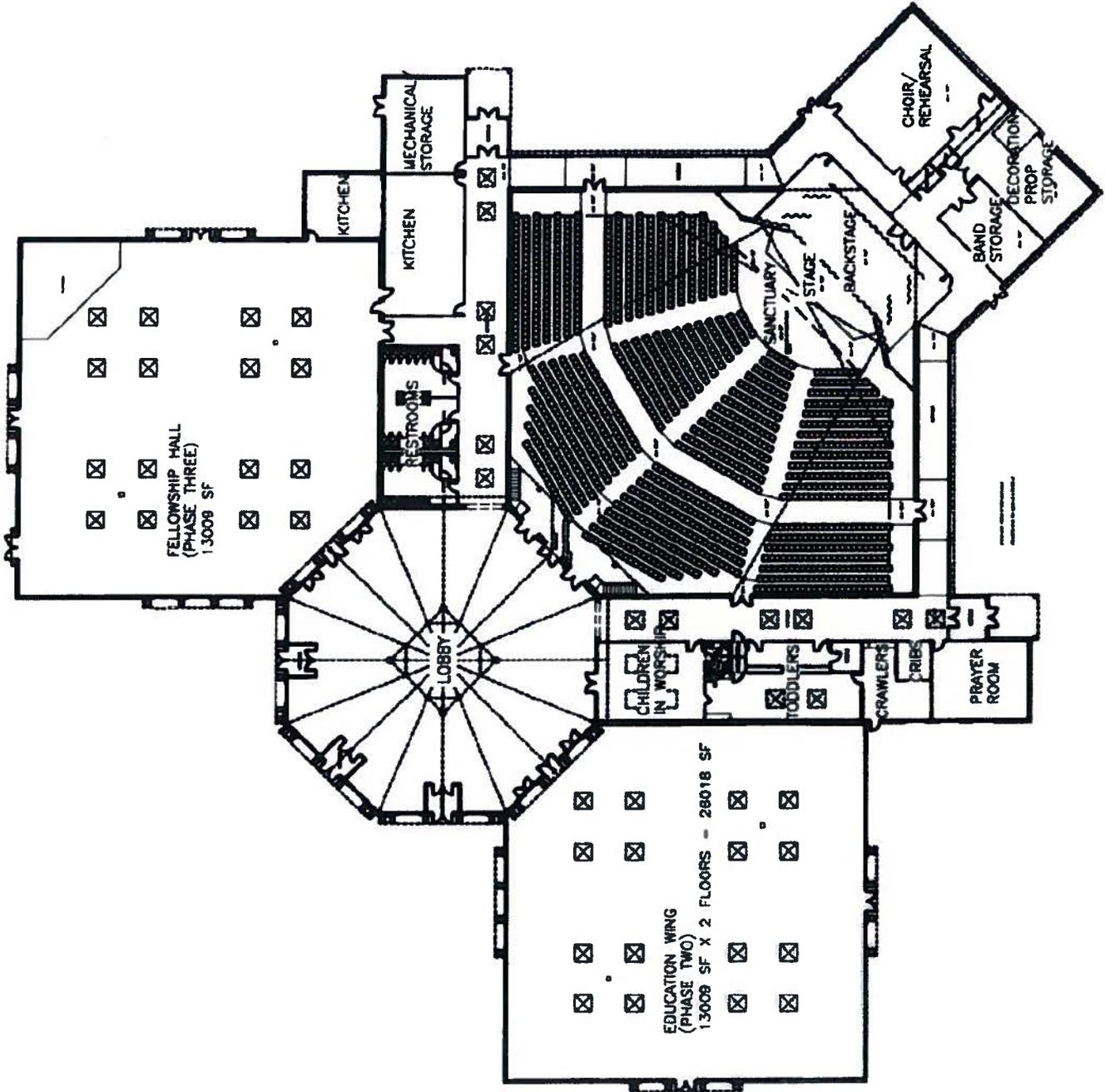
LANDSCAPING PROVIDED = 132,000 SF (PLUS)

TOTAL SITE AREA = 98,632 SF (A)

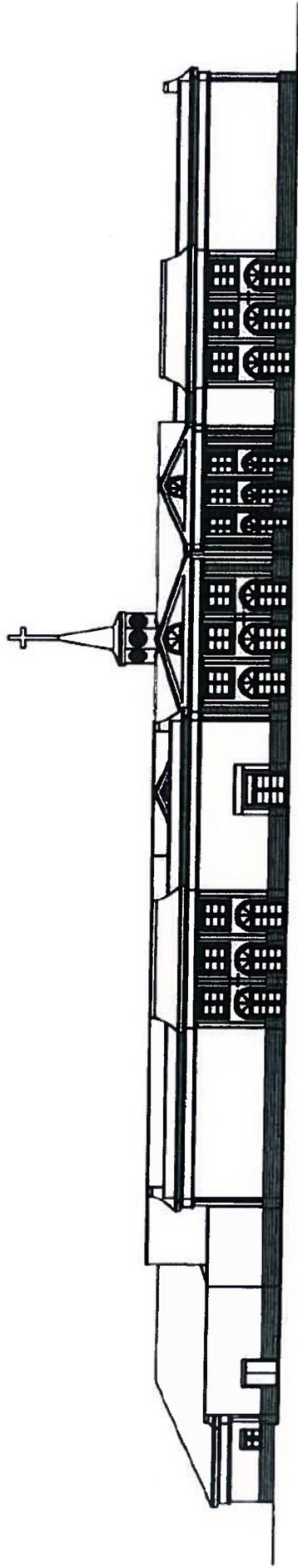
REQUIRED PARKING SPACES = 647

REQUIRED PARKING SPACES = 1,071

REQUIRED PARKING SPACES = 20



1 FIRST FLOOR



NORTHEAST ELEVATION - ALL PHASES



MINUTES
Twin Falls City Planning & Zoning Commission
May 24, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott Terry Ihler V. Lane Jacobson Jim Schouten Chuck Sharp
Chairman **Vice-Chairman**

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
 Cope
 Derricott
 Jacobson
 Schouten
 Sharp

ABSENT:

Ihler

AREA OF IMPACT MEMBERS

PRESENT:

DeVore

ABSENT:

Mikesell

CITY COUNCIL MEMBERS PRESENT: Mills Sojka

CITY STAFF PRESENT: Carraway, Strickland, Vitek,

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Preliminary PUD presentation for a request for annexation and a Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD to allow for expansion of an existing religious facility and accessory uses, and to include a variety of light commercial and professional uses that are consistent with the land use designation of Urban village/Urban Infill as defined in the Twin Falls Comprehensive Plan and to allow for signage as allowed for non-residential uses on property located at 1631 Grandview Drive North. c/o Mike Smit on behalf of the Twin Falls Reformed Church (app 2458)

IV. PUBLIC HEARING ITEMS

1. Commission recommendation on a request for an amendment to the Kelly & Cohen Appliances, Inc., and Willard D. Ihler & Dorothy M. Ihler Planned Unit Development Agreement #212, recorded September 22, 1998, to revise the Master Development Plan to include redevelopment of the northeast portion of the existing Planned Unit Development Agreement #212 to allow an 8000 sq. ft. multi-tenant commercial development on property located at the southwest corner of Pole Line Road East and Locust Street North, aka 1434 Pole Line Road East. c/o Rex Harding, JUB Engineers on behalf of Twin Falls Holding Corporation (app.2450)
2. Request for a Non-Conforming Building Expansion Permit to allow expansion of an entrance canopy attached to a non-conforming building on property located at 1925 Kimberly Road c/o Lytle Signs, Inc. (app. 2451)

3. Request for a Special Use Permit to operate an indoor recreation facility in Space 9 of Building 4 at the Lynwood Shopping Center on property located at 1201 Filer Avenue East. c/o Rodney Waite on behalf of Laser Mania Family Fun Center (app. 2452)

I. CALL MEETING TO ORDER:

Chairman Bohm called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **MAY 10, 2011**
2. Approval of Findings of Fact and Conclusions of Law:
 - Seth & Nolan Watte (SUP 05-10-11)

III. ITEMS OF CONSIDERATION:

1. Preliminary PUD presentation for a request for annexation and a Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD to allow for expansion of an existing religious facility and accessory uses, and to include a variety of light commercial and professional uses that are consistent with the land use designation of Urban village/Urban Infill as defined in the Twin Falls Comprehensive Plan and to allow for signage as allowed for non-residential uses on property located at 1631 Grandview Drive North. c/o Mike Smit on behalf of the Twin Falls Reformed Church (app 2458)
 - Chairman Bohm read into the record a letter of support submitted by Brad Wills to the Planning & Zoning Commission, filed with the application.

APPLICANT PRESENTATION:

Mike Smit, representing the applicant, stated he is here to present information related to a request to rezone their property from R-2 to C-1. The main reason for the rezoning request is to allow for some signage that is currently not allowed under the R-2 zone. The rezone will give them the same opportunity afforded to the neighboring properties. The proposed use is in conformance with the City's Comprehensive Plan and is a logical step as it relates to this plan. The zoning designation being requested is compatible with the surrounding properties. As the owner of Fieldstone (Brad Wills) explained in his letter is working with the church and the extension of Cheney Drive. The intended use is nothing new, they are hoping to expand the facility if funds become available. The specific uses allowed are listed in the PUD Agreement, this is the preliminary presentation for the Commission prior to the public hearing. Approval of this request would allow the church to move forward with some signage they would like to construct.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated this is a request for Annexation with Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD, as described by the applicant. A public hearing regarding this request will be heard at the regularly scheduled Planning & Zoning Commission public meeting on Tuesday, June 14, 2011 further staff analysis will be given at that time.

PUBLIC COMMENT: OPENED & CLOSED WITHOUT PUBLIC CONCERN

P&Z DISCUSSION FOLLOWED: WITHOUT CONCERNS

PLANNING & ZONING PUBLIC HEARING SCHEDULED FOR JUNE 14, 2011

Medium Density Residential encourages homes on a given tract of land to be erected on lots with reduced area and frontage; the balance of land would then be dedicated as permanent open space. Housing densities would generally be the same as allowed if developed under conventional subdivision conditions, although slight density bonuses may be considered as an incentive to implement a Clustered Development project.

Utilizing a Clustered Development provides many potential benefits to the community, land owners and developers alike, by (1) increasing residential amenities, recreational opportunities, municipal economy and environmental protection through the conservation of open space, scenic areas, views, streams and other community assets; (2) promoting efficiency and economy of street and utility layout; (3) lessening storm run-off, erosion and sedimentation normally associated with more conventional patterns of residential development; (4) retaining natural drainage courses and wetlands; and (5) promoting the health, safety, convenience and welfare of the community. Medium Density Residential developments are envisioned to include a wider variety of housing styles and types, which will result in more interesting neighborhoods and districts.

Urban Village/Urban Infill

Urban Village/Urban Infill uses are proposed within the existing City Limits on sites that are surrounded by built-up areas and which are generally smaller than land located on the outskirts of the community. Instead of being developed with single-family homes or similar homogenous uses, a mixed-use profile is envisioned, incorporating a range of residential uses and densities, in addition to commercial and community uses which support urban lifestyles. Mixed uses would be both vertical and horizontal, depending on the design qualities of each specific project.

In addition to accommodating residential uses allowed through existing zoning, a wider range of housing types and patterns of development are encouraged, including Clustered Development, Mixed-Use and New Urbanist development patterns as appropriate for each given site and project (see Chapter 3 – Community Design for details). For example, areas currently classified for Medium Density Residential in the current zoning and land use plan should be allowed to develop with Urban Infill projects in the areas indicated on Map 2-4. In order to clarify the allowed uses and design qualities allowed within these areas, detailed design guidelines and infill standards should be developed.

Commercial/Retail

Existing and future commercial uses will continue to be centered in established areas such as Downtown, Blue Lakes Boulevard, along portions of the Snake River Canyon Rim, and other major roadway corridors. Commercial areas will accommodate large-scale commercial, retail, light industrial, office park, and similar uses. In addition, a large new commercial area is proposed on the eastern edge of the community between Kimberly Road and the rail line to accommodate large-scale commercial uses, light industrial uses, office parks and similar uses.

The distinction between commercial uses should be reduced, and a Mixed Use Commercial development approach encouraged in order to promote the development of commercial areas that are more dynamic and user-friendly.

Neighborhood Centers

Neighborhood Centers are proposed in new and existing residential areas of the City. These should provide shopping and other services for the surrounding neighborhoods, including supermarkets, offices, day care centers, copy shops, restaurants, cafes and similar small-scale



MINUTES
Twin Falls City Planning & Zoning Commission
June 14, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott Terry Ihler V. Lane Jacobson Jim Schouten Chuck Sharp
Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Cope
Derricott
Ihler
Jacobson
Schouten
Sharp

ABSENT:

AREA OF IMPACT MEMBERS

PRESENT:

ABSENT:

DeVore
Mikesell

CITY COUNCIL MEMBERS PRESENT: Mills Sojka

CITY STAFF PRESENT: Carraway, Strickland, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to operate an indoor recreation facility to include dancing and pool tables operating with extended hours or operation of Wednesday, Friday & Saturday from 11:00 pm to 3:00 am in conjunction with an existing bar and grocery store on property located at 139 Shoshone Street North, c/o Afrim Hetemi. (app. 2455)
2. Request for a Special Use Permit to serve alcohol for consumption onsite and to operate a drive-through window in conjunction with an existing spa-beauty salon and restaurant on property located at 2221 Addison Avenue East, c/o Tony Valdez on behalf of Purity, LLC / A Coffee & Wine Affair. (app. 2456)
3. Request for a Special Use Permit to allow wholesale distribution and storage of hazardous chemical on property located at 2050 Eldridge Avenue East, c/o Julian Barlow on behalf of Don Wolverton. (app.2457)
4. Request for the annexation and a Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD to allow for expansion of an existing religious facility and accessory uses, and to include a variety of light commercial and professional uses that are consistent with the land use designation of Urban village/Urban Infill as defined in the Twin Falls Comprehensive Plan and to allow for signage as allowed for non-residential uses on property located at 1631 Grandview Drive North, c/o Mike Smit on behalf of Twin Falls Reformed Church. (app. 2458)
5. Request for a Special Use Permit to operate an in-home daycare on property located at 311 Trotter Drive, c/o Scott and Kelly Mason. (app. 2459)
6. Request for a Special Use Permit to construct a 1650 sq. ft. detached accessory building on property located at 343 Madrin Street, c/o Norman Lee Jones. (app. 2460)

I. PUBLIC HEARING ITEMS:

4. Request for the annexation and a Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD to allow for expansion of an existing religious facility and accessory uses, and to include a variety of light commercial and professional uses that are consistent with the land use designation of Urban Village/Urban Infill as defined in the Twin Falls Comprehensive Plan and to allow for signage as allowed for non-residential uses on property located at 1631 Grandview Drive North, c/o Mike Smit on behalf of Twin Falls Reformed Church. (app. 2458)

APPLICANT PRESENTATION:

Mike Smit, representing the Twin Falls Reformed Church stated he is here to request annexation and rezoning of the church property to allow for continued expansion of the current facility and to be able to post signage that is not allowed under the current zoning designation. A variance to the current zone for signage was requested and denied. Therefore a rezone is being request to change from R-2 to C-1 PUD to allow for the signage. The surrounding properties are zoned C-1 and they would like to expand as necessary and as funds allow. They have no problems with the conditions recommended by staff and think this change would be a positive change and request that the Commission make a positive recommendation.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for annexation with a zone change from R-2, residential to a C-1 PUD. The property is 22.1 acres in size on the southwest corner of Pole Line Road West and Grandview Drive North. It is the location of the Twin Falls Reformed Church and the Magic Valley School for the performing arts.

This property is zoned R-2 in the City's Area of Impact (AOI). The church and school on the property were developed in accordance with R-2 standards and other applicable regulations. The property is bounded by City Limits on the eastern, western, and a portion of its southern boundaries and so it is able to request annexation. The facilities on site are served by City of Twin Falls Water and Sewer Utilities through an Out-of-City Services Agreement. Current City policy does not allow for Out-of-City Service Agreements and requires that properties must be within City Limits to receive services. Annexation of this property would bring it into compliance with current regulations. Twin Falls City Code Sections 10-15-1 and 10-15-2 require a hearing and recommendations from the Commission on Planning and Zoning Designations for areas proposed to be annexed. The City Council shall then hold an additional public hearing to determine whether the designated area should be annexed and if so what the zoning designation shall be. Section 10-15-2(a) states: "the Commission hearing shall not consider comments on annexation and shall be limited to the proposed Development Plan and Zoning changes."

City Code requires that the applicants make a preliminary PUD presentation to the Commission and to the public. This presentation allows the Commission and the public to become familiar with the project prior to the actual public hearing. At the presentation the applicant stated that the primary purpose for the change to zoning as part of the request is to allow for additional signage. The request would also allow for additional uses that would be auxiliary to the church and school on the site and for expansion of the existing facilities as budget allows.

The Comprehensive Plan calls out this property as Urban Village/Urban Infill. This long-range land use type does not have a current zoning district that corresponds to this classification. The applicant has proposed a C-1 zoning that is very limited to infill uses that are consistent with the Comprehensive Plan description of Urban Village/Urban Infill and that would be low-impact and complement the church and school. Staff feels that the uses listed in the PUD are generally in line with mixed-use infill development of the site. The remaining area outside of the developed portion and area proposed for expansion of the church is only about five (5) acres. Staff does have a concern that hotels and motels are permitted uses and there are a number of medical uses listed in the PUD including offices for Health Care Professionals, Clinics, Nursing and Assisted Living Facilities.

The medical uses do not seem to be auxiliary to the church as the other proposed uses are, such as bookstores, parsonage, food sales, and offices. Staff would recommend that the medical uses and hotels/motels are removed from the PUD Agreement.

The church is currently restricted to the signage allowances for a non-residential use in a residential zone. For freestanding signs this limits them to a maximum height of 8' and 60 sq. ft. in size. Because of the properties frontage on major arterial roadways the church would like to have additional allowances to make their signs more visible. The PUD proposes a message center sign for the church on the northeast corner of the property and for an additional off-premise sign to be allowed on Pole Line Road to identify any future development on the southern portion of the property.

The landscaping requirements are similar to other PUD's in the area including a 20' wide buffer including landscaping and sidewalk along Cheney Drive West and any other future interior streets. Building heights would be limited to 35' in height. The applicants stated that land for half of the development for Cheney Drive West would be provided upon the time it is needed and its layout has been determined. Staff would recommend that commitment be stated as a condition of approval and included in the PUD Agreement. The applicant also indicated that the canal lateral on the south and west sides of the property be left in their current location as open channels. Staff would recommend that the state of the lateral be determined by the Twin Falls Canal Company and verbiage to this effect be included in the PUD Agreement.

Properties to the east and west are zoned C-1 PUD. The new St. Luke's Magic Valley Regional Medical Center just started operations to the east. The undeveloped southern portion of the property currently provides a buffer to residential property to the south. The provision for Cheney Drive West and a 20' wide landscape and sidewalk buffer would provide a transition to residentially zoned property to the south. The proposed zoning with staff recommendations should be a good transition to the area and provide for additional uses while maintaining the integrity of the site.

Zoning & Development Manager Carraway stated upon conclusion, should the Commission recommend approval of this request to the City Council, as presented, staff recommends the following conditions:

1. Subject to amendments as required by Building, Fire, Engineering & Zoning Officials to ensure compliance with all applicable City Code requirements and standards
2. Subject to the elimination of the permitted and special uses listed under "Medical Facilities" in the PUD Agreement and removal of "Motels and transient hotels" as permitted residential uses in the PUD Agreement Exhibit C.
3. Subject to recordation of a PUD Agreement, as approved by the City Council
4. Subject to dedication of half of Cheney Drive West when directed by the Engineering Department or upon platting.
5. Subject to the lateral on the south and west of the property being maintained and any development or alteration being reviewed and approved by the Twin Falls Canal Company.

PUBLIC HEARING: OPENED

- Brad Wills, 222 Shoshonse Street West stated he owns property adjacent and this a good use for this property. He has no issues with this request.
- Dee Smith stated he lives close by this property and he stated he has concerns because the uses shouldn't be commercial and making this City property would increase the taxes to the surrounding properties. He is not in favor of the request.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Schouten made a motion to approve the request as presented. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL

CITY COUNCIL PUBLIC HEARING SCHEDULED FOR ~~JULY 11, 2011~~ AUGUST 01, 2011

1. Subject to amendments as required by Building, Fire, Engineering & Zoning Officials to ensure compliance with all applicable City Code requirements and standards
2. Subject to the elimination of the permitted and special uses listed under "Medical Facilities" in the PUD Agreement and removal of "Motels and transient hotels" as permitted residential uses in the PUD Agreement Exhibit "C".
3. Subject to recordation of a PUD Agreement, as approved by the City Council
4. Subject to dedication of half of Cheney Drive West when directed by the Engineering Department or upon platting.
5. Subject to the lateral on the south and west of the property being maintained and any development or alteration being reviewed and approved by the Twin Falls Canal Company.