

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>			



AGENDA
 Meeting of the Twin Falls City Council
Monday, October 10, 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 October 3 - 10, 2011. 2. Consideration of the September 27 and October 3, 2011, City Council Minutes. 3. Consideration of the Revised Final Plat of Crowley's Corner Subdivision – A PUD, 05 (+/-) acres consisting of one (1) commercial lot and located at the southeast corner of Pole Line Road East and Locust Street North aka 1434 Pole Line Road East, <u>c/o JUB Engineers, Rex Harding on behalf of Twin Falls Holding Corp.</u>	<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez Mitch Humble
II. ITEMS FOR CONSIDERATION: 1. Consideration of a request to present POST Certificates to the following individuals before the Twin Falls City Council: Officer Jayson Mickelson, Officer Mike Orban, Officer Dallas Garner, and Officer Kevin Loosli, and request by Chief Pike to request that Mayor Don Hall administer the Oath of Office to Ben Hammer, the Police Department's newest Police Officer. 2. Consideration of adoption of a PUD Agreement between the City of Twin Falls and BCM&W, KLS&M, and Canyon Vista Family Limited Partnership, Lazy J Ranch – Linda Wills. (app.2378) Proposed PUD Agreement #259. 3. Consideration of a request to award the bid on the Courtney Conservation Park to All Seasons Landscaping. 4. Public input and/or items from the City Manager and City Council.	Presentation/ Administer the Oath of Office Action Action	Brian Pike Mitch Humble Dennis Bowyer
III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:		
IV. PUBLIC HEARINGS: 6:00 1. Request for a Zoning District Change and Zoning Map Amendment from R-4 PRO to R-6 PUD for 8.5 (+/-) acres to allow for a college apartment complex on property located between the 140-250 Blocks of Falls Avenue West and Robbins Avenue West, <u>c/o College of Southern Idaho represented by Mike Mason.</u> (app. 2474) 2. Consideration of the request from the Twin Falls Golf Advisory Commission to raise fees at the Twin Falls Golf Club.	Public Hearing Public Hearing	Mitch Humble Dennis Bowyer
V. ADJOURNMENT: to 67-2345 Executive Sessions: 1. (1)(c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. (1)(e) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.	Action	Travis Rothweiler

**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.

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>		



MINUTES
 Meeting of the Twin Falls City Council
Monday, September 26, 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. <u>CONSENT CALENDAR:</u>		
1. Consideration of accounts payable for September 20-27, 2011, \$657,892.60. Prepaid September 20, 2011, \$5,227.66.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan
2. Consideration of the September 19, 2011, City Council Minutes.		L. Sanchez Sharon Bryan
3. Alcohol License Application (Beer & Wine) for Mike Dougherty dba Saucy located at 1703 Addison Avenue East.		Troy Vitek
4. Consideration of a request to accept a curb, gutter, and sidewalk deferral agreement for improvements on property located at 1785 3 rd Avenue East c/o Kevin Ranalli.		Jackie Fields
5. Consideration of a request to rename Sun Terrace Street to Sun Terrace Drive.		
II. <u>ITEMS FOR CONSIDERATION:</u>		
1. Consideration of a request to waive the fees as part of the in lieu of park land dedication for the Platinum Trio Subdivision.	Action	Dennis Bowyer
2. Consideration of the request to schedule a public hearing date of October 10, 2011, to consider a proposal to increase fees at the Twin Falls Golf Club.	Action	Dennis Bowyer
3. Consideration of adoption of an ordinance regarding a request for annexation and Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD on property located at 1631 Grandview Drive North and consideration of adoption of a PUD Agreement between the City of Twin Falls and the Twin Falls Reformed Church, c/o Mike Smit on behalf of the Twin Falls Reformed Church. (app.2458)	Action	Mitch Humble
4. Public input and/or items from the City Manager and City Council.		
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M.		
1. Consideration to adopt an Ordinance for the Amendment of the Fiscal Year 2010-11 Budget.	Public Hearing	Darren Huber
2. Consideration to adopt the Utility Rate Resolution for fiscal year 2011-2012, following a public hearing to increase: Water rates, Sewer rates, Garbage collection fees.	Public Hearing	Lorie Race
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.*

Present: Lance Clow, Trip Craig, Don Hall, David E. Johnson, Greg Lanting, William A. Kezele, Rebecca Mills Sojka

Absent: None.

Staff Present: City Manager Travis Rothweiler, Chief Finance Director Lorie Race, Budget Coordinator Darren Huber, Assistant City Engineer Troy Vitek, Deputy City Clerk Sharon Bryan, City Engineer Jackie Fields, Community Development Director Mitch Humble, Public Works Director Jon Caton, Deputy City Clerk/Recording Secretary Leila A. Sanchez

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

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

PROCLAMATIONS: None.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for September 20-27, 2011, \$657,892.60
September 20, 2011, total: \$5,277.66.
September 26, 2011, total: \$135,000.
Prepaid September 20, 2011, \$5,227.66.
2. Consideration of the September 19, 2011, City Council Minutes.
3. Alcohol License Application (Beer & Wine) for Mike Dougherty dba Saucy located at 1703 Addison Avenue East.
4. Consideration of a request to accept a curb, gutter, and sidewalk deferral agreement for improvements on property located at 1785 3rd Avenue East c/o Kevin Ranalli.
5. Consideration of a request to rename Sun Terrace Street to Sun Terrace Drive.

MOTION:

Vice Mayor Lanting made the motion to approve the Consent Calendar 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.

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to waive the fees as part of the in lieu of park land dedication for the Platinum Trio Subdivision.

Parks & Recreation Director Bowyer reviewed the request.

The Parks & Recreation Commission recommends that the City Council accept the developer's request to pay fees in lieu of park land dedication as part of the park ordinance and to waive those fees.

Discussion followed.

Council directed staff to review City Code Section 10-12-3(F) in regards to the in lieu formula. The formula appears to be discouraging in fill projects.

Councilperson Clow suggested that staff review the pressure irrigation regulations.

MOTION:

Vice Mayor Lanting made a motion to accept the in lieu application and to waive the in lieu payment amount of \$2,609.73 for the Platinum Trio Subdivision. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

2. Consideration of the request to schedule a public hearing date of October 10, 2011, to consider a proposal to increase fees at the Twin Falls Golf Club.

Park & Recreation Director Bowyer reviewed the request.

The Golf Advisory Commission formed a sub-committee to review the fees at the golf course. The sub-committee along with PGA Golf Pro Steve Meyerhoeffer and his assistant Travis Hofland met to discuss fees. The sub-committee developed a policy that stated three issues:

- 1) Simplified the rates by reducing the number of categories
- 2) Same green fee rates on weekends as weekdays
- 3) The couple's (adult & senior) season pass is \$250 added on to a single's season pass.

The daily green fees and the season passes are the only fees that are proposed to change for the 2012 season. Of the eight proposed changes in the fees, two are being reduced, two are below a 5% increase, and the other four range from a 6.67% to a 10% increase.

Staff recommends the City Council set October 10, 2011 at 6:00pm as the date and time for the public hearing to consider adopting the proposed fee changes recommended by the Golf Advisory Commission.

Staff was directed to have the Golf Advisory Commission along with PGA Pro Steve Meyerhoeffer review the fees at the Twin Falls Golf Club.

MOTION:

Councilperson Johnson made a motion to set October 10, 2011 at 6:00pm as the date and time for the public hearing to consider adopting the proposed fee changes recommended by the Golf Advisory Commission. The motion was seconded by Vice Mayor Lanting.

Discussion followed:

Councilperson Clow stated that he had suggested to the committee to no longer have the sales tax included in the rate (fee). He asked why it wasn't accepted. Councilperson Lanting stated that it was to ease convenience for the pro shop help.

City Manager Rothweiler stated that he would consult with the City Attorney in regards to sales tax prior to the public hearing.

Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

3. Consideration of adoption of an ordinance regarding a request for annexation and Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD on property located at 1631 Grandview Drive North and consideration of adoption of a PUD Agreement between the City of Twin Falls and the Twin Falls Reformed Church, c/o Mike Smit on behalf of the Twin Falls Reformed Church. (app.2458)

Community Development Director Humble reviewed the request.

The ordinance and the PUD Agreement have been prepared as directed by the Council and are recommended for adoption as submitted.

Staff recommends that the Council adopt the attached ordinance and PUD Agreement as submitted.

MOTION:

Councilperson Johnson made the motion to suspend the rules and place Ordinance #3013, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ANNEXING CERTAIN REAL PROPERTY BELOW DESCRIBED, PROVIDING THE ZONING CLASSIFICATION THEREFOR, AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT.

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 Sanchez read the ordinance title.

MOTION:

Councilperson Craig made the motion to adopt Ordinance #3013 as presented. The motion was seconded by Vice Mayor Lanting and roll call vote showed members present voted in favor of the motion. Approved 7 to 0.

MOTION:

Councilperson Kezele made the motion to approve the PUD Agreement for the Twin Falls Reformed Church PUD C-1 Planned Unit Development Agreement as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Councilperson Clow stated his concern that the retention pond at the Reformed Church is attracting mosquitoes and moss.

Community Development Director Humble stated that staff would take a look at the pond.

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

Councilperson Clow stated that the Citizen Finance Committee meeting is to be held on September 27, 2011. The following are members and terms of the Committee:

Darrell J. Buffalo	1 year term	Expired September 27, 2011
Brent Jussel	1 year term	Expired September 27, 2011
Debbie Lattin	2 year term	Expires September 27, 2012
Brandi Turnipseed	2 year term	Expires September 27, 2012
Brent White	3 year term	Expires September 27, 2013

Recess: 5:32 P.M.

Reconvened: 6:02 P.M.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

1. Consideration to adopt an Ordinance for the Amendment of the Fiscal Year 2010-11 Budget.

Budget Coordinator Huber reviewed the request.

This is an end of the fiscal year formality to ensure compliance with the Appropriations Ordinance passed for the current fiscal year. All of the expenditures have been previously reviewed and approved by Council. Appropriations ordinance No. 2990 needs to be amended by \$14,529,776.

Discussion followed:

-Fireworks fund.

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

Discussion followed:

Councilperson Clow asked how much money remained in the sanitation fund in reserves after recycling costs were paid. Chief Finance Officer Race stated that \$400,000 was taken out of the \$1.1 million for recycling.

MOTION:

Councilperson Johnson made the motion to suspend the rules and place Ordinance #3014, entitled:

AN ORDINANCE OF THE CITY OF TWIN FALLS, IDAHO, AMENDING ORDINANCE NO. 2990, THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010, AND ENDING SEPTEMBER 30, 2011; APPROPRIATING ADDITIONAL MONIES THAT ARE TO BE RECEIVED BY THE CITY OF TWIN FALLS, IDAHO, IN THE SUM OF \$14,529,776; AND PROVIDING AN EFFECTIVE DATE.

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 Sanchez read the ordinance title.

MOTION:

Councilperson Johnson made the motion to adopt Ordinance #3014 as presented. The motion was seconded by Councilperson Clow and roll call vote showed members present voted in favor of the motion. Approved 7 to 0.

MOTION:

Councilperson Kezele made the motion to approve the PUD Agreement for the Twin Falls Reformed Church PUD C-1 Planned Unit Development Agreement as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

2. Consideration to adopt the Utility Rate Resolution for fiscal year 2011-2012, following a public hearing to increase: Water rates, Sewer rates, Garbage collection fees.

Chief Finance Officer Race reviewed the request.

Staff recommends that the Council adopt the new utility rate resolution, effective October 1, 2011.

Discussion followed:

- Water Fund
- Sewer Fund
- Garbage Collection Fees
- Incentive based recycling program
- Twin Falls County Landfill Costs
- Pressure irrigation

The public testimony of the hearing was opened:

Jim Schouten, 229 Tyler Street, spoke against increased fees.

Pete Johnston, 312 Washington Street South, spoke against increased rates. He asked why the City does not buy 2-door trucks rather than 4-door trucks.

Lorene Dean, 253 Blue Lakes Blvd., stated that she is on a fixed income and cannot budget more increases.

LJ Muir, 776 Academic Drive, spoke against increased rates. He stated that taxpayers are getting less and paying more.

Lilas & Micahel Talley, 1351 7th Avenue East, submitted a letter into the record.

Public Works Director Caton stated that the Water and Street Department would share the water dump truck. Discussion has been made over 4-door trucks versus the purchase of 2-door trucks. 4-door trucks are kept over a perceived period of 15 years. After a truck is used in one department it is passed onto another department for use. The price difference between the trucks is not significant.

Chief Finance Officer Race stated that she could only speculate as to why water revenues are down.

City Manager Rothweiler explained the increase of the Southern Idaho Solid Waste District.

Councilperson Johnson stated that the recycling program was never presented as a cheaper or a no cost alternative.

The public hearing was closed at 7:49 P.M.

Recess: 7:50 P.M.

Reconvened at 8:02 P.M.

Deliberations.

MOTION:

Councilperson Clow made the motion to approve Resolution 1871, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ESTABLISHING SEWER CONNECTION FEES AND USER CHARGES; ESTABLISHING WATER CONNECTION FEES AND USER CHARGES; ESTABLISHING PRESSURE IRRIGATION FEES; PROVIDING FOR COMMERCIAL CLASS USER RELIEF; ESTABLISHING GARBAGE AND RUBBISH COLLECTION FEES; PROVIDING FOR A POLICY ON DELINQUENT ACCOUNTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion was seconded by Councilperson Lanting.

MOTION:

Councilperson Clow made the motion to amend the Resolution to increase the monthly water rate to 3% and the monthly pressurized irrigation user rate to 3%. The motion was seconded by Councilperson Lanting.

Discussion followed:

Chief Finance Officer Race stated that she will be monitoring revenues and if at any point the debt coverage ratio dips below 125% staff will come back to Council to increase rates.

City Manager Rothweiler stated for clarification that if \$110,000 to \$115,000 is cut out the budget, the same needs to be cut in the expenditure side of the budget.

MOTION:

Councilperson Johnson made the motion to table the amendment to the motion to increase the monthly water rate to 3% and the monthly pressurized irrigation user rate to 3% from the 5% presented. The motion was seconded by Councilperson Kezele. Roll call vote showed Councilpersons Craig, Hall, Johnson, Kezele, Lanting and Sojka voted in favor of the motion. Councilperson Clow voted against the motion. Approved 6 to 1.

MOTION:

Councilperson Clow made an amendment to the motion to Sanitation to increase to \$1.37 per household per month. The motion was seconded by Vice Mayor Lanting and roll call vote showed Councilpersons Clow, Craig, Hall, Kezele, Lanting and Sojka voted in favor of the motion. Councilperson Johnson voted against the motion. Approved 6 to 1.

MOTION:

Councilperson Clow made the motion to bring off the table the monthly water rate to 3% and the monthly pressurized irrigation user rate to 3% from the 5%. The motion was seconded by Vice Mayor Lanting. Councilperson Clow redacted his motion with the approval of his second Vice Mayor Lanting.

Roll call vote on the main motion as amended showed Councilperson Clow, Hall, Johnson, Lanting and Sojka voted in favor of the motion. Councilperson Craig and Kezele voted against the motion. Approved 5 to 2.

Council directed staff to schedule a meeting with the 2011 Recycling Committee to review the current Recyclebank Program.

V. **ADJOURNMENT:** The meeting adjourned at 8:58 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary



DATE: **MONDAY, OCTOBER 10, 2011**
 To: Honorable Mayor Hall and City Council
 From: Mitch Humble, Community Development Department

ITEM I-

Request: Consideration of the Revised Final Plat of Crowley's Corner Subdivision-A PUD, 0.5 (+/-) acres consisting of one (1) commercial lot and located at the southwest corner of Pole Line Road East and Locust Street North aka 1434 Pole Line Road East, c/o JUB Engineers/Rex Harding on behalf of Twin Falls Holding Corp.

Time Estimate:

No presentation required.

Background:

Applicant:	Status: Owner/Developer	Size: 0.5(+/-) acres
Twin Falls Holding Corporation c/o Richard Crowley 940 Trotter Drive Twin Falls, Idaho 83301 736-1791 quad@ldsliving.com	Current Zoning: C-1 PUD	Requested Zoning: Final Plat approval
	Comprehensive Plan: Commercial/Retail	Lot Count: 1
	Existing Land Use: Commercial Use	Proposed Land Use: Commercial Use Planned Unit Development
Representative:	Zoning Designations & Surrounding Land Use(s)	
JUB Engineers, Inc. c/o Rex Harding 115 Northstar Avenue Twin Falls, Idaho 83301 208-733-2414 208-308-4675 (c) rlh@jub.com	North: C-1 PUD; Pole Line Rd E/Magic Valley Mall	East: C-1; Locust St N/ Home Depot
	South: C-1 PUD; Buds & Blooms	West: C-1; Lithia Auto Sales
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-6-1 through 3, 10-7-6, 10-11-1 thru 9, 10-12-2.3	

Approval Process:

TF City Code Title 10; Chapter 12-Subdivision Regulations; Section 2.4-Final Plat; (A), (D) (I):

(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:

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 the property in conformance with an approved Preliminary & Final Plat, any conditions placed on that approval and approved construction plans and the PUD Agreement.

History:

- In July of 1909 the EOFF Tract was recorded. The property under consideration is part of the approved PUD Agreement and is located in the northeast portion of this plat.
- On March 31, 1998 Richard E. Santia, on behalf of Rex TV & Appliances, Inc., gave a preliminary presentation to the Planning & Zoning Commission on a request for a zoning district change and zoning map amendment from R-4 to C-1 PUD for property located at 1434 East Pole Line Road. A public hearing was held on April 14, 1998 concerning this request. The northeast property was not included in the request at that time. The main concerns with this request were 1) creating a spot zone by not including the existing residence at the northeast corner of the property in the PUD; 2) storm water management; and 3) limiting accesses to one on Pole Line Road East and one on Locust Street North.
- This request was approved with the following conditions: 1) Provide an acceptable storm water management/flood plain mitigation plan. 2) Limit total driveway approaches to one on Pole Line Road East and one on Locust Street North, as shown on the presented preliminary Master Development Plan. 3) Perfect ingress/egress easement from unplatted R-4 parcel to precluded future direct access from corner lot to Pole Line Road East or Locust Street North. 4) A minimum 15' landscaped buffer to be provided along Locust Street North and a minimum 30' landscaped buffer to be provided along Pole Line Road. 5) Include the existing residence located at the northeast corner of Pole Line & Locust within the PUD.
- Public hearings before the Council were set for May 18, June 1 and June 15, 1998 for the rezone request. On May 18, 1998 the Council voted to suspend the rules and approved the request to rezone this property from R-4 to C-1 PUD as presented subject to the five (5) conditions as recommended by the Commission. Ordinance #2583 was approved on May 18, 1998.
- On July 13, 1998 the City Council approved the PUD Agreement for Kelly & Cohen Appliances, Inc. and Willard D. Ihler and Dorothy M. Ihler. There was discussion regarding the name change of the developer.
- On September 21, 1998 the Planning & Zoning Commission approved the preliminary plat of the Rex Subdivision with the following three conditions: 1) Approval subject to Engineering technical review; 2) No direct access to Pole Line Road from Lot 2; and 3) Access to Lot 2 from Locust Street North be restricted to the southerly 47' of Lot 2. The Commission felt the plat appeared to meet the development plan approved through the PUD process and was consistent with the development in the area.
- On October 13, 1998 the City Council approved the final plat of the Rex Subdivision. They added a fourth condition that construction of curb, gutter and sidewalk along Pole Line Road East to Locust Street North was required. The final plat was recorded in June of 2000. There was a storm water plan submitted and approved by the engineering department. Additional rights-of-way on Pole Line Road and Locust Street North were provided.
- On October 25, 1999 the City Council approved an extension on the final plat of the Rex Subdivision for one year. The plat was recorded on June 21, 2000.
- On April 28, 2009 the Planning & Zoning commission approved the preliminary plat of the Rex Subdivision 1st Amended with the following four 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 arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property; 3) Subject to a deferral being obtained for the relocation of the existing sign at the time the sign is replaced or when Locust Street North is widened, whichever occurs first; and 4) Subject to a ten (10) foot easement being indicated on the plat behind the right-of-way line on Locust Street North.
- On June 1, 2009 the City Council approved the final plat of the Rex Subdivision First Amended with staff recommendations. The final plat was recorded on June 21, 2009.
- The applicant presented this proposed amendment to the "Kelly & Cohen Appliances, Inc. and Willard D. Ihler and Dorothy M. Ihler PUD Development Agreement--PUD #212", to allow for a modification of the Master Development Plan to include redevelopment of the northeast portion of the existing PUD #212 to allow an 8000 sf multi-tenant commercial development on property located at the southwest corner of Pole Line Road East and Locust Street North to the Commission on May 10, 2011.
- On May 24, 2011 the request for an amendment to "Kelly & Cohen Appliances, Inc. and Willard D. Ihler and Dorothy M. Ihler PUD Development Agreement #212 was presented to the Planning & Zoning Commission. The Amendment was recommended for denial to the City Council.
- There was a public hearing scheduled for the City Council to hear the request for amendment. City Attorney Wonderlich stated that no action is necessary.

On September 12, 2011 the City Council approved the final plat of the Crowley's Corner Subdivision, a PUD, consisting of .88 acres and 2 commercial lots. Lot 2 has since been removed from the plat.

Analysis:

This is a Revised Final Plat for the Crowley's Corner Subdivision which consists of 0.5 (+/-) acres and is zoned C-1 PUD. The request is to plat one(1) lot for commercial development. The site is located on the southwest corner of Pole Line Road East and Locust Street North.

The proposed plat will include the northeast portion of the property which had a building which has since been removed. The property is now vacant. The existing property lines of this lot will be vacated and it will be included in Lot 1 of the proposed subdivision. The square footage of Lot 1 is 21,114 sf. The minimum lot square footage requirement for commercial development is that the lot be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping.

Curb, gutter and sidewalk exist along Pole Line Road East and Locust Street North. Upon review by the Engineering Department it has been determined that the developer could be allowed a deferral agreement for the installation of curb, gutter and sidewalk along Locust Street North until such time the street is widened. There is an existing access easement to the property from an approach off Pole Line Road East on the lot to the west. There is an existing access easement to the property on the west from an approach off Locust Street North. The easement off Locust Street North is proposed to be modified and some parking easements added. The developer will be responsible for executing a cross-use access, parking, utility and storm water drainage agreement between lots 1 and 2 of the proposed subdivision.

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. The existing lot in the northeast corner of the proposed subdivision has an existing well. The developer has indicated they will use the existing well for non-potable water. 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 as long as the existing well is operable.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed.

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.

On August 9, 2011 the Commission unanimously approved the Preliminary Plat of Crowley's Corner Subdivision-A PUD, as presented, with the following conditions:

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 a cross-use agreement between Lots 1 and 2 of the proposed subdivision for access, parking, utilities and storm water drainage being recorded before final plat recording.
3. Subject to a deferral agreement being obtained for construction of Curb, Gutter and Sidewalk along the Locust Street North frontage.

On September 12, 2011 the Council unanimously approved the Final Plat of Crowley's Corner Subdivision-A PUD, as presented, with the following conditions:

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 a cross-use agreement between Lots 1 and 2 of the proposed subdivision for access, parking, utilities and storm water drainage being recorded before final plat recording.
3. Subject to a deferral agreement being obtained for construction of Curb, Gutter and Sidewalk along the Locust Street North frontage.
4. Final Plat to be in conformance with the approved Preliminary Plat.

On September 30, 2011 the developer submitted a revised final plat for only 1 lot - Lot 2 has since been removed from the plat. City Code requires City Council approval of the revised final plat prior to recordation. Staff recommends approval subject to the following conditions.

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 a deferral agreement being obtained for construction of Curb, Gutter and Sidewalk along the Locust Street North frontage.
3. Final Plat to be in conformance with the approved Preliminary Plat.

Attachments:

1. Request letter
2. Vicinity Map
3. Area Zoning Map
4. Aerial of the Project Site
5. Preliminary Plat, as presented
6. Final Plat, approved 09-12-2011
7. REVISED FINAL PLAT



J-U-B ENGINEERS, INC.

J-U-B COMPANIES



THE LANGDON GROUP



GATEWAY MAPPING INC.

May 18, 2011

City of Twin Falls
Planning and Zoning Commission
P.O. Box 1907
Twin Falls, ID 83303-1907

Re: Crowley's Corner Subdivision Preliminary Plat

Dear Commission Members;

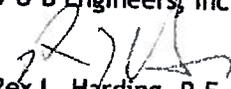
The preliminary plat of the Crowley's Corner Subdivision is the second step in combining the two existing parcels into one to be developed for commercial use with one multi-tenant building. Some of the other features of this preliminary plat include:

- The resulting lot will have a total area of 0.51 acres.
- An additional 7 feet of Right-of-Way will be dedicated to the City of Twin Falls along the west side of Locust Street North on the portion of the property where the additional Right-of-Way had not been previously dedicated.
- Potable water will be provided to the lots through a new water service off of the existing Twin Falls municipal water system main along Locust Street North.
- Sewer disposal will be through the existing service that was connected to the house (office) that is being removed from the property.
- The driveway and parking areas are subject to the cross use provisions in the Kelly & Cohen Appliances, Inc. and Willard D. Ihler and Dorothy M. Ihler PUD Agreement #212 as amended for this phase of the development.

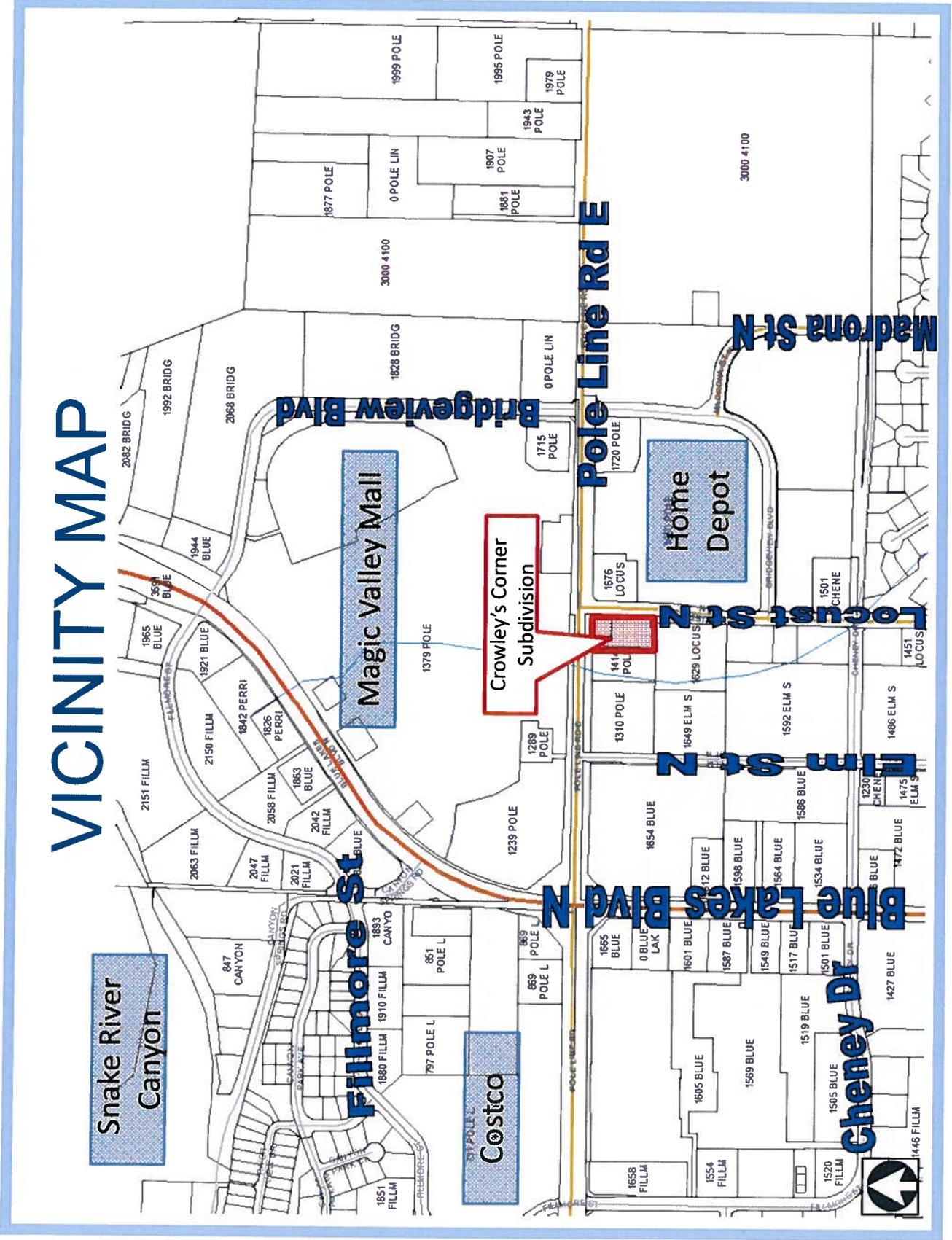
Six copies of the amended PUD Development Plan are included with this submittal. Also included is a drawing illustrating the elevation views of the proposed commercial building to be constructed on this lot.

The Twin Falls Holding Corporation (Owner) requests approval of this preliminary plat of the Crowley's Corner Subdivision to allow the planned commercial development to proceed ahead.

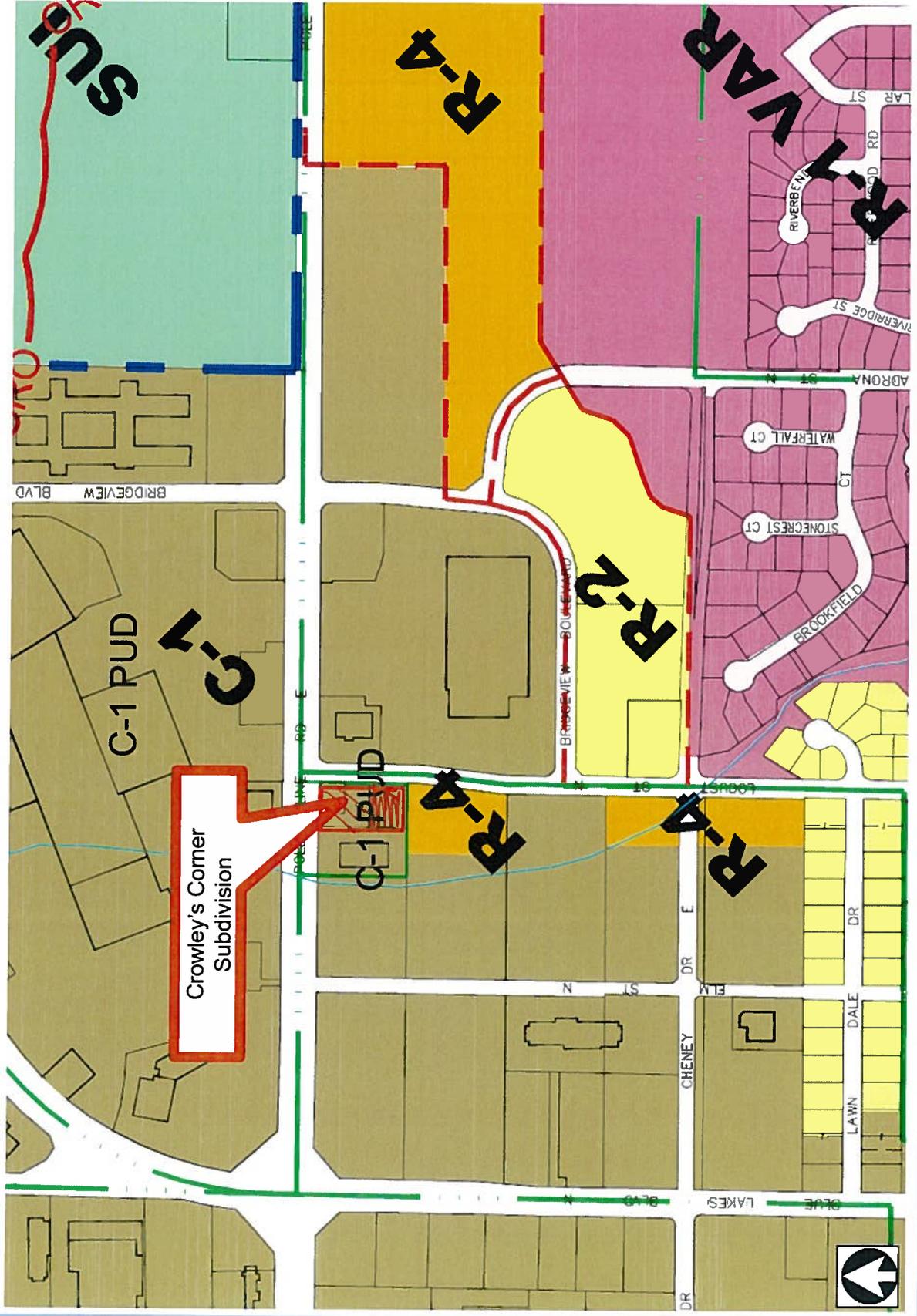
Sincerely,
J-U-B Engineers, Inc.


Rex L. Harding, P.E.
Project Manager

VICINITY MAP



ZONING MAP



AERIAL MAP



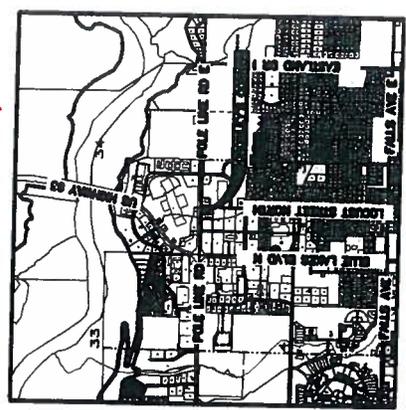
Kec - 8-24-11 (W) Scanned to ema-11

PLAT SHOWING CROWLEY'S CORNER SUBDIVISION

LOCATED IN GOVERNMENT LOT 4, SECTION 3,
TOWNSHIP 10 SOUTH, RANGE 17 EAST, BOISE MERIDIAN
TWIN FALLS COUNTY, IDAHO
2011



Approved 9/12/2011 CC



VICINITY MAP
N.T.S.

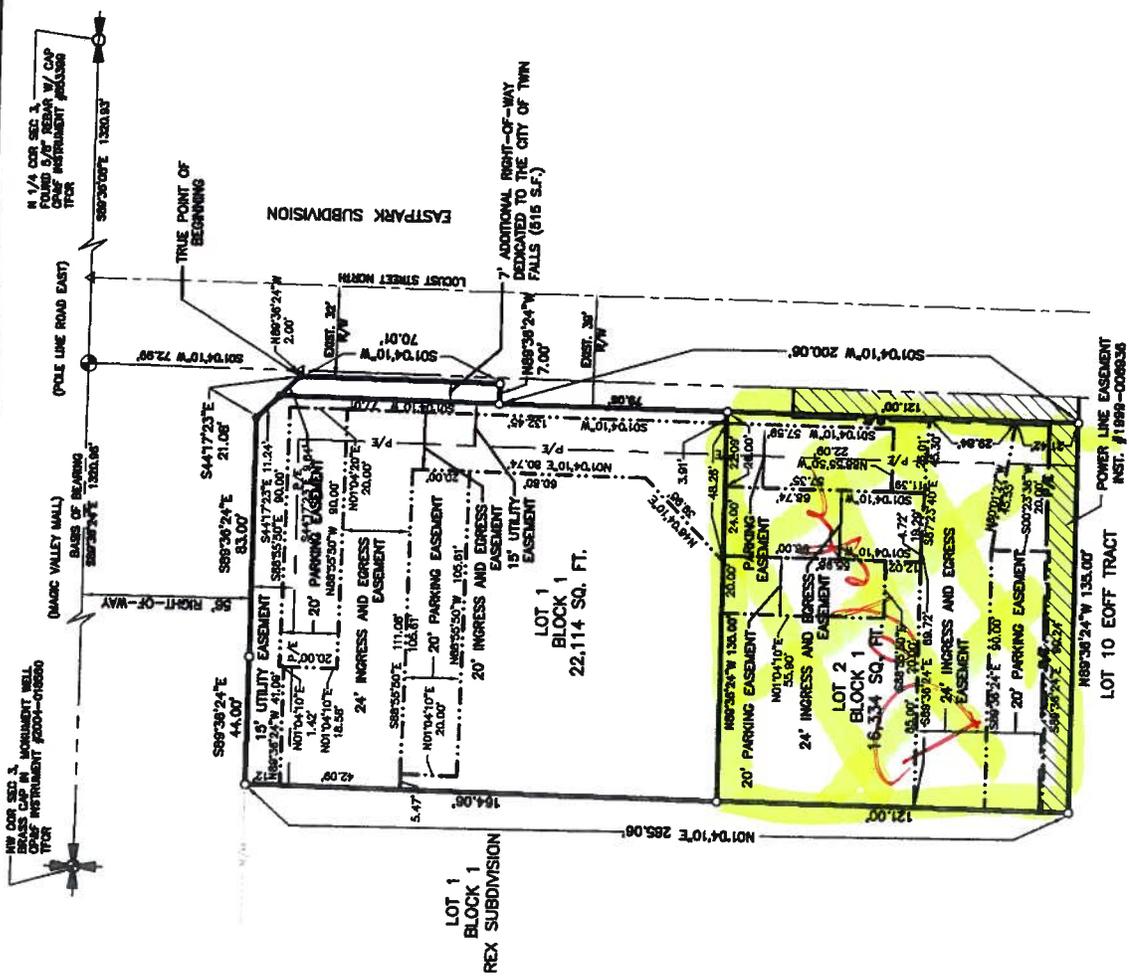
PREVIOUS SURVEYS

REX SUBDIVISION - INSTRUMENT #2000-009387 TCR
REX SUBDIVISION FIRST AMENDED - INSTRUMENT #2010-015493 TCR
EOLF TRACT - BOOK 1, PAGE 20 TCR

LEGEND

- BOUNDARY LINE
- LOT LINE
- STREET CENTERLINE
- SECTION LINE
- INGRESS AND EGRESS EASEMENT
- PUBLIC UTILITY EASEMENT
- FOUND BRASS CAP
- 5/8"X30" REBAR W/ CAP SET
- 5/8" REBAR W/ CAP FOUND
- CALCULATED POINT
- SECTION CORNER
- QUARTER CORNER

J-U-B ENGINEERS, INC.
Engineers Surveyors Planners
Twin Falls, Idaho



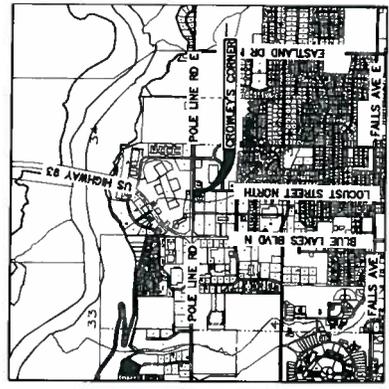
- ### NOTES
1. THE PROPOSED USE OF THE SUBDIVISION IS TO COMBINE LOT 1 OF THE REX SUBDIVISION FIRST AMENDED AND THE NORTHEAST PORTION OF LOT 8 OF THE EOLF TRACT IN TO ONE LOT TO BE DEVELOPED FOR COMMERCIAL USE.
 2. NO VARIANCES ARE REQUESTED FOR THIS SUBDIVISION.
 3. UNDERGROUND POWER AND TELEPHONE SERVICES WILL BE PROVIDED.
 4. THE PROPOSED DEVELOPMENT IS COMPRISED OF 1 COMMERCIAL LOTS ON 0.52 ACRES.
 5. LOTS WILL BE SERVED CITY OF TWIN FALLS MUNICIPAL SEWER AND WATER THROUGH CONNECTION TO EXISTING SEWER SERVICE AND A NEW WATER SERVICE.
 6. LANDSCAPE IRRIGATION WATER ON LOT 1 SHALL BE PROVIDED BY THE ON SITE WELL.
 7. ALL LOTS SHALL HAVE A 15' UTILITY EASEMENT ALONG POLE LINE ROAD EAST AND A 10' UTILITY EASEMENT ALONG LOCUST STREET NORTH.
 8. RUNOFF - RUNOFF WILL REMAINED ON THE LOT.

HEALTH CERTIFICATE

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE TITLE 50, CHAPTER 13, HAVE BEEN SATISFIED BASED ON THE STATE OF IDAHO, DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) APPROVAL OF THE SEWER PLANS AND SPECIFICATIONS OF ENVIRONMENTAL CONDITIONS IMPOSED ON THE DEVELOPER. CONTINUED SATISFACTION OF THE SANITARY RESTRICTIONS. BUYER IS CAUTIONED THAT AT THE TIME OF THIS APPROVAL, NO DRINKING WATER OR SEWER/SEPTIC FACILITIES WERE CONSTRUCTED. BUILDING WATER OR SEWER FACILITIES ARE CONSTRUCTED PERMITS IF DRINKING WATER OR SEWER FACILITIES HAVE BEEN SINCE CONSTRUCTION OF THE DEVELOPER IS SIMULTANEOUSLY CONSTRUCTING THOSE FACILITIES. IF THE DEVELOPER THEN SANITARY RESTRICTIONS MAY BE REMOVED, IN ACCORDANCE WITH SECTION 50-1328, IDAHO CODE. BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL AND NO CONSTRUCTION OF ANY BUILDING OR SHELTER REQUIRING DRINKING WATER OR SEWER/SEPTIC FACILITIES SHALL BE ALLOWED.

SOUTH CENTRAL DISTRICT HEALTH DEPT., RETS _____ DATE _____

**PLAT SHOWING
CROWLEY'S CORNER SUBDIVISION**
A PORTION OF LOT 9, EOFF TRACT AND LOT 1
BLOCK 1 OF THE REX SUBDIVISION FIRST AMENDED
ALL IN GOVERNMENT LOT 4, SECTION 3,
TOWNSHIP 10 SOUTH, RANGE 17 EAST, BOISE MERIDIAN
TWIN FALLS COUNTY, IDAHO
2011

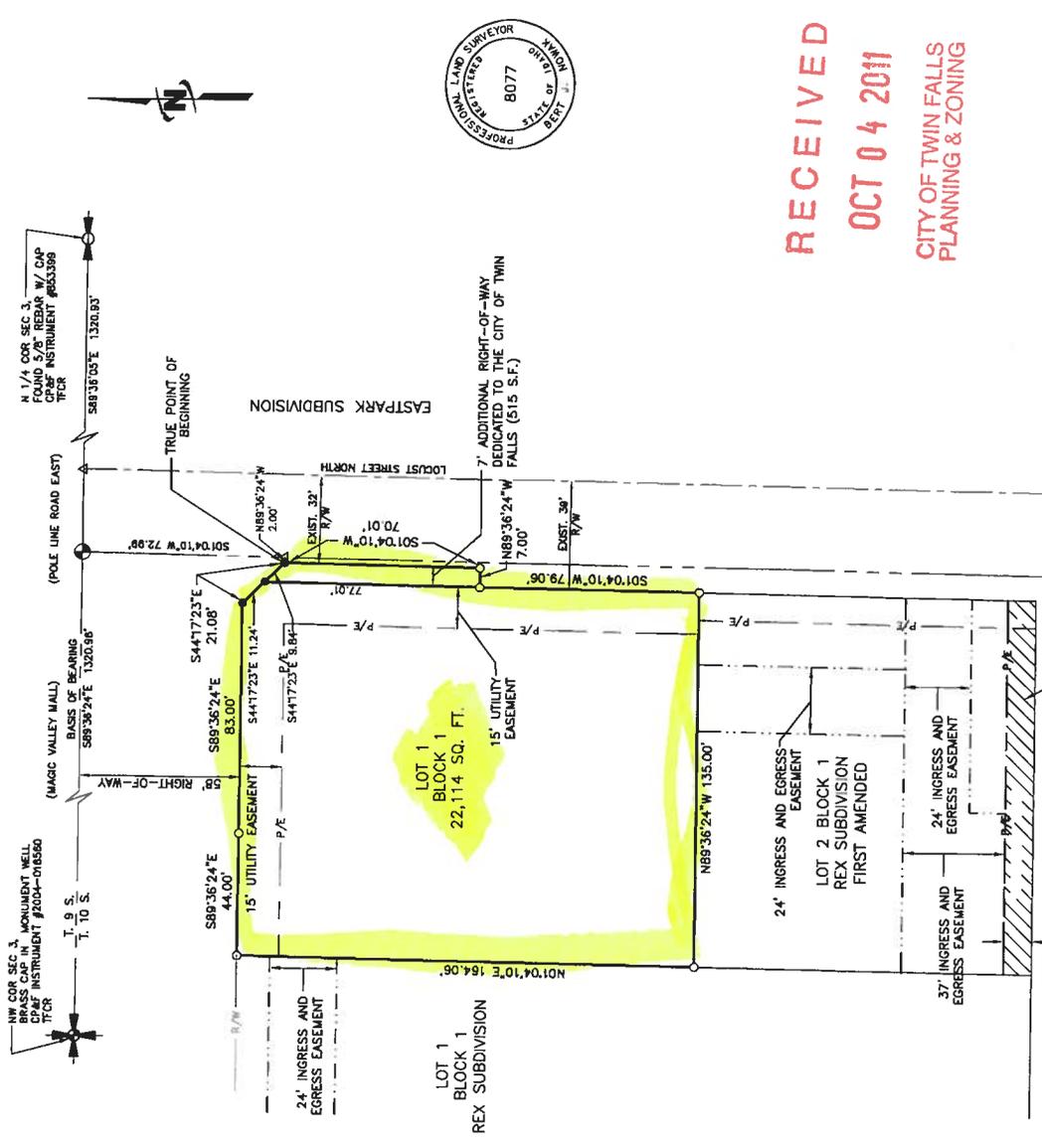


PREVIOUS SURVEYS
REX SUBDIVISION - INSTRUMENT #2000-009307 TCR
REX SUBDIVISION FIRST AMENDED - INSTRUMENT #2010-015483 TCR
EOFF TRACT - BOOK 1, PAGE 28 TCR

LEGEND

--- (dashed line)	BOUNDARY LINE
--- (solid line)	LOT LINE
--- (dashed line)	STREET CENTERLINE
--- (dashed line)	SECTION LINE
--- (dashed line)	INGRESS AND EGRESS EASEMENT
--- (dashed line)	PUBLIC UTILITY EASEMENT
● (filled circle)	FOUND BRASS CAP
○ (open circle)	5/8"x30" REBAR w/ CAP SET
○ (open circle)	5/8" REBAR w/ CAP FOUND
△ (open triangle)	CALCULATED POINT
⊕ (cross symbol)	SECTION CORNER
⊕ (cross symbol)	QUARTER CORNER

J-U-B ENGINEERS, INC.
Engineers Surveyors Planners
Twin Falls, Idaho



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PLANNING & ZONING

- NOTES**
1. THE PROPOSED USE OF THE SUBDIVISION IS TO COMBINE LOT 1 OF THE REX SUBDIVISION FIRST AMENDED WITH THE NORTHEAST PORTION OF LOT 9 OF THE EOFF TRACT IN TO ONE LOT TO BE DEVELOPED FOR COMMERCIAL USE.
 2. NO VARIANCES ARE REQUESTED FOR THIS SUBDIVISION.
 3. UNDERGROUND POWER AND TELEPHONE SERVICE WILL BE PROVIDED.
 4. THE PROPOSED DEVELOPMENT IS COMPRISED OF 1 COMMERCIAL LOT ON 0.51 ACRES.
 5. LOT 1 WILL BE SERVED BY CITY OF TWIN FALLS MUNICIPAL SEWER AND WATER THROUGH CONNECTION TO EXISTING SEWER SERVICE AND A NEW WATER SERVICE.
 6. LANDSCAPE IRRIGATION WATER ON LOT 1 SHALL BE PROVIDED BY THE ON SITE WELL.
 7. ALL LOTS SHALL HAVE A 15' UTILITY EASEMENT ALONG POLE LINE ROAD EAST AND A 15' UTILITY EASEMENT ALONG LOCUST STREET NORTH.
 8. RUNOFF - RUNOFF WILL REMAINED ON THE LOT.

HEALTH CERTIFICATE

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE TITLE 50, CHAPTER 13, HAVE BEEN SATISFIED BASED ON THE REQUEST OF IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) APPROVAL OF THE DESIGN, CONSTRUCTION AND THE CONDITIONS IMPOSED ON THE DEVELOPER FOR CONTINUED SANITARY RESTRICTIONS. BUYER IS CAUTIONED THAT AT THE TIME OF THIS APPROVAL, NO DRINKING WATER OR SEWER/SEPTIC FACILITIES WERE CONSTRUCTED. BUILDING CONSTRUCTION CAN BE ALLOWED WITH APPROPRIATE BUILDING PERMITS IF DRINKING WATER OR SEWER FACILITIES HAVE BEEN SINCE CONSTRUCTED OR IF THE DEVELOPER IS SIMULTANEOUSLY CONSTRUCTING THOSE FACILITIES. IF THE DEVELOPER FAILS TO CONSTRUCT FACILITIES OR MEET THE OTHER CONDITIONS OF DEQ, THEN SANITARY RESTRICTIONS WILL REMAIN IN EFFECT. THIS APPROVAL IS WITH SCENARIO #225, IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL. ANY OTHER SANITARY RESTRICTIONS, BUILDING OR SHELTER REQUIRING DRINKING WATER OR SEWER/SEPTIC FACILITIES SHALL BE ALLOWED.

SOUTH CENTRAL DISTRICT HEALTH DEPT., REHS _____ DATE _____

CERTIFICATE OF OWNER

KNOW ALL MEN BY THESE PRESENTS, THAT TWIN FALLS HOLDING CORPORATION, DOES HEREBY CERTIFY THAT THEY ARE THE OWNERS OF THE REAL PROPERTY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN THE EAST 100 FEET OF LOT 9, OF THE EOFF TRACT, TWIN FALLS COUNTY, IDAHO AS SHOWN ON THE OFFICIAL PLAT OF SAID TRACT AND RECORDED IN THE OFFICE OF THE RECORDER OF SAID COUNTY IN PLAT BOOK NO. 1, PAGE 29 AND LOT 1 OF BLOCK 1 OF THE REX SUBDIVISION FIRST AMENDED LOCATED IN GOVERNMENT LOT 4 OF SECTION 3, TOWNSHIP 10 SOUTH, RANGE 17 EAST, BASE MERIDIAN, TWIN FALLS COUNTY, IDAHO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 3;
THENCE SOUTH 89°36'24" EAST A DISTANCE OF 130.96 FEET ALONG THE NORTHERLY BOUNDARY OF SAID GOVERNMENT LOT 4 TO THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 4;
THENCE SOUTH 07°04'10" WEST A DISTANCE OF 25.00 FEET TO THE NORTHEAST CORNER OF SAID EOFF TRACT;
THENCE SOUTH 07°04'10" WEST A DISTANCE OF 47.99 FEET ALONG THE EASTERLY BOUNDARY OF SAID GOVERNMENT LOT 4 AND THE EASTERLY BOUNDARY OF SAID EOFF TRACT;
THENCE NORTH 89°36'24" WEST A DISTANCE OF 2.00 FEET TO THE TRUE POINT OF BEGINNING;
THENCE SOUTH 07°04'10" WEST A DISTANCE OF 70.01 FEET PARALLEL WITH THE EASTERLY BOUNDARY OF SAID GOVERNMENT LOT 4 AND THE EASTERLY BOUNDARY OF SAID EOFF TRACT;
THENCE NORTH 89°36'24" WEST A DISTANCE OF 7.00 FEET TO THE NORTHERLY CORNER OF THE EASTERLY BOUNDARY OF LOT 1 BLOCK 1 OF THE REX SUBDIVISION FIRST AMENDED;
THENCE SOUTH 07°04'10" WEST A DISTANCE OF 79.06 FEET PARALLEL WITH THE EASTERLY BOUNDARY OF SAID GOVERNMENT LOT 4 AND ALONG THE EASTERLY BOUNDARY OF LOT 1 OF SAID REX SUBDIVISION FIRST AMENDED;
THENCE NORTH 89°36'24" WEST A DISTANCE OF 135.00 FEET ALONG THE SOUTHERLY BOUNDARY OF LOT 1 OF SAID REX SUBDIVISION FIRST AMENDED;
THENCE NORTH 07°04'10" EAST A DISTANCE OF 154.08 FEET PARALLEL WITH THE EASTERLY BOUNDARY OF SAID GOVERNMENT LOT 4 AND ALONG THE WESTERLY BOUNDARY OF LOT 1 OF SAID REX SUBDIVISION FIRST AMENDED TO THE NORTHWEST CORNER OF SAID SUBDIVISION;
THENCE SOUTH 89°36'24" EAST A DISTANCE OF 44.00 FEET ALONG THE NORTHERLY BOUNDARY OF SAID REX SUBDIVISION FIRST AMENDED AND PARALLEL WITH THE NORTHERLY BOUNDARY OF SAID GOVERNMENT LOT 4 TO THE EASTERLY CORNER OF THE NORTHERLY BOUNDARY OF SAID LOT 1 BLOCK 1 OF THE REX SUBDIVISION FIRST AMENDED;
THENCE SOUTH 89°36'24" EAST A DISTANCE OF 83.00 FEET PARALLEL WITH THE NORTHERLY BOUNDARY OF SAID GOVERNMENT LOT 4 AND THE NORTHERLY BOUNDARY OF THE EOFF TRACT;
THENCE SOUTH 44°17'23" EAST A DISTANCE OF 21.08 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.51 ACRES MORE OR LESS.

LOCUST STREET NORTH ADDITIONAL RIGHT OF WAY IS HEREBY DEDICATED TO THE USE OF THE PUBLIC. THE EASEMENTS INDICATED HEREON ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT TO USE SAID EASEMENTS IS HEREBY RESERVED FOR PUBLIC UTILITIES OR AS DESIGNATED HEREON AND NO PERMANENT STRUCTURES ARE TO BE ERRECTED WITHIN THE LINES OF SAID EASEMENTS.

PURSUANT TO IDAHO CODE 50-1334, TWIN FALLS HOLDING CORPORATION, AS OWNER, DOES HEREBY STATE THAT THE WATER RIGHTS DESCRIBED IN THIS PLAT WILL BE ELIGIBLE TO RECEIVE DOMESTIC WATER SERVICE FROM ANY EXISTING COMMUNITY WATER SYSTEM.

PURSUANT TO IDAHO CODE 31-3005, TWIN FALLS HOLDING CORPORATION, AS OWNER DOES HEREBY STATE THAT THE WATER RIGHTS, APPURTENANT AND THE SEVERANT OBLIGATION OF THE LAND IN THE CROWLEY'S CORNER SUBDIVISION AS SHOWN HEREON HAVE BEEN TRANSFERRED FROM SAID LANDS AND THAT AN IRRIGATION WATER DELIVERY SYSTEM IS NOT PROVIDED.

IN WITNESS WHEREOF, I, THE OWNER OF LOT 1, BLOCK 1 OF THE REX SUBDIVISION FIRST AMENDED AND A PORTION OF LOT 9, EOFF TRACT HAVE SET MY HAND THIS ____ DAY OF _____, 2011

RICHARD CROWLEY, SECRETARY, TWIN FALLS HOLDING CORPORATION

STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS

ON THIS ____ DAY OF _____, 2011, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED RICHARD CROWLEY, SECRETARY OF THE COMPANY, THE SECRETARY, REPRESENTATIVE OF TWIN FALLS HOLDING CORPORATION, THE COMPANY THAT EXECUTED WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME ON BEHALF OF SAID COMPANY.

NOTARY PUBLIC FOR IDAHO

MY COMMISSION EXPIRES _____ RESIDING AT TWIN FALLS, IDAHO

CERTIFICATE OF SURVEYOR

I, BERT J. NOWAK, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, IN THE STATE OF IDAHO, AND THAT CROWLEY'S CORNER SUBDIVISION AS DESCRIBED IN THE CERTIFICATE OF SURVEYOR, PLAT NO. _____, DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCORDING TO THE RULES AND REGULATIONS THEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.



BERT J. NOWAK

CERTIFICATE OF COUNTY SURVEYOR

I, RICHARD H. CARLSON, A LICENSED PROFESSIONAL LAND SURVEYOR FOR TWIN FALLS COUNTY, IDAHO, DO HEREBY STATE THAT I HAVE CHECKED THE PLAT OF CROWLEY'S CORNER SUBDIVISION AND FIND THAT IT COMPLES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

COUNTY SURVEYOR

DATE

STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS

ON THIS ____ DAY OF _____, 2011, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED RICHARD H. CARLSON, COUNTY SURVEYOR, AND FOR SAID COUNTY SURVEYOR FOR TWIN FALLS COUNTY, IDAHO, THAT EXECUTED WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME ON BEHALF OF SAID COUNTY.

NOTARY PUBLIC FOR IDAHO

MY COMMISSION EXPIRES _____ RESIDING AT TWIN FALLS, IDAHO

APPROVAL OF CITY ENGINEER

I, JACQUELINE FIELDS, CITY ENGINEER IN AND FOR THE CITY OF TWIN FALLS, IDAHO, DO HEREBY APPROVE THIS PLAT OF CROWLEY'S CORNER SUBDIVISION.

JACQUELINE D. FIELDS, P.E., CITY ENGINEER

DATE

DEPUTY CITY CLERK

APPROVAL OF CITY COUNCIL

DEPUTY CLERK FOR THE CITY OF TWIN FALLS, IDAHO, DO HEREBY CERTIFY THAT AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE ____ DAY OF _____, 2011, THE FOREGOING PLAT OF CROWLEY'S CORNER SUBDIVISION WAS DULY ACCEPTED AND APPROVED.

MAYOR

DEPUTY CITY CLERK

CERTIFICATE OF COUNTY TREASURER

I, _____, COUNTY TREASURER IN AND FOR THE COUNTY OF TWIN FALLS, IDAHO, PER THE REQUIREMENTS OF IDAHO CODE 50-1308, DO HEREBY CERTIFY THAT ANY AND ALL CURRENT AND PAST PROPERTY TAXES FOR THE PROPERTY INCLUDED IN THIS SUBDIVISION HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY DAYS ONLY.

COUNTY TREASURER

DATE

COUNTY RECORDER'S CERTIFICATE

INSTRUMENT NO. _____
STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED AT THE REQUEST OF THE COUNTY OF TWIN FALLS AT _____ MINUTES PAST _____ O'CLOCK, _____ M., THIS ____ DAY OF _____, 2011, IN MY OFFICE, AND WAS DULY RECORDED IN BOOK _____ OF PLATS AT PAGES _____ AND _____

DEPUTY

EX-OFFICIO RECORDER

CROWLEY'S CORNER SUBDIVISION

J-U-B ENGINEERS, INC.
Engineers Surveyors Planners
Twin Falls, Idaho

RECEIVED
OCT 04 2011
CITY OF TWIN FALLS
PLANNING & ZONING





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, October 10, 2011
To: Honorable Mayor and City Council
From: Chief Brian Pike and Captain Anthony Barnhart

Request:

Consideration of a request to present POST Certificates to the following individuals before the Twin Falls City Council: **Officer Jayson Mickelson, Officer Mike Urban, Officer Dallas Garner, and Officer Kevin Loosli.** Chief Pike would also like to request that Mayor Don Hall administer the Oath of Office to **Ben Hammer**, the Police Department's newest Police Officer.

Time Estimate:

The presentation will take approximately 15 minutes.

Background:

Ben Hammer was hired by the Twin Falls Police Department on September 26, 2011, as a full-time Police Officer.

Ben graduated from Meridian High School. He attended the Law Enforcement Program at the College of Southern Idaho and obtained a Technical Certificate and an Associate of Applied Science Degree in Law Enforcement in December 2010.

In his pursuit of a career in law enforcement, Ben has served as a Reserve Officer at the Rupert Police Department since February 2010.

Prior to his employment with our Department, Ben worked at Sportsman's Warehouse and C3 here in Twin Falls.

Background – POST Certifications:

On June 7, 2011; September 9, 2011; and September 21, 2011, **Officers Jayson Mickelson, Mike Urban, and Dallas Garner**, respectively, were awarded their POST Academy Basic Certificates. These Officers successfully graduated from POST Basic Academy and have completed the Field Training Program as required to receive this certification.

"People Serving People"

On July 12, 2011, **Officer Kevin Loosli** was awarded his Advanced Certification by POST Academy. To receive this certificate, Officer Loosli has received his POST Intermediate Certificate, has served over six years as a Police Officer in the State of Idaho, and has met the training requirement combined with obtaining college credits.

The personal commitment of these Officers to better themselves through training has helped the Twin Falls Police Department in achieving its goal of being the best Police Department in the State of Idaho.

Approval Process:

N/A

Budget Impact:

Approval of this request will not impact the City budget.

Regulatory Impact:

N/A

Conclusion:

Chief Pike would like to formally swear in Police Officer Ben Hammer to his new position with the Twin Falls Police Department and also present POST certificates to Officers Mickelson, Orban, Garner and Loosli at the October 10, 2011, meeting.

Attachments:

1. Copy of POST Basic Certificate – Officer Jayson Mickelson
2. Copy of POST Basic Certificate – Officer Mike Orban
3. Copy of POST Basic Certificate – Officer Dallas Garner
4. Copy of POST Advanced Certificate – Officer Kevin Loosli

aed

State of Idaho

*The Peace Officer Standards
& Training Council*

hereby awards the

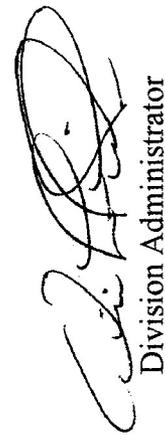
Basic Certificate

to

Jayson D. Mickelson
Twin Falls Police Department

*For having fulfilled the requirements of this certificate as set forth by the Idaho Peace
Officer Standards & Training Council on the 7th day of June, 2011.*


Chairman


Division Administrator

State of Idaho

*The Peace Officer Standards
& Training Council*

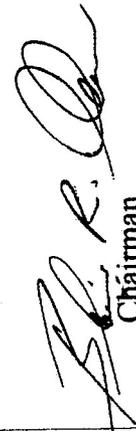
hereby awards the

Basic Certificate

to

Michael R. Orban
Twin Falls Police Department

*For having fulfilled the requirements of this certificate as set forth by the Idaho Peace
Officer Standards & Training Council on the 9th day of September, 2011.*


Chairman


Division Administrator

State of Idaho

*The Peace Officer Standards
& Training Council*

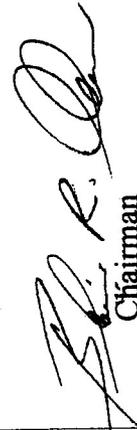
hereby awards the

Basic Certificate

to

Dallas L. Garner
Twin Falls Police Department

*For having fulfilled the requirements of this certificate as set forth by the Idaho Peace
Officer Standards & Training Council on the 21st day of September, 2011.*


Chairman


Division Administrator

State of Idaho

*The Peace Officer Standards
& Training Council*

hereby awards the

Advanced Certificate

to

Kevin D. Loosli

Twin Falls Police Department

*For having fulfilled the requirements of this certificate as set forth by the Idaho Peace
Officer Standards & Training Council on the 12th day of July, 2011.*


Chairman


Division Administrator



DATE: MONDAY -- OCTOBER 10, 2011

To: Honorable Mayor and City Council

From: Mitch Humble, Community Development Director

AGENDA ITEM II-

Request:

Consideration of adoption a PUD Agreement between the City of Twin Falls and BCM&W, KLS&M, and Canyon Vista Family Limited Partnership, Lazy J Ranch – Linda Wills. c/o Gerald Martens/EHM Engineering Inc., on behalf of BCM&W, KLS&M, and Canyon Vista Family Limited Partnership, Lazy J Ranch – Linda Wills. (app.2389)

PUD Agreement # _____

Time Estimate:

Staff presentation may be approximately two (2) minutes.

Approval Process:

City Code: Title 10; Chapter 6; 1-PUD, Planned Unit Development Sub Districts

10-6-1.4: PROPERTY DEVELOPMENT STANDARDS:

(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.
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.

Budget Impact:

Approval of this request will not impact the City budget.

Regulatory Impact:

The Council's adoption of the agreement will allow the project to be developed as approved.

History:

On February 7, 2011 the City Council approved the request for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 Business Park PUD to develop a planned commercial development on 70 (+/-) acres located at the southeast corner of Pole Line Road and Washington Street North, as presented, by a vote of 5 for and 2 against 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 requirement and standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development of the property.

IN ADDITION:

There shall be no development of the area designated on the Master Development Plan as Lazy J Mobile Home Park for a period of 5 years following the date of rezoning to C-1, annexation and PUD approval with the following specific exceptions:

- A. The mobile home located at Space #141, adjacent to the Williams Road entrance from Pole Line Road, may be relocated within the Lazy J Mobile Home Park at Lazy J Mobile Home Park expense.
- B. The Lazy J Mobile Home Park spaces adjacent to Cheney Drive, as generally depicted on the Master Plan, may be minimally impacted by grading for Cheney Drive on adjacent land owned by College of Southern Idaho. No relocation or removal of mobile homes on said spaces, because of the construction of Cheney Dr, will occur without approval of the owner of the mobile home.
- C. Following five years after the date of rezoning to C-1, annexation, and PUD approval there shall be no development restrictions and Lazy J may develop any or all acres the Lazy J Mobile Home Park with no relocation or consolidation obligations provided said development is in conformance with the approved zoning, the revised Master Plan, and the applicable PUD Agreement.
- D. Construction of Williams Street will include a 6-foot high screening fence on the east side of the roadway to buffer the Lazy J residents from commercial activities that may occur to the west. Specifications for construction of Williams Street will also include requirements for construction, dust control, and restriction to preclude construction activity between 8:00 p.m. and 8:00 a.m. daily.
- E. Lazy J management will provide all residents with a periodic updated report on developments that may impact the resident including scheduled roadway construction, building schedules when known, marketing updates, and anticipated impacts to the mobile home park. These written reports will be prepared on no less than an annual basis. The purpose of the report, in addition to informing the residents, is to minimize the impacts of unfounded rumors.

Analysis:

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

Conclusion:

Staff recommends that the Council adopt the attached pud agreement as submitted.

Attachments:

1. PUD AGREEMENT

SUN WEST PUD

C-1 PLANNED UNIT DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered into the _____ day of _____, 2011 by and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called "City"), and BCM&W, KLS&M, and Canyon Vista Family Limited Partnership, Lazy J Ranch – Linda Wills (hereinafter called "Developers"), whose address is 450 Pole Line Road, Twin Falls, Idaho 83301.

RECITALS

WHEREAS, BCM&W, KLS&M, and Canyon Vista Family Limited Partnership, Lazy J Ranch – Linda Wills (hereinafter included in reference to "Owners" or "Developers"), are the equitable title holder to certain tracts of land in the City of Twin Falls, State of Idaho, all parcels are more particularly described in "Exhibit A", and attached hereto. The subject land is located at the southeast corner of Pole Line Road and Washington Street North, Twin Falls, Idaho 83301 (hereinafter "Property"); and

WHEREAS, Developers intend to develop and/or sell all or portions of the Property from time to time; and;

WHEREAS, Developers have made request of the City of Twin Falls to annex into the City limits and to develop all or portions of the Property, as described in "Exhibit A", as a C-1 Planned Unit Development ("Project") and have submitted to the City a Master Development Plan thereof, attached hereto as "Exhibit B", which has been recommended for approval for development as a "C-1PUD" by the Planning and Zoning Commission on September 28, 2010, as presented and subject to conditions, and approved by the City Council on February 7, 2011, as presented and 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 requirement and standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development of the property.

IN ADDITION:

There shall be no development of the area designated on the Master Development Plan as Lazy J Mobile Home Park for a period of 5 years following the date of rezoning to C-1, annexation and PUD approval with the following specific exceptions:

3. The mobile home located at Space #141, adjacent to the Williams Road entrance from Pole Line Road, may be relocated within the Lazy J Mobile Home Park at Lazy J Mobile Home Park expense.
4. The Lazy J Mobile Home Park spaces adjacent to Cheney Drive, as generally depicted on the Master Development Plan, may be minimally impacted by grading for Cheney Drive on adjacent land owned by College of Southern Idaho. No relocation or removal of mobile homes on said spaces, because of the construction of Cheney Dr, will occur without approval of the owner of the mobile home.
5. Following five years after the date of rezoning to C-1, annexation, and PUD approval there shall be no development restrictions and Lazy J may develop any or all acres the Lazy J Mobile Home Park with no relocation or consolidation obligations provided said development is in conformance with the approved zoning, the revised Master Development Plan, and the

applicable PUD Agreement.

6. Construction of Williams Street will include a 6-foot high screening fence on the east side of the roadway to buffer the Lazy J residents from commercial activities that may occur to the west. Specifications for construction of Williams Street will also include requirements for construction, dust control, and restriction to preclude construction activity between 8:00 p.m. and 8:00 a.m. daily.
7. Lazy J management will provide all residents with a periodic updated report on developments that may impact the resident including scheduled roadway construction, building schedules when known, marketing updates, and anticipated impacts to the mobile home park. These written reports will be prepared on no less than an annual basis. The purpose of the report, in addition to informing the residents, is to minimize the impacts of unfounded rumors.

WHEREAS, City, by and through its City Council, has agreed to the development of said land within the City of Twin Falls, Idaho, subject to certain terms, conditions and understandings, which terms, conditions and understandings are the subject of this Agreement.

COVENANTS

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, Developers and City agree as follows:

1. **NATURE OF THE AGREEMENT.** This Agreement shall become part of the C-1 PUD zone with respect to the Property upon its full execution and recording. Developers, Owners, and their assigns or successors in interest, as well as City and its assigns and successors (if any), shall be bound by the terms and conditions contained herein.

2. NATURE OF THE DEVELOPMENT. It is agreed by the parties hereto that certain language and requirements pertaining to the “C-1PUD” zone shall be interpreted as follows:

- A. USES. Shall be limited to those uses allowed and attached hereto as “Exhibit C”.
- B. BUILDING SIZE. There is no limitation to building size provided buildings conform to the International Building Code.
- C. HOURS OF OPERATION. There shall be no restriction to hours of operation for any building or use.
- D. PHASING OF DEVELOPMENT. Developers shall be permitted to develop the Property in phases, provided those phases are in compliance with the Master Development Plan, the PUD Agreement and an approved preliminary/final plat, if property is platted. Approval for each phase may be obtained by submission to the City Engineer of technically correct designs and improvement plans for necessary construction. The designation and location of specific uses and buildings on the Master Development Plan are conceptual and minor changes therefrom shall not provide basis for disapproval. There shall be no minimum or maximum time limit between completion of any phase and commencement of the next phase.

Nothing herein shall preclude the owner from continued operation of the existing mobile home park located on a portion of the property in part or in its entirety until at which time the owner or the owners successor elect to begin redevelopment of the area currently occupied by the mobile home park in conformance with this PUD. Prior to development of the area

currently utilized by the mobile home park, the owner shall submit a revised Master Development Plan. The revised Master Development Plan and any revisions to the PUD Agreement shall conform to all applicable codes and shall specifically provide a phasing plan for conversion of the mobile home park to commercial uses.

No development of the area designated on the Master Development Plan as Lazy J Mobile Home Park shall be developed for a period of 5 years following the date of rezoning to C-1, annexation and PUD approval with the following specific exceptions.

1. The mobile home located at Space 141, adjacent to the Williams Road entrance from Pole Line Road, may be relocated within the Lazy J Mobile Home Park at Lazy J Mobile Home Park expense.
2. The Lazy J Mobile Home spaces adjacent to Cheney Drive as generally depicted on the Master Development Plan may be minimally impacted by grading for Cheney Drive on adjacent land owned by College of Southern Idaho. No relocation or removal of any Mobile Homes on said spaces, because of the construction of Cheney Dr, will occur without approval of the owner of the mobile home.

Following five years after the date of rezoning to C-1, annexation and PUD approval there shall be no development restrictions and Lazy J may develop any or all acres of the Lazy J Mobile Home Park with no relocation or consolidation obligations provided said development is in conformance with the approved zoning, the revised Master Development Plan and the applicable PUD Agreement.

E. Harrison Street.

Harrison Street shall be extended to connect with Cheney Street in a manner that provides an effective collector to accommodate access from properties adjacent to Cheney Street. Final alignment may vary from the Master Development Plan to accommodate adjacent properties and to comply with City of Twin Falls street design standards.

F. STREET, SEWER, WATER AND DRAINAGE IMPROVEMENTS.

Developer shall be responsible for the design and construction of street, sewer, water and drainage systems on the Property and adjacent right-of-ways (hereinafter "Improvements") as described herein in accordance with City Standards.

a. Improvement Plans.

Developer shall, as to each phase of its development, file or cause to be filed with the City a complete set of plans for that development phase, showing all improvements contemplated within that phase of development (hereinafter "Improvement Plans"). The Improvement Plans and all improvements shall thereon meet the approval of the City, which approval shall be given if such plans conform to established City requirements, the Master Development Plan and this PUD Agreement.

b. Improvement Design and Construction.

Developer, at its expense, shall cause all Improvements shown on the Improvement Plan to be designed, constructed and installed consistent with the approved Improvement Plans except as otherwise provided

herein. Notwithstanding the foregoing, nothing in this Agreement shall prohibit City, State or Federal participation in the cost or financing of Improvements on the Property if mutually agreed by the parties hereto.

c. Phased Construction.

Developer may install the Improvements at one time, or in phases, as the Developer shall determine in its sole discretion. Developer shall provide the City with written notification of the timing and scope of the phase, or phases, of said Improvements it intends to complete at that time.

Developer agrees to make modifications to construct any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City.

d. Non-Compliance.

In the event any of the Improvements are not consistent with the Improvement Plans, the City shall give written notice to Developer of said non-compliance. Developer shall cure said non-compliance within thirty days of its receipt of notice, or in the case of non-compliance that will require in excess of thirty days to cure, Developer shall commence to cure within thirty days of receipt of notice and diligently pursue the same to completion. In the event Developer fails to cure said non-compliance in the manner set forth hereinabove, the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within only that phase of such "PUD" until such time as requirements specified in this Section 3 have been complied with; PROVIDED, HOWEVER, Developer shall have the right to appear before the City

Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates should be issued. The City Council shall then, in good faith and in an objective manner, decide whether said building permits and certificates of occupancy should be issued, and its decision shall be final, except that the right of the parties are preserved at law and equity.

e. Fees.

Developer shall pay, or cause to be paid, to the City all applicable fees, if any, with regard to the installation of Improvements pursuant to the Improvement Plans. However, City water and sewer connection and service charges shall be paid for by individual developers and users at the rates set by applicable City ordinances and resolutions.

f. Maintenance of Improvements.

City hereby agrees to accept maintenance responsibility for the public improvements upon their completion to City Standards in accordance with current City policy.

G. PLATS.

a. PLATTING.

Developer agrees to file with City preliminary plat, or plats in phases, prepared by a registered professional engineer, of the real property, which

is the subject of this agreement. Preliminary and final plats for phases to be developed shall be submitted specifically identifying and dedicating all necessary public easements and those rights-of-ways the City agrees to accept herein and in the Standard Developer's Agreement. It is agreed that said plats and any amendments thereto must first be approved by the City.

H. PARCEL DEVELOPMENT CRITERIA.

The Property or any portion thereof shall be developed in accordance with the following criteria:

a. Approval and Construction.

All Improvements shall be constructed in accordance with engineered drawings and specifications, describing in reasonable detail the work to be performed, with drawings and specifications to first be approved by City, which approval shall not be unreasonably withheld.

b. Building Setbacks.

All buildings on the Property are to be constructed with minimum setbacks in conformance with the setback requirements of the underlying "C-1" zone and the centerline setbacks of City Code Section 10-7-6 and/or the Twin Falls Master Transportation Plan , whichever is greater.

c. Landscaping and Planting.

Landscaping buffer along bordering and interior streets shall be required to be installed on each parcel of the Property and in the public right-of-

way adjacent thereto at the time site and building improvements are completed thereon. Such landscaped buffer shall be installed from the back of the curb in the public right-of-way and shall be extended to the dimensions set forth below.

- i. A 35-foot wide landscape buffer including sidewalk, pathway or other hard-surfaced landscape improvements, measured from the curb, will be constructed along Pole Line Road and Washington Street North.
- ii. A 20-foot wide landscape buffer including sidewalk, pathway or other hard-surfaced landscape improvements, measured from the back of curb, will be constructed along Cheney Drive. Said landscaping shall conform to the CSI Landscaping Requirements regarding plant varieties and planting parameters.
- iii. A 15-foot wide average width landscape buffer, measured from the Right of Way, will be constructed at all other Public Right of Ways and private roadways. The buffer may include walkways, trails, and driveways. Width of the landscaping may vary to accommodate parking, service roads and other features but in no case shall the actual landscaping width be less than 5-feet.
- iv. The Developer will maintain all landscaping and common parking areas (if any) in a uniform manner. The Property

landscaping will utilize a pressure irrigation system constructed in compliance with applicable standards.

d. Landscaping Plan.

For each buffer area, as per Hc above, at the time of development, each parcel shall be landscaped to include the following:

- i. Fifty percent (50%) of the lineal footage of landscaping shall have berms with a ridge elevation of at least eighteen inches (18") in height with at least fifty percent (50%) of the berming having a minimum ridge elevation of thirty inches (30") in height. The landscape buffer shall be planted with a minimum of one tree per five-hundred (500) square feet of landscaped area and a minimum of one shrub per one-hundred (100) square feet of landscaped area. At least fifty percent (50%) of all trees shall be evergreen. At least fifty percent (50%) of all trees and shrubs shall be from groups last approved by the Tree Commission through its Tree Selection Guide. Trees and shrubs may be grouped, but there shall be no space greater than seventy-five feet (75') between tree and shrub groupings. All trees shall have a height of at least four feet (4') when planted.
- ii. The use of planters and landscaped islands within parking lots will be used to reduce visual impact of large paved areas and these shall be planted with shade trees and shrubbery. The area adjacent to residential areas shall be landscaped with

coniferous and deciduous trees with shrubs, and berms to create a dense buffer in a relatively short period of time.

- iii. In all cases, landscaping will meet or exceed the minimum requirements of the City of Twin Falls Zoning and Subdivision Regulations.
- iv. Nothing herein shall preclude the City from evaluating the landscape on a project basis when such evaluation can be shown to provide a more uniform and aesthetically desirable landscaping.

e. Building Standards.

Buildings and improvements shall comply with the following standards.

i. Architectural Standards.

- 1. All buildings exteriors shall be constructed of architectural masonry, stone, stucco or architectural steel. Building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations and other architectural treatments to break up large uniform surfaces. Where building parapets cannot effectively screen roof top equipment the equipment shall be screened with equipment obscuring screens of material of a color and texture to minimize observation. Basic building colors shall be neutral earth tones.

2. Height Limitations. Building height shall be in conformance with City Code, or as amended.
 3. Building Siting. Buildings will be located in a manner that optimizes the appearance of the building to adjacent streets and other public areas. Where possible, buildings shall be utilized to screen or break up large parking areas. All building lighting shall be located in soffit areas or shielded to preclude the light source from being seen from adjacent properties or any residential areas.
 4. Building Landscaping. Building plans shall include detailed landscape plans. The landscaping shall be designed to complement the building, and provide further screening for large uniform building surfaces.
- ii. Outside Storage / Loading Docks. Loading docks, trash containers and such facilities shall be screened from roadways, residential areas and adjacent properties to the extent possible. Screening may consist of landscaping, masonry walls, buildings or solid fencing. No outside storage yards shall be permitted
 - iii. Utilities. All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from the view from streets, with screening material such as landscaping or other approved material.

- iv. Sign Plan. All signage shall conform to City of Twin Falls Sign Regulations Ordinance (Chapter 9) and subject to the following:
 - 1. Fee standing signs shall be located in a manner to provide primary visibility from Pole Line Road West and Washington Street North.
 - 2. Signage adjacent to Cheney Drive shall be monument type signs with a maximum height of 10-feet.

- v. Pedestrian / Bicycle Facilities. Development plans for each project phase and each building shall include facilities that will accommodate pedestrian and bicycle access to the project interior streets, adjacent neighborhood and collector streets and the adjacent arterial streets (Pole Line Road and Washington Street North). Where reasonably feasible the pathways shall be separated from the interior streets by landscaping or other features to encourage use of pedestrian/bicycle facilities.

- vi. Fencing. Construction of Williams Road will include a 6-foot high sight obscuring screening fence along the Easterly boundary of Williams Street to provide a visual and security buffer between the street and the Lazy J mobile Home Park. The fencing shall remain until development of Lazy J Park area is approved per Section 2-D of this agreement.

I. STANDARD DEVELOPER'S AGREEMENT.

It is understood and agreed by the parties hereto that Developer shall execute the City's Standard Developer's Agreement.

J. GENERAL PROVISIONS.

a. Cooperation.

The parties hereto agree to cooperate each with the other. Developer shall submit to the City all plans, specifications and working drawings required by the City.

b. Entire Agreement.

This Agreement constitutes the entire agreement between the parties concerning the Property and improvements described herein, and no amendment or modification to this Agreement shall be valid or effective unless reduced to writing and signed by the parties.

c. Applicable Law.

This Agreement shall be construed in accordance with the laws of the State of Idaho.

d. Notices.

If notices from one party to the other are desired or required hereunder such notices shall be delivered or mailed to the party to receive such at its address last known to the sender of such notice. Notices shall be deemed

received on the date of hand delivery or upon seventy- two (72) hours following deposit in the United States mail, if properly addressed, stamped and sent with “return receipt requested”.

e. Successors and Assigns.

This Agreement shall be binding upon the successors, assigns and legal representatives of the parties hereto. Transfer of all or a portion of the Property shall create a notation releasing the transferor from obligations under this Agreement with respect to said transferred property.

f. Severability.

In the event any portion of this Agreement is declared by a Court of competent jurisdiction to be invalid, illegal, or unenforceable, such portion shall be deemed severed from this Agreement, and the remaining portions thereof shall not be affected.

g. Signatories.

Each of the persons executing this Agreement hereby warrants that he or she is duly authorized and empowered to so act on behalf of the entity for which he or she is signing, and that this Agreement is binding on, and enforceable against, such entity.

h. Effective Date.

This Agreement shall become valid and binding upon its approval by the City, through its City Council, and upon its execution by the Mayor and the Developer.

i. Attorney Fees.

In the event that either party should be required to retain an attorney to institute litigation because of the default or breach of the other, or to pursue any remedy provided by law, the party, which prevails, shall be entitled to a reasonable attorney's fee.

j. Construction.

Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a contract is to be construed more strictly against the person who himself, or through his agents, prepared the same, it being acknowledged that both parties have participated in the preparation hereof.

k. Attachment.

All attachments to this Agreement and recitals are incorporated herein and made a part thereof as if set forth in full.

l. Captions.

The captions, sections and paragraph numbers appearing in this Agreement are inserted only as a matter of convenience and shall in no way affect interpretation of this Agreement.

IN WITNESS WHEREOF, the City has affixed its seal and caused these presents to be executed by its Mayor on the date above written.

ATTEST: _____ BY: CITY OF TWIN FALLS
Mayor

ATTEST: _____ BY: _____
Developer

ACKNOWLEDGMENTS

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

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said State and County, personally appeared _____ known to me to be the _____ of Twin Falls, the municipal corporation that executed the within and foregoing instrument, and acknowledged to me that such municipal corporation executed the same.

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

NOTARY PUBLIC FOR IDAHO

Residence of _____

My Commission Expires _____

STATE OF IDAHO)
)ss
County of Twin Falls)

On this _____ day of _____ 20____, before me, the undersigned, Notary Public in and for said State, personally appeared _____ known or identified to me to be the _____ of the corporation that executed this instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Notary Public for Idaho
Residing in Twin Falls
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 Linda Wills, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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

NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls
Commission Expires: _____

STATE OF IDAHO)
)ss
County of Twin Falls)

On the _____ day of _____ 20____, before me, a Notary Public in and for said State, personally appeared Linda S Wills Known or identified to me to be the general partner of KLS&M Family Limited Partnership executed the foregoing instrument and acknowledged to me that she on behalf of said LP executed the same.

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

Notary Public for Idaho
Residing in Twin Falls
Commission Expires _____

STATE OF IDAHO)
)ss
County of Twin Falls)

On the _____ day of _____ 20____, before me, a Notary Public in and for said State, personally appeared Christy J Williams known or identified to me to be the general partner of Canyon Vista Family Limited Partnership executed the foregoing instrument and acknowledged to me that she on behalf of said LP executed the same.

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

Notary Public for Idaho
Residing in Twin Falls
Commission Expires _____

STATE OF _____)
)ss
County of _____)

On the _____ day of _____ 20____, before me, a Notary Public in and for said State, personally appeared _____
Known or identified to me to be the general partner of BCM&W Family Limited Partnership executed the foregoing instrument and acknowledged to me that he/she on behalf of said LP executed the same.

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

Notary Public for Idaho
Residing in _____
Commission Expires _____

SUN WEST - LAZY J - C-1 PUD AGREEMENT

EXHIBIT A

ORDINANCE NO. 3016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REZONING REAL PROPERTY BELOW DESCRIBED; PROVIDING THE ZONING CLASSIFICATION THEREFOR; AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT.

WHEREAS, **BCM&W, KLS&M, AND CANYON VISTA FAMILY LIMITED PARTNERSHIP, C/O LAZY J RANCH AND LINDA WILLS** had made application for a rezone of property located at the southeast corner of Pole Line Road and Washington Street North; 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 28th day of September, 2010, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon a REZONE 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 7th day of February, 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 located at the southeast corner of Pole Line Road and Washington Street North is the subject of a Zoning District Change and Zoning Map Amendment from R-4 to C-1 PUD:

SEE ATTACHMENT "A"

SECTION 2. Public services may not be available at the time of development of this property, depending upon the speed of development of this and other developments, and the ability of the City to obtain additional water and/or sewer capacity. The zoning of this property shall not constitute a commitment by the City to provide water and/or wastewater services.

SECTION 3. That the Area of Impact and Zoning Districts Map for the City of Twin Falls, Idaho, be and the same is hereby amended to reflect the rezoning of the real property above described.

PASSED BY THE CITY COUNCIL

October 03, 2011

SIGNED BY THE MAYOR

October 04, 2011

Mayor

ATTEST:

Deputy City Clerk

PUBLISH: Thursday, *Oct 13 2011*

~~20~~

ATTACHMENT "A"

A parcel of land located in a portion of Government Lots 3 and 4, in Section 4, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

Commencing at the North quarter corner of Section 4. Said point lies North 89°54'58" East 2640.95 feet from the Northwest corner of Section 4. Thence South 01°00'53" West 70.88 feet along the East boundary of Government Lot 3 of Section 4 to a point on the Southerly Right of Way of Highway Project DHP-NH-F-2390 (104) and being the REAL POINT OF BEGINNING.

THENCE continuing South 01°00'53" West 1199.28 feet along the East boundary of Government Lot 3 to the Southeast corner thereof;

THENCE North 89°38'17" West 2571.15 feet along the Southerly boundary of Government Lots 3 and 4, of Section 4 to a point on the Easterly Right of Way of Highway Project DHP-NH-F-2390 (104);

THENCE along a curve Right along said Right of Way:
Δ - 00°33'13"
R - 8146.31'
A - 78.70'
C - 78.70'
LCB - North 03°56'50" East to a point 17.00 meters right of metric Highway Station PRC 216+67.393;

THENCE along a curve Left along said Right of Way:
Δ - 03°22'50"
R - 8257.86'
A - 487.23'
C - 487.16'
LCB - North 02°31'51" East to a point 17.00 meters Right of metric Highway Station PT 218+14.893;

THENCE North 00°50'26" East 164.39 feet along said Right of Way to a point 17.00 meters Right of metric Highway Station 218+65.000;

THENCE North 03°49'43" East 264.34 feet along said Right of Way to a point 21.20 meters Right of metric Highway Station 219+45.461;

THENCE along a curve Right along said Right of Way:
Δ - 81°53'14"
R - 98.43'
A - 140.67'
C - 129.00'
LCB - North 44°48'17" East to a point 27.00 meters Right of metric Highway Station 819+46.168;

THENCE North 85°44'43" East 81.20 feet along said Right of Way to a point 25.20 meters Right of metric Highway Station 819+70.851;

THENCE North 89°54'59" East 261.66 feet along said Right of Way to a point 25.20 meters Right of metric Highway Station PC 820+50.605;

THENCE along a curve Left along said Right of Way:
Δ - 03°06'02"
R - 11,565.59'
A - 625.87'
C - 625.80'
LCB - North 88°21'55" East to a point 25.20 meters Right of metric Highway Station 822+40.00;

THENCE North 03°11'04" West 11.81 feet along said Right of Way to a point 21.60 meters Right of metric Highway Station 822+40.00;

THENCE along a curve Left along said Right of Way:
Δ - 01°20'56"
R - 11,553.78'
A - 272.00'
C - 272.00'
LCB - North 86°08'28" East to a point 21.60 meters Right of metric Highway Station PT 823+22.398;

THENCE North 85°28'00" East 96.51 feet along said Right of Way to a point 21.60 meters Right of metric Highway Station PC 823+51.813;

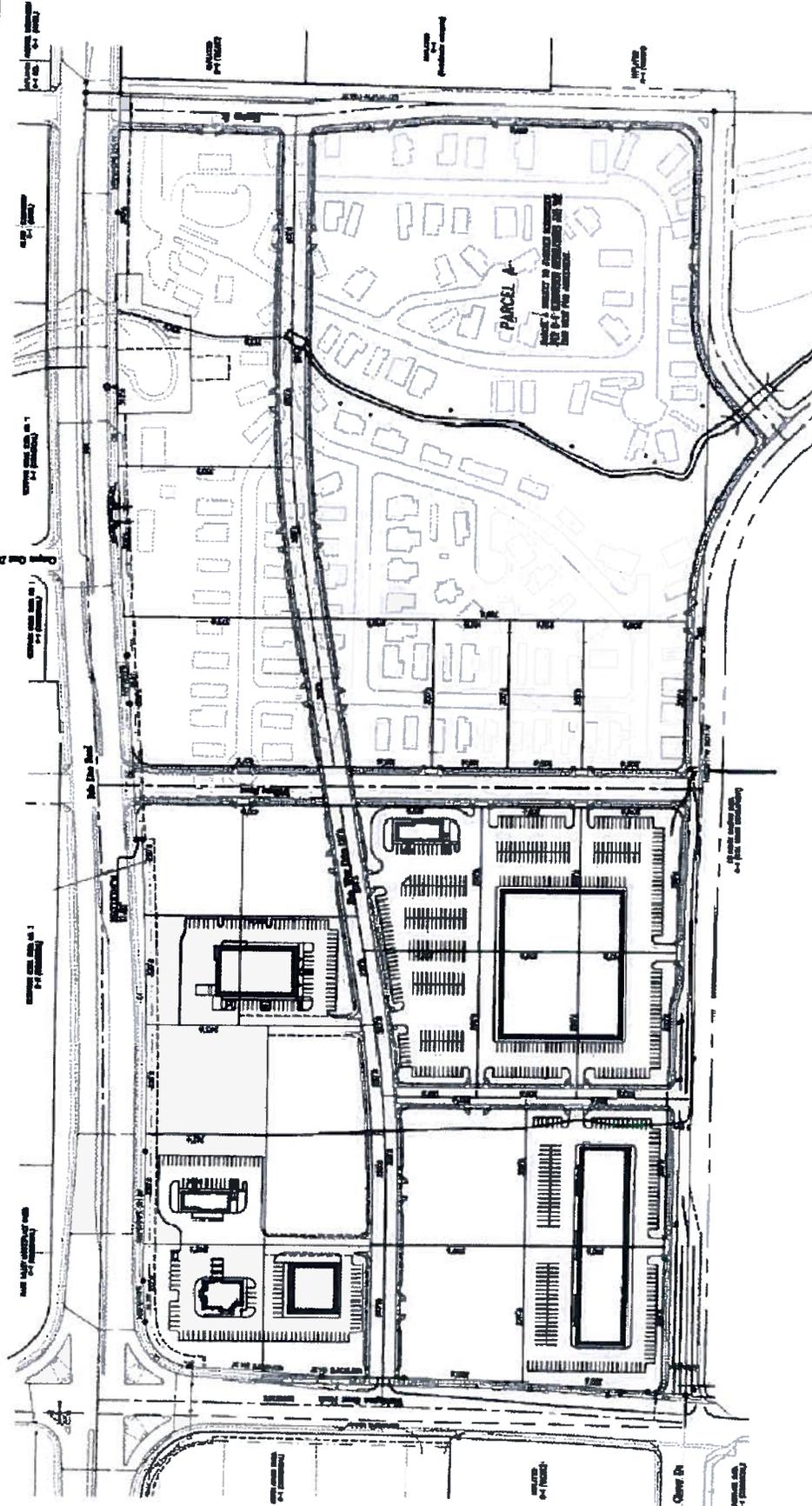
THENCE along a curve Right along said Right of Way:
Δ - 04°26'57"
R - 11,412.05'
A - 886.17'
C - 885.95'
LCB - North 87°41'30" East to a point 21.60 meters Right of metric Highway Station PT 826+23.597;

THENCE North 89°54'58" East 234.11 feet along said Right of Way to the REAL POINT OF BEGINNING.

Containing approximately 66.95 acres.

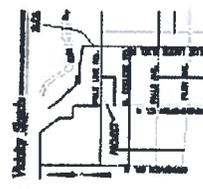
SUN WEST – LAZY J - C-1 PUD AGREEMENT
EXHIBIT B – MASTER DEVELOPMENT PLAN

DATE	DESCRIPTION
10/15/03	PRELIMINARY PLAN
01/15/04	REVISIONS
03/15/04	REVISIONS
05/15/04	REVISIONS
07/15/04	REVISIONS
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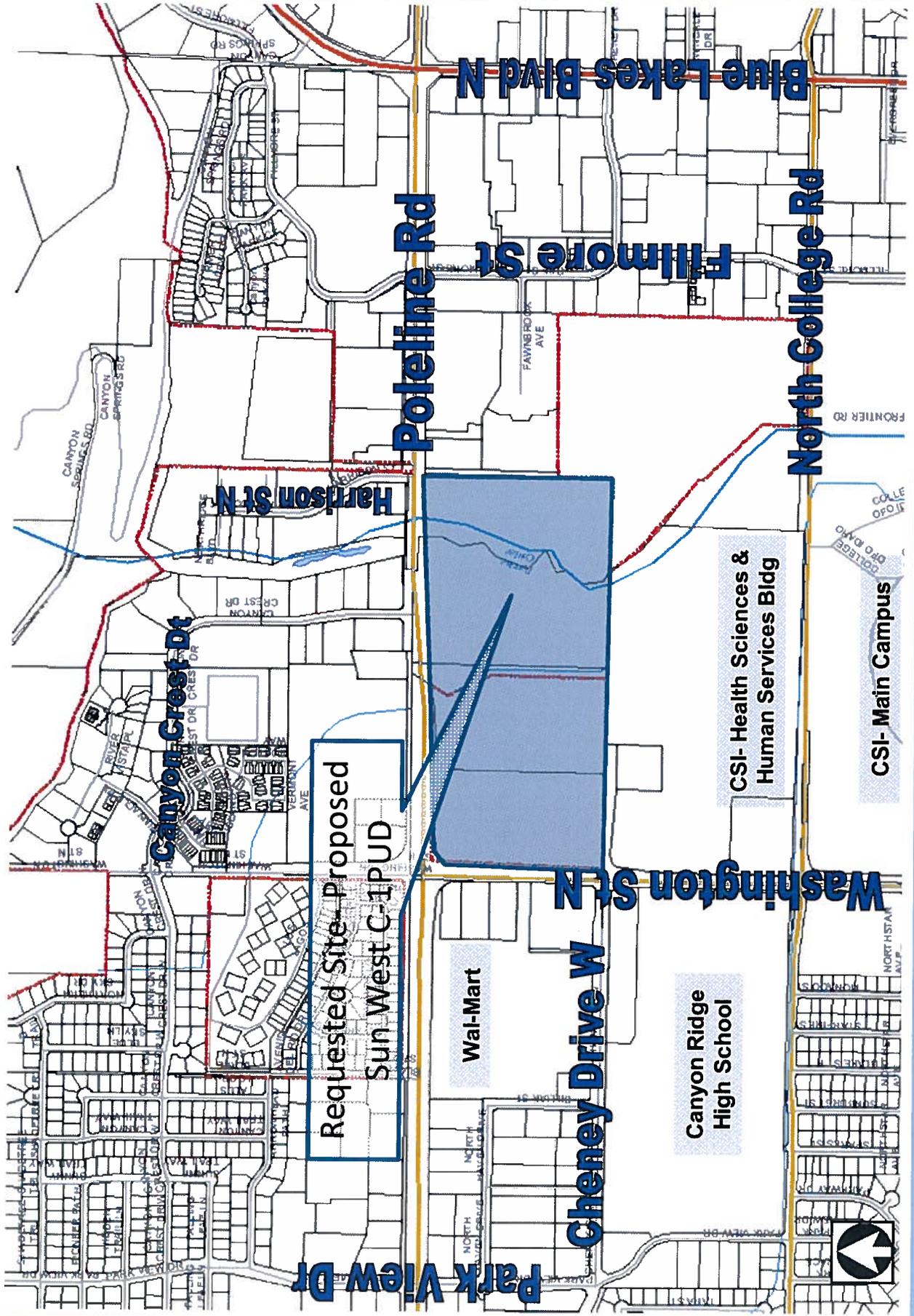
Located in
 City of Salt Lake City, Utah
 T. 33 S., R. 10 E., S. 10
 Town of Salt Lake City, Utah
 200

Notes
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
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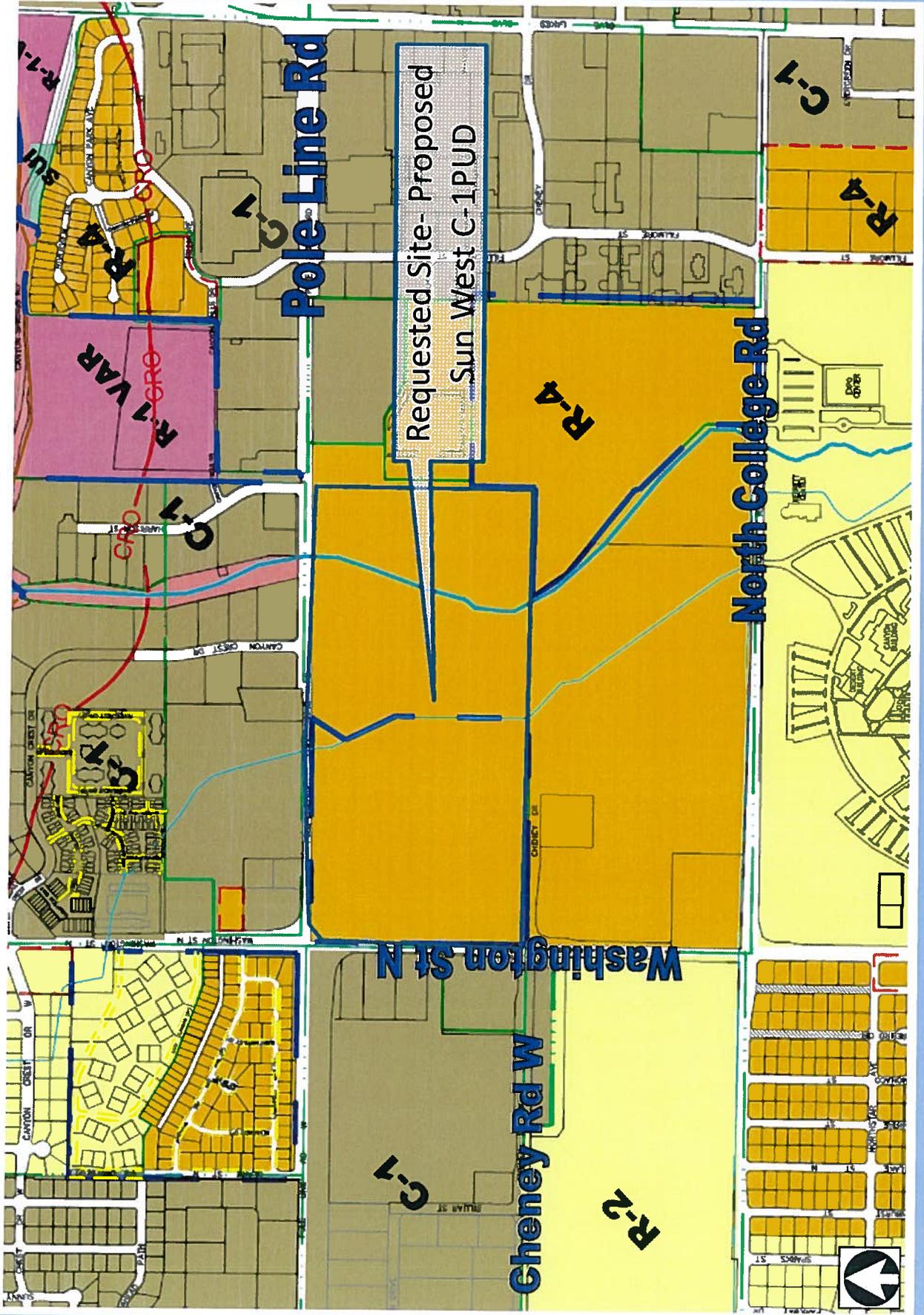


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VICINITY MAP



ZONING MAP



AERIAL VIEW



Harrison St

Canyon Crest Dr

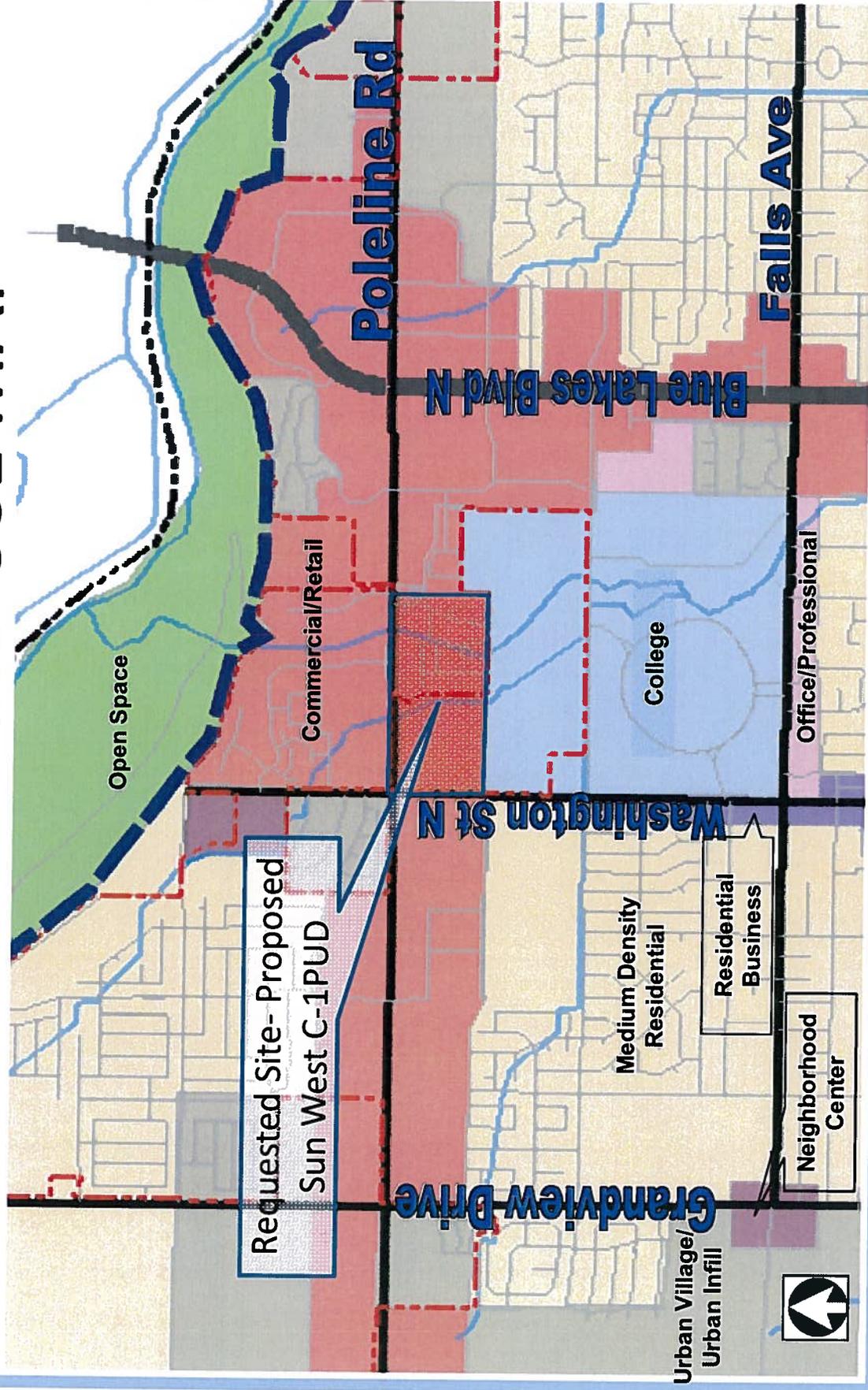
Poleline Rd W

Requested Site- Proposed
Sun West C-1PUD

Washington St N

Cheney Dr W

COMPREHENSIVE PLAN FUTURE LAND USE MAP



Requested Site- Proposed
Sun West C-1PUD

Open Space

Commercial/Retail

College

Office/Professional

Medium Density
Residential

Residential
Business

Neighborhood
Center

Urban Village/
Urban Infill



SUN WEST – LAZY J - C-1 PUD AGREEMENT
EXHIBIT C – LAND USES

EXHIBIT C – LAND USES

(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. Telegraph centers and telegraph stations.
 - c. Telephone exchange stations.
 - d. Underground and aboveground transmission lines.
 - e. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
 - f. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
2. Cultural Facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
 - d. Planetariums and aquariums.
3. Governmental Facilities:
 - a. Fire stations and police stations.
 - b. Governmental office buildings.
 - c. Judicial facilities.
4. Manufacturing:
 - a. **Business park PUD only. Development within a C-1 BUSINESS PARK PUD shall comply with the following land uses and development standards. Per Ordinance 2786, City Code §10-6-3**
5. Medical Facilities:
 - a. Acupuncture facilities approved by the South Central district health department or other state regulatory agency.
 - b. Ambulance service.
 - c. Doctors' offices.
 - d. Drug and alcohol treatment centers.
 - e. Hospitals and clinics.
 - f. Rehabilitation services.
6. Parks:
 - a. Open space.
 - b. Park concessions.
 - c. Private parks and playgrounds without crowd attracting facilities.
 - d. Public parks and playgrounds without crowd attracting facilities.
 - e. Public parks and playgrounds with crowd attracting facilities.
7. Public Assembly:
 - a. Auditoriums.
 - b. Funeral chapels.
 - c. Religious facilities.

- d. Schools - private, single purpose.
 - e. Schools - private, vocational and/or academic.
 - f. Schools - public.
 - g. Theaters - indoor.
 - h. Wedding chapels and/or reception halls.
8. Residential:
- a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
 - b. Bed and breakfast facilities.
 - c. Dwellings - multiple household (5 units or more).
 - d. Home occupations.
 - e. Household units existing at the time this title was adopted.
 - f. Household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use.
 - g. Household units in upper floor of commercial or professional buildings.
 - h. Nursing homes and rest homes.
 - i. Residence halls, residence hotels, rooming houses.

(Nothing to preclude the owner from continued operation of the existing Lazy J-mobile home park in part or in its entirety until the time the owner or the owner's successor elect to begin redevelopment of the area in conformance with THIS PUD. Redevelopment of the Lazy J-mobile home park area the property owner shall require City Council approval for an amended PUD & Master Development Plan.)

9. Retail Trade:
- a. Alcoholic beverages when consumed on premises where sold and if located three hundred feet (300') or more from residential property.
 - b. Apparel and accessories.
 - c. Automobile parts store.
 - d. Bakery.
 - e. Bookstore.
 - f. Commercial greenhouses.
 - g. Craft shop, in conjunction with retail business.
 - h. Eating places.
 - i. Farm and garden supplies.
 - j. Florist shop.
 - k. Food, drugs, etc.
 - l. General merchandise.
 - m. Hardware store.
 - n. Hobby and toy store.
 - o. Home furnishings and equipment.
 - p. Ice cream store.
 - q. Import store.
 - r. Laundering and dry cleaning.
 - s. Laundromats.
 - t. Lumber, plumbing and/or electrical supply stores.

- u. Music store.
- v. Pawnshop.
- w. Pet shop.
- x. Sporting goods store.
- y. Taxidermy studio.
- z. Temporary automobile, truck and recreational vehicle sales permitted with staff approval, provided that there shall be state approval, no parking or display of vehicles in landscaped areas, and no sight obstructions.

10. Services:

- a. Advertising.
- b. Apparel repair and alteration.
- c. Beauty and barber shops.
- d. Building care contracting offices.
- e. Business associations.
- f. Civic, social and fraternal organizations.
- g. Construction trade offices.
- h. Consumer credit collection offices.
- i. Copy center - self-service.
- j. Daycare services.
- k. Dog grooming and/or kennels.
- l. Duplicating and stenographic offices.
- m. Employment agency.
- n. Finance and investment offices.
- o. Horticultural services.
- p. In home daycare services.
- q. Insurance and related business.
- r. Labor unions and organizations.
- s. Photography studios.
- t. Professional organizations.
- u. Professional services.
- v. Real estate and related business.
- w. Tourist information center.
- x. Welfare and charitable facilities.

11. Sports Facilities:

- a. Athletic areas.
- b. Miniature golf courses.
- c. Outdoor, public and commercial ice and roller skating facilities.
- d. Outdoor, public and commercial swimming pools.
- e. Outdoor, public and commercial tennis courts.

12. Transportation:

- a. Bus facilities, including pick up shelters.
- b. Open parking lot or garage for automobiles.
- c. Taxicab office.
- d. Ticket and arrangement facilities.

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; Ord. 2850, 2-21-2006; Ord. 2958, 12-22-2008)

(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. Cultural Facilities:
 - a. Cemeteries.
 - b. Zoos.
2. Governmental Facilities:
 - a. Jails, detention centers, work release centers.
 - b. Water treatment plants.
4. Manufacturing:
 - a. Handcrafted furniture.
5. Medical Facilities:
 - a. Animal hospital - large animals.
 - b. Animal hospital - small animals.
 - c. Prosthetics - sales, service and/or construction.
6. Miscellaneous:
 - a. Any facility with drive-through service.
7. Parks:
 - a. Amusement parks.
8. Public Assembly:
 - a. Exhibition halls.
 - b. Fairgrounds.
 - c. Sports arena.
 - d. Theaters - outdoor.
9. Residential:
 - a. Detached accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings.
 - b. Motels and transient hotels.
 - c. RV and camping parks.
 - d. Shelter homes.
10. Retail Trade:
 - a. Alcoholic beverages when consumed on the premises where sold if located less than three hundred feet (300') from residential property.
 - b. Automobile and recreational vehicle rental/storage yard.
 - c. Automobile and truck sales and/or rentals.
 - d. Car wash facilities.

- e. Equipment rental.
 - f. Fuel sales (bulk).
 - g. Gasoline service stations.
 - h. Large implement and heavy equipment sales and/or rentals.
 - i. Manufactured/mobile home sales and/or rentals.
 - j. Sporting vehicles and motorcycles - sales and/or rentals.
 - k. Storage unit rentals.
 - l. Tire shops.
11. Services:
- a. Appliance repair.
 - b. Auctions and/or public sales.
 - c. Automobile and truck service and/or repair.
 - d. Furniture repair/upholstery.
 - e. Publishing and printing business.
 - f. Sporting vehicles and motorcycles - service and repair.
 - g. Tattoo parlors or demographic studios approved by the South Central district health department or other state regulatory agency.
 - h. Testing laboratories.
12. Sports Facilities:
- a. Go-cart tracks.
 - b. Golf courses and country clubs.
 - c. Golf driving ranges.
 - d. Indoor recreation facility.
13. Transportation:
- a. Freight transfer points.
 - b. Open parking lot or garage for trucks and buses.
 - c. Packing and crating.
 - d. Trucking facilities.
14. Wholesale:
- a. Wholesale distribution and warehousing, but excluding H-1 facilities. (Ord. 2620, 8-2-1999; amd. Ord. 2741, 11-4-2002; Ord. 2773, 12-15-2003; Ord. 2798, 8-2-2004; Ord. 2850, 2-21-2006)

(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)

10-4-8.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the C1 district:

(A) Lot Area:

1. Commercial Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping.

2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall provide the minimum lot area of the R6 district.

(B) Lot Occupancy:

1. Commercial Uses: No requirement.
2. Residential Uses: Residential uses less than five (5) units not attached to a commercial use shall conform to the lot occupancy requirements of the R6 district.
 - Building Height: No building shall exceed thirty five feet (35') in height except as provided by section 10-7-3 of this title. (Ord. 2526, 5-20-1996)
 - All buildings' exteriors shall be constructed of architectural masonry, stone, stucco or architectural steel. Building faces shall include windows setbacks, awnings, parapet, material, and color variations, and other architectural treatments to break up large uniform surfaces.
 - Rooftop equipment shall be screened.
 - Basic building colors shall be neutral earth tones.

(C) Yards: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater: (Ord. 2773, 12-15-2003)

1. Commercial Uses And Residential Uses With Five Or More Units Per Building: No property line setbacks are required on side yard or rear yard. A setback of thirty five feet (35') shall be maintained on major arterials and fifteen feet (15') on all other streets. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the commission, subject to the following exceptions:
 - a. A gasoline service station pump island, including cashier's booth, and canopy setback may be less than the required thirty five feet (35') property line setback on arterial streets, providing the property line setback is not less than thirty feet (30') for a pump island nor less than twenty feet (20') for the outer edge of a canopy. Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.
 - b. Outdoor or patio seating, including associated canopies or coverings, at a food service establishment providing the outdoor seating area including any canopies or coverings does not exceed a property line setback of twenty feet (20') or the minimum required arterial landscaping is provided, whichever is greater. Any outdoor or patio seating area proposed within a required setback must be approved by the planning and zoning commission. (Ord. 2981, 12-7-2009)
2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall conform to the yard standards of the R6 district.

(D) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

- Development plans for each phase and building shall include facilities that will accommodate pedestrian and bicycle access to the interior streets, adjacent neighborhood and collector streets, and the adjacent arterial streets. Where reasonably feasible the pathways shall be separated from the interior streets by landscaping or other features to encourage use of pedestrian/bicycle facilities.

(E) Landscaping:

1. Commercial uses shall provide landscaping equal to ten percent (10%) of the total required parking area or three percent (3%) of the total land area, whichever is greater.
2. Household buildings over five (5) units shall provide landscaping equal to ten percent (10%) of the lot area.
3. Additional Landscaping Requirements for this PUD:

A landscaping buffer along bordering and interior streets shall be required on each property and in public right-of-way at time of site and building improvements.

- A 35-foot wide landscape buffer including sidewalk, pathway or other hard-surfaced landscape improvements, measured from the curb, will be constructed along Pole Line Road and Washington Street North.
- A 20-foot wide landscape buffer including sidewalk, pathway or other hard-surfaced landscape improvements, measured from the curb, will be constructed along Cheney Drive. Landscaping will conform to the CSI Landscaping Requirements regarding plant varieties and planting parameters.
- A 15-foot average width landscape buffer including sidewalk, pathway or other hard-surfaced landscape improvements, measured from the curb, will be constructed along all other public right-of-ways and private roadways. The width may vary but in no case can the width be less than 5-feet.
- For each buffer area 50% of the lineal footage shall have berms with a ridge of at least 18" in height with 50% of berming at a minimum of 30".
- The use of planters and landscaped islands in parking lots will be used to reduce visual impact of large paved areas.
- Area adjacent to residential areas shall to be landscaped to create a dense buffer in a relatively short period of time.

(F) Off Street Parking:

1. Each commercial use shall comply with the provisions of [chapter 10](#) of this title, or as amended.
2. Residential uses under five (5) units per building shall provide two (2) off street parking spaces for each residential unit.
3. Residential units in commercial buildings shall provide one off street parking space for each dwelling unit in the building.

(G) Signs: See chapter 9 of this title. (Ord. 2526, 5-20-1996) SIGN VERBIAGE DIFFERS FROM CODE LANGUAGE

1. Additional Signage Requirements for this PUD:

- Pylon signs shall be located to provide primary visibility from Pole Line Road West and Washington Street North.
- Signage adjacent to Cheney Drive, Harrison Street and interim streets shall be monument type signs with a maximum height of 10-feet.
- Building identification logos shall be non-glaring internally illuminated or backlit signs directly mounted to the façade and at a height clearly visible from all major routes of access.
- Building and Building Department signs shall be limited to wall mounted signs or monument type signs with a maximum height of 20'.
- Site Wayfinding signs shall be of a size and height required for ease of legibility from a slow moving vehicle. Signs may be located at all main entry points from public streets, building entry points and parking area locations.
- Animated or flashing signs are not allowed.

(H) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section [9-9-16](#) of this code. (Ord. 2550, 6-2-1997)

1. Additional Development Requirements for this PUD:

- Loading docks and trash containers shall be screened from roadways, residential areas and adjacent properties to the extent possible.
- No outside storage or display of merchandise is allowed beyond the front sidewalk adjacent to the primary business building or outside of screened areas.









Monday, October 10, 2011 City Council Meeting

To: Honorable Mayor and City Council

From: Dennis J. Bowyer, Parks & Recreation Director

Request:

Consideration of a request to award the bid on the Courtney Conservation Park to All Seasons Landscaping.

Time Estimate:

The staff presentation will take approximately 3-5 minutes. Following the presentations, we expect some time for questions and answers.

Background:

Staff presented the proposed landscaping plan for the southwest corner of Fillmore Street and Falls Avenue to the City Council on July 28, 2008. The City contracted with Conservation, Seeding and Restoration (CSR) to develop the plans and the bid documents at this site. This site will become a demonstration area for conserving water by using drought resistant native plants with information for the community to see a well landscaped area. The plan is attached.

Estimates developed at that time ranged from \$82,350 to \$93,500 dependent on using native seed or native turf (the granite lava boulders were not included in this estimate). This estimate included approximately \$5,500 for curb and gutter along Fillmore Street. At that time, staff proposed to use the Water Supply's conservation project funding to pay for the project.

The Council authorized staff to begin work on the bidding process and use the Water Supply's Conservation project funding to pay for the project.

City staff budgeted \$95,000 in the 2009-2010 year for this project. However, due to the downturn in the economy, staff felt it would be best not to expend the funds on this project. The plan and bid documents were developed by CSR.

In May of this year, the City Council directed staff to formally bid the landscaping plan that was developed by CSR. The estimate at that time was approximately \$103,700, but it did not include the 115 tons of granite lava boulders. The bid package did include those boulders as part of the project. Also at that meeting, the City Council named this site in honor of retiring long time City Manager Tom Courtney.

To reduce the development cost on this park, staff will provide approximately 1,300 cubic yards of top soil and do the rough grading; this was not part of the estimate or the bid.

Bids were due on Thursday September 29, 2011. The City received three sealed bids. Staff reviewed the bids and determined that All Seasons Landscaping submitted the low bid at \$121,010.10

There are some additional costs to complete this project: 1) curb/gutter/sidewalk on the west side of Fillmore Street estimated at \$6,000; 2) the park sign estimated at \$3,000; and information signage on the type of plants/shrubs/grasses/etc., no estimate at this time.

Budget Impact:

In May of this year, the Council authorized staff to spend the money that was not used for the restroom at Frontier Field. Approximately \$125,000 was left over. The bid amount is \$121,010.10 and with the sign estimate of \$3,000, at the end of September these funds reverted back to reserves from last year.

The curb/gutter/sidewalk is estimated at \$6,000, there were additional funds reverted to reserves from other Parks capital projects this past fiscal year to pay for this if needed or staff could defer the curb/gutter/sidewalk for a year and budget that expense the following fiscal year.

Regulatory Impact:

Approval of this request will allow the City to award the bid to All Seasons Landscaping and begin construction of the Courtney Conservation Park.

Conclusion:

Staff recommends awarding the Courtney Conservation Park project to All Seasons Landscaping in the amount of \$121,010.10 and to authorized staff to pay for the sign estimated at \$3,000. Staff is asking for direction on the \$6,000 for the curb/gutter/sidewalk, take it out of reserves this year or defer it and budget it for the next fiscal year.

Attachments:

1. Landscaping Plan
2. Bids Tabulation

Courtney Conservation Park - Bid Opening 9-29-11

\$121,010.10	All Seasons Landscaping
\$143,788.73	Conservation, Seeding, & Restoration
\$155,463.10	Idaho Scapes Inc.



DATE: MONDAY, OCTOBER 10, 2011
To: Honorable Mayor Hall and City Council
From: Mitch Humble, Community Development Department

ITEM IV-1

REQUEST: For a Zoning District Change and Zoning Map Amendment from R-4 PRO to R-6 PUD for 8.5 (+/-) acres to allow for a college apartment complex on property located between the 140 – 250 Blocks of Falls Avenue West and Robbins Avenue West. c/o College of Southern Idaho represented by Mike Mason. (app. 2474)

TIME ESTIMATE:

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

BACKGROUND:

Applicant: College of Southern Idaho c/o Mike Mason P.O. Box 1238 315 Falls Ave Twin Falls, ID 83303 (208) 732-6203 mmason@csi.edu	Status: Purchase Agreement	Size: 8.54(+/-) acres
	Current Zoning: R-4 PRO	Requested Zoning: R-6 PUD
	Comprehensive Plan: Medium Density Residential adjacent to Residential Business	Lot Count: PUD
	Existing Land Use: undeveloped	Proposed Land Use: College Apartment Complex as a Planned Unit Development
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: R-6 PUD ; Falls Ave W, Campus Park Apartment Complex	East: R-4 PRO; Magic Valley Surgery Center /Washington St N
	South: R-4; Robbins Ave, residential	West: R-4; residential
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-6, 10-4-16, 10-6-1 through 4, 10-7-6, 10-7-10, 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)

As per Twin Falls City Code: 10-14-6: Approval or Denial of Amendment:

Within sixty (60) days from the receipt of the proposed amendment, the Commission shall transmit its recommendation to the Council. The Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. The Commission shall ensure that any favorable recommendations for amendments are in accordance with a comprehensive plan and established goals and objectives. (Ord. 2012, 7-6-1981)

As per Twin Falls City Code: 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)

As per Twin Falls City Code: 10-14-8: Resubmission of Application::

No application for a reclassification of any property which has been denied by the Council shall be resubmitted in either substantially the same form or with reference to substantially the same premises for the same purposes within a period of one year from the date of such final action; unless there is an amendment in a comprehensive plan which resulted from a change in conditions as applying to the specific property under consideration. (Ord. 2012, 7-6-1981)

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 development of the property as approved.

HISTORY:

In June of 1980 an R-6 PUD zoning designation was approved for this property. No final development plan was submitted and the zoning reverted back to R-4.

On April 30, 1991 the Planning & Zoning Commission approved Special Use Permit 0293 to allow the operation of a medical office.

On September 10, 1991, the Planning & Zoning Commission recommended approval of rezone from R-4 to R-4 PRO on this property. On October 10, 1991 the City Council approved Ordinance 2354, a rezone of the property from R-4 to R-4 with a Professional Office Overlay.

In 1991 the Westwood Subdivision final plat was recorded.

On May 25, 1993 the Commission approved Special Use Permit #0861 to allow construction and operation of an ambulatory surgery center.

A Preliminary PUD presentation was heard by the Planning & Zoning Commission on August 23, 2011. There were no public comments or concerns at the presentation.

ANALYSIS:

This is a request for a Zoning District Change and Zoning Map Amendment from R-4 PRO to R-6 PUD for 8.54 (+/-) acres to allow for a college apartment complex, to be developed in phases, on property located between the 140 – 250 blocks of Falls Avenue West and Robbins Avenue West.

This property is zoned R-4 PRO and is located on the southwest corner of the intersection of Falls Avenue West and Washington Street North. The Southern Idaho Medical Park is on the northeast corner of the property. The proposed project will be west and south of the medical center. The northern lot is part of the Orchalara Subdivision and has an undeveloped road right of way for half of a cul-de-sac in the southwest corner of the lot. The southern lot is part of the Westwood Subdivision and also has an undeveloped road right of way for half of a cul-de-sac in the northwest corner of the lot. This undeveloped cul-de-sac is dedicated row located at the eastern end of Elaine Avenue and is intended to provide for a fire truck turn-around. The submitted proposed Master Development Plan does not show the cul-de-sac. There will have to be a turn-around provided for the Fire Department. This turn-around will have to be approved by the Fire Department and the Engineering Department before final approval and construction of the first phase of the project.

The Comprehensive Plan calls out this property as Medium Residential. The proposed project is consistent with the Comprehensive Plan.

The College of Southern Idaho is requesting a change in zoning to R-6 PUD to allow for a multi unit housing complex for college students. As a PUD the project may be developed without platting the property into separate lots for each apartment building. The College Park Apartments are north of the proposed property, across Falls Avenue West, and were developed as an R-6 PUD project also. There are duplexes and four-plexes in the area that are currently being rented to college students. The College will maintain ownership of this proposed apartment complex and plans to operate them in the same manner as the North View Apartment complex, also owned by the College, located at the north east corner of North College Road and Washington Street North.

The PUD proposes signage, lighting, and landscaping that will comply with City Codes and ordinances.

The City recently completed a road construction project on Falls Avenue West that included the development of curb, gutter and sidewalk. Along Falls Avenue West, adjacent to this proposed site, there is only one (1) residential access that was developed and it is near the northwest corner of the proposed PUD site. The proposed Master Development Plan indicates the College would like two (2) accesses off Falls Avenue West and two (2) off of Robbins Ave West. The Engineering Department has concerns with the two (2) accesses shown on Falls Avenue West. One concern is the alignment with the apartment complex to the north of this site and another is that any access should be designed to meet arterial standards due to the estimated amount of ingress/egress traffic. The concerns/issues will need to be resolved by the Engineering Department prior to construction of the first phase of the project. There is no curb, gutter and sidewalk along Robbins Avenue West on the southern border of this project and shall be required to be constructed the time of development of this phase.

On September 13, 2011 the Commission recommended approval of this request, as presented, by a vote of 5 for, 1 against and 1 abstention , subject to the following conditions:

1. Subject to recordation of a PUD agreement, as approved by the City Council, prior to construction of the first phase of the project.
2. Subject to construction of curb, gutter and sidewalk along Robbins Avenue West at the time this phase is developed.
3. Subject to approach/access issues on Falls Avenue West being resolved and approved by the Engineering Department prior to construction of the first phase of the project.
4. Subject to the issue of the undeveloped cul-de-sac at the east end of Elaine Avenue being resolved prior to construction of the first phase of the project.
5. Subject to amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Staff concurs with the Commission's recommendation

Attachments:

1. Letter of submittal
2. Vicinity Map
3. Zoning Map
4. Aerial Map
5. Comprehensive Map Close-up
6. Exhibit #1 Aerial Map
7. Exhibit #5 Proposed Master Development Plan, Phase 1
8. Exhibit #6 Proposed Building Elevation
9. Master Development Plan-Aerial
10. Site Photos (4)
11. Portion of the Sept 13, 2011 P&Z minutes

College of Southern Idaho
Application for Zoning District Change and Zoning Map Amendment
As A Planned Unit Development

C 4A. The College of Southern Idaho is purchasing property, conditional upon a change in zoning, for the purpose of constructing a student apartment complex. The property is made up of 8.54 acres and is located between Falls Avenue and Robbins just to the south west of the main CSI campus. The property is currently zoned R-4 with a professional overlay.

The College of Southern Idaho is requesting a change in zoning to R-6 with a Planned Unit Development to allow for multi-unit housing for students.

C 4B.i. The proposed zoning change will be in compliance with the Comprehensive Plan. The activities of the college have been taken into consideration in the City planning processes. The zoning change will place student housing in an area where students already rent a significant number of apartments.

C 4B.ii. The college will continue to use the property for educationally related purposes- primarily student housing. The surrounding area is both residential and commercial and the college is compatible with these uses. College Park housing is just across the street and there are numerous duplexes and fourplexes surrounding or in close vicinity to the property.

C 4B.iii. The R-6 with a PUD (Exhibit 1) will be made up of two parcels. The north parcel contains 3.63 acres and the adjoining south parcel contains 4.91 acres.

The total property contains 8.54 acres.

Proposed Uses of the property:

The proposed use of the property is to build two story, two bedroom apartments. The apartments will be designed for student use and be managed by the College in a manner similar to our North View Apartment complex.

Proposed signage will be in compliance with City Code Title 10 Chapter 9.

Lighting will be in compliance with City codes and ordinances for apartment complexes

Landscaping will be in compliance with City codes and ordinances.

Phase 1 building heights will be approximately 26 feet 8 inches. Phase 2 future buildings will be in compliance with existing building height restrictions at the time of construction.

Exhibits

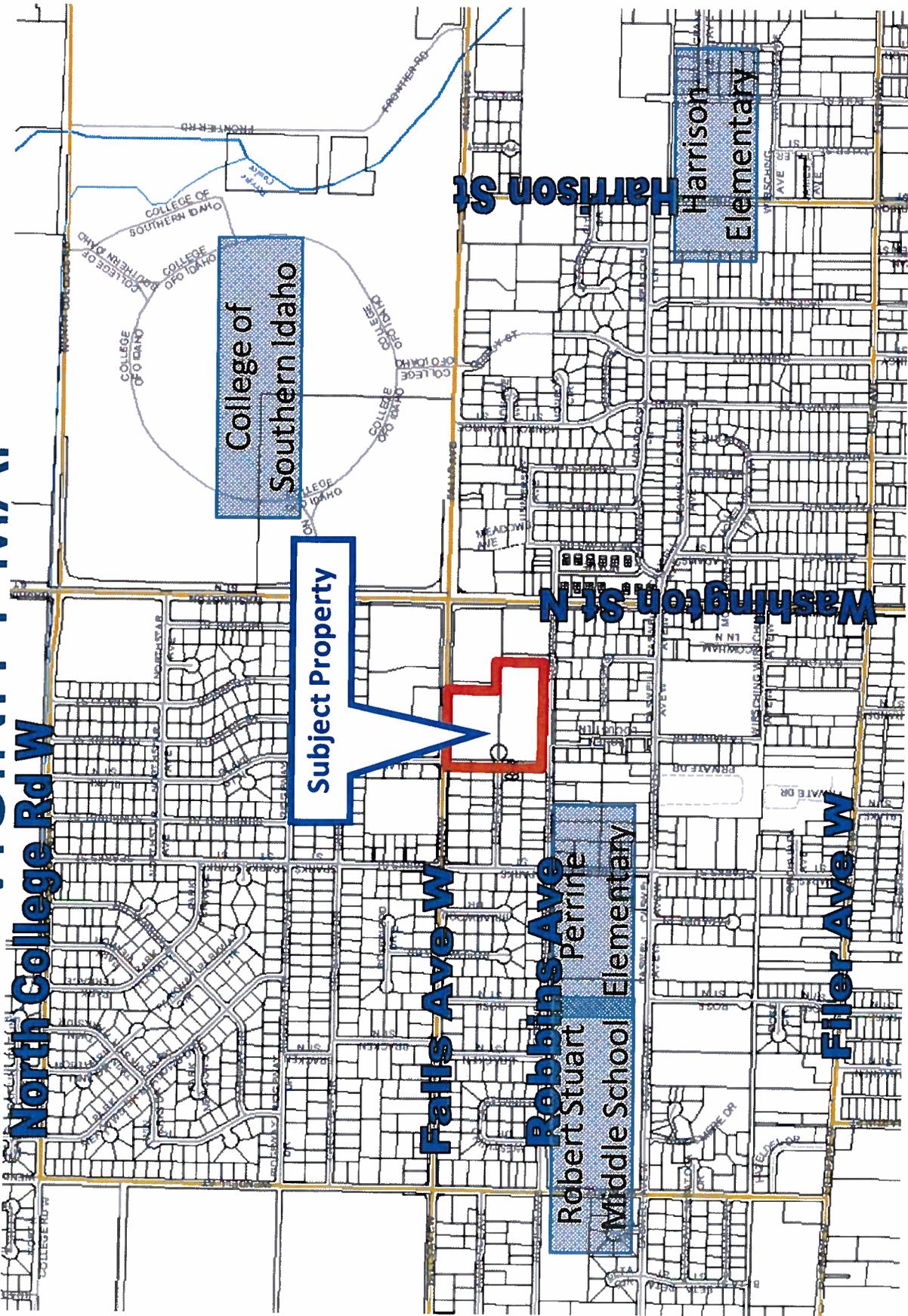
Exhibit 1 shows the location of the property in proximity to CSI and the property in proportion to the Sawtooth Surgery Center.

Exhibits 2 and 3 show the comprehensive plan and current zoning for the area.

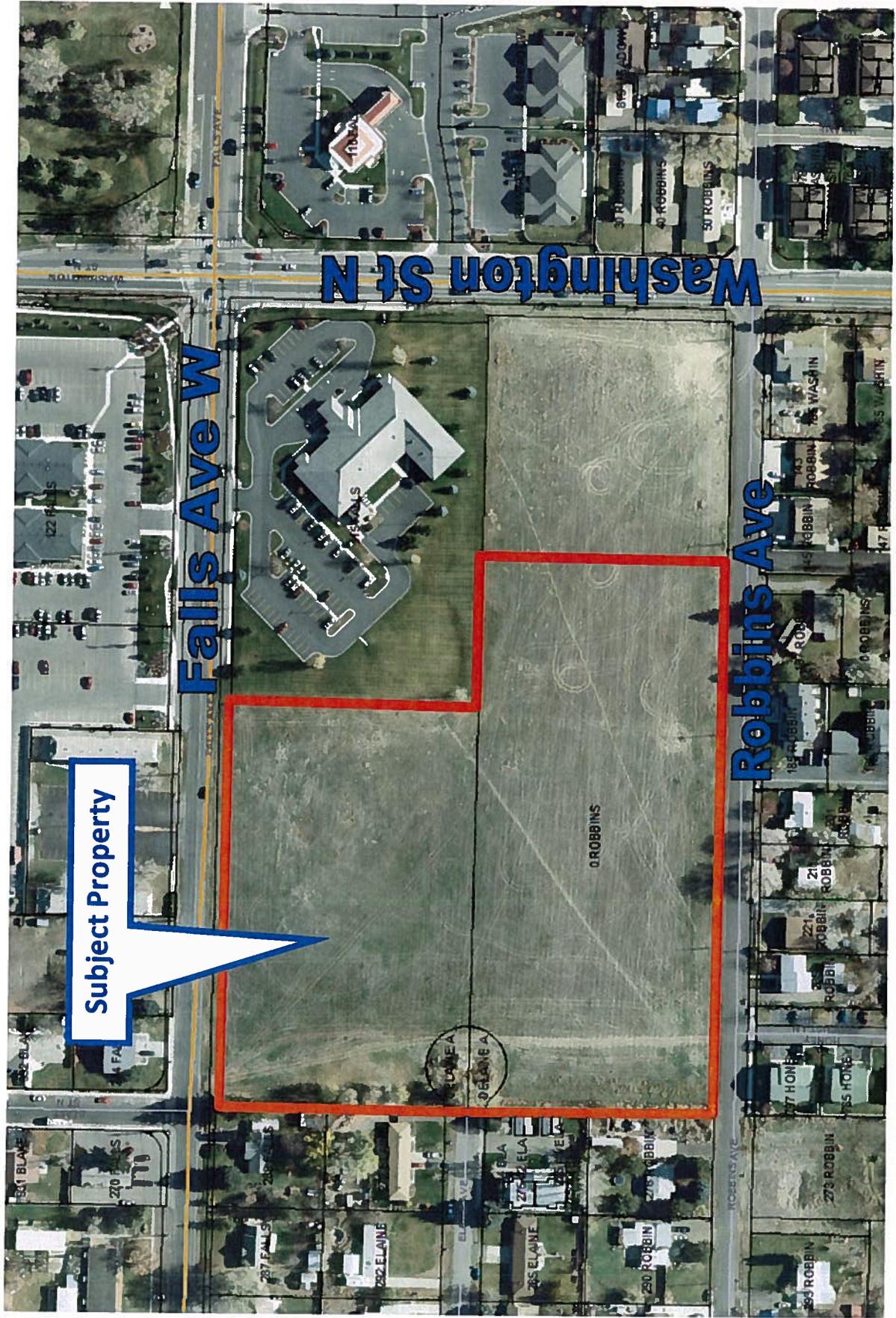
Exhibit 4 shows the location of the 8.54 acre parcel south west of campus and the surrounding area.

Exhibit 5 shows the proposed first phase of the apartments on the north portion of the property and the future build out of apartments on the eight and a half acre site
Exhibit 6 shows an elevation of the apartments. The preliminary design shows the height at 26 feet 8 inches.

VICINITY MAP



AERIAL VIEW



Comprehensive Map of Proposed Area

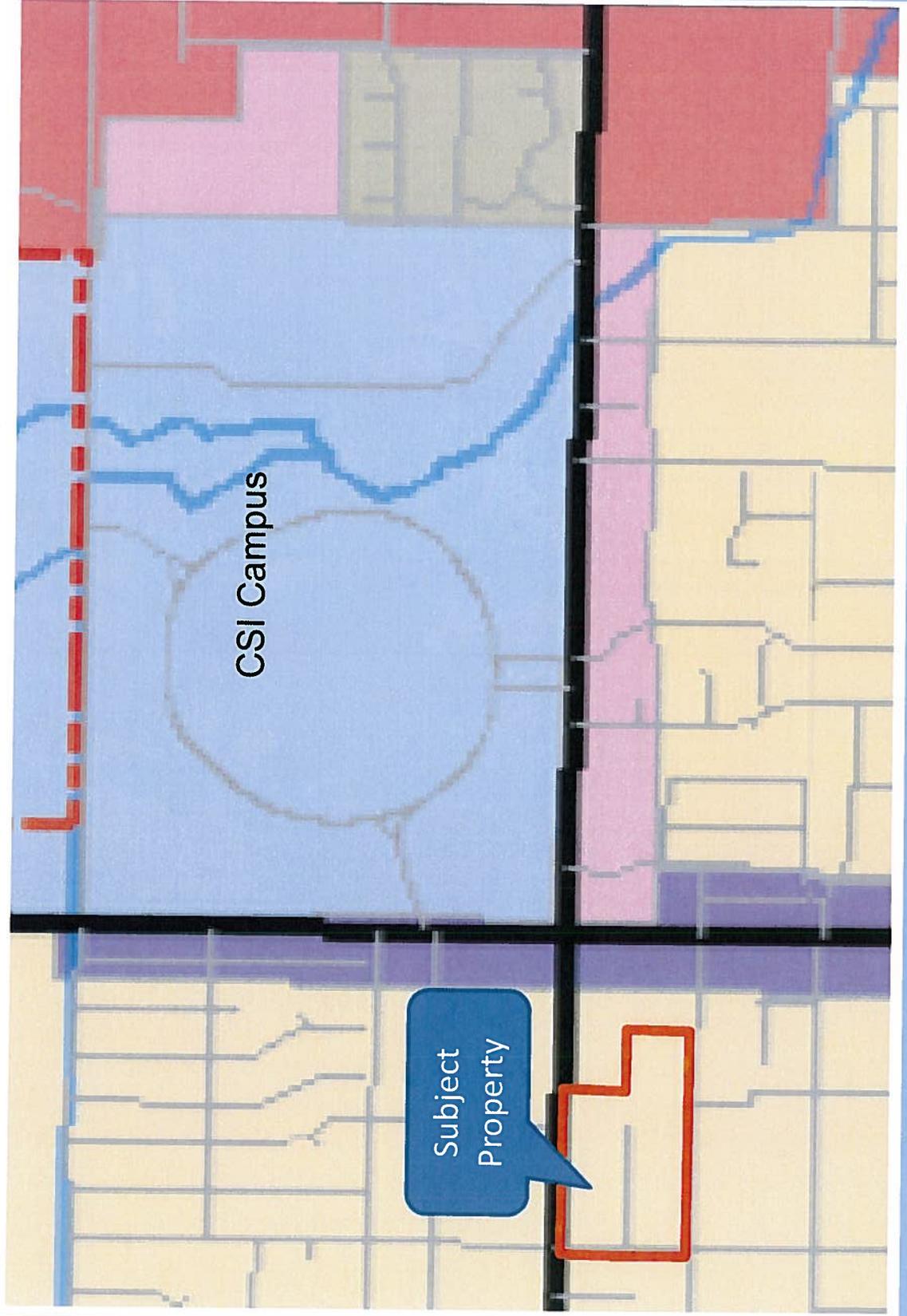


EXHIBIT 1

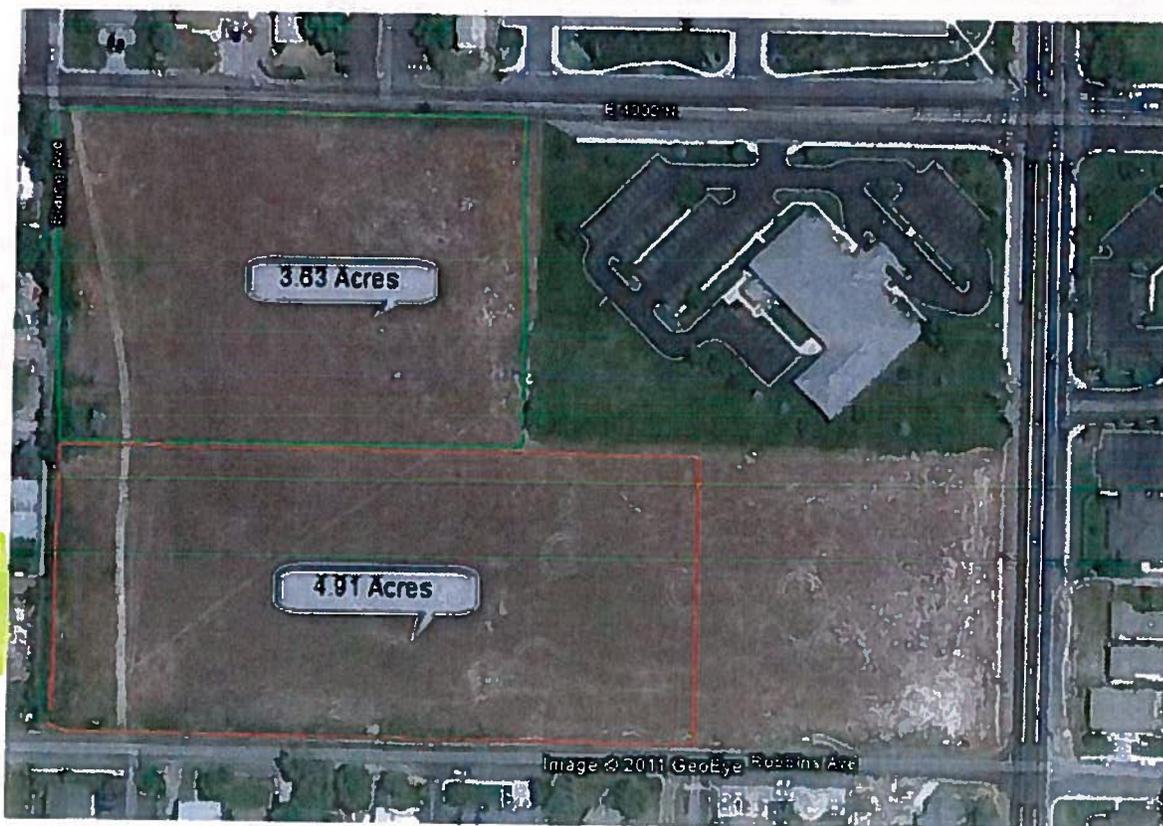
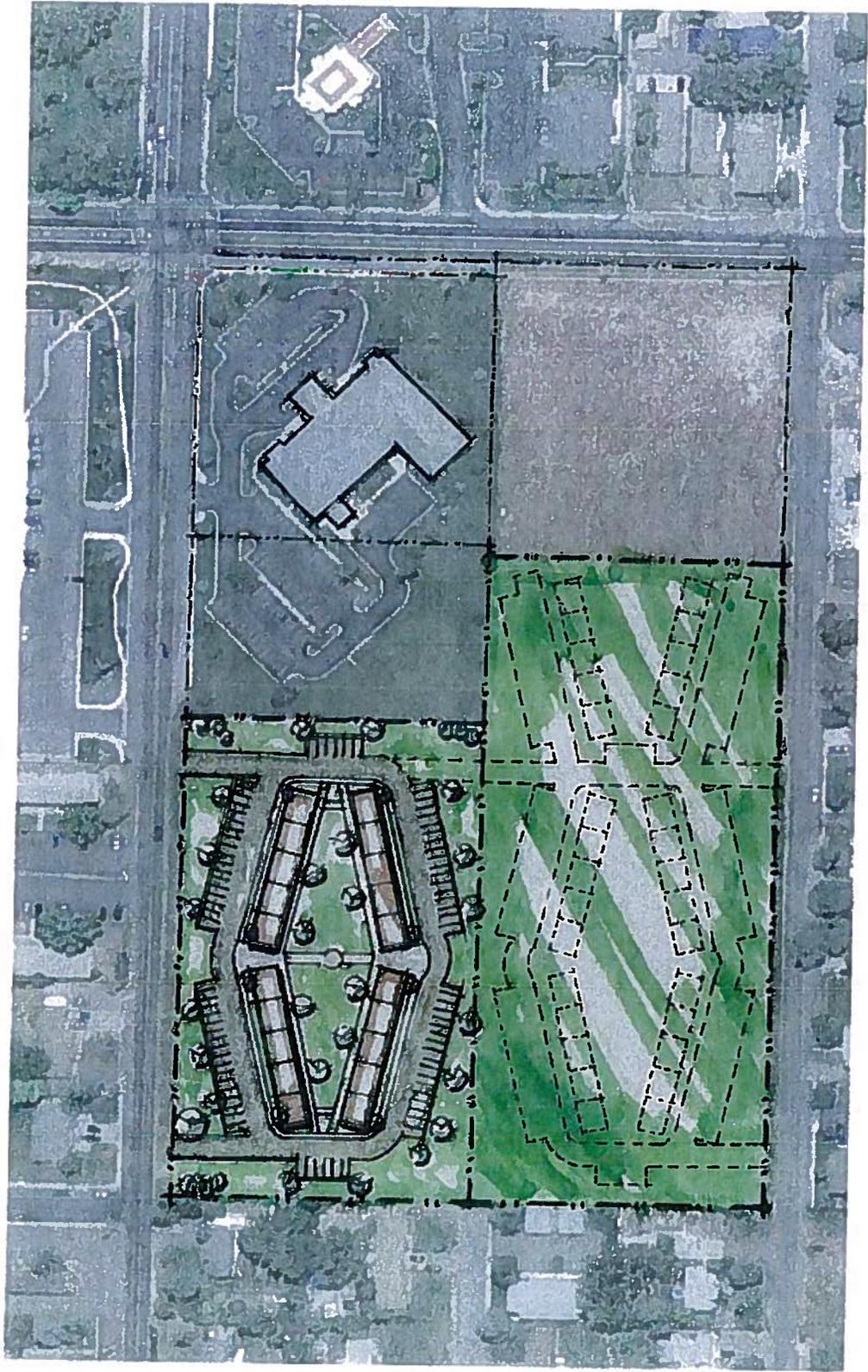


EXHIBIT 5



COLLEGE OF SOUTHERN IDAHO
STUDENT APARTMENT HOUSING
NEW SITE LOCATION

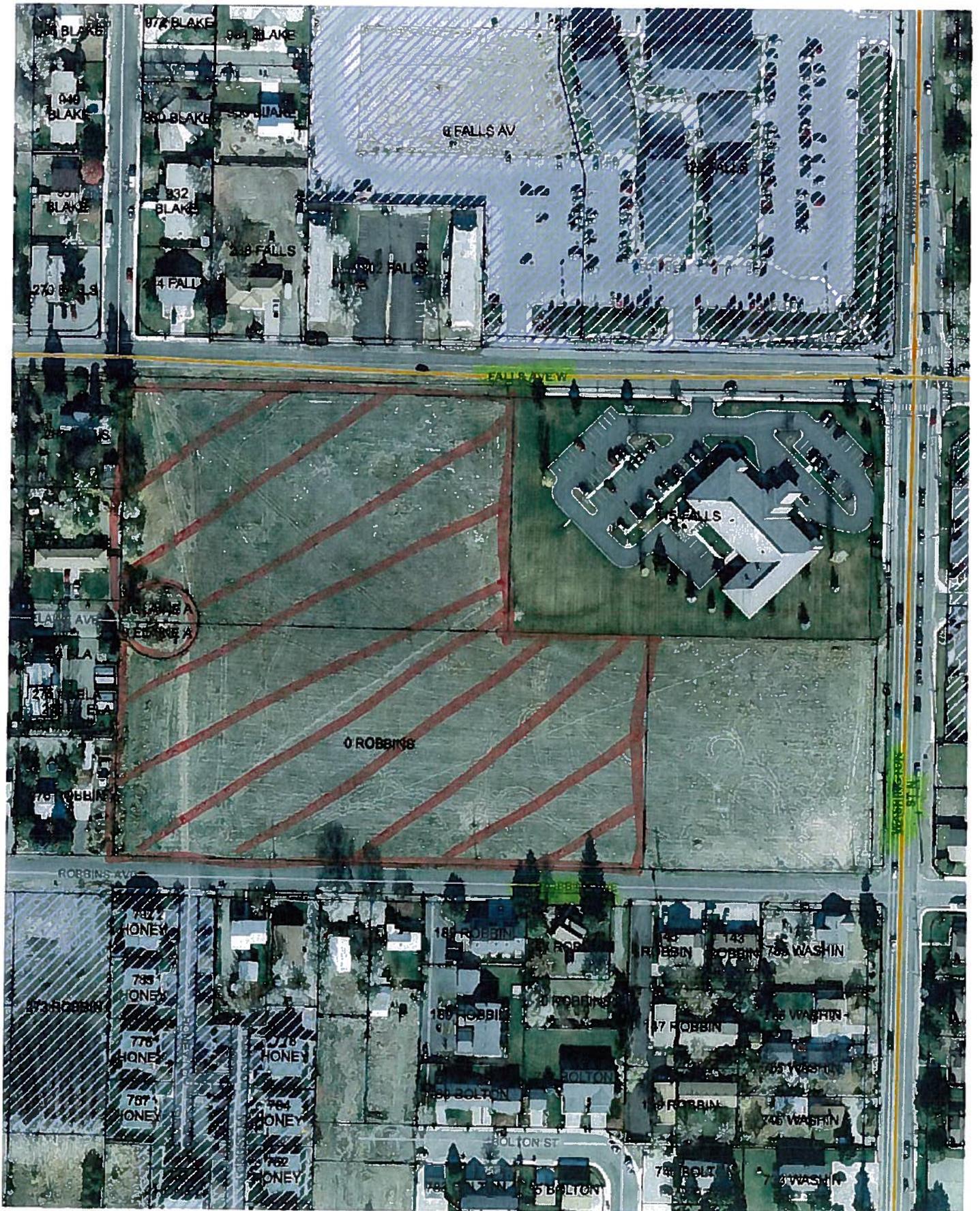


SITE LAYOUT
8.4:11



1"=100'-0"







Southeast corner of property looking west down Robbins.



Southeast corner of property looking north to Falls Ave W.



Northwest corner of property looking east down Falls Ave W.



Residential approach at northwest corner of property only.



MINUTES
Twin Falls City Planning & Zoning Commission
September 13, 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
Derricott
Cope
Jacobson
Schouten
Sharp

ABSENT:

Ihler

AREA OF IMPACT MEMBERS

PRESENT:

Mikesell

ABSENT:

DeVore

CITY COUNCIL MEMBERS PRESENT:

Mills Sojka

CITY STAFF PRESENT:

Carraway, Strickland, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Requests a Zoning District Change and Zoning Map Amendment from R-2 to R-6 PRO PUD for 12.5 (+/-) acres to allow for a planned mixed use development consisting of residential multi-family and professional uses/medical uses on property located on a portion of the Fieldstone Subdivision south of the 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way c/o Brad Wills on behalf of Wills, Inc. (app. 2475)

IV. PUBLIC HEARING ITEMS

1. Request for a Zoning District Change and Zoning Map Amendment from R-4 PRO to R-6 PUD for 8.5 (+/-) acres to allow for a college apartment complex on property located between the 140 – 250 Blocks of Falls Avenue West and Robbins Avenue West. c/o College of Southern Idaho represented by Mike Mason (app. 2474)
2. Request a Variance to construct a 1300 sq. ft. detached accessory building within the front-yard setback on property located at 2750 Skyline Drive c/o Bill and Shauna May (app. 2471)
3. Request for a Special Use Permit to operate an outdoor public and commercial swimming pool and family fun center on property located at 807 Wendell Street c/o Stephanie Ford & Amanda Connors (app. 2472)
4. Requests a Special Use Permit to operate an indoor recreation facility serving alcohol to be consumed on-site with extended hours of operation on property located at 348 4th Avenue South c/o Edward M Sabia (app. 2477)

I. CALL MEETING TO ORDER:

Chairman Bohrn 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): **August 23, 2011**
2. Approval of Findings of Fact and Conclusions of Law:
 1. Church on a Mission (SUP 08-23-11) • Pizza Hut (SUP 08-23-11)
 2. Yip Tse (SUP 08-23-11) • Alphonse Gomache (SUP 08-23-11)

III. ITEMS OF CONSIDERATION:

1. Requests a Zoning District Change and Zoning Map Amendment from R-2 to R-6 PRO PUD for 12.5 (+/-) acres to allow for a planned mixed use development consisting of residential multi-family and professional uses/medical uses on property located on a portion of the Fieldstone Subdivision south of the 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way c/o Brad Wills on behalf of Wills, Inc. (app. 2475)

APPLICANT PRESENTATION:

David Thibault, EHM Engineers, Inc. representing the applicant stated he is here to present an request for rezone from R-2 to R-6 PRO PUD. This property is currently platted and recorded with developed single family residential lots along the east side of the subdivision. The Fieldstone subdivision has been developed in phases, the third phase has not been developed which is the portion the applicant is requesting to be rezoned. The proposed PUD will allow for a professional office overlay and commercial mixed-uses including multi-family residential, single family residential and professional office uses. The applicant feels this would be a good fit for this location as there is an R-6 PRO PUD immediately west of the subject property and a C-1 PUD immediately north the Twin Falls Reform Church property and a high density mobile home park north of Fieldstone Subdivision. This type of development would provide a good buffer/transition from the higher density to the residential areas. The draft PUD Agreement has been prepared the master plan is proposed to include six (6) Professional Offices Overlay lots located along Cheney Drive West, seven (7) multi-family residential along Fieldstream Way, two (2) single family residential areas along cobble creek road at the cul-de-sac and three (3) duplex lots fronting North College Road. Samples of different elevation types were provided in the application and are consistent with what is located to the south and east of this property. This proposed plan will allow for the extension of Cheney Drive which is a collector street that currently dead ends into the existing mobile home park on Grandview Drive. The mobile home park doesn't appear to be going away in the near future which prevents Cheney Drive from extending westerly unless the development of this particular proposal occurs. As the subdivision is platted currently the lots would be sold as individual single family lots which would make it more difficult for the City to obtain right of way for the construction of Cheney Drive West creating a discontinuous road along this area. The applicant feels the request is in conformance with the Comprehensive Plan would eliminate the shortcut trips taken through the Fieldstone Subdivision and allow traffic to have a secondary route to and from the westerly area without having to rely solely on North College Road.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated this is a preliminary presentation for a request for a Zoning District Change and Zoning Map Amendment from R-2 to R-6 PRO PUD for 12.5 (+/-) acres to allow for a planned mixed use development consisting of residential multi-family and professional/medical uses on property located on a portion of the Fieldstone Subdivision south of the 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way.

City Code requires a preliminary PUD presentation be made to the Commission prior to the public hearing. The purpose of this presentation is to allow both the Commission and the adjacent property owners to hear from the developer what type of development is being planned for the property. No action is taken at this preliminary presentation however the Commission and the public can ask questions and make comments at this time prior to the public hearing.

Staff makes no recommendations at this time. A public hearing regarding this request will be heard at the regularly scheduled Planning & Zoning Commission public meeting on Tuesday, September 27, 2011 Further staff analysis will be give at that time.

PUBLIC COMMENTS/QUESTIONS: OPENED

- Gerardo Munoz stated he would like to ask for more information related to when Cheney Drive West would be developed and open for traffic, because currently there is only one route to this area which is North College Road creating traffic issues. He also asked if a traffic analysis could be provided regarding North College Road.

PUBLIC COMMENTS/QUESTIONS: CLOSED

PLANNING & ZONING PUBLIC HEARING SCHEDULED FOR SEPTEMBER 27, 2011

IV. PUBLIC HEARING ITEMS

Commissioner Derricott stepped down for this request.

1. Request for a Zoning District Change and Zoning Map Amendment from R-4 PRO to R-6 PUD for 8.5 (+/-) acres to allow for a college apartment complex on property located between the 140 – 250 Blocks of Falls Avenue West and Robbins Avenue West. c/o College of Southern Idaho represented by Mike Mason (app. 2474)

APPLICANT PRESENTATION:

Mike Mason, representing the College stated he is here to request a zoning change from R-4 PRO to R-6 PUD to allow for a college apartment complex. He reviewed photos and site maps on the overhead. The elevations shows a 42 bedroom apartment complex with 84-86 parking spaces. He stated staff has concerns with the two accesses shown on the plans and stated they are still working on addressing those issues. The college feels this would be an excellent location for the apartments and requests that the Commission make a positive recommendation to the City Council for approval.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated this is a request for a change in zoning at this site from R-4 PRO to a R-6 PUD to allow for a multi unit housing complex for college students. The project is planned to be developed in phases. As a Planned Unit Development (PUD) the project may be developed without subdividing the property into separate lots for each apartment building.

When there is a request to develop property as a planned development the code requires a preliminary presentation be made to the Commission prior to the public hearing. The purpose is to allow both the Commission and the adjacent property owners to hear from the developer what type of development is being planned for the property. This preliminary presentation was held on August 23, 2011, there was no public comment at that meeting.

The College Park Apartments are north of the proposed property, across Falls Avenue West, and were developed as an R-6 PUD project also. There are duplexes and four-plexes in the area that are currently being rented to college students.

The college will maintain ownership of this proposed apartment complex and plans to operate them in the same manner as the North View Apartment Complex, also owned by the college, and located at the northeast corner of North College Road and Washington Street North.

The PUD proposes signage, lighting, and landscaping that will comply with City Codes and ordinances. These types of development requirements shall be incorporated within the PUD agreement.

This property is located on the southwest corner of the intersection of Falls Avenue West and Washington Street North. The Southern Idaho Medical Park is on the northeast corner of the property. There is an undeveloped road right of way for a cul-de-sac located at the eastern end of Elaine avenue which is intended to provide for a fire truck turn-around. Staff will be working with a City Council appointed task force to discuss this property and others that the city owns. The submitted proposed master development plan does not show the cul-de-sac being developed. If this project is approved by the City Council - this issue will be addressed prior to development of Phase I.

The city recently completed a road construction project on Falls Avenue West that included the development of curb, gutter and sidewalk. Along Falls Avenue West, adjacent to this proposed site, there is only one (1) residential access that was developed and it is near the northwest corner of the proposed PUD site. The proposed master development plan indicates the college would like two (2) accesses off Falls Avenue West and two (2) off of Robbins Avenue West. The engineering department has concerns with the two (2) accesses shown on Falls Avenue West. One concern is the alignment with the apartment complex to the north of this site and another is that any access should be designed to meet arterial standards due to the estimated amount of ingress/egress traffic. These concerns/issues will need to be resolved prior to construction of the first phase of the project.

There is no curb, gutter and sidewalk along Robbins Avenue West on the southern border of this project. Curb, gutter and sidewalk shall be required to be constructed the time of development of this phase.

The Comprehensive Plan calls out this property as medium residential. The proposed project is consistent with the Comprehensive Plan.

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

1. Subject to recordation of a PUD agreement, as approved by the City Council, prior to construction of the first phase of the project.
2. Subject to construction of curb, gutter and sidewalk along Robbins Avenue West at the time this phase is developed.
3. Subject to approach issues on Falls Avenue West being resolved and approved by the Engineering Department prior to construction of the first phase of the project.
4. Subject to the issue of the undeveloped cul-de-sac at the east end of Elaine Avenue being resolved prior to construction of the first phase of the project.
5. Subject to amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

PUBLIC QUESTIONS/COMMENTS:

- Commissioner Cope asked if CSI security would be monitoring this apartment area.
- Mr. Mason stated yes
- Commissioner Mikesell asked if there are plans for separation between the complex and the residential area.
- Mr. Mason stated they will have plans that meet City Code.

PUBLIC HEARING: OPENED

- Janet Renaldi stated, 276 Robbins Avenue she is asking the Commission to deny this request. The property is surrounded by residential except along the north side. It will have a negative impact to three major school zones in the area and the traffic flow to Perrine, Robert Stuart and Canyon Ridge Schools. The access that are shown coming out to Robbins Avenue will greatly increase traffic to this area and making the area even more of a safety issue for the pedestrians, bicyclists, buses and the children going to and from school. There are currently no sidewalks along this area making this area a safety hazard. There are many two way stops in this area and many traffic delays. Student housing is already located in this area, quite a few of these students drive creating more traffic, the students walking don't always use the cross walk creating traffic issues on Washington Street. She provided traffic counts for Falls Avenue from Sparks Street moving west and Filer Avenue from Sparks moving west there are between 3000 - 8650 cars per week Monday through Friday which is a lot of traffic through this area. She has a petition with 302 signatures requesting that this be denied.
- Kimberly Madson, 293 Robbins Avenue stated she is very concerned about the traffic along this area and she is asking that this request be denied. She stated children are walking to and from school along this area at their own risk because there are no sidewalks in this area. She would like to at least make sure that sidewalk is continued all the way down Robbins Street, and possibly have speed bumps installed.
- Marie Smith stated the biggest concern is having this go through and paid for with a child's life. The traffic is dangerous in this area, she has lived in this area for a long time and has heard on numerous occasions cars skidding to avoid hitting a child trying to cross streets to get to and from school. She asked the Commission to please deny this request.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

- Mr. Mason stated that this phase of the construction has traffic emptying onto Falls Avenue; the intent is not to increase the dangers in this area.

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated he doesn't understand why the College doesn't build this complex on the campus and with 302 citizens signing a petition to recommend denial he doesn't think he can vote in favor of this request. Traffic is going to get worse.
- Commissioner Borhn stated at this point and time the traffic is going to empty onto Falls Avenue onto Falls Avenue and the traffic down Robbins is not going to happen. We are looking for zoning district change to allow for the complex that is all that can be considered at this time. There is no guarantee that the second phase of this project will ever be built and at this time the traffic will not be traveling down Robbins Avenue it will be traveling down Falls Avenue towards the college.
- Commissioner Cope asked if there is a plan for a light at Washington Street North and Robbins Avenue.
- Assistant City Engineer Vitek stated currently there are no plans for a light at this intersection.
- Commissioner Schouten asked if it will be possible to cross Washington Street North at this location and is concerned with traffic approaching the complex and would recommend there be turn lanes provide to get into the complex to avoid traffic delays.

MOTION:

Commissioner Cope made a motion to recommend approval of this request to the City Council. Commissioner Schouten seconded the motion. Commissioners Bohrn, Cope, Jacobson, Schouten & Sharp voted in favor of the motion and Commissioner Mikesell voted against the motion.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL

1. Subject to recordation of a PUD agreement, as approved by the City Council, prior to construction of the first phase of the project.
2. Subject to construction of curb, gutter and sidewalk along Robbins Avenue West at the time this phase is developed.
3. Subject to approach issues on Falls Avenue West being resolved and approved by the Engineering Department prior to construction of the first phase of the project.
4. Subject to the issue of the undeveloped cul-de-sac at the east end of Elaine Avenue being resolved prior to construction of the first phase of the project.
5. Subject to amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

CITY COUNCIL PUBLIC HEARING SCHEDULED FOR OCTOBER 10, 2011

Commissioner Derricott returned to his seat.



Monday October 10, 2011 City Council Meeting

To: Honorable Mayor and City Council

From: Dennis J. Bowyer, Parks & Recreation Director

Request:

Consideration of the request from the Twin Falls Golf Advisory Commission to raise fees at the Twin Falls Golf Club.

Time Estimate:

The staff presentation will take approximately 10 minutes. Following the presentation, we expect some time for questions and answers.

Background:

On September 26, 2011, the City Council approved to hold a public hearing on October 10, 2011 at 6:00pm to consider increases in fees at the Twin Falls Golf Club.

Adult season passes and daily green fees were last adjusted in December 2008. At that time, adult single passes increased by \$30, adult couple passes increased by \$40, senior single increased by \$25, and senior couple increased by \$40. Adult weekday green fees increased by \$3, adult weekend green fees increased also by \$3, senior weekday stayed the same and the senior weekend increased by \$3.

The Golf Advisory Commission formed a sub-committee to review the fees at the golf course. The sub-committee along with PGA Golf Pro Steve Meyerhoeffer and his assistant Travis Hofland met to discuss fees. The sub-committee developed a policy that stated three issues:

- 1) Simplified the rates by reducing the number of categories
- 2) Same green fee rates on weekends as weekdays
- 3) The couple's (adult & senior) season pass is \$250 added on to a single's season pass.

At the July 13, 2011 meeting of the Golf Advisory Commission the sub-committee proposed their policy to the full Commission with the proposed changes to fees: The Golf Advisory Commission unanimously recommended to the City Council the following changes in golf fees to begin January 1, 2012:

Season Passes	Current	Proposed	Rate	Increase/
<u>Passes</u>	<u>Rates</u>	<u>New Rates</u>	<u>Increase</u>	<u>Decrease</u>
Adult Single	\$475	\$495	\$20	4.21%
Adult Couple	\$695	\$745	\$50	7.19%
Senior Single	\$410	\$430	\$20	4.88%
Senior Couple	\$630	\$680	\$50	7.94%
<u>Daily Green Fees</u>				
Adult Weekday	\$20	\$22	\$2	10.00%
Adult Weekend/Holiday	\$23	\$22	(\$1)	-4.35%
Senior Weekday	\$15	\$16	\$1	6.67%
Senior Weekend/Holiday	\$23	\$22	(\$1)	-4.35%

The Commission realized the potential increase in revenue wasn't a large amount, they felt with the fee policy in place, it simplified the fees by reducing the number of categories the course had, make the weekday and weekend green fees the same and kept the couple season passes a consistent level above the single season pass.

Approval Process:

Idaho Code Section 63-1311A requires Cities to hold public hearing when proposed fees exceed 105% of the fees last collected. It has been policy of the City when reviewing golf fees for the Golf Advisory Commission review the fees and make a recommendation to the City Council for their consideration.

Budget Impact:

The proposed new rates could increase the revenue for the Golf Course approximately \$8,400 if play remains the same as the average from the 2008, 2009, and the 2010 seasons.

Season Passes Sold – Average from the three previous years and estimated increase in revenue

	<u>Passes</u>	<u>Revenue</u>
Adult Single	86	\$1,720
Adult Couple	31	\$1,550
Senior Single	75	\$1,500
Senior Couple	10	\$ 500
Total Increase		\$5,270

Green Fees – Average rounds from the three previous years and the estimated changes in revenue

	<u>Rounds</u>	<u>Revenue</u>
Adult Weekday	1991	\$3,982
Adult/Senior Weekend	2496	\$2,496 decrease
Senior Weekday	1638	\$1,638
Total Increase		\$3,124

Grand Total Increase \$8,394

Regulatory Impact:

Approval of this request will increase amend fees as described above at the Twin Falls Golf Club.

Conclusion:

The Golf Advisory Commission recommends for the City Council to pass resolution # _____ setting the prices for the 2012 season at the Twin Falls Golf Club. Staff concurs with the recommendation.

Attachments:

Public Hearing Notice
Resolution #

**CITY OF TWIN FALLS
 NOTICE OF PUBLIC HEARING
 MONDAY, OCTOBER 10, 2011, 6:00 P.M.
 CITY HALL COUNCIL CHAMBERS
 305 THIRD AVENUE EAST, TWIN FALLS, IDAHO**

For the Purpose of Hearing Public Comments Regarding the Increase in

SEASON PASSES AND GREENS FEES

Beyond the Limits Prescribed by Idaho Code Section 63-1311A

The Proposed Fees Exceed 105% of the Fees Last Collected

Notice is hereby given that the City Council of the City of Twin Falls, Idaho, will hold a public hearing for consideration of a proposed fee increase, said hearing to be held at City Council Chambers, Twin Falls, Idaho at 6:00 p.m., on October 10, 2011.

The City of Twin Falls has proposed to increase the season passes and green fees by an amount that exceeds one hundred five percent of the current fee. The proposed increases would have the following impact on current fees:

FEE	CURRENT RATE	PROPOSED RATE	% INCREASE
Season Passes			
Adult Single	\$475.00	\$495.00	4.21%
Adult Couple	\$695.00	\$745.00	7.19%
Senior Single	\$410.00	\$430.00	4.88%
Senior Couple	\$630.00	\$680.00	7.94%
Green Fees			
Adults Weekday	\$20.00	\$22.00	10.00%
Adults Weekend/Holiday	\$23.00	\$22.00	-4.35%
Seniors Weekday	\$15.00	\$16.00	6.67%
Senior Weekend/Holiday	\$23.00	\$22.00	-4.35%

The increased revenue is necessary to cover operating cost at the Twin Falls Golf Club.

At said hearing all interested persons may appear and show cause, if any they have, why said proposed increases should not be adopted.

Dated this September 26, 2011

Publish September 29, 2011 and October 6, 2011??

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ESTABLISHING GOLF COURSE FEES.

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

Section 1: That Twin Falls Golf Club fees shall be established as follows:

Season Passes – January 1 through December 31		
Adult		
	Single	495.00
	Couple	745.00
Senior		
	Single	430.00
	Couple	680.00
	Each additional child	66.50
Corporate (applies to total Twin Falls & Jerome County employees)		
	Up to 50 employees (+ \$100 for each additional employee)	5,000.00
	Up to 50 employees, including their spouses (+ \$150 for each additional employee)	7,500.00
College		300.00
Junior		155.00
Non-Resident fee		33.50
Stored cart fee		265.00
Haul on cart fee		185.00
Locker fee		40.00
Punch Card – 10 Rounds (Sold December only)		150.00
Greens Fees		
Adult		
	Weekday - 9 Holes	16.00
	Weekday - 18 Holes	22.00
	Weekend - 9 or 18 Holes	22.00
Senior		
	Weekday – 9 or 18 Holes	16.00
	Weekend/Holiday	22.00
Junior		10.00
Specials		
	Twilight/Rainy/Windy	16.00
	Winter (November 1 – January 31)	10.00

Section 2: That all prior resolutions or parts thereof inconsistent with this Resolution are repealed.

PASSED BY THE CITY COUNCIL
SIGNED BY THE MAYOR

October _____, 2011.
, 2011.

MAYOR

ATTEST:

DEPUTY CITY CLERK