

COUNCIL MEMBERS:

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



AGENDA
Meeting of the Twin Falls City Council
Monday, December 19, 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>	<u>Action</u>	<u>Staff Report</u>
1. Consideration of accounts payable for December 13-19, 2011		Sharon Bryan
2. Consideration of the December 12, 2011, City Council Minutes.		Sharon Bryan
II. <u>ITEMS FOR CONSIDERATION:</u>		
1. Consideration of a request to have Mayor Don Hall administer the Oath of Office to Shawn Applewhite, the Police Department's newest police officer.	Action	Chief Brian Pike
2. Consideration of a proposed policy for Community Gardens on City owned property.	Action	Dennis Bowyer
3. Consideration of the annual impact fee report from the Development Impact Fee Advisory Committee, including a resolution waiving the inflation adjustment for the 2012 impact fee rates.	Action	Mitch Humble
4. Consideration of a request for additional height for the Chobani yogurt facility located on 190+/- acres at 3450 Kimberly Road East.	Action	Mitch Humble
5. Consideration of adoption of a PUD Agreement between the City of Twin Falls and Gary Storrer. (app.1916 & 1990)	Action	Mitch Humble
6. Consideration of a request from Traffic Safety Commission Chairman Rod Mathis and Co-Chair Kirk Brower for the placement of two informational signs near the top and the bottom of the Canyon Springs Grade. These signs will remind pedestrians, cyclists, and motorists of the proper and safe use of the roadway.	Action	Dennis Pullin
7. 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 – None.		
V. <u>ADJOURNMENT:</u>		
Executive Session: 67-2345(1)(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.		

****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.

PRESENT: Mayor Don Hall, Vice Mayor Greg Lanting, Councilpersons Trip Craig, Lance Clow, Rebecca Mills Sojka, David E. Johnson and William Kezele

ABSENT: None

STAFF: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, Assistant City Engineer Troy Vitek, Economic Development Director Melinda Anderson, Finance Director Lorie Race and Deputy City Clerk Sharon Bryan

Mayor Don Hall called the meeting to order at 5:00 PM. He then invited all present, who wished to, to recite the Pledge of Allegiance to the Flag. Mayor Hall asked Boy Scout Nathan Christensen of Troop 16 to lead the Pledge of Allegiance.

City Manager Travis Rothweiler asked that an additional item be added to the Agenda: Item for Consideration #6 approving the submission of an application to the U.S. Economic Development Administration for partial funding of the industrial Water Capacity Improvement Project-Eastland to Hankins Road and committing City resources for the non-federal share of the project costs; and Authorizing the City Manager to sign and submit the approved application via Internet upload to Grants.gov. Proposed Resolution 1877

Vice Mayor Greg Lanting moved to amend the agenda by adding item #6. The motion was seconded by Councilperson Lance Clow and roll call vote showed all members present voted in favor of the motion. Approved 7-0

I. CONSENT CALENDAR:

1. Consideration of accounts payable for December 6 - 12, 2011.

MOTION:

Councilperson Clow made the motion to approve the Consent Calendar as presented. The motion was seconded by Vice Mayor Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 - 0

II. ITEMS FOR CONSIDERATION:

1. Consideration of a plan for implementation of traffic calming measures addressing the driveways on Robbins Avenue West.

2.

Mayor Don Hall abstained from this item due to his employment with the College. Vice Mayor Greg Lanting took charge of the meeting.

Community Development Director Humble reviewed the plan for implementation of traffic calming measures addressing the driveways on Robbins Avenue West. Valley gutters were proposed by the College. Community Development Director Humble stated that City Engineer Jackie Fields recommended speed tables.

Council discussed the following concerns:

Public improvements paid for by the applicant

Because of the condition of the approval of the change wouldn't we want something we could remove.

Councilperson Clow asked if there would be no parking on Robbins. Community Development Director Humble stated that unless added to the PUD, parking would typically be allowed along Robbins.

Councilperson Clow made the motion to approve the traffic calming measures and the driveway locations on Robbins Avenue West with the recommendation that we use speed tables rather than the valley gutters. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 6 – 0. Mayor Hall abstained.

2. Consideration of adoption of one (1) ordinance (s) regarding a request for a Zoning District Change and Zoning Map Amendment from R-4 PRO to R-6 PUD for 8.5 (+/-) acres to allow a college apartment complex on property located between the 140-250 Blocks of Falls Avenue West and Robbins Avenue West and for consideration of adoption of a PUD Agreement between the City of Twin Falls and the College of Southern Idaho, c/o Mike Mason representing the College of Southern Idaho. Proposed Ordinance 3021 and PUD Agreement 260.

Councilperson Johnson made the motion to place Ordinance 3021 on third and final reading by title only by suspending the rules. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 6-0. Mayor Hall abstained

Deputy City Clerk Sharon Bryan read the title for **Ordinance #3021** as follows:

Ordinance 3021

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

Councilperson Trip Craig moved approval of Ordinance 3021. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 6-0. Mayor Hall abstained.

Councilperson Johnson moved approval of PUD 260. The motion was seconded by Councilperson Kezele and roll call vote showed all members present voted in favor of the motion. Approved 6-0. Mayor Hall abstained.

Mayor Don Hall continued the meeting.

3. Consideration of a resolution for the sole source designation on the #4 Aeration Blower Equipment Package. Proposed Resolution 1875.

Troy Vitek, Assistant City Engineer, reviewed the sole source designation on the #4 Aeration Blower Equipment Package. He explained that there are two options: to either bid or sole source. He indicated that they have chosen to sole source because there are three aeration blowers at the treatment plant now and they would like to have another of the same kind. Staff recommends Spencer Turbine Company.

Councilperson Johnson made the motion to pass Resolution #1875 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO,
DECLARING A SOLE SOURCE SUPPLIER FOR PURCHASE OF AERATION
BLOWER #4 EQUIPMENT PACKAGE.

The motion was seconded by Vice Mayor Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7-0

4. Consideration of enrolling into the National Citizen Survey at a cost of \$5,900, with a total cost of \$11,000.

City Manager Rothweiler reviewed enrolling into the National Citizen Survey. He explained that every other year for nearly the past two decades, the City has asked its citizens to respond to its customer satisfaction survey. The last survey was issued in 2009. Through the survey, the City has been able to measure its citizens' opinions and impressions of the levels of services offered by the City's departments. In turn, we have been able to measure our customers' level of satisfaction with programs or services. Based on feedback it has received, the City has used the data collected during the survey as a part of the City's comprehensive strategic planning effort and to justify improvements to levels of service.

The National Citizen Survey (NCS) is a "turnkey" citizen survey service offered by the International City Management Association and the National Research Center. The NCS is considered to be a cost effective system for conducting comprehensive surveys of local residents. By participating in the NCS, the City of Twin Falls will have:

- _ Insights into the customer's expectations
- _ Opportunities to determine the quality and quantity of the service provided
- _ Assistance in developing organizational strategies, goals, objectives and tasks
- _ Tools to set performance standards, establish benchmarks and develop appropriate measurement tools
- _ Basis for evaluating outcomes, recognize accomplishments and celebrate successes, and develop strategies to elevate levels in areas that fall short of expectations.
- _ Communications vehicle with customers regarding satisfaction ratings and changes to programs and projects to meet the ever-changing demands for better services.

The NCS will allow the City to monitor trends in resident opinion, measure government performance, assess support for local policies, inform budget, land use, and strategic planning decisions, communicate with residents, and benchmark service ratings.

NCS questions center around four core components: quality of life in the community, quality of local government services, residential participation in local activities, policy options and community demographics. The NCS survey we sent out in 2009 has been attached to this request. If the City of Twin Falls enrolls in the National Citizen Survey for 2012, it will also receive a geographic crosstab report and maps of geocoded responses for our customized questions at no additional cost. These two services are valued at nearly \$2,000. The NCS Basic Service is priced at \$9,900 as long as the City enrolls by January 15, 2012 and completes data collection by April 1, 2012. It includes:

Date: Monday, December 12, 2011

- _ Customized survey form with up to three “open response” style questions.
- _ Customized cover letter.
- _ Three mailings to 1,200 randomly selected households: pre-survey postcard and two mailings of the survey instrument.
- _ A margin of error (95 percent confidence interval) of no more than +/- 5 percentage points around any percent.
- _ Data input and cleaning.
- _ Data weighted to reflect population norms.
- _ Full report of results, including statistical analysis of survey results and comparison with national benchmarks.
- _ Technical assistance by phone and e-mail.
- _ Action chart that can help you decide where to best focus your resources.
- _ Key Driver Analysis.

The additional \$1,100 fee would allow the City to have custom benchmarking data, which would allow the City to develop a performance management system using the comparative data from similar, participating communities.

Data collected in previously issued City surveys would not be lost; questions asked in the NCS survey vehicle are similar to those asked by the City in previously issued surveys.

The cost to enroll in the NCS is \$5,900, which must be paid before January 12, 2012 in order to secure that price. The total cost of the NCS is \$11,000. Although no funds were appropriated to fund the survey this fiscal year, the City has budgeted \$14,500 for the implementation of a performance measurement system. The results from the NCS are needed before we implement a performance measurement system.

In 2009, the City spent about twice this amount, or \$22,000, on the survey.

The NCS process will allow the City of Twin Falls to will take an “inventory” of our citizens’ current beliefs and opinions of those receiving city services. Secondly, the results of the survey are analyzed, specific target levels are identified and performance measures can be developed. Lastly, internal policies are enacted and structures are put in place to continually track performance and to receive customer feedback. In addition, customers are provided feedback regarding changes to services based on their comments and suggestions. Additionally, it will allow the City to compare its performance and ratings with approximately 500 other communities. City Staff recommends the City of Twin Falls join the NCS.

Councilperson Clow asked if we would be using the same three questions as the last survey.

City Manager Rothweiler indicated that we would be using the same ones for consistency.

Councilperson Rebecca Mills Sojka moved approval of enrolling into the National Citizen Survey at a cost of \$5,900, with a total cost of \$11,000 according to recommendations by the City Manager. The motion was seconded by Councilperson Clow and roll call vote showed all present in favor of the motion. Approved 7-0

5. Re-consideration of a recommendation from the Downtown Parking Task Force regarding downtown parking management.

Mayor Hall recognized those in the audience regarding downtown parking.

Community Development Director Humble reviewed that at their 11/28/2011 meeting, the Council did not approve the parking task force's recommendations. However, the Council did request that the item be scheduled for re-consideration at this meeting. As the parking task force has not met since the 11/28 Council meeting, there are no additional or amended recommendations from the task force for tonight's discussion. However, supplemental information has been attached to this report, which includes the parking staff report for the 6/20/11 Council meeting. This report includes survey results and minutes from a neighborhood meeting held in May about downtown parking. Also attached are the minutes from the 11/28/11 Council meeting. Also included is additional parking enforcement information that may help the conversation. He explained there is no time frame and this is not a public hearing.

Mayor Hall indicated that the Council and the Parking Task Force have the best interest of downtown in mind.

Mayor Hall explained that he were "King for the day," this is what he would do:

- Remove all parking meters and place 2 hour parking signs.
- Remove all parking meters and donate to the Senior Center for them to sell in thrift shop or auction off.
- Encourage downtown businesses to raise funds necessary to put solar lighting on the poles.
- Place 3 hour parking signs on the first row in the back lots.
- Encourage leased parking lots and even expand the leased parking.
- Increase the cost of leased parking so that you can utilize those funds to help maintain and regulate parking.
- Hope that the new down town organization would further there organization and eventually take over the parking and get government out of your way.
- Continue working with the URA and others to secure funding so that we can find funding for additional parking downtown.

Discussion ensued on the topic.

Councilperson Johnson moved that the Council adopt the recommendation made by the Downtown Parking Task Force regarding downtown parking and management thereof. The motion was seconded by Vice Mayor Lanting

Vice Mayor Lanting moved to amend the motion to remove the abandonment of the leased parking program and utilize the funds of leased parking for the management of leased parking. Councilperson Clow seconded the motion

City Manager Rothweiler explained parking is an enterprise fund, which means that the revenue it generates covers the cost. If any enterprise funds cannot pay bills, then the General Funds steps in. When it comes to enforcement it depends upon what that means and what it looks like if you have enough funding to cover the costs.

Councilperson Johnson asked Vice Mayor Lanting if he would be willing to make his amendment in 2 steps. Vice Mayor Lanting said he was willing to separate it. He agreed to take out the utilization of funds from leased parking for the management of leased parking

Vice Mayor Lanting then changed his motion to remove the abandonment of the leased parking program. Councilperson Clow seconded the motion.

City Manager Rothweiler reviewed the funding for parking in the current budget.

Roll call vote showed all present in favor of amendment. Approved 7-0

Councilperson Clow moved to amend the motion to retain meters in the 100 northwest block and the 100 & 200 southeast blocks of Main Avenue. Motion seconded by Councilperson Mills Sojka.

Discussion ensued on the following:

- Leave meters and change meters so that first 20 minutes would be free.
- Concerned about expense with no plan.
- Would follow recommendations of task force.
- Need good signage.
- Indicated we need to be out of the parking business.
- Remove the meters component.
- Would like to keep meters there.
- Meters have no historic value.
- Increase leasing to help pay for more proactive enforcement.
- Existence does not prohibit turnover.
- Concerned with what if people want meters back.

Councilperson Craig had a prior City engagement and exited the meeting at 6:00 PM

Roll call vote showed Councilperson Clow, Vice Mayor Lanting and Councilperson Mills Sojka voting for amendment and Mayor Hall, Councilperson Johnson and Councilperson Kezele voting against amendment. Motion failed. Failed 3-3

Councilperson Clow moved to amend the motion to leave meters on the 100 NW block and 100 & 200 SE blocks and bag them. The motion was seconded by Councilperson Mills Sojka.

Councilperson Clow indicated that the Task Force was unclear about leaving the poles all over downtown. Councilperson Johnson indicated he was not aware of the Task Force making any recommendations to leave poles in the ground. Also Main Street parking is two hours only. Community Development Director Humble explained that the task force made no recommendation about the poles.

City Manager Rothweiler stated that staff would like direction as to what they would like regarding the removal of meters and poles.

Councilperson Mills Sojka was concerned about removal of poles and how much it would cost.

City Manager Rothweiler explained that we would remove poles and meters with internal labor. The Street Department would more than likely move poles and patch holes. Councilperson Johnson explained that the task force did discuss the poles, but they did not make any recommendations of removal of poles. Hope is that the business owners would get together and come up with a plan for what they want to do with parking.

Councilperson Mills Sojka was concerned about how attractive the meters and poles are. She would like to see the meters left and just bag them.

Councilperson Johnson asked about signage on the poles.

Community Development Director Humble explained that meter poles are not high enough. They would have to put up new poles and signs for 2 hour parking.

Councilperson Johnson said he would like to support this except we need a permanent solution rather than just bagging the meters.

Councilperson Clow said he was not sure what would be better, removing meters or bagging them.

Roll call vote showed Councilperson Clow, Vice Mayor Lanting and Councilperson Mills Sojka voting for amendment and Mayor Hall, Councilperson Johnson, Councilperson Kezele voting against amendment. Motion failed. Failed 3-3

Councilperson Clow amended the motion to regulate leased parking by a private security company and utilize the funds to improve signage in the parking lots. The motion was seconded by Vice Mayor Lanting and roll call vote showed Councilperson Clow, Mayor Hall, Councilperson Kezele, Vice Mayor Lanting and Councilperson Mills Sojka voting in favor of the motion. Councilperson Johnson voted against the motion. Motion passed 5-1

Councilperson Kezele indicated we need to be out of the parking business. Councilperson Clow stated that these are city owned parking lots. We are in the business. Mayor Hall was supportive of this motion. Councilperson Kezele explained that we need to get out of their way, be self sufficient, and leased parking should be self supporting.

Main Motion with two amendments:

Vice Mayor Lanting was concerned about not listening to the businesses.
Councilperson Clow was concerned that removing meters is a mistake.
Councilperson Mills Sojka echoed the comments of Councilperson Clow and Vice Mayor Lanting, while Councilperson Kezele wanted a better explanation of Lisa Fairbanks' letter. Lisa Fairbanks, Downtown Business Owner, explained that if parking was free then there would not be a need for leased parking. She indicated that most are in favor of meters.
Councilperson Johnson was concerned about several conflicting interests.
Councilperson Mills Sojka – (Comment for Staff they admitted some responsibility for creating some of the parking problems. Recommendation for Staff we need to look at parking for new businesses. We have the responsibility to address.)
Mayor Hall clarified that the comment was not from staff.
City Manager Rothweiler explained that if you want to change the parking downtown then we need to change the Ordinance. Downtown is excluded from parking requirements because the geographic structure is not there. It is a land use process.
Councilperson Clow commented that interesting dynamics are going on. (Set out for Task Force to improve parking downtown. It is all or nothing.)
Councilperson Johnson said we should be part of the solution but we need to provide public parking lots where needed.

Councilperson Clow made a motion to table the request; seconded by Vice Mayor Lanting.

A discussion ensued:

Councilperson Kezele asked why table motion.
Councilperson Clow was concerned about what it will take to get recommendations in place. He would like to see a resolution to this.
Councilperson Kezele feels that concerns he had have been accomplished. Downtown needs to decide what they want and become self sufficient.

Motion was withdrawn by Councilperson Clow and seconded by Vice Mayor Lanting.

Councilperson Johnson said we should leave things as they are.
Vice Mayor Lanting was concerned about maintaining lots and meters, and he does not think taxpayers should be paying for this.
Councilperson Clow asked what task force wants.

Roll call vote of the main motion with two amendments showed Mayor Hall, Councilperson Johnson and Vice Mayor Lanting voting in favor of the main motion with two amendments and Councilperson Clow, Councilperson Kezele and Councilperson Mills Sojka voted against. Motion failed. Failed 3-3

City Manager Rothweiler said he understand that both leased and parking meters are in place. Staff will send out lease statements. Everything will be left the same. If there is a change in status staff will reimburse those leases that have been pre-paid.

20 minute Break 7:07 PM

Start at 7:27 PM

6. Approving the submission of an application to the U.S. Economic Development Administration for partial funding of the industrial Water Capacity Improvement Project-Eastland to Hankins Road and committing City resources for the non-federal share of the project costs; and Authorizing the City Manager to sign and submit the approved application via Internet upload to Grants.gov. Proposed Resolution 1877

City Manager Rothweiler explained the application process.

Councilperson Clow asked about time frame and budget concerns.

Carleen Herring, Region IV Director, went over the time frame and explained the block grant. She indicated that the water line and EDA project are combined in the block grant.

Councilperson Kezele exited the meeting at 7:07 PM

Councilperson Johnson made the motion to pass Resolution #1877 entitled:

CITY OF TWIN FALLS
SIGN AND SUBMIT AUTHORIZATION
A RESOLUTION OF THE COUNCIL, CITY OF TWIN FALLS, IDAHO, APPROVING THE
SUBMISSION OF AN APPLICATION FOR AN U.S. ECONOMIC DEVELOPMENT
ADMINISTRATION GRANT TO PARTIALLY FINANCE THE CONSTRUCTION OF
WATER SYSTEM IMPROVEMENTS.

The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 5-0

ADVISORY BOARD REPORTS/ANNOUNCEMENTS

- Wednesday is Employee Appreciation Lunch
- Lance Clow stated that there is a groundbreaking on December 19, 2011 at 10:00 AM for Chobani.
- Rebecca Mills Sojka – Wednesday, December 14, 2011 the Senior Citizen Center is having a Spaghetti Dinner fund raiser.

PUBLIC HEARINGS: 7:38 P.M.

. 1. Approval of a resolution authorizing the Mayor to sign and submit an application to the Idaho Department of Commerce to partially finance the Idaho Power 10 MW power line extension. Proposed Resolution 1876

Carleen Herring, Region IV explained this is one part of the funding needed to implement the infrastructure improvements required to support Agro-Farma's development on Kimberly Road. The company needs access to approximately 10 MW of electrical power and Idaho Power can provide that service from their new substation near Kimberly with the extension of roughly 1.75 miles of transmission line. The Idaho Department of Commerce – Community Development Block Grant (ICDBG) program is designed to assist communities

build infrastructure that will generate new employment opportunities for the community's low- and moderate-income residents. The proposed 10 MW feeder line project meets the guidelines and requirements for the ICDBG program.

The construction of the 10 MW electrical feeder line project will require a cash match. The ICDBG application request is for \$550,000 of a current estimated budget of \$750,000.

Public Hearing is now open at 7:42 - No one spoke for or against
Public Hearing closed.

Councilperson Mills Sojka made the motion to pass Resolution #1876 entitled:

CITY OF TWIN FALLS
SIGN AND SUBMIT AUTHORIZATION
A RESOLUTION OF THE COUNCIL, CITY OF TWIN FALLS, IDAHO,
AUTHORIZING THE MAYOR TO SIGN AND SUBMIT AN APPLICATION FOR AN
IDAHO COMMUNITY DEVELOPMENT BLOCK GRANT TO PARTIALLY
FINANCE THE CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS.

The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 5-0

2. Consideration of a request to approve Proposed Ordinance 3022 adopting the Urban Renewal Agency of Twin Falls Revenue Allocation Area 4-3 Plan.

Melinda Anderson, Economic Development Director, explained that On November 3, 2011 the URA board approved the Urban Renewal Plan for Revenue Allocation Area #4-3. On November 8, 2011, the Twin Falls City Planning and Zoning Commission determined that the Plan conforms to the City Comprehensive Plan, Zoning Regulations, and general plan for development of the City, and recommended approval of the Plan. On November 10, 2011, the Notice of Public Hearing was published in the Times News, and on November 8, 2011, was transmitted to all taxing districts within the proposed revenue allocation area, setting the date for a public hearing to be held on Monday, December 12, 2011 at 6:00 o'clock, p.m., for consideration of the adoption of the Plan.

Public Hearing opened 7:45 – No one spoke for or against
Public Hearing closed.

Councilperson Johnson moved to approve Ordinance 3022 and put it on third and final reading by title only by suspending the rules. The motion was seconded by Vice Mayor Lanting and roll call vote showed all members present voted in favor of the motion. Approved 5-0

Deputy City Clerk Sharon Bryan read **Ordinance #3022** by title only as follows:

Ordinance 3022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN

FALLS, IDAHO, APPROVING THE URBAN RENEWAL PLAN FOR REVENUE ALLOCATION AREA #4-3; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS; AND PROVIDING AN EFFECTIVE DATE.

Councilperson Clow moved approval of Ordinance 3022. The motion was seconded by Vice Mayor Lanting and roll call vote showed all members present voted in favor of the motion. Approved 5-

ADJOURNMENT: There being no further business the meeting was adjourned at 8:05 PM.

Sharon Bryan, Deputy City Clerk



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, December 19, 2011
To: Honorable Mayor and City Council
From: Chief Brian Pike

Request:

Consideration of a request to have Mayor Don Hall administer the Oath of Office to **Shawn Applewhite**, the Police Department's newest Police Officer.

Time Estimate:

The presentation will take approximately five minutes.

Background:

Shawn Applewhite was hired by the Twin Falls Police Department on December 6, 2011, as a full-time Police Officer.

Shawn was born in Pomona, California. He and his family moved to the Magic Valley in 1984. Shawn graduated from Jerome High School and then attended the College of Southern Idaho. In 2003, he received his real estate license. Shawn has worked for Magic Valley Realty for the past seven years selling residential, commercial, and new construction. Shawn participated in our Reserve Officer Program in 2001.

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 have Police Officer Shawn Applewhite formally sworn in to his new position with the Twin Falls Police Department at the December 19, 2011, meeting.

Attachments:

None

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"People Serving People"



Monday December 19, 2011 City Council Meeting

To: Honorable Mayor and City Council

From: Dennis J. Bowyer, Parks & Recreation Director

Request:

Consideration of a proposed policy for Community Gardens on City owned property.

Time Estimate:

Staff presentation will take approximately 5-8 minutes. Following the presentation, we expect some time for questions and answers.

Background:

Early this year, the Parks and Recreation Commission heard a proposal for a community garden at Harrison Park. Staff requested direction from the City Council on community gardens in Twin Falls. At that time, Council directed staff to form a task force to develop a policy regulating the development and operation of community gardens on City properties.

The task force consisted of: City Council members Rebecca Mills-Sojka, and Trip Craig, City staff Mitch Humble and Dennis Bowyer, Parks & Recreation Commission members Kevin Dane and Jeff Blick, and community members Larry Davidson and Jim Schouten.

The task force met several months reviewing existing policies from other cities and discussing the pros and cons of community gardens on City property or private property. Attached is a proposed policy for the City of Twin Falls.

Key aspects of the policy are:

- City will lease the garden site to a non-profit agency, church, neighborhood association, or a similar organization (“qualifying entity”)
- Produce cannot be used for retail
- Encourages the involvement of youth groups
- Develop and maintain by the qualifying entity 100%
- Use of drip irrigation only
- Use of non-potable water is the prefer choice of irrigation
- All modifications to a site is done at the expense of the qualifying entity
- City will charge a yearly rate to pay for water usage
- City will help qualifying entity develop a user agreement for their garden
- Term of the lease is five years
- Termination of the lease, the qualifying entity shall return the site to its pre-garden condition.
- Parks & Recreation Commission will review each user agreement

This policy was presented to the Parks & Recreation Commission on Tuesday December 13th for their review. The Parks & Recreation Commission unanimously recommended to the City Council to adopt the Community Garden Policy.

Currently, City Code does not allow community gardens on private property. In addition to adoption of the policy, the task force also recommends that the Council direct staff to modify the City Code to allow community gardens on private property by special use permit.

Currently, task force members have discussed a proposed community garden on County owned property at the old Immanuel Lutheran school site on Shoup Avenue West, just west of Canyon View Hospital. During the discussion, the County said they would be willing to lease the property to the City for a trial period of one year at \$1 per year and then the City could sublet to a group to operate a garden. There is a high possibility to use PI water from an existing coulee that is directly north of the property. The electrical source to operate a pump for the irrigation is still being worked on.

Approval Process:

There is no statutory requirement, nor City Code requirement for the Council to approve departmental policies. However, staff prefers to receive Council's input and approval on departmental policies.

Budget Impact:

If the policy is approved by the City Council, staff estimates there will be only staff time working with qualifying entities on the development of community gardens. Staff does not believe there will be any outlaying of tax dollars in the development of community gardens on City property.

Regulatory Impact:

A change in the City Code would occur if Council directs staff to allow community gardens on private property. That change in the City Code will be presented to the Planning and Zoning Commission for their consideration and be forward to the City Council for a public hearing at a later date.

Conclusion:

Staff is requesting for Council's input on the proposed community garden policy and consideration of adoption of said policy. Also staff recommends that the Council direct staff to make changes in the City Code to allow community gardens on private property by special use permit.

Attachments:

Proposed Community Garden Policy



COMMUNITY GARDEN POLICY

City of Twin Falls

Parks & Recreation

The City of Twin Falls recognizes community gardens can provide the following benefits:

- Improves the quality of life for people in the garden
- Provides a catalyst for neighborhood and community development
- Stimulates Social Interaction
- Encourages Self-Reliance
- Beautifies Neighborhoods
- Produces Nutritious Food
- Reduces Family Food Budgets
- Conserves Resources
- Creates opportunity for recreation, exercise, therapy, and education
- Preserves Green Space
- Reduces city heat from streets and parking lots
- Provides opportunities for intergenerational and cross-cultural connection

The Department will collaborate with interested groups in assisting with the development of community gardens on City-owned property managed by the Department. Undeveloped park land, City owned vacant lots, and unused park/retention sites are potential community gardens areas. The use of City owned property will be determined on a case by case basis.

Guidelines

A community garden shall be operated by a non-profit agency, church, a neighborhood association, or a similar organization (“qualifying entity”) and must follow the following guidelines:

1. The qualifying entity shall utilize its garden to produce food and/or flowers for the use of group members and other non-profit agencies, i.e. food banks, soup kitchen, etc.

2. A community garden should promote environmental education, and encourage the involvement of youth groups and citizen who do not have an assigned plot in gardening activities.
3. All community gardens located on City of Twin Falls property shall be developed and maintained by the qualifying entity.
4. In order to provide a process that is as fair as possible, the City Parks & Recreation will use a lottery process to determine the order of eligible land to qualifying entities.
5. All community garden design shall meet park maintenance standards and be approved by Twin Falls Parks & Recreation.
6. Structures or barriers which restrict public access may be constructed.
7. The term of the lease is five (5) years.
8. The term of the lease may be renewed for additional five (5) years terms, if the garden deemed successful and there are no conflicts with other uses of the property.
9. At termination of the lease, the qualifying entity shall return the site to its pre-garden condition.
10. The qualifying entity shall develop and operate the gardens according to a user's agreement which will specify the term of use, management responsibilities, allotment fees and access procedures. Twin Falls Parks & Recreation shall approve any allotment fees charged. Allotment fees are intended to cover garden costs and improvements as defined below.
 - A. Only a drip irrigation system can be used on Community gardens.
 - B. Use of PI water is the prefer choice of irrigation.
 - B. The garden shall be developed by the qualifying entity 100%.
 - C. Any modifications to the area shall be done at the expense of the qualifying entity.
 - D. The City will charge a yearly reasonable rate determined by the square footage of the garden, which will pay for the water costs.
 - E. No pesticides or herbicides may be used without Twin Falls Parks and Recreation consent.

Parks & Recreation Support

The Department will support the development of community gardens on eligible parcels of property through the following means:

1. Provide access to information on the development and operation of community gardens.
2. Assist qualifying entities to assess and determine appropriate and eligible land suitable for the development of community gardens.

3. Assist interested groups with the development of user agreements between the City and the qualifying entity.

Organization's Responsibilities

If the Department determines that City-owned land is suitable for a community garden site, the following conditions shall apply:

- 1) Prior to development
 - A. Qualifying entity shall demonstrate that there is neighborhood support for a community garden.
 - B. The qualifying entry shall provide a garden site plan that includes the layout of the plots and location of any proposed structures or fences.
 - C. All user agreements shall require the approval of the Twin Falls Parks and Recreation Commission.
 - D. Allotments of space shall be made on a first-come, first served basis.
 - E. Membership in the qualifying entity and the opportunity to be allotted a plot shall be open to any anyone; priority will be given to residents that live in the city limits.
 - i. The qualifying entity shall provide a scheduling of proposed allotment fees.
 - ii. Allotment fees shall cover the yearly watering, maintenance, and site improvements costs, unless otherwise determined by Twin Falls Parks & Recreation.
 - iii. Allotment fees shall not exceed the amount necessary to cover the normal operating costs of the garden.
 - iv. Records of allotment fees and expenses shall be maintained and forward to the Department annually, to ensure correct use of fees.



Date: Monday, December 19, 2011
To: Honorable Mayor and City Council
From: Mitch Humble, Community Development Director

Request:

Consideration of the annual impact fee report from the Development Impact Fee Advisory Committee, including a resolution waiving the inflation adjustment for the 2012 impact fee rates.

Time Estimate:

The staff presentation will take approximately 10 minutes. We expect additional time will be needed for the public hearing and to answer questions.

Background:

On August 1, 2009, the City began collecting development impact fees with new building permits. Part of the State requirements for cities that have an impact fee program is an annual reporting requirement from the Development Impact Fee Advisory Committee to the City Council. This agenda item is the required annual report for the close of Fiscal Year 2011. The Committee met on November 1, 2011 to make their final recommendations for this report.

The table below contains a summary of the impact fees collected since the program began on 8/1/09. There have been no expenditures so far. The information is organized by fiscal year.

City of Twin Falls
Summary of Impact Fee Activity

	08-09	09-10	9/30/2011 (unaudited) 10-11	Total
REVENUES:				
Residential Impact Fees-Police	\$ 2,820	\$ 20,924	\$ 17,106	\$ 40,850
Non-resid. Impact Fees-Police	\$ -	\$ 1,644	\$ 5,412	\$ 7,055
Subtotal-Police	<u>\$ 2,820</u>	<u>\$ 22,567</u>	<u>\$ 22,518</u>	<u>\$ 47,905</u>
Residential Impact Fees-Fire	\$ 8,055	\$ 60,063	\$ 48,862	\$ 116,980
Non-resid. Impact Fees-Fire	\$ -	\$ 4,602	\$ 15,150	\$ 19,752
Subtotal-Fire	<u>\$ 8,055</u>	<u>\$ 64,664</u>	<u>\$ 64,012</u>	<u>\$ 136,732</u>
Residential Impact Fees-Streets	\$ 4,065	\$ 30,545	\$ 24,282	\$ 58,893
Non-resid. Impact Fees-Streets	\$ -	\$ 21,773	\$ 46,497	\$ 68,271
Subtotal-Streets	<u>\$ 4,065</u>	<u>\$ 52,319</u>	<u>\$ 70,779</u>	<u>\$ 127,163</u>
Residential Impact Fees-Parks	\$ 9,150	\$ 67,402	\$ 55,504	\$ 132,056
Subtotal-Parks	<u>\$ 9,150</u>	<u>\$ 67,402</u>	<u>\$ 55,504</u>	<u>\$ 132,056</u>
Interest Income	\$ -	\$ 2,137	\$ 2,532	\$ 4,669
	<u>\$ 24,090</u>	<u>\$ 209,089</u>	<u>\$ 215,346</u>	<u>\$ 448,525</u>
EXPENDITURES:	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
DIFFERENCE:	<u>\$ 24,090</u>	<u>\$ 209,089</u>	<u>\$ 215,346</u>	<u>\$ 448,525</u>

In FY 2009, the City collected \$24,090 in total impact fees. In FY 2010, the City collected \$209,089 in total impact fees. The City collected \$215,346 in impact fees for FY 2011. The final column shows the total impact fees collected over the life of the program. That amount is \$448,525.

In addition to the financial information above, the Committee would also like to provide some information and recommendations regarding the operation of the impact fee program and the capital improvement plans. First and foremost, the Committee did not report any perceived inequities in implementing the plan or imposing the development impact fees. This recommendation is important since the Committee is required by statute to review and report on the equity of the plan and associated fees.

Secondly, the City collects four different types of impact fees: Police, Fire, Parks, and Streets. The Committee reviewed the CIPs for each of the four types. The Committee felt no changes were needed on the Parks and Streets CIPs. However, the Committee still has concerns about the Police and Fire CIPs. The concerns were directly related to the dramatic slow-down of development and building activity. The impact fee program is established to help the City mitigate future impacts of growth on the City's infrastructure. It is a forward looking program and relies on growth projections to both create the lists of necessary improvements and to calculate the fees per unit of development. Because of the fees' link to growth projections, actual growth rates that differ dramatically from projections can cause problems.

In the case of our Police and Fire CIPs, both contain only a few large projects. For example, the Fire CIP includes two new fire stations, an aerial platform, and an engine. The smallest cost of the four is the engine at \$518,656. We have a requirement to spend impact fee money within eight years of our collecting the money. At our current collection rate, we may not collect enough funds to spend on any of these projects. Even if we had enough money to spend on one of these projects, the growth rate may not support constructing a new station in the eight year window. There is a real possibility that we may find ourselves in a situation where we will have to repay police and fire impact

fees at the end of the eight year spending time frame. The Committee discussed this concern, though they again did not make a specific recommendation for action at their last meeting. They would like to continue to monitor the issue.

Some Committee members also expressed a concern that the cost included in the Street CIP to construct a lane mile of road is too high. Staff provided the job costs from some recent City road construction projects for the Committee to review. At this point, the Committee did not make a recommendation for action. There are no street construction projects included in the impact fee amounts anyway. However, should the City consider adding a street construction project to the CIP, the Committee may at that time wish to address the street construction cost.

The final recommendation from the Committee is regarding the automatic fee increase. As you are aware, the impact fee adopting ordinance contains a provision for the fee amounts to be automatically adjusted on January 1st of each year by an amount equal to the year's municipal cost index. On January 1, 2010, the fee amounts all increased by 1.1%. In the FY2010 Impact Fee Report, the Committee recommended that the Council adopt a resolution to forgo the 2011 automatic increase. The Council adopted that resolution as recommended by the Committee. This year, the Committee again is recommending that the Council forgo the 2012 automatic increase by adopting the attached resolution. At the November Committee meeting, the municipal cost index factor was about 5.1%. The Committee was very concerned that with the depressed level of building activity, an increase in the fee amount right now would not be advisable. The impact fee adopting ordinance also says that the City can elect to waive the automatic inflation adjustment. The Committee recommends that the Council again waive the inflation adjustment for the 2012 impact fee year. The attached resolution, if adopted, will waive the inflation adjustment for 2012. If the Council agrees with the Committee's recommendation, then staff recommends adoption of the resolution as presented.

Approval Process:

State code requires the Development Impact Fee Advisory Committee to "file periodic reports, at least annually, with respect to the capital improvements plan and report to the governmental entity any perceived inequities in implementing the plan or imposing the development impact fees" (67-8205(3)(d)). This agenda item is the required annual report. As mentioned above, one of the Committee's recommendations is to waive the automatic fee inflation adjustment for 2012. A resolution is attached to that end. A simple majority vote of the Council is required to adopt the resolution.

Budget Impact:

Should the Council adopt the inflation waiver, the City would forgo a fee increase in 2012 by an amount equal to the municipal cost index, 5.1% at the beginning of November. There is no other significant budget impact associated with this report.

Regulatory Impact:

There is no significant regulatory impact associated with this report.

Conclusion:

Staff recommends that the Council review the Development Impact Fee Advisory Committee's annual report. The Committee recommends that the Council adopt the attached resolution waiving the automatic inflation adjustment for 2012.

Attachments:

Inflation Adjustment Waiver Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, WAIVING THE AUTOMATIC ANNUAL INFLATION ADJUSTMENT FOR IMPACT FEES FOR 2012.

WHEREAS, The Fee Schedule adopted as part of the Impact Fee Ordinance provides for an automatic annual adjustment to provide for inflation increases; and,

WHEREAS, The Fee Schedule also provides that the City may elect to waive the inflation adjustment for any given fiscal year; and,

WHEREAS, The Impact Fee Advisory Committee has recommended waiver of the inflation adjustment for 2012.

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

Section 1: That the City hereby waives the inflation adjustment for impact fees for the year 2012.

PASSED BY THE CITY COUNCIL , 2011.
SIGNED BY THE MAYOR , 2011.

MAYOR

ATTEST:

DEPUTY CITY CLERK



Date: Monday, December 19, 2011
To: Honorable Mayor and City Council
From: Mitch Humble, Community Development Director

Request:

Consideration of a request for additional height for the Chobani yogurt facility located on 190+/- acres at 3450 Kimberly Road East.

Time Estimate:

The staff presentation will take approximately 5 minutes.

Background:

The subject property is zoned M-2. The maximum building height in the M-2 zone is 50 feet. At the November 7, 2011 City Council meeting, you approved a request for additional height for this facility. That approval allowed the occupied buildings to have increased heights of up to 60 feet and increased heights of up to 120 feet for agricultural accessory buildings not intended for human occupancy. Any structure taller than 50 feet will have to be set back 50 feet from all property lines. All other zoning, engineering, fire, and building codes will have to be complied with. All buildings taller than 50 feet that are intended for human occupancy will have to provide fire sprinklers on all floors.

At that time, the Chobani facility had not been completely designed. They now have a design that does not quite match the earlier height exception and have asked for an amendment to that. An elevation of the new facility design is attached. You'll see that the building now has a section that is labeled at 85 feet. Chobani would like to have the ability to place a parapet wall on top of that. Therefore, the request is to amend the Council's prior height exception to allow occupied buildings to be as tall as 90 feet. All other aspects of the prior height exception are requested to stay as previously approved. So, there will still be a 50 foot setback and fire suppression systems required for occupied buildings taller than 50 feet. The Fire Chief has again been consulted is comfortable with the request. All other zoning, engineering, fire, and building requirements will be reviewed and complied with as the development proceeds through the building permit processes.

Approval Process:

A simple majority vote by the Council is needed to approve the request.

Budget Impact:

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

Regulatory Impact:

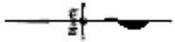
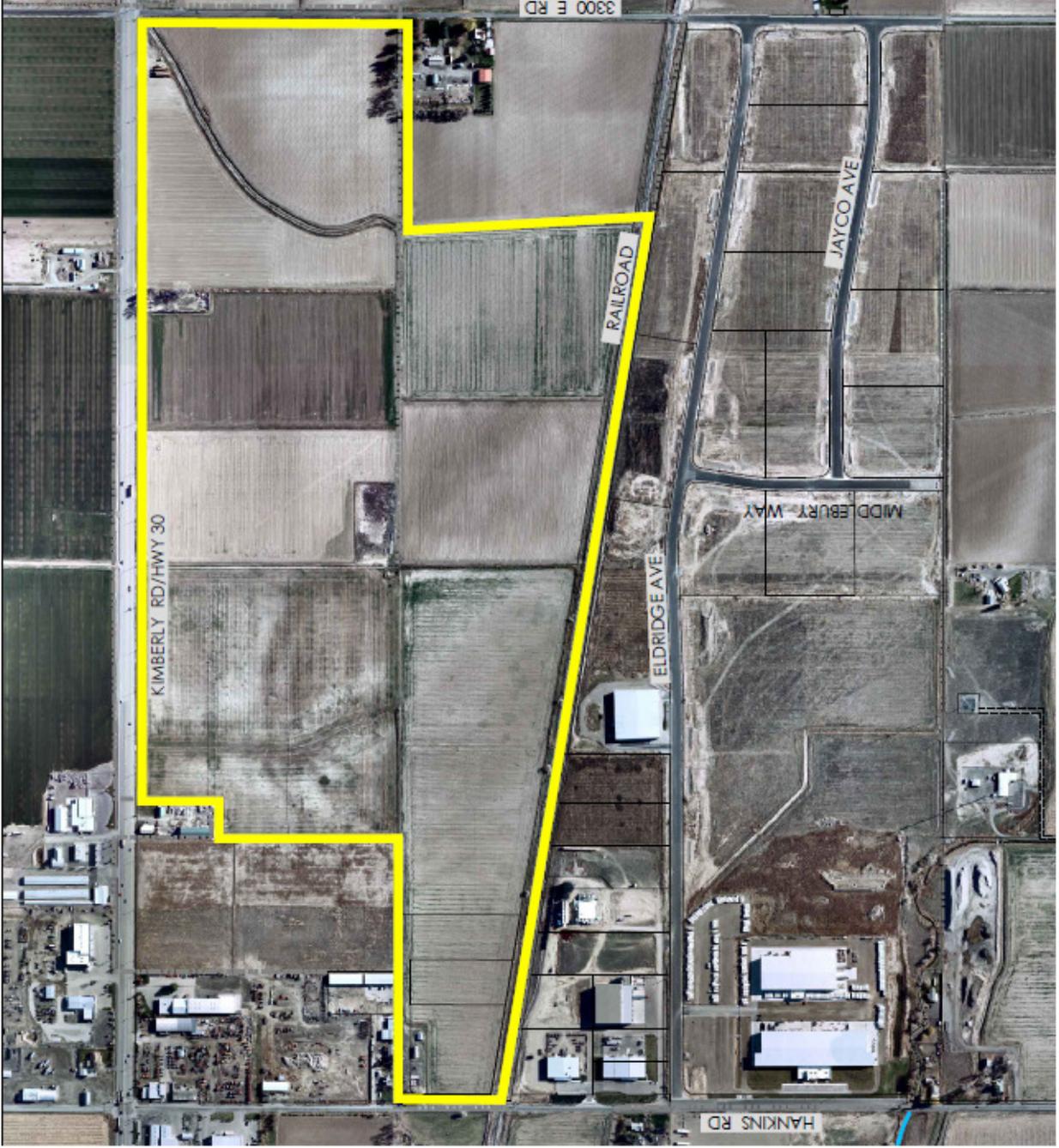
Approval of the request will amend the Council's prior height exception approval to allow increased occupied building heights of up to 90 feet. All other aspects of the prior height exception will stay in place.

Conclusion:

Staff recommends that the City Council approve the request for additional building height as presented.

Attachments:

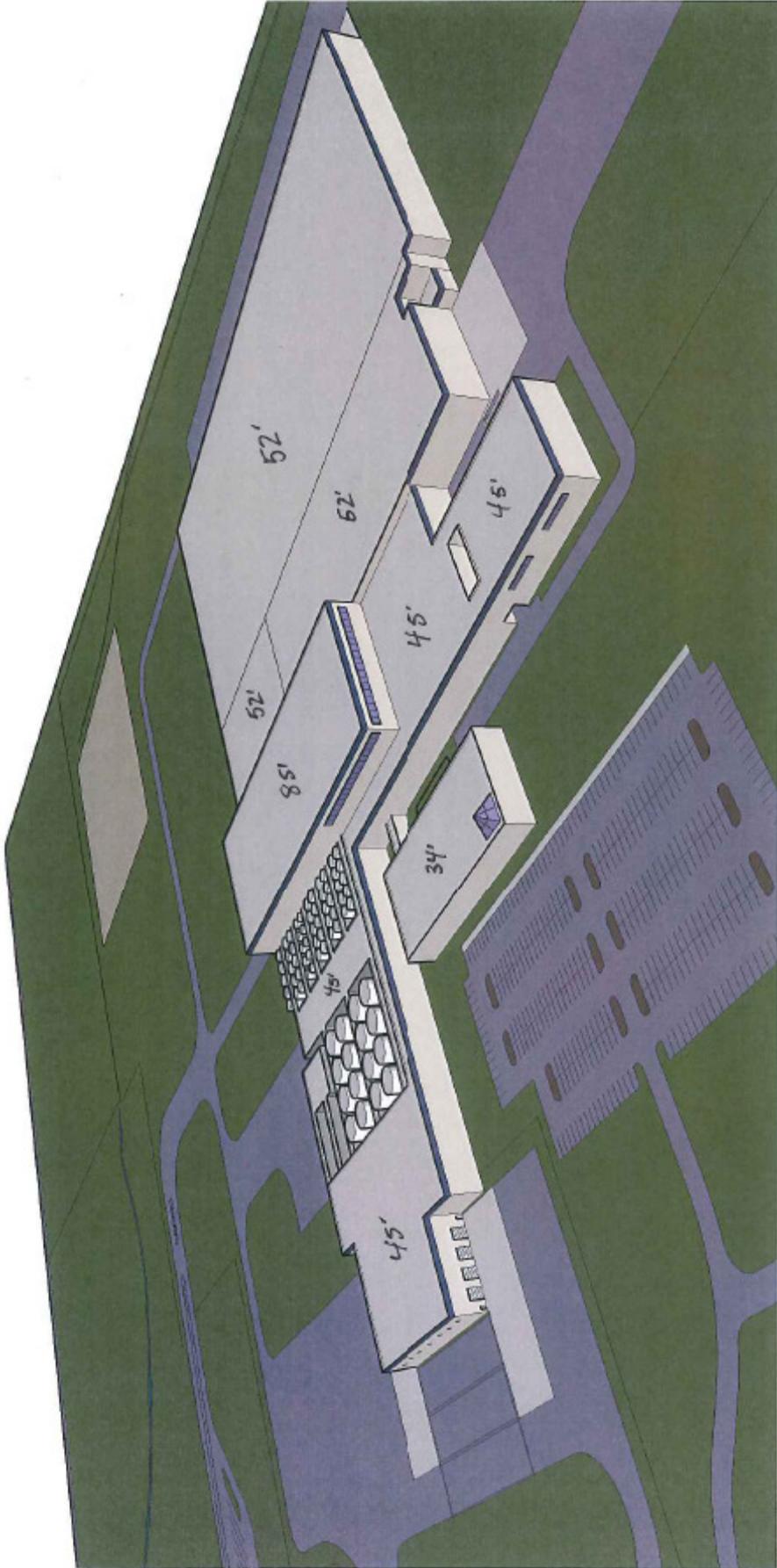
1. Location Map
2. Building Elevation



NOT TO SCALE

PROPERTY
BOUNDARY

Typical Elevations
(All to top of parapet @ Rise)





DATE: MONDAY -- DECEMBER 19, 2011

To: Honorable Mayor and City Council

From: Mitch Humble, Community Development Director

AGENDA ITEM II-

Request: Consideration of adoption of the Preserve PUD Agreement between the City of Twin Falls and Gary Storrer (app.1916 & 1990)

PUD Agreement # _____

Time Estimate:

Staff presentation may be approximately two (2) minutes.

Background:

Applicant: Gary's Westland 1042 Wildwood Way Twin Falls, ID 83301 208-420-4405 EHM Engineers, Inc c/o Gerald Martens 621 N. College Rd, Suite 100 Twin Falls, Id 83301 208-734-4888	Status: Owner	Size: 376 (+/-) acres
	Zoning: R-2 PUD	Requested Zoning: approval of the Preserve PUD Agreement.
	Comprehensive Plan: At the time of zoning Urban Residential, Rural Residential. The Comp Plan was updated in 2009 and now indicates this area as Urban Village/Urban Infill	Lot Count: N/A
	Existing Land Use: vacant land, natural open space	Proposed Land Use: PUD-Mixed Density Residential Development w/public parks and public trails
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-6	
Zoning Designation & Surrounding Land Use(s)	North: SUI CRO Area of Impact; residential/OS AoI Snake River Canyon	East: SUI & SUI CRO in Area of Impact; residential, vacant
	South: R-1 VAR, R-2, R-1 VAR AoI, SUI AoI; residential	West: R-1 VAR, R-1 VAR AoI, R-2; Eastland Drive North, residential and undeveloped.

History:

On October 24, 2005, the City Council approved annexation and rezoned of 354 acres of this site from SUI, SUI CRO, R-1 VAR, R-1 VAR CRO to R-2 PUD. Ord # 2843 was adopted on October 31, 2005. Initially a 22 acre portion on the southeast corner of the intersection of Pole Line Road East and Eastland Drive North was excluded. This portion was later annexed and rezoned from R-1 VAR to R-2 PUD on April 24, 2006 (to be included with the Preserve PUD) and Ord #2858 was adopted on May 1, 2006.

On June 5, 2006, the City Council approved a Parks In-Lieu request for The Preserve. An estimate of household units to eventually be developed on the 376 total acres was approximately 1200 +/- units. City Code §10-12-3-11: PARKS AND STORM WATER RETENTION/DETENTION, requires 0.01 acres of park be provided per household unit. This equates to approximately twelve (12) acres of park space being required for the development. A three (3) acre community park was approved for the area southeast of the intersection of Pole Line Road East and Eastland Drive North and a three (3) acre park to be in the eastern portion of the property. The Parks In-Lieu request allowed for 50% of the parks requirement, or the remaining six (6) acres, to be in the form of a pedestrian/bicycle trail. The developer is dedicating a publicly accessible canyon rim trail from Eastland Drive North through the property to the jump site.

On June 12, 2007, the preliminary plat for The Preserve PUD Subdivision Phase 1, 118 +/- acres with 151 residential lots, was approved with a vote of 6-2 by the Planning and Zoning Commission. The following conditions were placed on approval:

1. Subject to final technical review by the City Engineering Department 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. Full compliance with the PUD Agreement.

The preliminary plat received a 1-yr extension in June 2008 which expired on June 12, 2009.

Budget Impact:

Approval of this request will have negligible immediate impact the City budget. Upon development there will ultimately be an impact on the budget.

Regulatory Impact:

Approval of this request will allow the applicant to proceed with the platting process and ultimate development of the property that is in conformance with approvals.

Approval Process:

State Code: Idaho Code 67-6509

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.

Analysis:

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

Conclusion:

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

Attachments:

1. PUD AGREEMENT
2. Portion of the October 24, 2005, April 24, 2006, June 5, 2006 City Council minutes
3. Portion of the June 12, 2007 Planning & Zoning minutes

R2 PLANNED UNIT DEVELOPMENT AGREEMENT

THE PRESERVE PUD

THIS AGREEMENT, made and entered into this ____ day of _____, 20__, by and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called “City”), and GARY’S WESTLAND, L.L.C. (hereinafter called “Developer”), whose address is 1042 Wildwood Way, Twin Falls, ID 83301.

RECITALS

WHEREAS, Developer is the owner of the certain tract of land in the City of Twin Falls, State of Idaho, more particularly described in Exhibit “A”, attached hereto as Ordinance # 2843 & Ordinance #2858, (the “Property”) which Property is adjacent to Eastland Avenue and Hankins Road.

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

WHEREAS, Developer has made request of the City to develop a subdivision (the “Project”) on the Property and has submitted to the City a Master Development Plan (Exhibit “B”) thereof which was recommended for approval for development, as presented, as a Planned Unit Development by the Planning and Zoning Commission and approved for development, as presented, as a Planned Unit Development on October 24, 2005 and April 24, 2006 by the City Council of the City; and

WHEREAS, City, by and through its City Council, has agreed to the development of said Project 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, Developer and City agree as follows:

1. NATURE OF THE AGREEMENT. This agreement shall become part of the “Planned Unit Development” zone with respect to the Project upon its full execution and recording. Developer and its assigns or successors in interest, as well as City and its assigns or 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 “Project” zone shall be interpreted as follows:

A. USES.

1. The use in the area designated community center and recreational facilities on Exhibit “B” shall be limited to facilities benefiting the Preserve Planned Unit Development property owners. The uses will include a neighborhood recreational facility including such uses as a meeting room, reception room, swimming pool, tennis courts, putting green, and other such uses designated by the Preserve Homeowners Association provided such uses are for the benefit of Preserve Subdivision property owners, family members and invited guests.

2. The uses of areas designated as estate lots on Exhibit “B” shall conform to requirements of City Code 10-4-3; R 1-VAR, Residential Single Household District.
 3. The uses in the area designated as residential low density on Exhibit “B” shall conform to the requirements of City Code 10-4-4; R2, Residential Single Household. Also allowed in this area is a Planned Zero Lot Line Subdivision as per City Code 10-12-5-6.
 4. The uses in the area designated as residential medium density on Exhibit “B” shall conform to the requirements of City Code 10-4-5; R-4 Residential Medium Density District. Also allowed is a Planned Zero Lot Line Subdivision per City Code 10-12-5-6.
 5. Development within the CRO Zone shall conform to the requirements of City Code 10-4-19; Canyon Rim Overlay District and underlying zoning district.
- B. PHASING OF DEVELOPMENT. Developer shall be permitted to develop the property in phases, so long as those phases are in compliance with the Master Development Plan (Exhibit “B”), this PUD Agreement, and an approved preliminary plat. Approval for each phase may be obtained by submission of a technically correct final plat for each phase to the City Council. The designation and location of specific uses on the Master Development Plan are

conceptual and any changes, as approved by City Staff, therefrom shall not provide basis for disapproval of any final plat. There shall be no minimum and a maximum of 3 years limit between phases. If development of subsequent phases is not initiated within the 3-year limit the City shall review the P.U.D. for conformance to the Comprehensive Plan and Development Standards.

3. STREET, SEWER, WATER, PRESSURE IRRIGATION, AND DRAINAGE IMPROVEMENTS.

Developer shall be responsible for the design and construction of street, sewer, water, pressurized irrigation, parks and drainage systems on the Property and adjacent right-of-way (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 the development (hereinafter "Improvement Plans"). The Improvement Plans and all Improvement shall thereon meet the approval of the City, which approval shall be given if such plans conform with established City requirements, the Master Development Plan (Exhibit "B") 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 to 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. City will commit water, sewer and pressure irrigation services only on a phase-by-phase basis.
- D. CONSTRUCTION SUPERVISION. Developer shall use a registered professional engineer to supervise the construction, inspection and testing of the work as necessary, to ensure that all such improvements are constructed in accordance with the approved Improvement Plans.

E. 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 take 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 all 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 of occupancy 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.

- F. 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 of 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.
- G. 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.
4. PLATS. 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.
5. INDIVIDUAL PARCEL DEVELOPMENT CRITERIA. The Property or any portion thereof shall be developed in accordance with criteria set forth in this Section 5:

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. All building plans shall be approved by the Project Architectural Control Committee.

B. 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.

A 35-foot wide landscape buffer including meandering sidewalk, measured from the back of the curb, will be constructed along Eastland Drive and Hankins Road. In residential areas the landscaping shall be accomplished as part of individual lot development.

Each property will be required to meet the minimum requirements of City Code onsite to include adjacent landscape buffers in addition to the Master Development Plan. All landscaping shall be

installed in conformance with the project Master Development Plan. All landscaping maintenance will be in a uniform manner. The property landscaping will utilize a city pressure irrigation system constructed in compliance with applicable standards.

- C. PROJECT IRRIGATION. All residential lots will be irrigated utilizing a pressurized irrigation system designed and constructed to City of Twin Falls Standards. The pressurized irrigation system will be designed and constructed on a phase basis.

The Developer acknowledges that he has irrigation water shares and water rights as summarized in attached Exhibit "C", which is pertinent to the property described in Exhibit "A" and The City has determined that the water shares and water rights specified in Exhibit "C" satisfies the developers obligation to provide irrigation water for the residential development of all property described in Exhibit "A". Furthermore The City agrees that if additional water is required for irrigation of land described in Exhibit "A" The City will be responsible for providing the additional irrigation water. Prior to recordation of a final plat for each phase the Developer shall transfer to the City of Twin Falls water shares and water rights as described in Exhibit "C" on a pro rata basis.

- D. LANDSCAPING PLAN. For each buffer area, adjacent to Eastland Drive and Hankins Road, at the time of development, each parcel shall be landscaped to include the following: Fifty percent (50%) of

the lineal footage of landscaping shall have berms with a ridge elevation of at least eighteen (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 the shrubs and trees shall be evergreen. At least fifty percent (50%) of all trees and shrubs shall be from the 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.

E. STANDARDS. Buildings and improvements shall comply with the following standards. All building, site and landscaping plans shall be approved by the project architectural review committee.

1. ARCHITECTURAL STANDARDS. The community center/recreation facility building should be constructed of architectural masonry, stone, stucco, wood 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. All buildings shall be designed to

complement adjacent residential buildings. Basic building colors shall be neutral earth tones and approved by the architectural control committee.

The community center/recreation facility building size shall not exceed 8,000 S.F. without majority approval of all members of the Preserve Planned Unit Homeowner's Association and a special use permit.

All plans for residential construction shall be approved by the Preserve Planned Unit Development Homeowner's Association. At a minimum the committee shall establish for each use a minimum building size, exterior materials, exterior colors, roof pitches, building site plan, landscaping and other lot improvements.

2. OUTSIDE STORAGE. The community center trash container(s) and such facilities shall be visibly screened from roadways, residential areas and adjacent properties. Screening may consist of landscaping, masonry walls or fencing. Screening shall be approved by the Developer or its assigns. No outside storage yards will be allowed.
3. UTILITIES. All on-site utility service lines located within any parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened where

possible from the view from streets, with screening material such as landscaping or other approved material. This does not apply to curbside utilities in residential areas.

4. HEIGHT LIMITATIONS. Except for the CRO Zone Area no structure shall be higher than 35 feet. Within the CRO Zone the building height may be less.

5. SIGN PLAN.

A. PROJECT IDENTIFICATION SIGNS. Signs will be monument type signs with a maximum height of 10 feet measured above the adjacent curb and shall conform to City Code.

6. RESIDENTIAL USES. Residential uses shall conform to the appropriate code section for each area as outlined in Section 2A.

7. ILLUMINATION. Exterior lighting shall be shielded and cut-off type to preclude the light source being visible from the adjacent properties.

8. PUBLIC PEDESTRIAN/BICYCLE/PARKS FACILITES.

Development plans for each project phase and each building shall include facilities that will accommodate pedestrian and bicycle access to the project interior 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 public pedestrian/bicycle facilities. The pedestrian and bicycle facilities shall be designed to provide connections between Hankins Road, Carriage Lane, Eastland Drive, and the Canyon Rim Trail system. The pathways may be developed in phases providing that each phase provides access from the developed phase to previously completed phase. Developer shall be responsible for installation of all permanent public pedestrian/bike trails and common areas located adjacent to the aforementioned trails, as depicted on attached "Exhibit "B"". Maintenance of public pedestrian/bike trails shall be the responsibility of the City at City's cost. Maintenance of the common areas, located adjacent to all public pedestrian/bike trails shall be the responsibility of the City and all associated costs of said maintenance shall be the responsibility of lot owners within the project.

A. TEMPORARY PUBLIC PEDESTRIAN/BIKE TRAIL.

The parties hereto agree to cooperate with each other in the installation of a temporary public pedestrian/bike trail. Said temporary trail shall be constructed along the north project boundary, in a location satisfactory to City and Developer, and will connect the public trails constructed in each development phase with the Canyon Rim Trail (extended) in the northeast corner of the

property. Construction cost and maintenance of the temporary public trail shall be the responsibility of the City.

B. PARK DEVELOPMENT.

On June 5, 2006 the City Council approved a request by the developer for a Parks In-Lieu Plan for the Project. Park development shall include a 3 acre neighborhood park at the Southeast corner of the intersection of Eastland Drive North and Pole Line Road East and a second 3 acre neighborhood park in the eastern portion of the property. The balance of the park requirement, 6 +/- acres, will be met through dedication of right-of-way or easements for a pedestrian/bicycle trail connecting Eastland Drive North with the jump site adjacent to the Northeast corner of the developer's property.

9. TIME LIMITATIONS. The "PUD" Zoning designation on the Property described in Exhibit "A" is expressly conditioned upon submission to the City Council of a final development plan of the first phase of development within one (1) year from the date hereof. The Developer may apply for one or more one (1) year extensions, provided application

is made in advance of the expiration date. Approval shall not unreasonably be withheld.

10. CONSTRUCTION ACCESS. Access to the site for construction activities from Pole Line Road will not be allowed during any phase of the project.
11. STANDARD DEVELOPER'S AGREEMENT. It is understood and agreed by the parties hereto that Developer shall execute the City's Standard Developer's Agreement.
12. 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 reduce 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 property addressed, stamped and sent with “return receipt requested”. ON the date of this agreement, the addresses of the parties are as follows:

DEVELOPER: Gary’s Westland, L.L.C.
1042 Wildwood Way
Twin Falls, ID 83301

CITY: City of Twin Falls
321 Second Avenue East
P.O. Box 1907
Twin Falls, Idaho 83303-1907

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 shall not be affected thereof.
- 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 in such litigation, 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.

CITY OF TWIN FALLS

ATTEST: _____ BY: _____
Mayor

Gary's Westland, L.L.C.

ATTEST: _____ BY: _____

ACKNOWLEDGEMENTS

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 _____

ACKNOWLEDGEMENTS

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 Gary's Westland, L.L.C. that executed the within and foregoing instrument, and acknowledged to me that he executed the same in said limited liability company.

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 _____

EXHIBIT "A"

ORDINANCE NO. 2843

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.

WHEREAS, Gary's Westland, LLC, c/o Gary Storrer has made application for annexation of property located between the 1300, 1400, 1500, 1600, and 1700 blocks of Eastland Drive North and Hankins Road aka 3200 East Road; 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 27th day of September, 2005, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 24th day of October, 2005, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described.

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

SECTION 1. That the following described real property be and the same is hereby annexed into and declared to be a part of the City of Twin Falls, Idaho:

A parcel of land located in the N $\frac{1}{2}$, Section 2, and the SE $\frac{1}{4}$, Section 2, Range 17 East, Township 10 South, Boise Meridian, Twin Falls County, Idaho, and also located in the SE $\frac{1}{4}$, Section 35, Range 17 East, Township 9 South, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows;

COMMENCING at the Northwest corner of Section 2;

THENCE South 00°35'29" West 25.00 feet along the west boundary of the NW $\frac{1}{4}$, of said Section 2 to the REAL POINT OF BEGINNING;

THENCE South 89°55'02" East 1305.76 feet parallel with north boundary of the NW $\frac{1}{4}$, of Section 2;

THENCE South 00°04'58" West 179.89 feet;

THENCE South 89°55'02" East 374.89 feet parallel with the north boundary of the NW $\frac{1}{4}$, of Section 2;

THENCE North 29°50'19" West 186.00 feet;

THENCE North 11°20'43" East 44.54 feet to a point on the north boundary of the NW $\frac{1}{4}$, of Section 2;

THENCE South 89°55'02" East 150.98 feet along the north boundary of the NW $\frac{1}{4}$, Section 2;

THENCE North 19°32'10" West for a distance of 37.26 feet to the center of a 30.00 foot wide access and utility easement;

THENCE South 89°43'57" East 184.43 feet along the center of said access and utility easement to a point of curvature;

THENCE Along a curve to the left for a distance of 119.23 feet to the point of tangency, said arc having a radius of 274.82 feet and chord bearing and distance of North 77°50'18" East 118.30 feet;

THENCE North 65°24'03" East 27.62 feet along the center of said easement;

THENCE South 12°14'38" East 274.17 feet;

THENCE South 00°28'48" West 370.35 feet;

THENCE South 89°31'50" East 200.10 feet;

THENCE North 00°34'41" East 304.20 feet;

THENCE North 80°00'03" East 332.48 feet;

THENCE South 47°00'18" East 173.41 feet;

THENCE North 16°00'25" East 298.04 feet;

THENCE North 09°21'51" West 25.13 feet;

THENCE North 79°30'50" East 251.42 feet;

THENCE North 02°51'48" West 337.95 feet;

THENCE South 87°08'12" West 516.94 feet to the center of an access road;

THENCE Along a curve to the left for a distance of 15.17 feet to the point of tangency, said arc having a radius of 114.59 feet and a long chord bearing and distance of North 14°16'30" East 15.16 feet;

THENCE North 10°29'00" East 18.58 feet along the center of said access road;

THENCE North 86°49'00" East 445.79 feet;

THENCE North 11°47'00" East 184.65 feet;

THENCE North 87°51'02" West 227.89 feet;

THENCE North 13°39'03" East 216.19 feet;

THENCE South 87°29'00" East 445.81 feet;

THENCE North 11°47'00" East 227.75 feet;
 THENCE North 67°11'16" East 11.93 feet;
 THENCE North 11°04'35" West 256.93 feet;
 THENCE North 55°14'48" East 438.37 feet;
 THENCE North 79°10'30" East 258.86 feet;
 THENCE North 04°52'00" East 450.85 feet to a point on the
 south rim of the Snake River Canyon;
 THENCE Along the south rim of the Snake River Canyon on the
 following courses:
 North 85°51'28" East 119.08 feet;
 South 77°09'58" East 111.18 feet;
 North 77°13'56" East 54.48 feet;
 South 60°44'15" East 72.04 feet;
 North 74°11'30" East 58.51 feet;
 North 78°58'06" East 57.23 feet;
 North 69°34'21" East 143.13 feet;
 THENCE Leaving the south rim of the Snake River Canyon, South
 24°28'30" East 400.16 feet;
 THENCE South 05°25'00" East 2909.04 feet;
 THENCE South 12°27'14" East 67.77 feet;
 THENCE North 89°22'04" West 1115.31 feet;
 THENCE South 00°15'50" West 58.29 feet along the west boundary
 of Government Lot 1, to the southwest corner of said
 Lot 1;
 THENCE South 00°15'05" West 183.01 feet;
 THENCE South 76°50'11" East 1345.69 feet to the east boundary
 of the NE $\frac{1}{4}$, of Section 2;
 THENCE South 00°12'37" West 77.93 feet along east boundary of
 said NE $\frac{1}{4}$, of Section 2;
 THENCE South 89°32'21" West 340.40 feet;
 THENCE South 00°12'37" West 205.09 feet parallel with the east
 boundary of the NE $\frac{1}{4}$, Section 2;
 THENCE South 44°33'26" East 226.16 feet;
 THENCE South 59°35'49" East 209.53 feet to a point on the east
 boundary of the NE $\frac{1}{4}$, Section 2;
 THENCE South 00°12'37" West 310.00 feet along the east
 boundary of the NE $\frac{1}{4}$, Section 2;
 THENCE North 89°02'04" West 388.97 feet along the south
 boundary of the NE $\frac{1}{4}$ of Section 2;
 THENCE North 28°11'43" West 400.18 feet;
 THENCE North 89°48'20" West 562.72 feet parallel with the
 south boundary of the NE $\frac{1}{4}$ Section 2;
 THENCE South 34°09'26" West 409.21 feet to a point on the
 south boundary of the NE $\frac{1}{4}$ Section 2;
 THENCE North 89°02'04" West 598.30 feet along said south
 boundary of NE $\frac{1}{4}$ Section 2;
 THENCE South 00°19'21" West 1316.92 feet to a point on the
 south boundary of the NW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 2;

THENCE North 88°53'09" West 657.28 feet along south boundary of the NW ¼, SE ¼ Section 2 to the southwest corner of the said NW ¼, SE ¼;

THENCE North 00°21'31" East 1315.21 feet along the west boundary of the NW ¼ SE ¼ Section 2;

THENCE North 89°02'05" West 1310.87 feet along the south boundary of the NW ¼ of Section 2 to the southwest corner of SE ¼, NW ¼ of Section 2 said point also being the southeast corner of Candleridge East Subdivision;

THENCE North 00°28'27" East 656.47 feet along the east boundary of Candleridge East Subdivision to the northeast corner of said Subdivision;

THENCE North 89°12'19" West 790.50 feet;

THENCE North 00°35'29" East 261.00 feet parallel with the west boundary of the NW ¼ of Section 2;

THENCE North 89°12'19" West 519.00 feet; to the west boundary of the NW ¼ of Section 2 also being the centerline of Eastland Drive North;

THENCE North 00°35'29" East 1654.50 feet along the said west boundary of the NW ¼ of Section 2 also the centerline of Eastland Drive North to the REAL POINT OF BEGINNING

Containing 343.204 Acres

AND all public streets, highways, alleys and public rights-of-way adjacent and within this description.

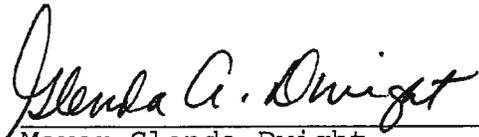
SECTION 2. That the real property described in Section 1 hereof be and the same is hereby zoned R-2 PUD.

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 newly incorporated real property as hereby zoned.

SECTION 4. That the City Clerk immediately upon the passage and publication of this Ordinance as required by law certify a copy of the same and deliver said certified copy to the County Recorder's office for indexing and recording.

PASSED BY THE CITY COUNCIL October 31 , 2005

SIGNED BY THE MAYOR October 31 , 2005



 Mayor Glenda Dwight

ATTEST:


Deputy City Clerk

PUBLISH: Thursday, November 10 , 2005

EXHIBIT "A"

ORDINANCE NO. 2858

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.

WHEREAS, Gary's Westland, LLC, has made application for annexation of property located at the southeast corner of Eastland Drive North and Pole Line Road East; 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 March, 2006, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 1st day of May, 2006, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described.

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

SECTION 1. That the following described real property be and the same is hereby annexed into and declared to be a part of the City of Twin Falls, Idaho:

SEE ATTACHMENT "A"

AND all public streets, highways, alleys and public rights-of-way adjacent and within this description.

SECTION 2. That the real property described in Section 1 hereof be and the same is hereby zoned R-2 PUD.

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 newly incorporated real property as hereby zoned.

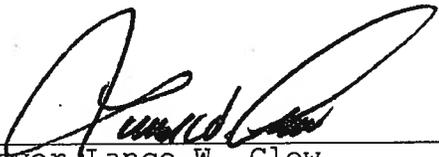
SECTION 4. That the City Clerk immediately upon the passage and publication of this Ordinance as required by law certify a copy of the same and deliver said certified copy to the County Recorder's office for indexing and recording.

PASSED BY THE CITY COUNCIL

May 1 , 2006

SIGNED BY THE MAYOR

May 2 , 2006



Mayor Lance W. Clow

ATTEST:



Deputy City Clerk

PUBLISH: Thursday,

May 11 , 2006

ATTACHMENT "A"

A parcel of land located in the NW ¼, of Section 2, Range 17 East, Township 10 South, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows;

COMMENCING at the Northwest corner of Section 2;

THENCE South 00°35'29" West 25.00 feet along the west boundary of the NW ¼, of said Section 2 to the REAL POINT OF BEGINNING;

THENCE South 89°55'02" East 655.10 feet parallel with north boundary of the NW ¼, of Section 2;

THENCE South 01°03'34" West 552.46 feet;

THENCE South 61°58'51" East 76.49 feet;

THENCE South 51°11'32" East 187.05 feet;

THENCE South 38°02'35" East 245.33 feet;

THENCE South 32°15'21" East 128.40 feet;

THENCE South 39°53'21" East 25.00 feet to a point of curvature;

THENCE Along a curve to the left for a distance of 148.30 feet, said arc having a radius of 200.00 feet, a chord bearing South 28°52'06" West for a distance of 144.93 feet, and a delta of 42°29'07";

THENCE South 07°37'33" West 133.42 feet;

THENCE North 89°11'50" West 1019.47 feet to a point on the west boundary of Section 2 also the centerline of Eastland Drive North;

THENCE North 00°35'29" East 1272.40 feet along the west boundary of Section 2, also the centerline of Eastland Drive North to the REAL POINT OF BEGINNING;

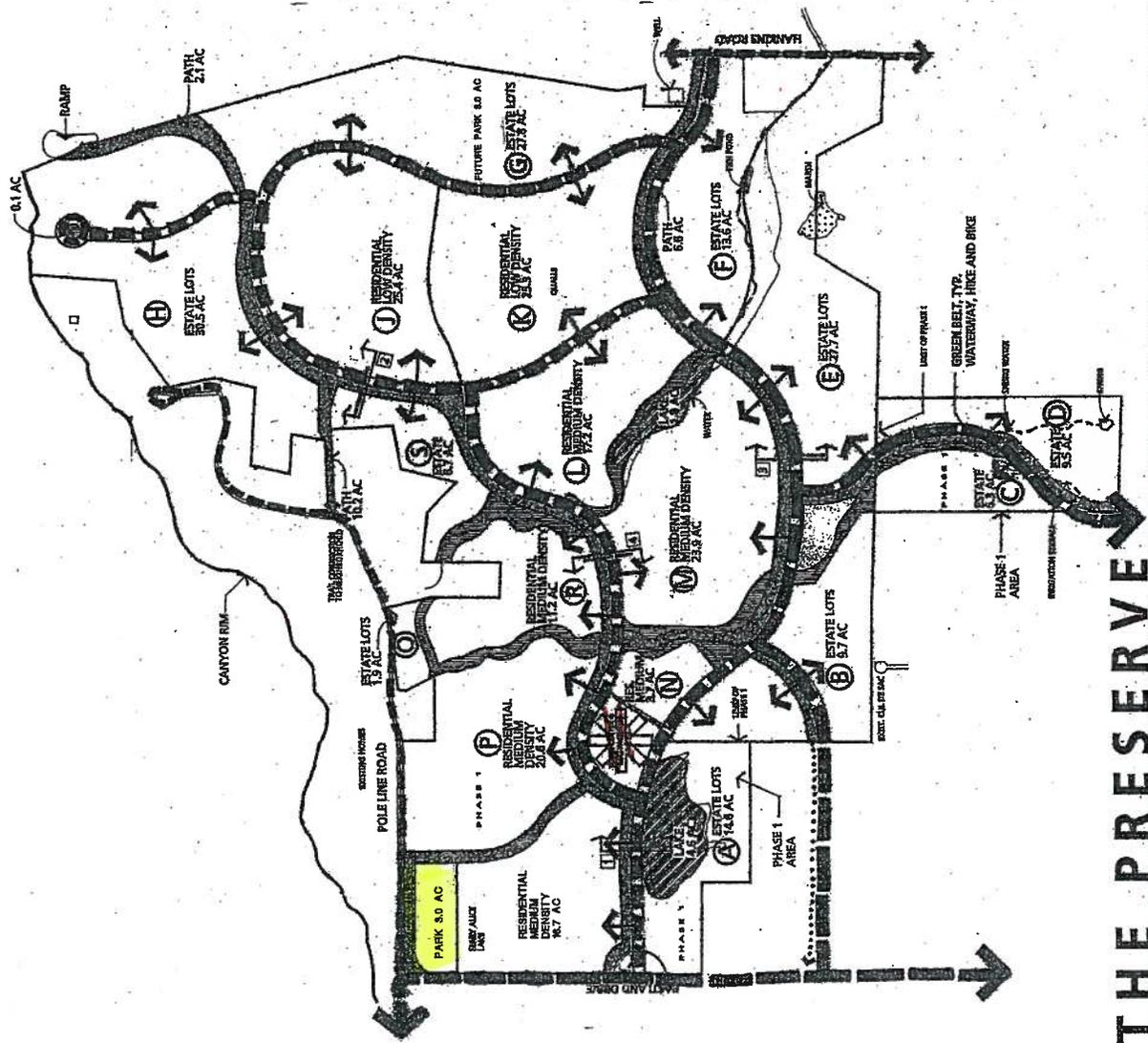
Containing 24.310 Acres

SITE INFORMATION

	OPEN SPACE	162.2 AC
	LAKES	1.8 AC
	PARKS, TRAILS, OPEN AREA	41.6 AC
	CITY PARKING	8.0 AC
SUBTOTAL		
	TOWN CENTER	87.8 AC
	RECREATION FACILITY	3.2 AC
RESIDENTIAL		
	ESTATE	3 D.U. 192.2 AC
	LOW DENSITY RESIDENTIAL	2 to 4 D.U. 46.2 AC
	MEDIUM DENSITY RESIDENTIAL	3 to 8 D.U. 86.7 AC
SUBTOTAL		
891.8 AC		
ROADWAY		
	COLLECTOR RIGHT OF WAY	13.5 AC
	NEIGHBORHOOD RIGHT OF WAY	11.1 AC
SUBTOTAL		
24.6 AC		
TOTAL		
978.4 AC		

Notes

1. Acreages are approximate and may vary with final development plan.
2. Roadway locations are approximate. Final location and alignment will vary with final design.
3. Water courses will be adjusted to accommodate field topography.
4. Trail location may vary but will maintain continuity while serving residential areas.
5. Future park subject to relocation upon development of future phases.



LAND USE DIAGRAM

CARY STORBER

 ARCHITECT

 1000 W. 10TH ST.

 TWIN FALLS, IDAHO

 21 MARCH 2006

 1

MASTER DEVELOPMENT PLAN

 2-005/2006

THE PRESERVE

TWIN FALLS, IDAHO

CARY STORBER
TWIN FALLS, IDAHO

Exh. 1 of "B"

EXHIBIT "C"

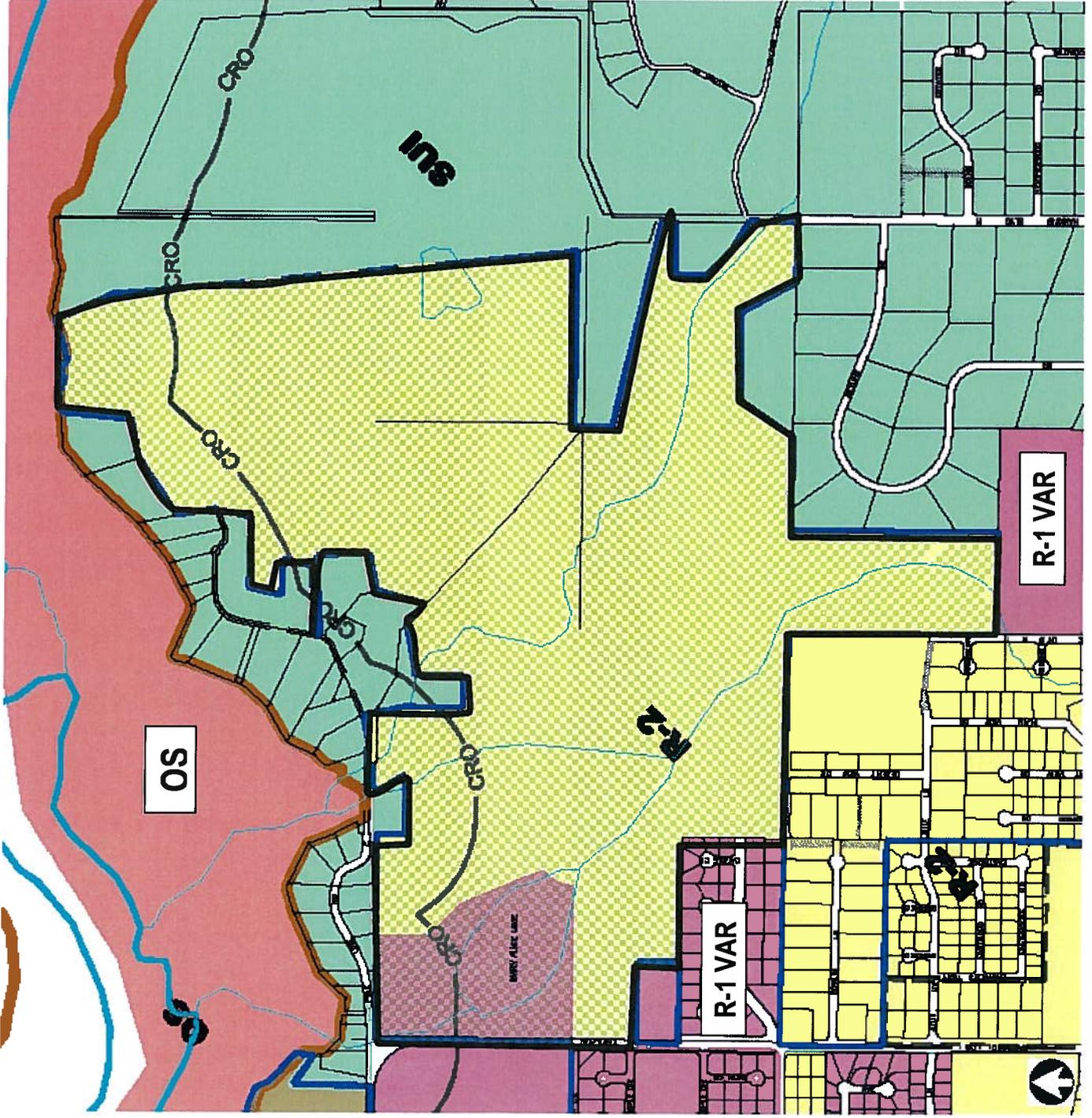
**WATER SHARES
AND WATER RIGHTS
FOR
THE PRESERVE SUBDIVISION**

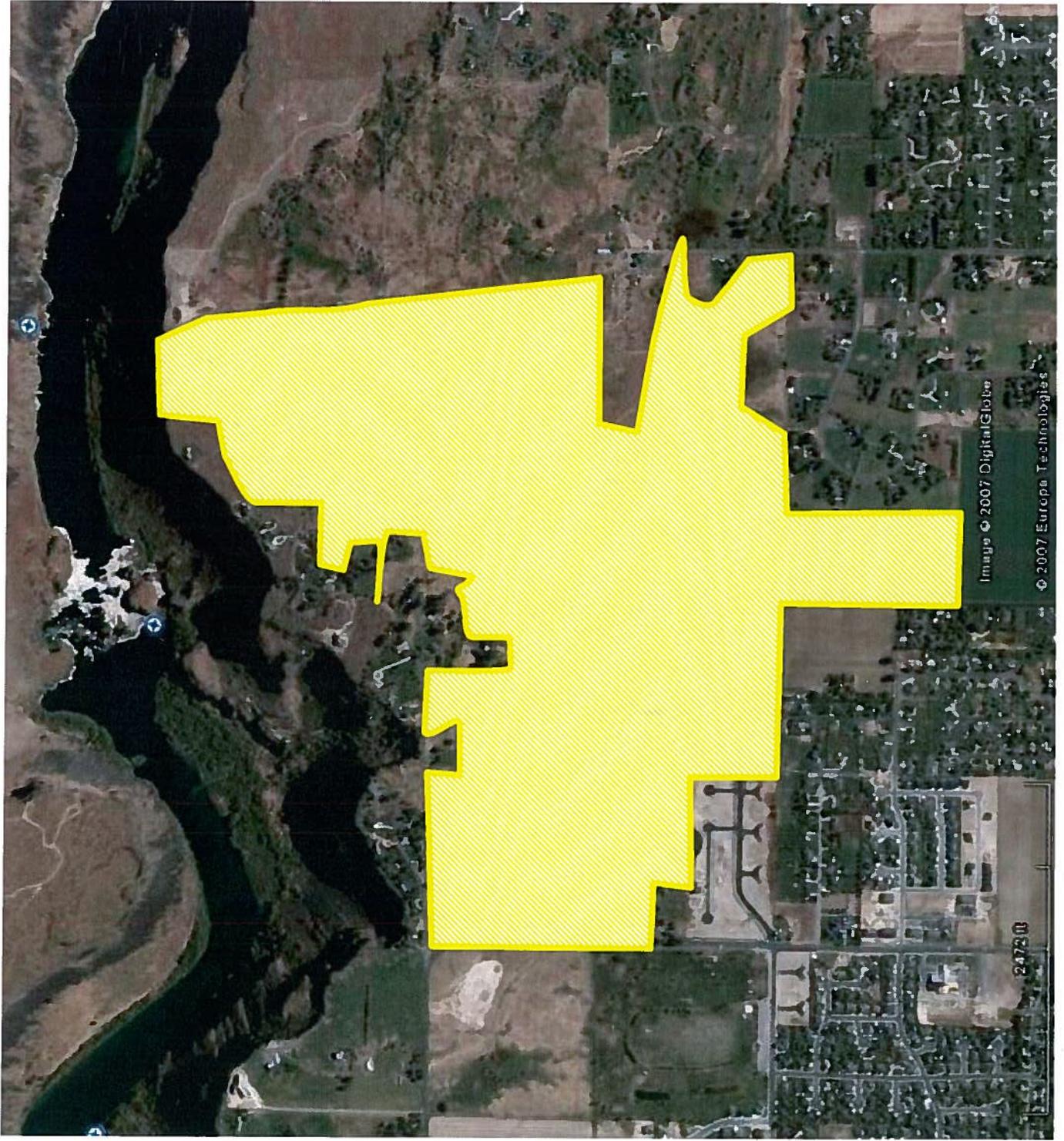
136.79 shares of Twin Falls Canal Company

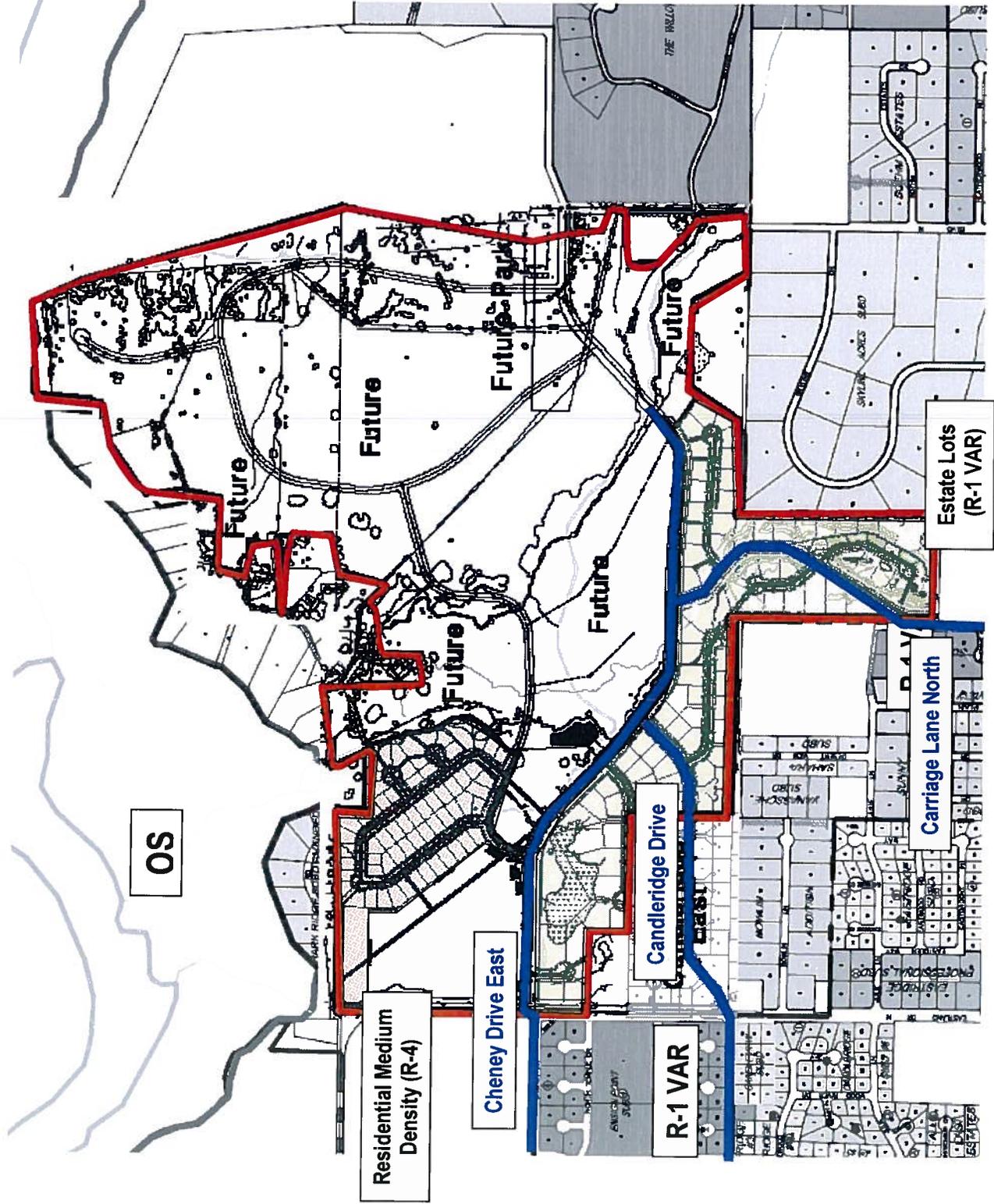
0.50 CFS Waste Water right 47-17266

1.57 CFS Waste Water Right 47-17268

1.30 CFS Groundwater Right 47-4453







COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLEND A	DENNIS	ELAINE	CHRIS
BARIGAR	CLOW	CRAIG	DWIGHT	MAUGHAN	STEELE	TALKINGTON
	<i>Vice Mayor</i>		<i>Mayor</i>			

MINUTES

FOR THE MEETING OF THE TWIN FALLS CITY COUNCIL, MONDAY,
OCTOBER 24, 2005

PLEDGE OF ALLEGIANCE TO THE FLAG **5:00 P.M.**

I. CONSENT CALENDAR:

1. Approve accounts payable:

September total	=	\$193,183.17
October total	=	\$636,123.76
2. Deferral Agreement: Mark & Shawna Cutler, 1047 Sunway Dr. N., curb, gutter
3. Findings of Fact and Conclusions of Law:
 - a) Mel Frandsen Annexation Request
4. Approve minutes of the October 17, 2005, Council meeting.

II. ITEMS FOR CONSIDERATION:

1. Update from a United Way representative.
2. Consideration of a ruling in Magistrate Court determining that a portion of the City Concealed Weapons Ordinance is in conflict with Article 1, Section 11 of the Idaho Constitution.
3. Auger Falls Presentation on NEPA Requirements for Federal Grants and Historical Survey Presentation.
4. Consideration of Scope of Work, man-hour estimates, and two contracts for the Joslin Field, Magic Valley Regional Airport 2005 Utility Planning Project.
5. Consideration of a request to delete the street name from 200 feet of an isolated segment of Linden Avenue in Southwood Subdivision.
6. Consideration of acceptance of a perpetual roadway and utility easement for the extension of Wendell Street from Pole Line Road to the Canyon Trail No. 5 Subdivision, and approval of utility extension agreements within that easement.
7. Consideration of Community Survey.
8. Consideration of an in lieu contribution to satisfy the provisions of City Code Section 10-12-3-11 for Eagle Park Subdivision.
9. Consideration of an in lieu contribution to satisfy the provisions of City Code Section 10-12-3-11 for Robbins Avenue P.U.D.
10. Consideration of a request for an extra length driveway to serve a single family residence at 3670 N. 2700 E. Road.
11. Public input and/or items from the City Manager and City Council.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

1. Downtown bird problem.
2. Golf
3. Tree Commission

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

1. Request of Jack Bauer for Annexation of approximately 77 acres located at the northwest corner of Falls Avenue West and Grandview Drive North.
2. Request of Todd Ostrom for Annexation of approximately 40 acres located at the northeast corner of Orchard Drive and Harrison Street South, extended.
3. Request of Gary's Westland, LLC c/o Gary Storrer for Annexation of approximately 354 acres located between the 1300 – 1700 blocks between Eastland Drive North and Hankins Road aka 3200 East Road.

V. ADJOURNMENT:

PRESENT: Mayor Glenda Dwight, Vice Mayor Lance Clow, Councilpersons Shawn Barigar, Trip Craig, Dennis Maughan, Elaine Steele, and Chris Talkington, City Manager Tom Courtney, City Attorney Fritz Wonderlich, City Engineer Gary Young, Public Works Director Lance Bates, Lead Engineering Tech Lee Glaesemann, Interim Planning and Zoning Director Renée Carraway, Economic Development Director Dave McAlindin, Parks and Recreation Director Dennis Bowyer, Airport Manager Bill Carberry, and Deputy City Clerk Jody Hall.

Mayor Dwight called the meeting to order at 5:00 PM and invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with her. The City Council considered the following items:

I. CONSENT CALENDAR:

1. Approve accounts payable:

September total	=	\$193,183.17
October total	=	\$636,123.76
2. Deferral Agreement: Mark & Shawna Cutler, 1047 Sunway Dr. N., curb, gutter
3. Findings of Fact and Conclusions of Law:
 - b) Mel Frandsen Annexation Request
4. Approve minutes of the October 17, 2005, Council meeting.

Councilperson Maughan made the motion to approve the Consent Calendar. The motion was seconded by Councilperson Talkington and roll call vote showed all members present in favor of the motion.

II. ITEMS FOR CONSIDERATION:

1. Update from a United Way representative.

The representative was not present.
2. Consideration of a ruling in Magistrate Court determining that a portion of the City Concealed Weapons Ordinance is in conflict with Article 1, Section 11 of the Idaho Constitution.

City Attorney Wonderlich reviewed the ordinance with the Council and recommended approval.

Councilperson Steele made the motion to suspend the rules and place Ordinance #2840 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE §1-4-1 BY

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. She said the Planning and Zoning Commission recommended approval with R-4 zoning designation.

It was noted that the minimum lot would be 4,000 square feet.

The public hearing was opened.

No one spoke for or against the request.

The public hearing was closed.

Discussion followed on:

- all future subdivisions have to be retrofitted with pressure irrigation

Councilperson Steele made the motion to approve the annexation with R-4 Zoning designation. The motion was seconded by Councilperson Maughan and roll call vote showed all members present in favor of the motion.

3. Request of Gary's Westland, LLC c/o Gary Storrer for Annexation of approximately 354 acres located between the 1300 – 1700 blocks between Eastland Drive North and Hankins Road aka 3200 East Road.

Gerald Martens, EHM Engineers, representing the applicant spoke for the annexation with R-2 PUD. There would be one water share for each acre.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. She said the Planning and Zoning Commission had recommended approval with two conditions:

1. Full compliance with the PUD Agreement.
2. Connection to the Snake River Canyon Trail System.

Mr. Martens stated there were many areas in the project for park type facilities along with the trail.

The public hearing was opened.

Max Thompson, 2679 Pole Line Road East, was concerned regarding City services and plans for wastewater run off.

Ann Vogt was concerned where the area for the walking trail would go and how the property values of their homes would be affected.

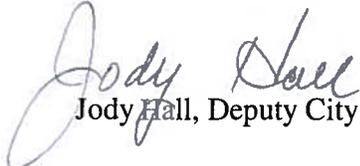
The public hearing was closed.

Mr. Martens said a lift station would be required waste water, City water was available, and storm water would be retained on site. There was to be no convenience store on the corner. The CC & R's were modeled similar to Candleridge area. Price range of homes would be in the \$200,000 range. Traffic would be extended on major collector east and west and on Cheney.

Vice Mayor Clow made the motion to approve the annexation with the Planning and Zoning conditions. The motion was seconded by Councilperson Barigar and roll call vote showed all members present in favor of the motion.

V. ADJOURNMENT:

The meeting was adjourned at 7:15 PM.


Jody Hall, Deputy City Clerk

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLENDA	DENNIS	ELAINE	CHRIS
BARIGAR	CLOW	CRAIG	DWIGHT	MAUGHAN	STEELE	TALKINGTON
	<i>Vice Mayor</i>		<i>Mayor</i>			

MINUTES

FOR THE MEETING OF THE TWIN FALLS CITY COUNCIL, MONDAY, OCTOBER 31, 2005

PLEDGE OF ALLEGIANCE TO THE FLAG

5:00 P.M.

I. CONSENT CALENDAR:

1. Approve accounts payable.

September 2005 total	\$ 91,885.28
October 25-31, 2005 total	\$620,431.41
2. Multi-Year Improvement Deferral Agreement:
(a) Gabriela Tovar, 1312 7th Ave. E., paving
3. Liquor License: Mazatlan Grill, 2096 Kimberly Road, beer/wine
4. Approve minutes of October 24, 2005, Council meeting.

II. ITEMS FOR CONSIDERATION:

1. Consideration of the Morning Sun Subdivision, #5 final plat. **EHM Engineers**
2. Consideration of a request by the Twin Falls Rural Fire District to proceed to bid for the construction of a Truck Garage at Fire Station 3. **Les Poe**
3. Consideration of an Ordinance for Jack Bauer's annexation request. **Fritz Wonderlich Ordinance 2841**
4. Consideration of an Ordinance for Todd Ostrom's annexation request. **Fritz Wonderlich Ordinance 2842**
5. Consideration of an Ordinance for Gary Storrer's annexation request. **Fritz Wonderlich Ordinance 2843**
6. Consideration of a Resolution establishing a policy for accepting hauled waste at the Twin Falls City Wastewater Treatment Plan and establishment of fees pursuant to 40 CFR Section 403.5 (b) (8) and City Code Section 7-7-6(C) 19, 7-7-12(A)1.(D), 7-7-13(A), 7-7-15(D), and 7-7-23. **Gary Young Resolution #1752**
7. Discussion of the problems of Crows in the Downtown area. **Kurt Tubbs, US Dept. of Agriculture, Division of Wildlife Services**
8. Consideration of an in lieu contribution to satisfy the provisions of City Code Section 10-12-3-11 for Bosero Subdivision. **Dennis Bowyer**
9. Public input and/or items from the City Manager and City Council.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

1. Welcome Home Banner for Troops

ORDINANCE NO. 2843

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.

WHEREAS, Gary's Westland, LLC, c/o Gary Storrer has made application for annexation of property located between the 1300, 1400, 1500, 1600, and 1700 blocks of Eastland Drive North and Hankins Road aka 3200 East Road; 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 27th day of September, 2005, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 24th day of October, 2005, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described.

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

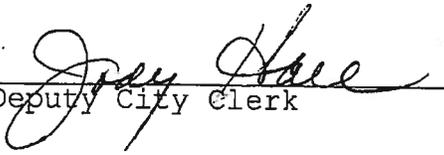
SECTION 1. That the following described real property be and the same is hereby annexed into and declared to be a part of the City of Twin Falls, Idaho:

A parcel of land located in the N $\frac{1}{2}$, Section 2, and the SE $\frac{1}{4}$, Section 2, Range 17 East, Township 10 South, Boise Meridian, Twin Falls County, Idaho, and also located in the SE $\frac{1}{4}$, Section 35, Range 17 East, Township 9 South, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows;

COMMENCING at the Northwest corner of Section 2;

THENCE South 00°35'29" West 25.00 feet along the west boundary of the NW $\frac{1}{4}$, of said Section 2 to the REAL POINT OF BEGINNING;
 THENCE South 89°55'02" East 1305.76 feet parallel with north boundary of the NW $\frac{1}{4}$, of Section 2;
 THENCE South 00°04'58" West 179.89 feet;
 THENCE South 89°55'02" East 374.89 feet parallel with the north boundary of the NW $\frac{1}{4}$, of Section 2;
 THENCE North 29°50'19" West 186.00 feet;
 THENCE North 11°20'43" East 44.54 feet to a point on the north boundary of the NW $\frac{1}{4}$, of Section 2;
 THENCE South 89°55'02" East 150.98 feet along the north boundary of the NW $\frac{1}{4}$, Section 2;
 THENCE North 19°32'10" West for a distance of 37.26 feet to the center of a 30.00 foot wide access and utility easement;
 THENCE South 89°43'57" East 184.43 feet along the center of said access and utility easement to a point of curvature;
 THENCE Along a curve to the left for a distance of 119.23 feet to the point of tangency, said arc having a radius of 274.82 feet and chord bearing and distance of North 77°50'18" East 118.30 feet;
 THENCE North 65°24'03" East 27.62 feet along the center of said easement;
 THENCE South 12°14'38" East 274.17 feet;
 THENCE South 00°28'48" West 370.35 feet;
 THENCE South 89°31'50" East 200.10 feet;
 THENCE North 00°34'41" East 304.20 feet;
 THENCE North 80°00'03" East 332.48 feet;
 THENCE South 47°00'18" East 173.41 feet;
 THENCE North 16°00'25" East 298.04 feet;
 THENCE North 09°21'51" West 25.13 feet;
 THENCE North 79°30'50" East 251.42 feet;
 THENCE North 02°51'48" West 337.95 feet;
 THENCE South 87°08'12" West 516.94 feet to the center of an access road;
 THENCE Along a curve to the left for a distance of 15.17 feet to the point of tangency, said arc having a radius of 114.59 feet and a long chord bearing and distance of North 14°16'30" East 15.16 feet;
 THENCE North 10°29'00" East 18.58 feet along the center of said access road;
 THENCE North 86°49'00" East 445.79 feet;
 THENCE North 11°47'00" East 184.65 feet;
 THENCE North 87°51'02" West 227.89 feet;
 THENCE North 13°39'03" East 216.19 feet;
 THENCE South 87°29'00" East 445.81 feet;

THENCE North 11°47'00" East 227.75 feet;
 THENCE North 67°11'16" East 11.93 feet;
 THENCE North 11°04'35" West 256.93 feet;
 THENCE North 55°14'48" East 438.37 feet;
 THENCE North 79°10'30" East 258.86 feet;
 THENCE North 04°52'00" East 450.85 feet to a point on the
 south rim of the Snake River Canyon;
 THENCE Along the south rim of the Snake River Canyon on the
 following courses:
 North 85°51'28" East 119.08 feet;
 South 77°09'58" East 111.18 feet;
 North 77°13'56" East 54.48 feet;
 South 60°44'15" East 72.04 feet;
 North 74°11'30" East 58.51 feet;
 North 78°58'06" East 57.23 feet;
 North 69°34'21" East 143.13 feet;
 THENCE Leaving the south rim of the Snake River Canyon, South
 24°28'30" East 400.16 feet;
 THENCE South 05°25'00" East 2909.04 feet;
 THENCE South 12°27'14" East 67.77 feet;
 THENCE North 89°22'04" West 1115.31 feet;
 THENCE South 00°15'50" West 58.29 feet along the west boundary
 of Government Lot 1, to the southwest corner of said
 Lot 1;
 THENCE South 00°15'05" West 183.01 feet;
 THENCE South 76°50'11" East 1345.69 feet to the east boundary
 of the NE $\frac{1}{4}$, of Section 2;
 THENCE South 00°12'37" West 77.93 feet along east boundary of
 said NE $\frac{1}{4}$, of Section 2;
 THENCE South 89°32'21" West 340.40 feet;
 THENCE South 00°12'37" West 205.09 feet parallel with the east
 boundary of the NE $\frac{1}{4}$, Section 2;
 THENCE South 44°33'26" East 226.16 feet;
 THENCE South 59°35'49" East 209.53 feet to a point on the east
 boundary of the NE $\frac{1}{4}$, Section 2;
 THENCE South 00°12'37" West 310.00 feet along the east
 boundary of the NE $\frac{1}{4}$, Section 2;
 THENCE North 89°02'04" West 388.97 feet along the south
 boundary of the NE $\frac{1}{4}$ of Section 2;
 THENCE North 28°11'43" West 400.18 feet;
 THENCE North 89°48'20" West 562.72 feet parallel with the
 south boundary of the NE $\frac{1}{4}$ Section 2;
 THENCE South 34°09'26" West 409.21 feet to a point on the
 south boundary of the NE $\frac{1}{4}$ Section 2;
 THENCE North 89°02'04" West 598.30 feet along said south
 boundary of NE $\frac{1}{4}$ Section 2;
 THENCE South 00°19'21" West 1316.92 feet to a point on the
 south boundary of the NW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 2;


Deputy City Clerk

PUBLISH: Thursday, November 10 , 2005

COUNCIL MEMBERS:

SHAWN BARIGAR	LANCE CLOW <i>Mayor</i>	TRIP CRAIG	GLENDA DWIGHT <i>Vice Mayor</i>	DON HALL	DAVID E. JOHNSON	GREG LANTING
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MINUTES

FOR THE MEETING OF THE TWIN FALLS CITY COUNCIL, MONDAY, APRIL 24, 2006

ITEM

PLEDGE OF ALLEGIANCE TO THE FLAG

PROCLAMATIONS: Lab Week & Arbor Day

5:00 P.M.

I. CONSENT CALENDAR:

1. Approve accounts payable. April 18-24, 2006 \$394,367.31
2. Deferral Agreement:
 - a) DeVore & Associates, LLC, 1303 8th Ave. E., curb, gutter, sidewalk
 - b) Kay & Jamie Skeeters, 4157 Creek Mesa Dr., driveway paving until 6-30-06
3. Multi-Year Improvement Deferral Agreement:
 - a) RMS, LLC, 1310 Kimberly Road, landscaping until 8-01-06
4. Developer's Agreements:
 - a) Northern Passage & Northern Passage #2
 - b) Wild Rose #2
5. Approve minutes of April 17, 2006, Council meeting.

II. ITEMS FOR CONSIDERATION:

1. Consideration of the request of Spink/Butler representing B and A Development, LLC, for City Council approval of additional building height in accordance with Twin Falls City Code 10-7-3. **Russell Coburn**
2. Consideration of agreement with Riedesel & Associates to review right-of-way negotiations on Washington Street North. **Rod Mathis**
3. Consideration of a secretarial position for the Community Development Department. **Tom Courtney**
4. Public input and/or items from the City Manager and City Council.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

1. Consideration of a fee increase in Fireworks Permit Fees. **Gary Evans**
2. Request of Todd Ostrom for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PUD to develop a duplex housing development for 1.9 acres on property located on the west side of the 900 block of Morningside Drive. **Scott Martin/Darr Moon**
3. Request of New Providence Grove, LLC, c/o Elizabeth Hodge, for annexation of 62 acres (+/-) with a zoning designation of R-4, currently zoned R-4, for property located at the southeast corner of Orchard Drive and Harrison Street South. **EHM Engineers, Inc.**
4. Request of Gary's Westland, LLC, for annexation of 22 acres (+/-) with a zoning designation of R-2 PUD, currently zoned R-1 VAR, for property located at the southeast corner of Eastland Drive North and Pole Line Road East. **EHM Engineers, Inc.**
5. Request of Kelly L. Gates for a Zoning Title Amendment to allow by Special Use Permit manufactured/mobile home sales and/or rentals limited to an area between Martin Street and 2750 East Road within the Canyon Rim Overlay. **Tim Stover**
6. Request of Lytle Signs on behalf of Brent White for the Magic Valley Mall for a PUD Agreement Modification to allow a modification to free-standing sign restrictions at the Magic Valley Mall. **Lytle Signs, Inc.**

V. ADJOURNMENT:

PRESENT: Mayor Lance Clow, Vice Mayor Glenda Dwight, Councilpersons Shawn Barigar, Trip Craig, Don Hall, David Johnson, and Greg Lanting; City Manager Tom Courtney; City Attorney Fritz Wonderlich; City Engineer Jackie Fields; City Community Development Director Mitch Humble; Parks and Recreation Director Dennis Bowyer; Interim Planning & Zoning Director Renee Carraway; and Recording Clerk Katy Touchette.

Mayor Clow called the meeting to order at 5:00 p.m. and asked Phillip Barnes of Boy Scout Troop #139 to lead everyone in the Pledge of Allegiance to the Flag.

Mayor Clow then read the proclamation for Lab Week, and he invited Michelle Harris, lab manager for MVRMC, to speak about Lab Week. The Mayor then read the Arbor Day proclamation, and City Parks and Recreation Director Dennis Bowyer talked about Arbor Day (Friday, April 28) and the festivities planned at Harry Barry Park.

Dennis Bowyer then gave a brief talk on the large influx of traffic lately at Shoshone Falls and talked about some possible solutions, including using a bus service to take visitors from the Dierke's Lake area to the falls viewing area. Council members felt that busing people from the Dierke's parking lot should not be done until the falls parking lot is filled to capacity.

The following items were considered by the City Council:

I. CONSENT CALENDAR:

1. Approve accounts payable. April 18-24, 2006 \$394,367.31
2. Deferral Agreement:
 - a) DeVore & Associates, LLC, 1303 8th Ave. E., curb, gutter, sidewalk
 - b) Kay & Jamie Skeeters, 4157 Creek Mesa Dr., driveway paving until 6-30-06
3. Multi-Year Improvement Deferral Agreement:
 - a) RMS, LLC, 1310 Kimberly Road, landscaping until 8-01-06
4. Developer's Agreements:
 - a) Northern Passage & Northern Passage #2
 - b) Wild Rose #2
5. Approve minutes of April 17, 2006, Council meeting.

Councilperson Johnson made the motion to approve the Consent Calendar. Councilperson Hall seconded the motion, and roll call vote showed all members present in favor of the motion.

II. ITEMS FOR CONSIDERATION:

1. Consideration of the request of Spink/Butler representing B and A Development, LLC, for City Council approval of additional building height in accordance with Twin Falls City Code 10-7-3. **Russell Coburn**

Russell Coburn made a presentation requesting an increase in the building height allowed in the C-1 zone. B&A Development, LLC, intends to construct a hotel and would like to have the tallest part of the building be 58', which is taller than the allowed 35' maximum building height.

Interim Planning and Zoning Director Carraway gave the staff report, using overheads. She explained that even if the council approves this request, the developer will still have to go through the P&Z process for a special use permit to build a hotel in this zone. The council members discussed this process and what kind of precedence is being set. Ms. Carraway stated that City Code does allow a request such as this to be made before the City Council before going in front of P&Z.

4. Request of Gary's Westland, LLC, for annexation of 22 acres (+/-) with a zoning designation of R-2 PUD, currently zoned R-1 VAR, for property located at the southeast corner of Eastland Drive North and Pole Line Road East. **EHM Engineers, Inc.**

Gary Burkett of EHM Engineers, Inc., also presented this annexation and rezone request. Interim P&Z Director Carraway gave the staff report, reiterating that this is a request for annexation and rezone.

The public testimony portion of the hearing was open.

Warren Shillington, 2315 Pole Line Road East, spoke about his concerns with the safety of the corner of Pole Line Road East and Eastland Drive North. He felt this road should be improved before any development of the land nearby takes place.

Judy Silcock, 2324 Pole Line Road East, asked about the park proposed on this land and about the residences in the development.

Al Gamache, 2312 Pole Line Road East, opposed any zone change for this land because of density issues.

Michael Devine, 2359 Pole Line Road East, also felt that problems and safety issues with the road should be taken care of first, before annexation and development.

The public testimony portion of the hearing was closed. Gary Burkett answered many of the neighbors' concerns, stating that ensuring the safety of the road would be the responsibility of the developers, and that there were no development plans yet. He also stated that the density with a zoning change would make this property consistent with the rest of The Preserve.

The public hearing was closed, and after a brief discussion and deliberations by council members, Councilperson Johnson moved to approve the annexation and rezone, Councilperson Hall seconded the motion, and roll call vote showed all members present voted in favor of the motion.

5. Request of Kelly L. Gates for a Zoning Title Amendment to allow by Special Use Permit manufactured/mobile home sales and/or rentals limited to an area between Martin Street and 2750 East Road within the Canyon Rim Overlay. **Tim Stover**

Tim Stover, on behalf of Kelly Gates, presented this request to the Council for a Zoning Title Amendment which would affect only the area between Martin Street and 2750 East Road within the Canyon Rim Overlay. Kelly Gates then spoke to the Council and explained his request, using overheads for illustration. Interim P&Z Director Carraway gave the staff report. Council members asked a few questions and the public testimony portion of the hearing was opened. As there was no public comment, the public testimony portion of the hearing was closed.

With no further discussion, the public hearing was closed, and Vice Mayor Dwight moved to approve the request. Councilperson Johnson seconded the motion, and roll call vote showed all members present voted in favor of the motion.

Minutes – Twin Falls City Council Meeting

April 24, 2006

Page 7 of 7

6. Request of Lytle Signs on behalf of Brent White for the Magic Valley Mall for a PUD Agreement Modification to allow a modification to free-standing sign restrictions at the Magic Valley Mall. **Lytle Signs, Inc.**

ORDINANCE NO. 2858

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.

WHEREAS, Gary's Westland, LLC, has made application for annexation of property located at the southeast corner of Eastland Drive North and Pole Line Road East; 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 March, 2006, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described; and,

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

WHEREAS, the City Council for the City of Twin Falls, Idaho, held a Public Hearing as required by law on the 1st day of May, 2006, to consider the Zoning Designation and necessary Area of Impact and Zoning Districts Map amendment upon annexation of the real property below described.

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

SECTION 1. That the following described real property be and the same is hereby annexed into and declared to be a part of the City of Twin Falls, Idaho:

SEE ATTACHMENT "A"

AND all public streets, highways, alleys and public rights-of-way adjacent and within this description.

SECTION 2. That the real property described in Section 1 hereof be and the same is hereby zoned R-2 PUD.

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 newly incorporated real property as hereby zoned.

SECTION 4. That the City Clerk immediately upon the passage and publication of this Ordinance as required by law certify a copy of the same and deliver said certified copy to the County Recorder's office for indexing and recording.

PASSED BY THE CITY COUNCIL

May 1 , 2006

SIGNED BY THE MAYOR

May 2 , 2006



Mayor Lance W. Clow

ATTEST:



Deputy City Clerk

PUBLISH: Thursday,

May 11 , 2006

ATTACHMENT "A"

A parcel of land located in the NW ¼, of Section 2, Range 17 East, Township 10 South, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows;

COMMENCING at the Northwest corner of Section 2;

THENCE South 00°35'29" West 25.00 feet along the west boundary of the NW ¼, of said Section 2 to the REAL POINT OF BEGINNING;

THENCE South 89°55'02" East 655.10 feet parallel with north boundary of the NW ¼, of Section 2;

THENCE South 01°03'34" West 552.46 feet;

THENCE South 61°58'51" East 76.49 feet;

THENCE South 51°11'32" East 187.05 feet;

THENCE South 38°02'35" East 245.33 feet;

THENCE South 32°15'21" East 128.40 feet;

THENCE South 39°53'21" East 25.00 feet to a point of curvature;

THENCE Along a curve to the left for a distance of 148.30 feet, said arc having a radius of 200.00 feet, a chord bearing South 28°52'06" West for a distance of 144.93 feet, and a delta of 42°29'07";

THENCE South 07°37'33" West 133.42 feet;

THENCE North 89°11'50" West 1019.47 feet to a point on the west boundary of Section 2 also the centerline of Eastland Drive North;

THENCE North 00°35'29" East 1272.40 feet along the west boundary of Section 2, also the centerline of Eastland Drive North to the REAL POINT OF BEGINNING;

Containing 24.310 Acres

COUNCIL MEMBERS:

SHAWN	LANCE	TRIP	GLENDA	DON	DAVID E.	GREG
BARIGAR	CLOW	CRAIG	DWIGHT	HALL	JOHNSON	LANTING
	<i>Mayor</i>		<i>Vice Mayor</i>			

MINUTES

FOR THE MEETING OF THE TWIN FALLS CITY COUNCIL, MONDAY, JUNE 5, 2006

PLEDGE OF ALLEGIANCE TO THE FLAG

5:00 P.M.

I. CONSENT CALENDAR:

1. Approve accounts payable. May 30, 2006 - June 5, 2006
2. Multi-Year Improvement Deferral Agreement.
 - a. Patrick and Teri Federico, 1978 Eldridge Avenue.
3. Approve minutes of May 30, 2006.

II. ITEMS FOR CONSIDERATION:

1. AIC Book input. Gretchen Scott
2. Consideration of the Washington Street North Right of Way Purchases for Parcels #39, 40, 44, 45, 46, 49, 54, 55. Jackie Fields
3. Consideration of approval of State/Local Agreement A009 (853) for the Twin Falls Transportation Plan (ITD Project Key No. 09853). Jackie Fields
4. Consideration of an in lieu contribution to satisfy the provisions of City Code Section 10-12-3-11 for the Preserve. Mitch Humble
5. Appeal by Pelican Development LLC, Billiar Family & Wal-Mart Stores, Inc. represented by Spink/Butler, Attorneys at Law, of one of the conditions of approval of the Revised Preliminary Plat of North Haven Subdivision PUD. Spink/Butler
6. Public input and/or items from the City Manager and City Council.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

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

1. Request of Bosero Development, LLC, for annexation, with a Zoning Designation of R-4, currently Zoned R-4, for 50 (+/-) acres of property located East of the intersection of Harrison Street South and Pheasant Road. Riedesel & Associates
2. Request of R.G. Messersmith for annexation, with a Zoning Designation of R-2, currently Zoned R-2 and SUI, for 80 acres (+-) located at the southwest corner of Falls Avenue West and Grandview Drive North. Riedesel & Associates
3. Request of Lake City Trucks, Inc./ESP Future, LTD for a Zoning Title Amendment which would amend Twin Falls City Code; Title 10; Section 4; Chapter 7.2(B)10 to include "Agricultural Equipment Sales and Service." Robert Lund

V. ADJOURNMENT:

Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sánchez, 735-7287, two working days before the meeting.

II. ITEMS FOR CONSIDERATION:

4. Consideration of an in lieu contribution to satisfy the provisions of City Code Section 10-12-3-11 for the Preserve.

Community Development Director Humble reviewed the request using overhead projections. He stated that The Preserve is a 372 acre development and is located between Eastland Drive North and Hankins Road, (3200 East Road) and south of the Snake River Canyon, and is currently zoned R-2. The master plan for the project currently shows 1,231 units and would be developed in phases. The developer has agreed to dedicate to the City a total of six acres for parkland (three acres at the southeast corner of Pole Line Road and Eastland and a three acre park along the easterly boundary of the development). The developer will also be dedicating a publicly accessible canyon rim trail from the intersection of Pole Line Road East and Eastland Drive North. The request is to dedicate the trail in lieu of the park. City Code Section 10-12-3-11(B) allows the City Council to approve up to 50% of the park land requirement contribution for development of walking and bicycle paths. He said staff has reviewed the request and recommends approval of the request to accept the two three -acre parks and the trail system to satisfy the developer's requirement for park land contribution. The total dedication is estimated at 12.3 acres.

Discussion followed:

- Connection of the canyon rim trail would be from the developer's property to the Evel Knievel site.
- The trail system dedication would be approximately six acres.

Councilperson Johnson made a motion to approve the in lieu contribution to satisfy the provisions of City Code Section 10-12-3-11 for The Preserve to approve 50% of the required park provisions, as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. The motion passed.

AGENDA ITEM II-2

CONSIDERATION OF AN IN LIEU CONTRIBUTION TO SATISFY THE PROVISIONS OF CITY CODE SECTION 10-12-3-11 FOR THE PRESERVE.

The Developer of The Preserve is requesting consideration of an in-lieu of contribution for park land required by his subdivision. The Preserve is a 372 acre development and is located between Eastland Drive North and Hankins Road a/k/a 3200 East Road and south of the Snake River Canyon and currently zoned R-2. As this development will be in phases, the developer does not know the total number of household units at this time.

City staff met several times with the developer and the engineering firm to discuss park and trail issues. The developer has agreed to dedicate to the City a total of 6 acres for parkland - a three (3) acre park at the southeast corner of Pole Line Road and Eastland, and another three (3) acre park to be dedicated along the eastern boundary of the development. The developer is also dedicating a publicly accessible canyon rim trail from the intersection of Pole Line Road East and Eastland Drive North, through his development to the jump site. It has been agreed upon by City staff and the developer that with his dedication of two (2) three (3) acre parks and the publicly accessible trail through his development will have met his park land requirement with City Council approval.

City Code Section 10-12-3-11(B) reads in part "...the City Council may approve up to 50% of (the park land requirement) contribution for development of walking and bicycle trails."

City Code Section 10-12-3-11 (F) reads:

(F) In Lieu Contributions For Neighborhood Parks: The city council may, at their discretion, approve and accept cash contributions in lieu of park land with improvements, which contributions shall be used for park land acquisition and/or park improvements within the boundaries of the arterial streets in which the development is located. The fee structure for cash contributions for acquisition of park land shall be the appraised value of the required land area at the time of the application. The appraisal shall be submitted by a mutually agreed upon appraiser and paid for by the applicant. The fee structure for park improvements, including all costs of acquisition, construction and all related costs, shall be based upon the estimated costs of an approved improvement provided by a qualified contractor and/or vendor. (Ord. 2822, 4-11-2005)

Staff recommends that the City Council accepts the two (2), three (3) acre parks and the trail system to satisfy the developer's requirement for park land contribution.

Mitch Humble
Community Development Director



Date: Monday, December 19, 2011
To: Honorable Mayor and City Council
From: Staff Sergeant Dennis Pullin, Traffic Safety Commission

Request:

Consideration of a request from Traffic Safety Commission Chairman Rod Mathis and Co-Chair Kirk Brower for the placement of two informational signs near the top and the bottom of the Canyon Springs Grade. These signs will remind pedestrians, cyclists, and motorists of the proper and safe use of the roadway.

Background:

Over the past few years, the number of pedestrians, cyclists, and motorists using the Canyon Springs Grade has increased. Due to the large number of citizens in the community using this area, we feel the congestion on the roadway has created a safety hazard for all those who utilize the grade for driving, walking, and riding bicycles. With the narrow width of the roadway from the top of the grade to the bottom of the canyon, we often see pedestrians walking in the lanes of travel and obstructing motorized traffic. Depending on the time of day, the sun also creates a hazard for those on the grade.

The Traffic Safety Commission hopes that placement of the signs will provide guidance to pedestrians to walk on the left side of the roadway, no more than two abreast and in single file, when vehicles are approaching. The signs also advise cyclists to ride as close to the right side of the roadway as possible and no more than two abreast. Motorists are advised of the presence of pedestrians and the cyclists on the roadway. The signs also list the appropriate Idaho Statutes governing pedestrians, cyclists, and motorists.

The signs will be 24 inches wide and 36 inches tall, green in color with white lettering.

Budget Impact:

Total cost to purchase and install the signs will be approximately \$200.00. This expense will be incurred by the City of Twin Falls.

Conclusion:

The Traffic Safety Commission requests approval for the placement of informational signs on the Canyon Springs Grade to ensure a safe environment for pedestrians, cyclists, and motorists who utilize this roadway. Twin Falls City Attorney Fritz Wonderlich has reviewed and approved the proposed sign.

Attachment:

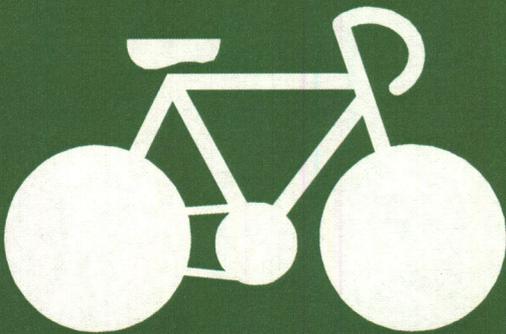
Copy of the proposed sign

DP:aed

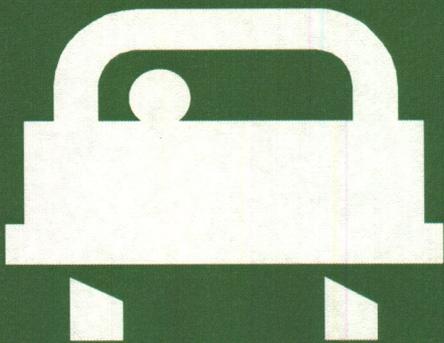
Please abide by the following safety tips:



- ▶ Walk on the left side of the roadway, against the flow of traffic.
- ▶ Walk not more than two side-by-side and single file while motorists approach.



- ▶ Ride as close to the right side of the roadway as possible.
- ▶ Do not ride more than two side-by-side or block the normal flow of traffic.



**PLEASE WATCH FOR
pedestrians & bicyclists.**