

COUNCIL MEMBERS:

SHAWN BARIGAR Council-Elect	LANCE CLOW	DON HALL <i>Vice Mayor</i>	GREGORY LANTING <i>Mayor</i>	JIM MUNN, JR.	REBECCA MILLS SOJKA	CHRIS TALKINGTON
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AGENDA
Meeting of the Twin Falls City Council
February 6, 2012
City Council Chambers
305 3rd Avenue East - Twin Falls, Idaho

5:00 P.M.

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

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of accounts payable for January 24 – February 6, 2012. 2. Consideration of the January 23 and January 26, City Council Minutes. 3. Consideration of the request for approval of the final plat for Eldridge Commercial Condominiums Subdivision, c/o Ken Edmunds. 4. Consideration of the Final Plat of WS& V Subdivision – A PUD, 19.31 (+/-) acres consisting of 5 lots and property located between the 1300-1450 blocks of Field Stream Way and Creekside Way, c/o Doug Vollmer on behalf of W.S.&V., LLC.	<u>Action</u>	Staff Report Sharon Bryan L. Sanchez Renée Carraway Renée Carraway
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Consideration of a request to award the bid on the Oregon Trail Youth Complex Restroom to Peterson Brothers Construction. 2. Consideration of a request to approve a Zoning Title Amendment which would amend Twin Falls City Code 10-4-22.3(H) "Warehouse Historic District Design Guidelines" as they exist or as amended when reviewing for a Certificate of Appropriateness, c/o Historic Preservation Commission, Darrell Buffaloe, Chairman (app. 2492) 3. Consideration of an appeal of a decision by the Planning & Zoning Commission to grant a Special Use Permit to install and operate an aerial tour business on a southeast portion of the Canyon Springs Golf Course within the Snake River Canyon in the City's Area of Impact. Appellant: John T. Lezamiz. TABLED FROM THE JANUARY 23, 2012 AGENDA. 4. Public input and/or items from the City Manager and City Council.	Action Action Action	Dennis Bowyer Kelly Weeks Mitch Humble
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 1. Consideration of a request to set new Recreation Fees for the Twin Falls Parks & Recreation Department. 2. Consideration of an appeal by Jeffrey E. Rolig on behalf of Allen Nagel/All State Auto Sales, Inc, regarding the Planning and Zoning Commission's decision on December 28, 2011, specific to three (3) conditions of approval of a Special Use Permit to allow an expansion by more than 25% of an existing automobile dealership and including up to four (4) display pad sites on property located at 284 Washington Street North. (app 2494)	Public Hearing Public Hearing	Dennis Bowyer Renée Carraway
V. <u>ADJOURNMENT:</u> to Executive Session 67-2345(1)(c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency.		

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

Twin Falls City Council-Public Hearing Procedures for Zoning Requests

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

COUNCIL MEMBERS:

SHAWN	LANCE	DON	GREGORY	JIM	REBECCA	CHRIS
BARIGAR	CLOW	HALL	LANTING	MUNN, JR.	MILLS SOJKA	TALKINGTON
		<i>Vice Mayor</i>	<i>Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council
Monday, January 23, 2012
 City Council Chambers
 305 3rd Avenue East - Twin Falls, Idaho

5:00 P.M.

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

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of accounts payable for January 18 – 23, 2012. 2. Consideration of the January 17, 2012, City Council Minutes.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez
II. <u>ITEMS FOR CONSIDERATION:</u> 1. A presentation by the Recreation Center Committee reporting the Committee's project status and seeking additional project direction from the City Council. 2. Consider contract Amendment No. 11 from CH2M HILL for the operation and maintenance of the Waste Treatment Plant, industrial pre-treatment program and associated sewer lift stations. 3. Consideration of a request to award the 2012 Northeast Sewer Stage 2 Project to Stutzman, Inc., of Twin Falls, Idaho, in the amount of \$848,248.62. 4. Consideration of an appeal of a decision by the Planning & Zoning Commission to grant a Special Use Permit to install and operate an aerial tour business on a southeast portion of the Canyon Springs Golf Course within the Snake River Canyon in the City's Area of Impact. Appellant: John T. Lezamiz.	Presentation Action Action Presentation	Dennis Bowyer Jon Caton/ Shawn Moffitt Lee Glaesemann Renée Carraway
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 1. A public hearing to consider a request for a Zoning District Change and Zoning Map Amendment for 12.5± acres located on a portion of the Fieldstone Subdivision, south of 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way, from R-2 to R-4 PRO PUD, to develop a mixed use project consisting of residential single-family and/or duplex dwellings and professional/medical uses. (app.2475)	Public Hearing	Renée Carraway
V. <u>ADJOURNMENT</u>		

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

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Present: Shawn Barigar, Lance Clow, Don Hall, Gregory Lanting, Jim Munn, Jr., Rebecca Mills Sojka, Chris Talkington.

Absent: None.

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, Zoning & Development Manager Renée Carraway, Parks & Recreation Director Dennis Bowyer, Public Works Director Jon Caton, Project Engineer Lee Glaesemann, City Engineer Jackie Fields, Deputy City Clerk/Recording Secretary Leila A. Sanchez

Mayor Lanting called the meeting to order at 5:00 P.M. He then invited all present, who wished to, to recite the Pledge of Allegiance to the Flag.

A quorum was present. Mayor Lanting introduced staff.

AMENDMENTS TO THE AGENDA:

City Manager Rothweiler requested that Consent Calendar Item 2. Consideration of the January 17, 2012, City Council Minutes. be removed from the agenda.

MOTION:

Vice Mayor Hall made the motion to approve the amended agenda. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for January 17 – 23, 2012, total: \$435,985.52.
Payroll total: \$106,790.92
Library total: \$150,000.00
2. Consideration of the January 17, 2012, City Council Minutes.

MOTION:

Councilperson Talkington made the motion to approve the Consent Calendar with the exception of the January 17, 2012, City Council Minutes. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. A presentation by the Recreation Center Committee reporting the Committee's project status and seeking additional project direction from the City Council.

Chris Scholes gave the presentation using overhead projection explaining the conceptual plan of the recreation center and site plan.

Chris Clark gave the presentation using a PowerPoint presentation, explaining the conceptual design.

The Recreation Committee is seeking direction from the City Council on a size of a recreation center to guide them to a final recommendation in the near future.

Council discussion followed.

-Chris Scholes clarified the following:

The 50,000 square foot building facility site would allow future expansion.

The Committee discussed incorporating a multi-propose room and showers in the locker rooms.

Councilperson Mills Sojka asked for the estimated yearly cost for maintenance, how many additional employees will be needed, the cost of running an indoor pool running year round. Parks & Recreation Director Bowyer stated at this time rough estimates have not been developed, additional seasonal employees would be needed, and the cost of managing a pool would cost the same as running the City pool. The Committee chose to leave out any aquatic amenities.

Councilperson Barigar asked if the Committee researched the anticipated operating costs. Chris Scholes stated that until the Committee receives direction from Council as to the size of the facility and other factors it is difficult to give a meaningful answer to the cost.

Vice Mayor Hall asked if discussion had been made to contact other non-profit entities to assist in raising funds. Chris Scholes stated that the YMCA, Salvation Army and Boys and Girls Club have been involved with the Committee.
-Funding for the Recreation Center.

Chris Scholes stated that a recreation district may be useful in the initial cost and in the day to day costs. This would be a significant funding source for the smaller project as compared to the larger project.

City Manager Rothweiler stated that the ability to fund a recreation center would come out of the ability to raise revenue. The recreation component is a general government function, therefore the City uses revenues from predominantly property tax dollars to a citizen operational type funds. The Jerome Recreation District total operational cost for the 2011 fiscal year was \$216,000. The recreation district is an independent entity in Jerome. Idaho Code specifically states out the purposes and ways to create a recreational district.

Chris Scholes discussed the larger center. The committee is not recommending an aquatic center. He stated that due to the financial climate the Committee believes that they are better served by devoting their energies to the smaller project, unless told otherwise by Council.

Councilperson Talkington asked for clarification that a 50,000 square foot smaller complex would cost \$100 to \$110 a square foot and the 130,000 square foot complex would double. Chris Clark stated that the 2011 means and cost data shows that the \$100 to \$110 is accurate for the smaller facility.

Councilperson Clow stated that the schematic for the smaller facility does not compete against other facilities in the area. He asked if the Committee believes that coaches will pay for gym time and if fees would be increased. Chris Scholes stated that currently coaches who coach competitive traveling teams already pay for gym time.

Councilperson Munn asked that during the course of the 5-year long term strategic planning process was a recreation center discussed and in order to build a facility would the City need to acquire a bond. Parks & Recreation Director Bowyer stated that since he was not part of the 5-year long term planning committee, he did not know if a recreation center was discussed. City Manager Rothweiler said it was not discussed at the 5-year long term planning committee. City Manager Rothweiler stated that the facility may be paid by using cash reserves or acquiring a bond or a combination of both.

Councilperson Clow stated that the Urban Renewal Agency may be a potential partnership. He stated his concerns of competing with private enterprise and/or other organization, and burdening the property taxpayer. He would support a facility downtown.

Councilperson Barigar stated that he would like a quantification assessment of the demand and the cost to build and run the facility.

Parks & Recreation Director Bowyer explained the cross use agreement with the School District.

Council gave the following directives to the Recreation Center Committee:

1. The Council preferred the 50,000 square feet to 55,000 square feet with an expandable building and facility site.
 2. The Council requested a five year operations and maintenance schedule and to have the Committee report back to the Council within 120 days.
 3. The Committee shall seek uses within the facility that are in minimum conflict with public or private entities.
 4. The Council recommended the Committee to provide multiple funding options.
2. Consider contract Amendment No. 11 from CH2M HILL for the operation and maintenance of the Waste Treatment Plant, industrial pre-treatment program and associated sewer lift stations.

Public Works Director Caton explained the request.

Staff recommends that Council approve the amendment as presented.

Council discussion followed.

Councilperson Talkington asked that with the addition of Agro Farma would the contract need to be amended. Shawn Moffitt, CH2M Hill, stated that adjustments would need to be made when Agro Farma does come online depending on the ending cost.

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Public Works Director Caton stated Section 1 (2.2) of the contract increases the alteration written approval amount from \$2,000 to \$5,000. Section 2 (2.12) increases the repair budget from \$53,870 to \$70,000.

MOTION:

Councilperson Talkington made the motion to approve the CH2M Hill Contract Amendment No. 11, and authorize the Mayor to sign. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

3. Consideration of a request to award the 2012 Northeast Sewer Stage 2 Project to Stutzman, Inc., of Twin Falls, Idaho, in the amount of \$848,248.62.

Project Engineer Glaseamann explained the request.

Staff recommends that the City Council award the 2012 Northeast Sewer Stage 2 Project to Stuzman, Inc., in the amount of \$848,248.62.

MOTION:

Councilperson Barigar made the motion to award the 2012 Northeast Sewer Stage 2 Project to Stutzman, Inc., of Twin Falls, Idaho, in the amount of \$848,248.62. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

4. Consideration of an appeal of a decision by the Planning & Zoning Commission to grant a Special Use Permit to install and operate an aerial tour business on a southeast portion of the Canyon Springs Golf Course within the Snake River Canyon in the City's Area of Impact. Appellant: John T. Lezamiz.

Councilperson Barigar recused himself from the item for consideration. He disclosed that he testified on behalf of his employer.

City Attorney Wonderlich stated that the site is located within the area of impact. Per Twin Falls City Code 10-8-4 (E), Any person directly aggrieved and affected by a final decision of the planning and zoning commission regarding property located within the area of city impact may appeal to the board of county commissioners. The board of county commissioners shall not make a decision on the appeal until it has received a recommendation from the city council. All appeal hearings shall be based upon the record established by the city planning and zoning commission. This is not a public hearing. Two appellants are involved, John Lezamiz and Jody Tatum, representing Magic Valley Flight Simulation. He requested that the Council grant each side 15 minutes. John Lezamiz should be given time to rebuttal, the rebuttal should count as part of his 15 minutes. The appeal is limited to the following three issues filed in the complaint by John Lezamiz:

1. Failing to provide notice to all affected property owners.
2. Conflict of interest by Planning & Zoning Commissioner
3. Failing to follow, adhere to and failing to implement provisions of Twin Falls §10-13-2.2(D)(5). (This relates to the adequacy of canyon rim road to provide proper access to the road.)

Zoning & Development Manager Carraway gave a brief history on the project.

John Lezamiz, appellant, explained his request. He stated that he would like to discuss the lack of notification to the property owners. On overhead projection he placed affidavits from Marion J. Clar, 843 Canyon Park Avenue, and Kelly Howa, 827 Canyon Park Avenue, indicating that they did not receive written notice required by City Code. Mr. Lezamiz estimated 30% of property owners did not receive written notification required by code. He further stated that notice is mandatory and without notice the request has to go back to the Planning & Zoning Commission.

Safety problems exist on Canyon Springs Road. The road is substandard. It is twice as steep and one-half as wide as it is supposed to be. Safety standards require that the road be 38' to 40', and Canyon Springs Road is only 24' wide in spots. Safety standards require that the maximum allowable grade is 6% to 7%; Canyon Springs Road is 10% to 12%.

A traffic study was done in June of 2009; showing on average in one week 1,343 vehicles approximately a day using Canyon Springs Road. There are a large number of vehicles, large variety of vehicles, a wide variety of speed of vehicles, and significant pedestrian traffic. The City Council reduced the speed from 35 mph to 25 mph and two weeks ago signs were placed indicating that pedestrians should walk on the left side and should walk in a single line when approaching traffic. Problems exist when a pedestrian is walking downhill and one is walking uphill and there are two vehicles on the road.

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The zip line proponents state in their application that they anticipate a maximum of 96 people daily and claim they can transport the 96 people in 40 vehicles. There will be an increase of 96 vehicles plus additional vehicles for spectators. The Planning & Zoning Commission agreed that the road is substandard and is at or over capacity; but instead of following the code when essential facilities aren't adequate to serve that use at that location, what the Commission did was ignore the code. The Planning & Zoning Commission said that it was a City problem, this is not a problem that the zip line created, the sole function of the Commission is to see if the applicant jumped through the appropriate hoops, and the Commission does not have the authority to look at the traffic safety issue. Auger Falls is several years in the making before Canyon Springs Road feels the impact of the traffic which may double, triple, or quadruple the traffic that is existing.

If the request is sent back to the Commission, John Lezamiz requested that the Commission take into consideration Code Section 10-13-2-2(d)(5).

Jody Tatum, representing Magic Valley Flight Simulation, stated that she received a list from the County Assessor with the names and addresses of property owners within 300'. All listed owners were notified and two letters were returned to her with no forwarding address. On overhead projection she showed a vicinity map showing the property owners notified. She stated that she did comply with the policy and procedure within the zoning and application and has done her due diligence. On overhead projection she showed the property owners notified in the original rim to rim motorized trolley application submitted two and one-half years ago. The current request does not require the applicant to notify property owners in the original request.

A traffic report by City Engineer Jackie Fields that was submitted to the Traffic Safety Commission on January 13, 2011, gave background of where the zip line would be placed and where the vehicles would be required to park. It was estimated that with the numbers presented there would be an increase of only 4% to 5% traffic. Rob Storm of the Traffic Safety Commission on February 10, 2011, made the motion not to oppose the project on grounds of traffic safety. Rod Mathis seconded the motion and everyone in attendance was in favor of the motion. She also referred to the latest traffic report on the property which showed that on the two busiest days of the year the traffic increased 24% from an average of 22 vehicles per day, Monday through Friday, to an average of 425 per day Saturday and Sunday. She is anticipating one vehicle for four to six people, depending on the size of the family, and one vehicle for a couple. Families will be coming down at a scheduled departure time throughout the day. The tours are for ten to twelve people which are set every two and one-half hours. They are not expected to receive 50,000 people a day or forty cars at a time. Expected are ten to twelve vehicles during peak activity days. This is not a spectator sport but a participation sport.

Rebuttal:

John Lezamiz stated that everyone that lives in the Breckenridge Subdivision shows up at every one of the hearings. He stated that notice was given to 21 people out of 100. The notice was defective. In regards to traffic, Canyon Springs Road can't handle the current traffic. The road is not adequate to handle additional vehicles until it is widened.

City Attorney Wonderlich stated the Council can recommend approval or recommend denial of the Special Use Permit. In understanding the issues of appeal, he explained that the night prior to the public hearing Katie Breckenridge stated that she had not been notified. He explained to her that if she had not shown up there would have been a fatal flaw in the procedure because she had not been notified.

Referring to Jody Tatum's overhead projection, it was presumed that Dave McCollum owned a number of parcels as a single parcel of land, which would encompass basically the entire rim. He believes what Jody Tatum is saying is that the triangular piece is a separate parcel of land. The notice required is to notify record property owners within 300' of the external boundaries of the land being considered. It is unclear where the 300' of the external boundaries are located. He recommended that the Council table the request.

Council discussion followed.

MOTION:

Councilperson Talkington made a motion to table the appeal. The motion was seconded by Councilperson Munn. Roll call vote showed Councilpersons Hall, Lanting, Munn, and Talkington voted in favor of the motion. Councilpersons Clow and Mills Sojka voted against the motion. Approved 4 to 2.

City Attorney Wonderlich stated that the appeal would be heard on February 6, 2012.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Recess 7:02 p.m.
Reconvened 7:14

IV. PUBLIC HEARINGS: 6:00

1. A public hearing to consider a request for a Zoning District Change and Zoning Map Amendment for 12.5± acres located on a portion of the Fieldstone Subdivision, south of 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way, from R-2 to R-4 PRO PUD, to develop a mixed use project consisting of residential single-family and/or duplex dwellings and professional/medical uses. (app.2475)

Brad Wills, 222 Shoshone Street West, applicant, explained the request using overhead projection. The subdivision started in 2004, and at that time there were no residential areas west of Grandview and north of Falls. There are 36 remaining lots in Fieldstone. Density is about three lots per acre. Review has been made of the best use of the remaining properties. On overhead projection he showed the transportation plan and stated that the development complies with the comprehensive plan.

Zoning & Development Manager Carraway reviewed the request using overhead projections.

The Planning & Zoning Commission held a hearing on this request at their December 13, 2011, meeting. The Commission does not recommend approval of this request, by a vote of 3 for and 4 against. However, should the City Council approve the request, staff recommends that the approval be subject to the following conditions:

1. Subject to the designation of the property as an R-4 and R-4 PRO PUD with the single-family and duplex areas being R-4 and the professional use area being R-4 PRO PUD. Assure Uses comply with the R-4 and Professional Overlay zones.
2. Subject to the property being replatted and recorded prior to any building permits being issued.
3. Subject to development of Cheney Drive West prior to issuing a building permit.
4. Subject to compliance in the cottage-style residential area with the following recommendations of the Fire Marshall:
 - a. addresses need to be posted in the alleys.
 - b. access roads (alleys) with hydrants shall be a minimum of 26 feet total width. (IFC, D103.1)
 - c. no on-street parking in alleys and alley marked with approved "no parking" signs.
 - d. rear, unobstructed access into the dwellings is maintained (not through the garage or through fences or gates), or as approved by the Fire Marshall.
 - e. no overhead utilities in the alley (power lines, phone lines, etc.).
 - f. hydrants are installed on the ends of each alley.
5. Subject to final approval and recordation of the PUD Agreement.
6. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Council discussion followed.

Zoning & Development Manager Carraway clarified that the proposal is for a 15' setback and 35' height restriction, explained the ingress and egress parking, and block wall fencing will be in the perimeter of the interior of the Field Subdivision.

The public input portion of the hearing was opened.

Megan Humble, 931 Misty Meadows Subdivision, speaking on behalf of neighbors, spoke against the request. She requested that the Council uphold the Planning & Zoning Commission's recommendation to not approve the request. However, if the City Council decides to approve the request, to place the following conditions:

1. Permitted Uses – The proposed PUD language includes several uses that are requested to be permitted that differ from those permitted in the R-4 with PRO overlay. The permitted uses in the proposed development should be the same as the City Code already regulates for R-4 with a PRO overlay. Most of the uses mentioned are permitted by Special Use Permit in the City Code and should stay that way. They are concerned that the proposed permitted uses would allow title loan kind of office to be developed, which is a very different next door neighbor than a doctor's office. Any non residential uses should require a Special Use Permit so that neighbors get notice and a chance to participate in the approval process.
2. Block Wall – The subdivision has been developed with a 6' block around its east and south boundaries. They request that the developer be required to install a continuation of that block wall along the new dividing line between the current subdivision and proposed future non-Fieldstone development. That wall should be installed as part of the proposed subdivision's development, before any building permits in the new development are issued.

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3. Rear Building Setbacks – The proposed rear building setback in the new development is requested to be 15'. That is a reduction from the Code required 20'. For adjacent residential uses, the reduced setback is not a big concern. However, adjacent non-residential uses would have the same reduced setback. If anything, non-residential uses should have an increased rear building setback to push these less compatible uses further from the existing homes in the subdivision. The setback should be changed to at least 20', preferably greater, for non-residential uses in the new development.
4. Cheney Drive – They understand that part of this request includes the dedication and future construction of Cheney Drive west of Grandview Dr. along the north edge of this property. Cheney Drive should be constructed as part of the subdivision and in place prior to any building permits being issued in the new development so that the additional traffic generated by the uses in the new development will be able to access Cheney Drive. Without Cheney Drive, all that additional traffic would have nowhere to go but on North College Drive, which is very busy during its peak usage times.
5. Vehicle Access – Properties within the proposed development should not be allowed to have vehicle access to the existing street within Fieldstone, with the exception of the four single family lots located at the end of Cobble Creek Drive.
6. Common Tracts – There are some common area tracts owned by the Fieldstone HOA that will be located within the proposed new development. As they would no longer be located within the boundaries of Fieldstone, they should be maintained by the new development, not our HOA.

Dave Thibault, EHM Engineers, stated that he prepared the plan. With regard to the 15' setback, immediately adjacent is a common area tract with a 10', 20', 25' green belt area. Buildings will not be any closer than the 20' setback that is identified in the code, however, it is a PUD, and it is allowable to specify those type of restrictions and agreements within the PUD agreement. The common area tracts will not be included in the rezone PUD. The traffic will be greatly alleviated with the improvement of Cheney Drive, however, Fieldstone is a phase subdivision, and the developer would like to continue constructing in phases. He requested that no restriction be placed on the development phasing, but should be up to the developer's discretion. The developer will comply with the fencing requirement but a masonry type wall should not be imposed upon the developer.

Christina Hill, 932 Starlight Loop, stated that if the cottages are developed first prior to Cheney being developed, increased traffic will develop on North College Road.

The public input portion of the hearing was closed.

Rebuttal:

Brad Wills stated that he will meet the requirements of a screening fence. The cul de sacs will not be accessed by Cheney Drive, Fieldstream Way, or North College Road. The retention/detention areas will stay and were deeded to the homeowner's association. The project does not include the areas.

Council discussion followed.

-Walking path.

Brad Wills, on overhead projection, showed the proposed location of the walking path and cottages. The cottages face in, the property does go to the center which is a common area, homes are 7' apart, and 2 story. The alleyway will have full driveways. He requested that City funding will be needed to put in part of the roadway, which may be several years down the road. Discussion has been made with staff.

Councilperson Barigar stated there is a discrepancy on the uses in the PUD and asked for clarification. Brad Wills stated that he is requesting approval within the R-4 specification.

Councilperson Mills Sojka asked how enforcement will take place in regards to the no parking in alleyways where the cottages are located. Brad Wills stated that vehicles will be towed. David Thibault stated that the streets will be posted and signed with red curbs to indicate a fire lane and will be policed.

City Manager Rothweiler stated that the alleyways will not be policed by city police officers.

Vice Mayor Hall asked the City Manager to explain Brad Wills' comment that Cheney Drive will be built with City funds.

City Manager Rothweiler stated that over the course of two years, discussion has been made in regards to the alignment of Cheney Drive. A conversation has taken place that the City indicated that resources will be dedicated to assist in the realignment of Cheney Drive. In philosophy, agreement has been made to the approach and the concept, but the City does not have any money allocated toward the section of the roadway discussed in this coming year or a subsequent year, and no dollars have been planned in moving forward. The City funds roadways upon strategic priorities and importance and the list is developed by the Engineering Department. The roadway does not appear on the list as of yet.

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Mayor Lanting asked how many feet of the project would be the City's responsibility. Brad Wills stated there is 1,320' from Grandview to Field Stream Way. He believes the City's part is 300' to 330' at a cost of \$100,000, with full width participation.

City Engineer Fields stated she has not scaled the length and is unclear on how many feet would be City's responsibility. She explained that collector streets are nice facilities when they extend to arterials. Traffic can be reduced on any given collectors.

The public hearing was closed.

Deliberations:

City Attorney Wonderlich stated that an ordinance will come back to the Council for adoption.

Brad Wills requested that staff's recommendation 3. Subject to development of Cheney Drive West prior to issuing a building permit, be removed.

MOTION:

Councilperson Clow made a motion to consider a request for a Zoning District Change and Zoning Map Amendment for 12.5± acres located on a portion of the Fieldstone Subdivision, south of 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way, from R-2 to R-4 PRO PUD, to develop a mixed use project consisting of residential single-family and/or duplex dwellings and professional/medical uses. (app.2475), as presented, with the following conditions:

1. Subject to the designation of the property as an R-4 and R-4 PRO PUD with the single-family and duplex areas being R-4 and the professional use area being R-4 PRO PUD. Assure Uses comply with the R-4 and Professional Overlay zones.
2. Subject to the property being replatted and recorded prior to any building permits being issued.
3. Subject to development of Cheney Drive West prior to issuing a building permit.
4. Subject to compliance in the cottage-style residential area with the following recommendations of the Fire Marshall:
 - a. addresses need to be posted in the alleys.
 - b. access roads (alleys) with hydrants shall be a minimum of 26 feet total width. (IFC, D103.1)
 - c. no on-street parking in alleys and alley marked with approved "no parking" signs.
 - d. rear, unobstructed access into the dwellings is maintained (not through the garage or through fences or gates), or as approved by the Fire Marshall.
 - e. no overhead utilities in the alley (power lines, phone lines, etc.).
 - f. hydrants are installed on the ends of each alley.
5. Subject to final approval and recordation of the PUD Agreement.
6. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

The motion was seconded by Councilperson Mills Sojka.

MOTION:

Councilperson Barigar made the motion to exclude 3. Subject to development of Cheney Drive West prior to issuing a building permit. The motion was seconded by Vice Mayor Hall. Roll call vote showed Councilpersons Barigar, Clow, Hall, Lanting, Munn, and Talkington voted in favor of the motion. Councilperson Mills Sojka voted against the motion. Approved 6 to 1.

ROLL CALL VOTE ON THE MAIN MOTION:

Councilpersons Barigar, Clow, Hall, Lanting, Munn, and Talkington voted in favor of the motion. Councilperson Mills Sojka voted against the motion. Approved 6 to 1.

V. ADJOURNMENT: The meeting adjourned at 8:36 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary

COUNCIL MEMBERS:

SHAWN	LANCE	DON	GREGORY	JIM	REBECCA	CHRIS
BARIGAR	CLOW	HALL	LANTING	MUNN, JR.	MILLS SOJKA	TALKINGTON
		<i>Vice Mayor</i>	<i>Mayor</i>			



Minutes
 Special Meeting of the Twin Falls City Council
Thursday, January 26, 2012
 City Council Chambers
 305 3rd Avenue East - Twin Falls, Idaho

5:30 P.M.

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

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of the January 17, 2012, City Council Minutes.	<u>Action</u>	<u>Staff Report</u> L. Sanchez
II. <u>ITEMS FOR CONSIDERATION:</u> 2. Consideration of a request to award the 2012 Northeast Sewer Stage 3 Project to Granite Excavation, Inc., of Cascade, Idaho, in the amount of \$1,208,870.17.	Action	Lee Glaesemann
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 – NONE		
V. <u>ADJOURNMENT</u>		

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

Present: Shawn Barigar, Lance Clow, Don Hall, Gregory Lanting, Jim Munn, Jr., Rebecca Mills Sojka, Chris Talkington
Absent: None
Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Project Engineer Lee Glaesemann, Deputy City Clerk/Recording Secretary Leila A. Sanchez

Mayor Lanting called the meeting to order at 5:30 P.M. He then invited all present, who wished to, to recite the Pledge of Allegiance to the Flag.

A quorum was present. Mayor Lanting introduced staff.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None
PROCLAMATIONS: None

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of the January 17, 2012, City Council Minutes.

MOTION:

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

II. ITEMS FOR CONSIDERATION:

1. Consideration of a request to award the 2012 Northeast Sewer Stage 3 Project to Granite Excavation, Inc., of Cascade, Idaho, in the amount of \$1,208,870.17.

Project Engineer Glaesemann reviewed the request.

Staff recommends that City Council award the 2012 Northeast Sewer Stage 3 Project to Granite Excavation, Inc., in the amount of \$1,208,870.17.

Council discussion followed.

MOTION:

Councilperson Barigar made the motion to award the 2012 Northeast Sewer Stage 3 Project to Granite Excavation, Inc., in the amount of \$1,208,870.17. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Councilperson Clow stated that he spoke to Grant Loebs prior to the Council Meeting in regards to the redistricting. The Redistricting Commission is requesting confirmation in form of a letter from the Council to participate in the constitutionality of the redistricting.

City Attorney Wonderlich stated that the request should have been added under Consideration of Amendments to the Agenda. Because Councilperson Clow received the request at 5:00 P.M., City Attorney Wonderlich recommended that the agenda be amended to discuss redistricting.

MOTION:

Councilperson Clow made the motion to amend the agenda to discuss the City's position on the potential Redistricting Commission, specifically L90 plan. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion.

Council discussion followed:

City Attorney Wonderlich on overhead projection showed the L90 plan.

Councilperson Clow stated that Grant Loeb's wanted confirmation that the City is comfortable with the way the City is impacted and having the City in two different districts is acceptable.

MOTION:

Councilperson Clow made a motion to send an email of support to the Redistricting Commission stating that the City of Twin Falls is comfortable with the L90 Plan as it impacts Twin Falls City and Twin Falls County. The motion was seconded by Councilperson Hall.

Discussion followed:

Councilperson Barigar commented that he would feel more comfortable having the conversation if the request was coming from the Redistricting Commission rather than through someone else saying the Commission might want to know what the City feels regarding the issue. He disagreed that representation is being lost. He stated that he will have two representatives and one senator regardless of where he lives in the City and does not feel comfortable taking a position on behalf of the citizens of Twin Falls.

Councilperson Talkington stated that Idaho has the distinction of being 50 out of 50 states, the absolute bottom so far as in local control. There has been a long lived history in the State legislature and the one party system largely ignoring or negating the desired or expressed interest of local government. He stated that something as significant that combines non-partisan city politics with partisan politics at the capital and state level bothers him enough that he therefore cannot support the motion.

Councilperson Clow stated that the initial reason that he became involved in this issue was as a City Councilmember. Right now with four representatives and two senators representing significant portions of the City it is easy to call any one of them to discuss City issues. Whereas, if it became the plan originally proposed, it would basically mean talking to representatives outside the district or within. There would be two representatives and one senator. He felt that leveraging with two districts was good for the City.

Councilperson Mills Sojka stated that the plan is a better representation in the legislature for citizens.

Councilperson Barigar stated that if the intent is to strengthen the voice of the City of Twin Falls then the previous proposal that actually had the majority of the city within its own district and not shared with anything else, actually does a better job preserving a strong urban voice for the community than some of the other proposals.

Mayor Lanting stated that he would prefer to see the entire plan, therefore, is hesitant to vote in favor of the request.

Vice Mayor Hall stated that he will vote in favor of the plan as shown. He stated that he would like to continue the discussion at a later date in regards to Councilperson Talkington's comment that, "Idaho has the distinction of being 50 out of 50 states, the absolute bottom so far as in local."

Roll call vote showed Councilpersons Clow, Hall, and Mills Sojka voted in favor of the motion. Councilpersons Barigar, Lanting, Munn, and Talkington voted against the motion. Failed 4 to 3.

IV. PUBLIC HEARINGS: 6:00 – NONE

V. ADJOURNMENT The meeting adjourned at 6:08 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary



Monday: **February 06, 2012**

To: Honorable Mayor and City Council

From: **Reneé Carraway, Community Development Department**

ITEM 1-

Request: Consideration of the request for approval of the final plat for **Eldridge Commercial Condominiums Subdivision c/o Ken Edmunds.**

Background:

Applicant: The Edmunds Group, LLC 1096 Eastland Dr N, St 100 TF, ID 83301 735-0144/534-1692 Edmunds@cableone.net c/o EHM Engineering 621 N College Rd. Suite 100 Twin Falls, ID 83301 208-734-4888	Status: Owner/Developer	Size: 17,300 sf lot (+/-)
	Zoning: M-2, Manufacturing-Heavy	Requested Zoning: Final Plat Approval
	Comprehensive Plan: Industrial	Lot Count: 1 lots w/7 units
	Existing Land Use: vacant land	Proposed Land Use: platting and construction of 1 building w/7 commercial/industrial units
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-10, 10-12-2.4	
Zoning Designation & Surrounding land Use(s)	North: M-2; Residential	East: M-2; Commercial/Residential
	South: M-2; Eldridge Ave/ Commercial	West: M-2; Residential/Agricultural

Approval Process:

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

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

(D)Administrator Review:

1. Acceptance: Upon receipt of the final plat and compliance with all other requirements as provided for herein, the Administrator, after review by the City Engineering Department, shall certify the application as complete and shall affix the date of acceptance thereon.
2. Resubmittal Of Final Plat: The Administrator shall review the final plat for compliance with the approved or conditionally approved preliminary plat. If the Administrator determines that there is substantial difference in the final plat than that which was approved as a preliminary plat or conditions which have not been met, the Administrator may require that the final plat be submitted to the Commission in the same manner as required in the preliminary plat process.
3. Submission To The Council: Upon the determination that the final plat is in compliance with the preliminary plat and all conditional requirements have been met, the Administrator shall place the final plat on the Council agenda at the next regular meeting. (Ord 2020 8-2-1999)

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

History:

The Planning and Zoning Commission approved the Preliminary Plat of the Eldridge Commercial Subdivision, consisting of 4.85 +/- acres and 10 lots, on November 14, 2006 and the City Council approved the final plat on April 16, 2007. The plat was recorded in November 2008. No development has occurred on site.

Budget Impact:

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

Regulatory Impact:

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

Analysis:

The property is zoned M-2 and is located at the north east corner of Eldridge Avenue and Madrin Street. The property is currently undeveloped. This is a request to replat Lot 4, Block 2 of the Eldridge Commercial Subdivision. The developer would like to construct a single building with 7 units and to be able to sell off individual units-this requires condominiumizing a building. A condominium plat allows separate ownership of the units of a building with common ownership of the areas outside of the building. Building code compliance relative to firewalls should be a condition of approval. The lot is approximately 17,300 sq ft. There is not a minimum lot/building size for the M-2 zone for nonresidential uses. Lots/buildings must be of sufficient size to provide for the building, required setbacks, off-street parking, and landscaping.

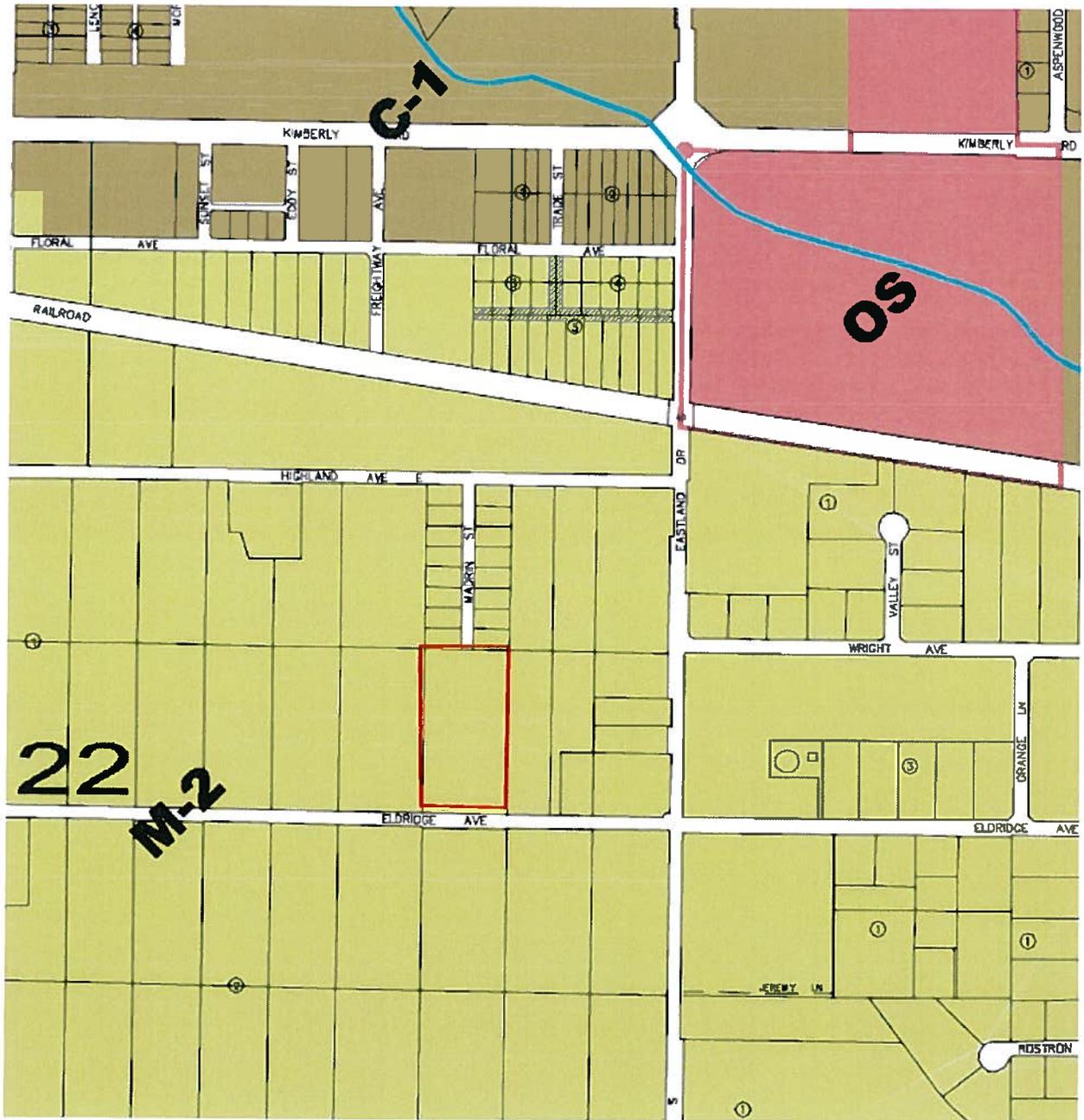
Conclusion:

Should the City Council approve the final plat of Eldridge Commercial Condominiums Subdivision – a portion of Eldridge Commercial Subdivision, as presented, staff recommends that approval be subject to the following condition:

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

Attachments:

1. Area Zoning Map of the Plat
2. Aerial of the Entire Project
3. Final Plat for the Eldridge Commercial Condominiums Subdivision
4. Preliminary Plat-Eldridge Commercial Subdivision
5. Final Plat-Eldridge Commercial Subdivision
6. Minutes from November 14, 2006, Planning and Zoning Commission meeting
7. Minutes from April 16, 2007 City Council meeting.



Eldridge Commercial Subdivision – The Edmunds Group, LLC –



Eldridge Commercial Subdivision – The Edmunds Group, LLC –



P.O. Box 1907 324 Hansen Street East Twin Falls, Idaho 83303-1907 Fax: (208) 736-2293
ENGINEERING (208) 735-7265

January 24, 2012

The Edmunds Group, LLC
1096 Eastland Dr N, Ste 100
Twin Falls, ID 83301

RE: Eldridge Commercial Condominiums Final Review #1

Dear Mr. Edmunds,

The Engineering Department has reviewed of the Final plat for Eldridge Commercial Condominiums and has the following comments:

1. Please change the year on sheet 1 from 2011 to 2012.
2. Please correct the spelling of "instrument" in the note on sheet 1 stating 'Eldridge Commercial Condominiums recorded as instrument No. _____'.
3. Unit 5B on sheet 2 as shown in the Second Floor Plan indicates the southwest corner of the unit is also the southwest corner of the building foundation. This does not appear to match sheet 1. Is the northwest corner of the unit also the northwest corner of the building foundation? Please clarify.
4. Please add the word "of" to the first line in the second paragraph on sheet 2 so the legal description reads "...along the Centerline of Eldridge Avenue".

I will move the final plat to council for their approval however please revise and resubmit your drawings for prior to signing the final plat. If you have questions, please contact Troy Vitek at 208-735-7256 or tvitek@tfid.org.

Sincerely,

Troy Vitek, P.E.
Assistant City Engineer

cc: Roger Kruger, EHM Engineering, Inc., 621 North College Rd, Ste 100, Twin Falls, ID 83301
Subdivision File

Note: It is the developer's responsibility to submit a complete set of plans by a registered engineer. During the plan review process, the City of Twin Falls Engineering Department will make every attempt to notify the developer of any

Scale 1" = 20'

**Eldridge Commercial Condominiums
A Resubdivision Of A Portion Of
Lot 4, Block 2, Eldridge Commercial Subdivision**

In
SE4 NE4, Section 22
T. 10 S., R. 17 E., BM.
Twin Falls County, Idaho
2011

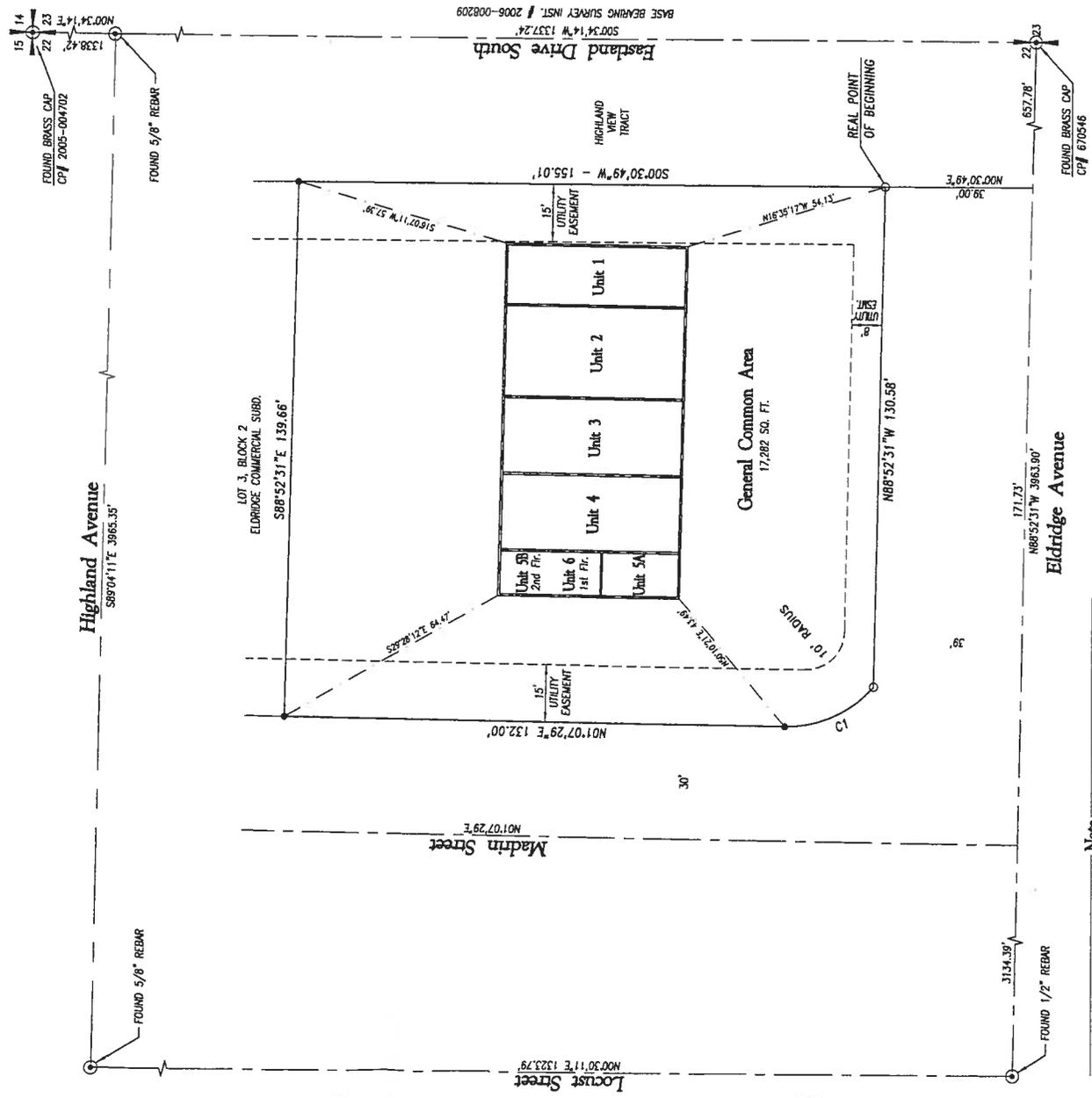
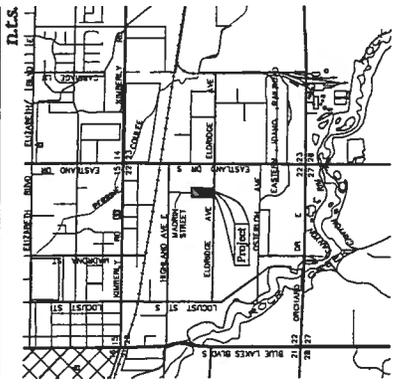
- Legend:**
- SUBDIVISION BOUNDARY LINE
 - EASEMENT AS NOTED
 - STREET CENTERLINE
 - TO EXTERIOR FOUNDATION WALL
 - WITH 5/8" X 24" REBAR & CAP (LS 1000)
 - SET 5/8" X 24" REBAR & CAP (LS 1000)
 - FOUND MONUMENT AS NOTED

Health Certificate

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied. Sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval.

REIS, South Central Public Health District
Date: _____

Vicinity Map



Curve Data

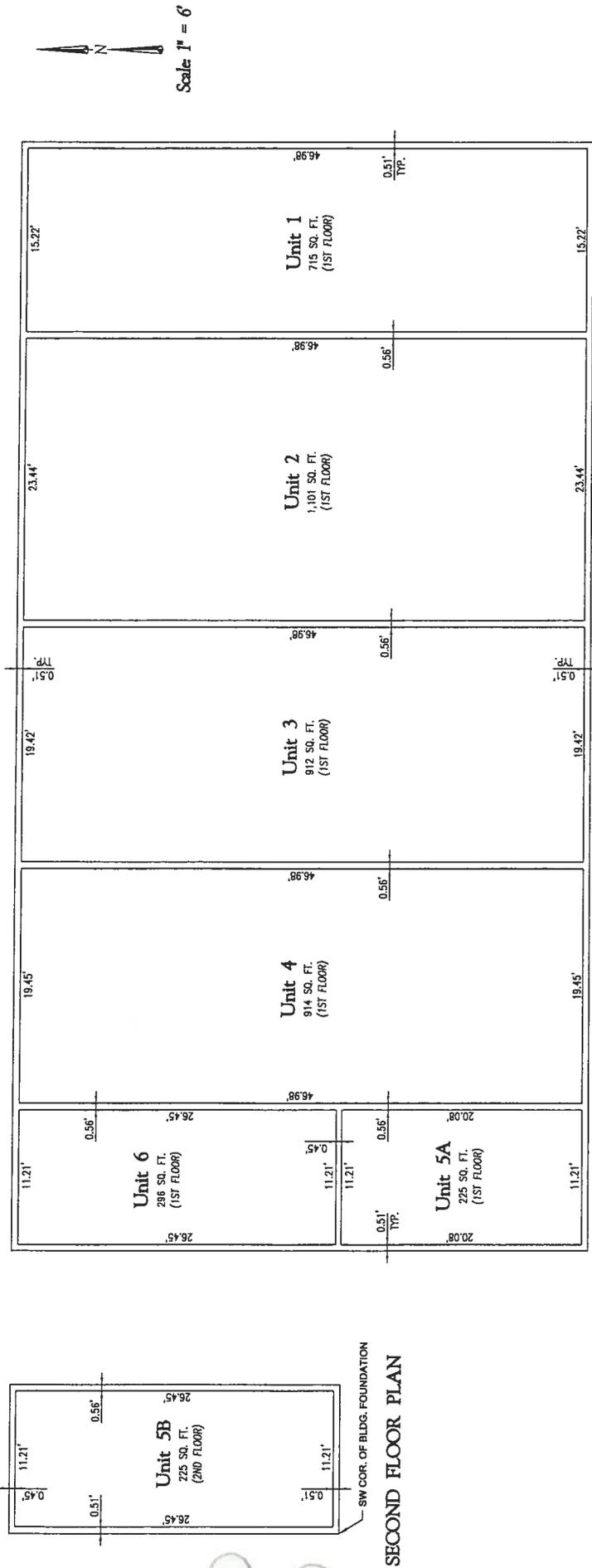
CH	DETA	LENGTH	RADIUS	CHORD	CHORD BNG
C1	5670'20"	26.21'	30.00'	25.38'	N23°54'11"W

Note

THE PHYSICAL BOUNDARIES OF THE UNIT ARE THE INTERIOR SURFACES OF PERIMETER WALLS, FLOOR, CEILING, WINDOWS, AND DOORS THEREOF SHOWN ON SHEET 2 OF THIS CONDOMINIUM PLAT MAP TO BE FILED FOR RECORD TOGETHER WITH ALL OTHER SHEETS OF THIS CONDOMINIUM PLAT MAP. THE INTERIOR SURFACES OF PERIMETER WALLS, FLOOR, CEILING, WINDOWS, AND DOORS (EXCEPT FOR THE INTERIOR SURFACES OF PERIMETER WALLS, FLOOR, OR CEILING), FOUNDATION, SKYLIGHTS, SHAFTS, CENTRAL HEATING SYSTEMS, REFRIGERATORS, WASHES, PUMPS, AND OTHER SERVICES USED BY MORE THAN ONE UNIT, PIPES, DUCTS, FLUES, CHIMNEYS, COMMUNICATING DEVICES, EXCEPT THE OUTLETS THEREOF, AND OTHER SERVICES ARE LOCATED WITHIN EACH WINDOW OR DOOR ARE CLOSED. THE PHYSICAL WINDOWS AND DOORS AT WHICH SUCH SURFACES ARE LOCATED WHEN SUCH WINDOWS OR DOORS ARE CLOSED, THE PHYSICAL WINDOWS AND DOORS THEMSELVES ARE PART OF THE COMMON AREA AS HEREBY DEFINED. IN INTERPRETING THE DECLARATION, PLAT OF PLATS AND PLAT OF PLATS, THE PHYSICAL BOUNDARIES OF THE UNIT AS SHOWN ON THIS PLAT MAP SHALL BE CONSIDERED TO BE THE BOUNDARIES OF THE UNIT UNLESS OTHERWISE SPECIFIED THEREIN. THE PHYSICAL BOUNDARIES OF THE UNIT AS SHOWN ON THIS PLAT MAP SHALL BE CONSIDERED TO BE THE BOUNDARIES OF THE UNIT UNLESS OTHERWISE SPECIFIED THEREIN. THE PHYSICAL BOUNDARIES OF THE UNIT AS SHOWN ON THIS PLAT MAP SHALL BE CONSIDERED TO BE THE BOUNDARIES OF THE UNIT UNLESS OTHERWISE SPECIFIED THEREIN. THE PHYSICAL BOUNDARIES OF THE UNIT AS SHOWN ON THIS PLAT MAP SHALL BE CONSIDERED TO BE THE BOUNDARIES OF THE UNIT UNLESS OTHERWISE SPECIFIED THEREIN.

Eldridge Commercial Condominiums
declaration recorded as instrument
No. _____

Eldridge Commercial Condominiums
declaration recorded as instrument
No. _____



Scale 1" = 6'

SECOND FLOOR PLAN

FIRST FLOOR PLAN

Notes

1. VERTICAL PLACES SHOWN HEREON ARE MEASURED TO FINISHED FACE OF WALLS.
2. EXTERIOR WALL THICKNESS FOR OUTSIDE OF FOUNDATION WALL TO INSIDE FACE OF WALL EQUALS 0.51' UNLESS NOTED OTHERWISE.
3. ALL WALLS ARE PARALLEL WITH AND/OR PERPENDICULAR TO EACH OTHER UNLESS NOTED OTHERWISE.
4. ALL AREA WITHIN THE BOUNDARIES OF THIS SUBDIVISION EXCLUSIVE OF UNITS 1, 2, 3, 4, 5A, 5B, & 6, IS DESIGNATED AS GENERAL COMMON AREA AND IS SUBJECT TO NON-EXCLUSIVE CROSS USE EASEMENT FOR SURFACE DRAINAGE, PARKING, UTILITIES, EMERGENCY AND SERVICE VEHICLE ACCESS AND LANDSCAPING.
5. ELEVATIONS ARE IN REFERENCE TO TWIN FALLS FIRE HYDRANT DATUM TAKEN FROM TWIN FALLS CITY BENCH MARK #2762-3079, THE "B" BOLT ON THE FIRE HYDRANT LOCATED AT THE SOUTH END OF MARSH STREET OFF HIGHLAND AVE. - ELEVATION = 3781.74.
6. HORIZONTAL PLACES SHOWN HEREON ARE THE TOP OF FINISHED FLOORS AND BOTTOM OF CEILINGS.
7. THE BOUNDARY BETWEEN THE UNITS IS THE FINISHED FACE OF THE WALLS AS SHOWN.

Legend:

- INTERIOR FINISHED WALL
- OUTSIDE OF FOUNDATION WALL

Elevation Schedule

UNIT NO.	FLOOR ELEV.	CEILING ELEV.
1	3785.69	3803.89
2	3785.69	3803.89
3	3785.69	3803.89
4	3785.69	3803.89
5A	3785.69	3803.89
5B	3784.44	3803.89
6	3785.69	3793.72

CERTIFICATE OF OWNERS

This is to certify that the undersigned are the owners or representatives of the owners in fee simple of the following described property located in A Portion of Lot 4, Block 2, "Edridge Commercial Subdivision" in the SE 1/4 NE 1/4, of Section 22, Township 10 South, Range 17 East, Boise Meridian, Teton Falls County, Idaho. Said property being more specifically described as follows:

Commencing at the Southeast corner of the Northeast 1/4 of Section 22. Thence North 88°52'31" West 657.78 feet along the Centerline Edridge Avenue. Thence North 00°30'49" East, 39.00 feet to a point on the East boundary of Lot 4, Block 2, "Edridge Commercial Subdivision" being the REAL POINT OF BEGINNING.

Thence North 88°52'31" West, 130.58 feet along a line 7.00 feet North of and parallel with the South boundary of said Lot 4. Thence along a Curve C1, as shown on Sheet 1 of 4.

Thence North 01°07'29" East, 132.00 feet along the West Boundary of said Lot 4, to the Northwest corner thereof.

Thence South 88°52'31" East, 139.66 feet along the North Boundary of said Lot 4, to the Northeast corner thereof.

Thence South 00°30'49" West, 155.01 feet along the East Boundary of said Lot 4, to the REAL POINT OF BEGINNING.

The gross area contained in this platted land as described is 21,700 square feet.

It is the intention of the undersigned to, and they do hereby include said land in this plat. The easements shown on this plat are not dedicated to the public but the right to use said easements are hereby perpetually reserved for public utilities and such other uses designated on this plat. No structure other than for such utility and other designated public uses are to be erected within the lines of said easements.

Pursuant to Idaho Code 59-1334, I, the undersigned, as owner, do hereby state that the lots on this plat are eligible to receive water service from the City of Teton Falls Municipal Water System.

Pursuant to Idaho Code 31-3805, I, the undersigned as owner, do hereby state that the irrigation water rights appurtenant and the assessment obligation of the lands in this plat have been transferred from said lands. The lots within the subdivision will not be entitled to any irrigation water rights and will not be obligated for assessments from any irrigation District and/or Canal Company.

THE EDMUNDS GROUP, L.L.C., An Idaho Limited Liability Company

By: KENNETH D. EDMUNDS - Member

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) ss

On this _____ day of _____, 20____, before me, a Notary Public, in and for said County and State, personally appeared Kenneth Edmunds, known or identified to me to be the Member of The Edmunds Group, L.L.C., and acknowledged to me that he executed the above Certificate of Owners on behalf of 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 _____

Residing At: _____

Commission Expires: _____

CERTIFICATE OF SURVEYOR

This is to certify that I, Roger A. Kruger, a Professional Land Surveyor in the State of Idaho, made the survey of the land described in the Certificate of Owners and that this plat is a true and accurate representation of said survey as made and staked under my supervision and direction.

COUNTY SURVEYOR CERTIFICATE

This is to certify that the undersigned has checked the foregoing plat and computations for making the same and has determined that they comply with the Laws of the State of Idaho and the County of Twin Falls related thereto.
Dated this _____ day of _____, 20__

Acting County Surveyor _____

APPROVAL OF CITY ENGINEER

I have reviewed the accompanying plat and hereby certify that it conforms with the applicable ordinances of the City of Twin Falls, Idaho.

City Engineer _____

Attest: City Clerk _____

APPROVAL OF CITY COUNCIL

Accepted by the City Council of Twin Falls, Idaho at their meeting on the _____ day of _____, 20__.

Mayor _____

City Clerk _____

COUNTY TREASURER CERTIFICATE

I, _____ County Treasurer in and for the County of Twin Falls, Idaho per the requirements of Idaho Code 50-1308, do hereby certify that all County property taxes due for the property included in this plat have been paid in full. This certification is valid for the next thirty days only.

County Treasurer _____

Date _____

COUNTY RECORDER CERTIFICATE

INSTRUMENT NO. _____

STATE OF IDAHO }
COUNTY OF TWIN FALLS } ss

On this _____ day of _____, 20__ at _____ M, the foregoing plat was filed for record in the office of the Recorder of Twin Falls County, Idaho and duly recorded in plat book _____ on page _____.

Deputy _____

Ex-Officio Recorder _____

ACKNOWLEDGMENT

STATE OF IDAHO }
COUNTY OF TWIN FALLS } ss

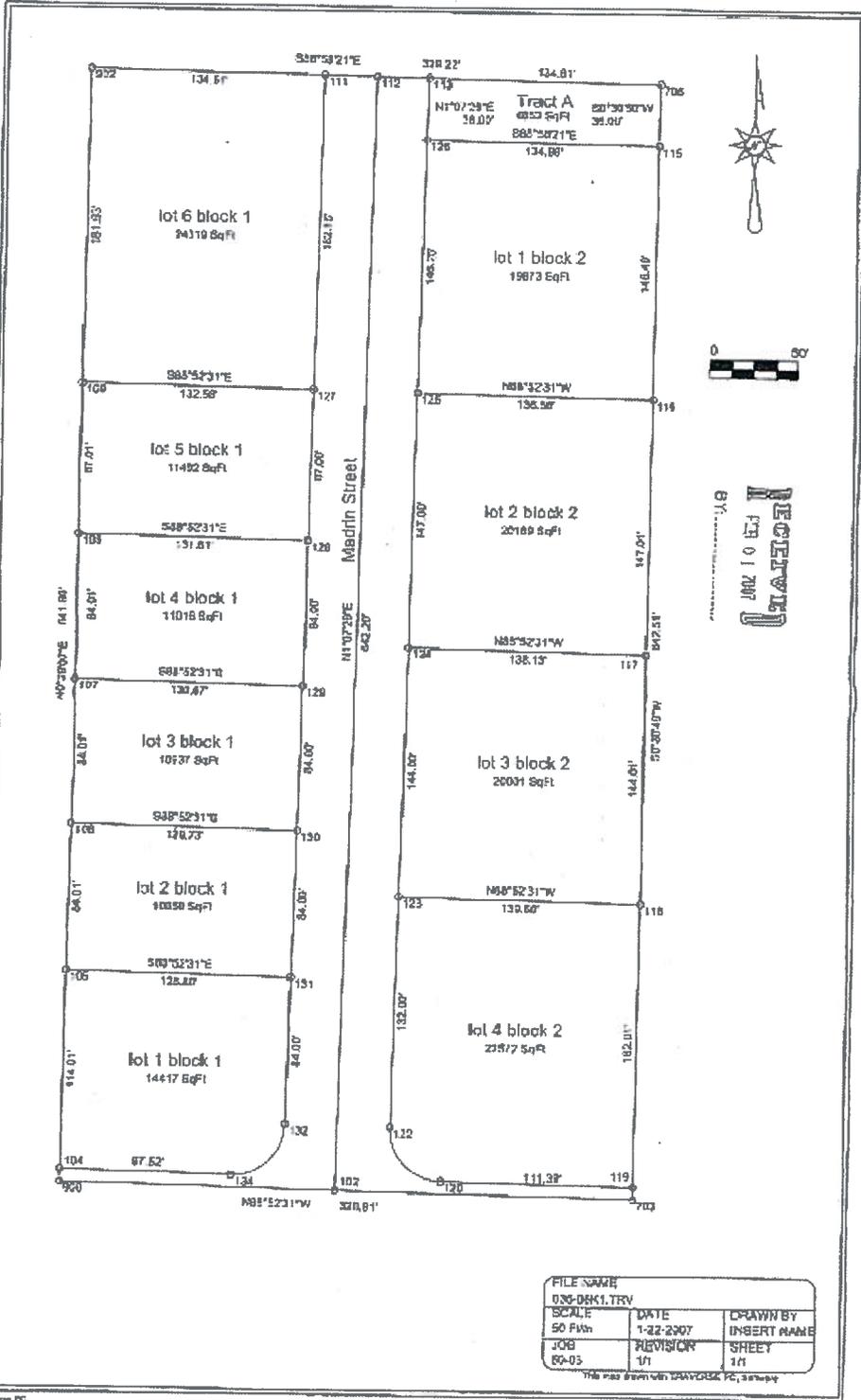
On this _____ day of _____, 20__ at _____ M, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard H. Carlson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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

Notary Public _____

Residing At _____

Commission Expires _____



FILE NAME		
030-08K1.TRW		
SCALE	DATE	DRAWN BY
50 Feet	1-22-2007	INSERT NAME
JOB	REVISION	SHEET
50-05	1/1	1/1

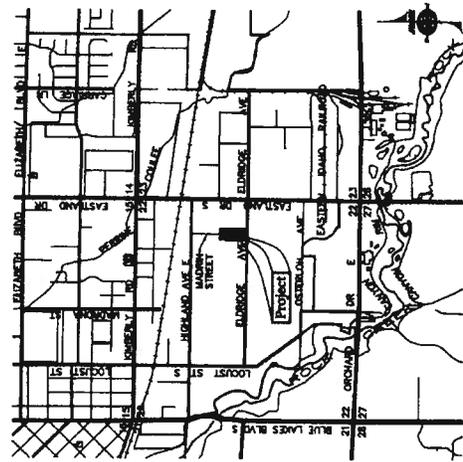
This was drawn with LARVUS PC, 3/10/04

ELDRIDGE COMMERCIAL SUBDIVISION

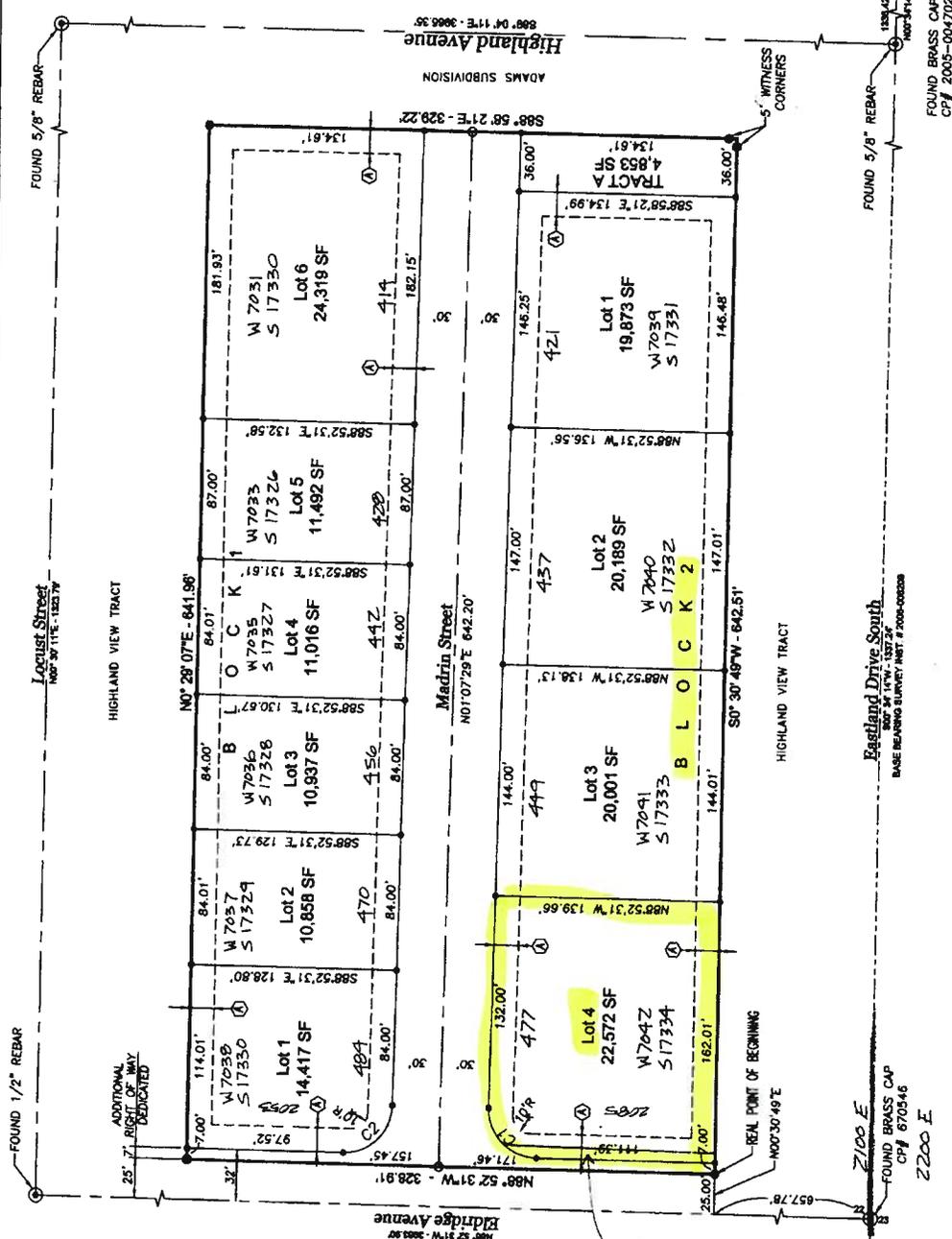
A Resubdivision and Renumbering of
Lot 30, Block 1
"Highland View Tract"
Located In SE⁴NE⁴ Section 22
Township 10 South, Range 17 East
Boise Meridian, Twin Falls County, Idaho
2008



Scale In Feet
0 25 50 100



VICINITY MAP



Legend:

- Boundary Line
- Section Line
- Lot Line
- Easement Line (See Table)
- Road Centerline
- Set 1/2"x30" Rebar and Cap (LS 1000)
- Found 5/8" Rebar and Cap (LS 1000)
- Set 2/8"x30" Rebar and Cap (LS 1000)
- Found Monument as Noted

Easement Table

- 15.00' UTILITY EASEMENT

Curve Table

CURVE	DELTA	LENGTH	CHORD	CHORD BEG	CHORD END
C1	97.52°	47.12'	30.00'	42.63'	42.63'
C2	97.52°	47.12'	30.00'	42.63'	42.63'

Notes:

TRACT A SHALL BE OWNED AND MAINTAINED BY ALL LOT OWNERS WITHIN THIS SUBDIVISION FOR THE PURPOSE OF REMAINING STORMWATER RUNOFF.

Health Certificate

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been identified based on the State of Idaho, Department of Environmental Quality (DEQ) approval of the design plans and specifications and the contractor's approval for continued satisfaction of the sanitary restrictions. Any sanitary facilities were constructed during the construction of this tract. The contractor shall be allowed with appropriate building permits if drinking water or sewer facilities have since been constructed or if the developer is simultaneously constructing those facilities. If the developer fails to simultaneously meet the other conditions of DEQ, then sanitary restrictions may be imposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a permit of disapproval, and no construction of any building or shelter requiring drinking water or sewer/septic facilities shall be allowed.

DATE: 04/21/2008
DRAWN BY: [Signature]



Engineers, Inc.
ENGINEERS/SURVEYORS/PLANNERS



City of Twin Falls
Planning & Zoning Commission
City Council Chambers
305 3RD Avenue East Twin Falls, Idaho
Public Hearing: **NOVEMBER 14, 2006 6: 00 P.M.**

PUBLIC HEARING MINUTES
NOVEMBER 14, 2006

COUNCIL CHAMBERS

PLANNING & ZONING COMMISSION MEMBERS:

City Limits:

Tom	Ryan Horsley	Bonnie	Gerardo	Bernice	Karen	Cyrus	Carl Younkin
Frank		Lezamiz	Muñoz	Richardson	Stroder	Warren	
	Chairman	Alternate					Vice-Chairman

Area of Impact:

David	E. Rick	Dusty Tenney
Kemp	Mikesell	
	Alternate	

ATTENDANCE

PLANNING AND ZONING MEMBERS:

<u>Present</u>	<u>Absent</u>
Frank	Stroder
Horsley	
Lezamiz	
Muñoz	
Richardson	
Warren	
Younkin	

AREA OF IMPACT MEMBERS:

<u>Present</u>	<u>Absent</u>
Kemp	
Mikesell (not seated)	
Tenney	

CITY COUNCIL MEMBERS PRESENT: Dwight

CITY STAFF PRESENT: Carraway, Fields, Humble, Jones, Westenskow, Wonderlich

AGENDA ITEMS FOR PUBLIC HEARING AND CONSIDERATION

A. PUBLIC HEARING ITEMS:

1. Request of Don M. and Georgina Wolverton for a Special Use Permit for trailer sales on property located at 409 2nd Avenue South. (app. 2072)
2. Request of Kim and Todd Ostrom for a Zoning District Change and Zoning Map Amendment from R-4 & C-1 to C-1 for property located at 565 Washington Street North. (app. 2073)
3. Request of the City of Twin Falls for consideration of the revocation of a Special Use Permit # 0970 granted to Manker's, LLC, c/o William Manker, Jr., on April 11, 2006, to operate a commercial greenhouse on property located at the northeast corner of Addison Avenue and Adams Street. (app. 2074) **Withdrawn**

B. CONSIDERATION ITEMS:

4. Consideration of the Preliminary Plat of Sunrise Point Subdivision, c/o Ronald and Sherri Kirtland, for 2.256(+/-) acres located in Meander Point Estates Parcel #1. **Withdrawn By Applicant**
5. Consideration of the Preliminary Plat of Eldridge Commercial Subdivision, c/o The Edmunds Group, LLC, for 4.85 (+/-) acres, located north of Eldridge Avenue in Lot 30, Block 1, of Highland View Tract.
6. Preliminary PUD Presentation by Property Acquisition, Inc., c/o Gary R. Perron, for a rezone from SUI CRO to SUI CRO PUD of 70.67 (+/-) acres to develop a 41 lot residential subdivision (Quail Ridge) on property located west of 3400 East and south of the Snake River Canyon Rim in the Area of Impact. **Public Hearing Scheduled for November 28, 2006.**

PUBLIC HEARING MINUTES

I. CALL MEETING TO ORDER:

Chairman Horsley called the meeting to order at 6:15 P.M. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

B. ITEMS OF CONSIDERATION:

5. Consideration of the Preliminary Plat of Eldridge Commercial Subdivision, c/o The Edmunds Group, LLC, for 4.85 (+/-) acres, located north of Eldridge Avenue in Lot 30, Block 1, of Highland View Tract.

Applicant Presentation:

Ken Edmunds, the applicant reviewed his request on overhead. He presented the vicinity map showing the location of the property that is zoned M-2. He stated the area to the north is residential along Madrin Street. Madrin Street is currently a dead end and because of concerns with fire-truck access engineering decided the best approach to enabling fire-truck access to the adjacent neighborhood would be to extend Madrin Street through to Eldridge. The applicant stated that he has committed to the neighbors that there would be a barricade at the south end of Madrin Street while construction is occurring. He stated he will be extending the sewer and providing the water line connection to the property. In addition there will be some proposed landscaping and a request for wider drive-ways because of delivery truck; target customer will be sub-contractors, small businesses that may need a small office and storage area. A typical building size would be between 2,000-5,000 sq. ft. Our goal is to make it attractive with a full width street, curb and gutter, and other things necessary when planning a subdivision.

Questions/Comments:

- Commissioner Younkin asked if the plan is to have one building per lot.
- Mr. Edmunds stated the request is to subdivide the property however there are no specific lot size restrictions established currently and someone could perhaps purchase several lots and build over the lots.
- Commissioner Kemp asked if only a few of the people in the residential area are attached to the sewer what do the other neighbors use.
- Mr. Edmunds stated that the rest of the properties use drain fields and 10 home owners are on a common well. The concerns for the neighbors were whether or not they would be required as a neighborhood to bring their street up to standard and if they would be required to hook up to city services. He stated in his experience the City has not required this of a neighborhood in this situation.
- Commissioner Frank asked the applicant to review on the overhead what the area looks like for land use in the area.

- Mr. Edmunds explained that a few homes to the northeast have been converted to business offices, there are storage units along the east, along the south is commercial, and to the west is a field. The neighbors have mentioned truck deliveries by shipping and trucking company in the area at all hours the Eldridge property hours of operation have not been established for businesses that may want to operate in this area.

Staff Review:

Zoning and Development Manager Carraway reviewed the request using overhead projections. She stated staff has reviewed this request and staff recommends the following condition(s) be placed on this permit, if granted:

- 1) Perimeter streets are brought up to current City standards upon development
- 2) Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Questions/Comments:

- Commissioner Frank asked staff if they knew when this area was designated M-2.
- Zoning and Development Manager Carraway stated the residential subdivision was platted in 1946. The residential neighborhood has been in the area since 1946. The area has been zoned M-2 for at least 25 years.
- Commissioner Horsley asked if there was someone that wanted to build a large manufacturing building in the 4.85 acres currently M-2 Zone would they be required to obtain a Special Use Permit.
- Zoning and Development Manager Carraway stated most manufacturing uses are outright permitted in the M-2 zone and that a Special Use Permit would more than likely not be required for a large manufacturing company to build in the M-2 zone.

Public Hearing: Opened

- Lee Clayburn, owner of 5 acres directly south of this property, stated he is in favor of the development but he would like to know if the sewer could be extended past Eldridge. He asked if there are any plans to improve the streets.
- Beverly Buckston, 393 Madrin, wanted to know where more about the possibility of speed bumps and the water drainage. She also stated she was in favor of the development.
- Jason Cook, 394 Madrin, asked if the city will require the street to be widened for the additional traffic that may go through the neighborhood.
- City Engineer Fields stated if the road needs to be improved or widened this will not go beyond the existing right-of-way. City policy has been that the adjacent roads will be brought up to standard and it is possible that it will be brought up to city standards, but it will not encroach onto current property owner's land. She stated she did not know if improvements are required in this area but if improvements are required the upgrades will not be at the homeowner's expense. Property owners on a community well and septic systems are required to hook up to city services if something happens to their wells or septic systems.
- City Attorney Wonderlich stated that he works with people all the time that think they own property that is in the right-of-way. In this area the right of way is probably 50' because the right of way is not where the edge of the street is located currently; when streets are built some accommodations are made to allow for expansions.

Closing Statements:

Mr. Edmunds reviewed the overhead of the property and showed the location of the existing street and the right of way he stated the street is not built all the way to the existing right of way. Mr. Edmunds stated that if someone is interested in extending the sewer line past Eldridge he would be willing to cooperate with anyone interested in the extension. He stated that Eldridge will be

improved as developers come along and improve properties they own. Mr. Edmunds explained that a valley gutter is a dip in the road and it has been placed at the north end of his property where Madrin Street currently ends in hopes that this will slow traffic that may choose to exit through the neighborhood.

Deliberation Followed:

- Commissioner Frank stated this could be potentially a good idea for this area, concerns about traffic water and sewer will be addressed by engineering. Currently a large manufacturer could potentially build on the property without going through any public process, with the subdivision there is a little more control.
- Commissioner Horsley stated heavy industrial could just build, by having a commercial subdivision plat it creates a buffering area, it is unfortunate that there are houses in an M-2.

Motion:

Commissioner Kemp made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all present voted in favor of the motion.

THE MOTION PASSED.

COUNCIL MEMBERS:

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



MINUTES

Meeting of the Twin Falls City Council
MONDAY, APRIL 16, 2007
City Council Chambers
305 3rd Avenue East Twin Falls, Idaho

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable: April 10 – April 16, 2007, total: \$314,328.86.
2. Consideration of a request to approve the Improvement Agreement for Canyon Crest Dining LLC.
3. Findings of Fact, Conclusions of Law, and Decision.
 - a. Rezone Application, Property Acquisition c/o Gary Perron for Quail Ridge
4. Consideration of the April 2, 2007 Minutes.

II. ITEMS FOR CONSIDERATION:

1. Presentation by Nancy Choker, Moss Greenhouses, of a Landscape Award to Dexter Ball, Twin Falls Title & Escrow, 905 Shoshone Street North.
2. Consideration of a request for the appointment of Shawna Reeves to the Parks & Recreation Commission for a three year term from April 2007 to March 2010.
3. Consideration of a request for the City Council to appoint Jim O'Donnell to fill an Airport Advisory Board seat.
4. Consideration of a request by Deborah Gabardi, Crisis Center of Magic Valley, for the adoption of **proposed Resolution 1780** to publicly support the mission and objectives of the Crisis Center of Magic Valley, Inc.,
5. Consideration of a Transportation Master Plan Technical Advisory Committee (TAC) member list.
6. Consideration of a request to approve the cooperative agreement between ITD and the City of Twin Falls for construction of a signal at the intersection of US-30 (Kimberly Rd.) and Hankins Road and adoption of **proposed Resolution 1781**.
7. Consideration of a request to authorize the Mayor to execute the cooperative agreement for the CSI Student Safety Initiative (2), Key A070(734) and adoption of **proposed Resolution 1782**.
8. Consideration of a request to authorize the City Manager and City Engineer to execute the right-of-way agreement for Parcels 33 and 47 of the Washington Street North Phase III.
9. Consideration of adoption of **proposed Ordinance 2901** for a Zoning Title Amendment to amend the definition of "subdivision" and to add a new section to §10-12-2.5 providing for conveyance plats by the City of Twin Falls. (app. 2099)
10. Consideration of a request to rename Illinois Street to Harrison Street South.
11. Consideration of the request for approval of the final plat for Davis Subdivision c/o EHM Engineering-Trent McBride.
12. Consideration of the request for approval of the final plat for Eldridge Commercial Subdivision c/o Ken Edmunds.

ADDITIONAL ITEM ADDED TO THE AGENDA

13. Consideration of the request to work with property owners to acquire 40 water shares of property, attached to land in the City; and to receive authorization from the City Council to acquire water shares when they become available.
14. Public input and/or items from the City Manager and City Council.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00 P.M. – None

V. ADJOURNMENT:

ATTENDANCE

Present

Absent

Mayor Lance Clow
Vice Mayor Glenda Dwight
Shawn Barigar
Trip Craig
Greg Lanting
Don Hall
Dave Johnson

CITY STAFF PRESENT: City Manager Tom Courtney, City Engineer Jackie Fields, Zoning and Development Manager Renee' Carraway, Public Library Director Susan Ash, Parks and Recreation Director Dennis Bowyer, Airport Manager Bill Carberry, Deputy City Clerk Leila Sanchez.

Mayor Clow called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him.

The following was added to the agenda as Item 13.:

13. Consideration of the request to work with property owners to acquire 40 water shares of property, attached to land in the City; and to receive authorization from the City Council to acquire water shares when they become available.

Mayor Clow read the National Library Week 2007 Proclamation and presented it to Renee Haight.

Library Director Susan Ash introduced the Library staff and announced the following:

- New Library Card Kickoff! New applicants will receive library cards featuring a picture of the library and a key ring card.
- Twin Falls Public Library Foundation has scheduled a Used Book Sale: 10:00 A.M. to 4:00 P.M. Regular books will be 1/2 price from 2 PM to 4 PM. Inside Magic Valley Mall next to Macy's.

Renee Haight thanked the Council for their continual support.

Vice Mayor Dwight was not present at this time.

AGENDA ITEMS

II. CONSENT CALENDAR:

1. Consideration of accounts payable: April 10 – April 16, 2007, total: \$314,328.86.
2. Consideration of a request to approve the Improvement Agreement for Canyon Crest Dining LLC.
3. Findings of Fact, Conclusions of Law, and Decision.
 - a. Rezone Application, Property Acquisition c/o Gary Perron for Quail Ridge
4. Consideration of the April 2, 2007 Minutes.

Motion:

Councilperson Johnson made a motion to approve the Consent Calendar, as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion.

II. ITEMS FOR CONSIDERATION:

1. Presentation by Nancy Choker, Moss Greenhouses, of a Landscape Award to Dexter Ball, Twin Falls Title & Escrow, 905 Shoshone Street North.

Nancy Choker of Moss Greenhouses presented a Landscape Award plaque to Dexter Ball of Twin Falls Title & Escrow.

2. Consideration of a request for the appointment of Shawna Reeves to the Parks & Recreation Commission for a three year term from April 2007 to March 2010.

Parks and Recreation Director Bowyer reviewed the request. The Interview Committee recommends that the City Council approve the appointment of Shawna Reeves to the Twin Falls Parks & Recreation Commission for a three year term.

Motion:

Councilperson Hall made a motion to approve the appointment of Shawna Reeves to the Parks & Recreation Commission for a three year term from April 2007 to March 2010, as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

3. Consideration of a request for the City Council to appoint Jim O'Donnell to fill an Airport Advisory Board seat.

Airport Manager Carberry reviewed the request. The Interview Committee recommends that the City Council approve the appointment of Jim O'Donnell to the Airport Advisory Board.

Motion:

Councilperson Johnson made a motion to approve the appointment of Jim O'Donnell with the term expiring in September 2008, as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

4. Consideration of a request by Deborah Gabardi, Crisis Center of Magic Valley, for the adoption of **proposed Resolution 1780** to publicly support the mission and objectives of the Crisis Center of Magic Valley, Inc.,

Deborah Gabardi, Executive Director of the Crisis Center of Magic Valley, explained the request.

Each year the Crisis Center of Magic Valley applies for and has received funds from the Idaho Housing and Finance Emergency Shelter Grant. This grant pays for utilities, maintenance, upkeep, and property insurance of the Crisis Center shelter facility.

Motion:

Councilperson Craig made a motion to adopt Resolution 1780, as presented. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. The motion passed.

5. Consideration of a Transportation Master Plan Technical Advisory Committee (TAC) member list.

City Engineer Fields reviewed the request.

The City of Twin Falls selected the Civil Science team to develop the Transportation Master Plan. This plan will fold into the transportation component of the Comprehensive Plan. In discussions with Mayor Clow and City Manager Courtney, the direction is to request that the Comprehensive Plan Steering Committee Members also participate in the TAC.

The scope presented by the Civil Science Team suggests the composition of the TAC Committee include representatives from the Police Department, Street Department, Twin Falls Highway District, two from the Greater Twin Falls Transportation Committee, the Idaho Transportation Department, a bike/pedestrian representative, the Downtown BID, the Traffic Safety Committee, and a representative of a trucking company.

Staff welcomes Council input of persons who could represent bicycle and BID interests.

Staff recommends these additional representatives:

Rod Mathis of Riedesel Engineers and Troy Vitek of EHM Engineers, members of the engineering/development community, have expressed interest in participating in the development of the plan. Councilperson Hall, City Council

liaison to the Greater Area Twin Falls Transportation Committee and the Traffic Safety Committee, has also expressed interest in participating in the update of the Transportation Master Plan.

The City Council recommended persons throughout the community to serve on the Transportation Master Plan Advisory Committee. Staff will recommend approval of members to the Council at a future date.

6. Consideration of a request to approve the cooperative agreement between ITD and the City of Twin Falls for construction of a signal at the intersection of US-30 (Kimberly Rd.) and Hankins Road and adoption of **proposed Resolution 1781**.

City Engineer Fields reviewed the request.

This project is construction of a signal at the intersection of Kimberly Road and Hankins Road. ITD was approached several years ago by the City or by Greater Twin Falls Area Transportation Committee with a request for a signal. The GTFATC endorsed this project and placed it on the project list. The project is ready to bid upon acceptance of this contract and submittal of our share of the construction costs.

The City's share of signal construction projects is calculated based on the number of approach legs we have compared to the other approach legs. This project was not budgeted because the City did not believe we had any approach legs. Others (ITD and the Twin Falls Highway District) believed that the City has southbound Hankins. This may be due to a potential annexation request late last winter, which did not materialize. The Twin Falls Highway District is concerned about appropriating money for a road that will soon be within the City limits. Staff is concerned about the statement the City makes if it refuses to participate in a project that the City advocated. The City's share is approximately \$50,000 and ongoing traffic support to the controller, lamp replacement, etc. There is some financial responsibility associated with catastrophic failures (lighting, accidents) that are a standard part of our agreement. This funding will come out of the street construction budget.

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

Council discussion followed:

- Complaints received on the size of the poles at Washington and Pole Line Road.
- Time Line of project.

Motion:

Councilperson Johnson made a motion to approve Resolution 1781 as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. The motion passed.

5:39 P.M. Vice Mayor Dwight took her seat on the Council.

7. Consideration of a request to authorize the Mayor to execute the cooperative agreement for the CSI Student Safety Initiative (2), Key A070(734) and adoption of **proposed Resolution 1782**.

City Engineer Fields reviewed the request.

The CSI Student Safety Initiative project is a multi-year funded project to construct improvements on the CSI campus, including a bus drop-off and signalized intersection at Monroe Street and Falls Avenue. These are FHWA funded, administered by ITD. The City is involved because the project includes a local street. The cooperative agreement is with the City because the federal funds must be sponsored by a jurisdiction that qualifies, specifically the State, a Highway District or a City. This is the second funding allocation and the cooperative agreement requires the City to pay for the work, submit the appropriate documentation, and receive 100% reimbursement. The budget is temporarily impacted while reimbursements are being processed. This is covered by the streets reserve.

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

Discussion followed:

- Alignment of the signalized intersection.
- Funding of the project.

Aaron Wert of Riedesel Engineering stated that the signal will line up with Quincy and Falls. The funds originally were set up to go for a traffic study and signal. The funds have paid for the design of the signal.

Discussion followed:

- Time line of the project.

City Engineer Fields stated that the project should be completed by June 2008.

Motion:

Councilperson Johnson made a motion to adopt Resolution 1782 as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

8. Consideration of a request to authorize the City Manager and City Engineer to execute the right-of-way agreement for Parcels 33 and 47 of the Washington Street North Phase III.

City Engineer Fields reviewed the request.

Right of Way Solutions, LLC completed the negotiations for parcels 33 and 47 of the Washington Street North Phase III project. The owner, H30 LLC (aka Todd Ostrom) has completed and signed the right-of-way contract and warranty deed. The parcels were settled within 10% of the appraisal. The agreed upon contracts are \$13,970 for Parcel 33 and \$12,760 for Parcel 47.

Execution of the right-of-way agreement will authorize payment to H30 LLC in the amount of \$26,730.

Staff recommends that the Council accept the agreement and authorize the City Manager and City Engineer to sign the agreement.

Motion:

Councilperson Barigar made a motion to execute the right of way agreement authorizing payment to H30 in the amount of \$26,730 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.

9. Consideration of adoption of **proposed Ordinance 2901** for a Zoning Title Amendment to amend the definition of "subdivision" and to add a new section to §10-12-2.5 providing for conveyance plats by the City of Twin Falls. (app. 2099)

Zoning and Development Manager Renee' Carraway reviewed the request.

The City Council approved the request at the April 9, 2007 meeting. The ordinance has been prepared as directed by the Council and is recommended for adoption as submitted.

Motion:

Vice Mayor Dwight made a motion to suspend the rules and place Ordinance No. 2901 on third and final reading by title only. The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

Deputy City Clerk Sanchez read Ordinance No. 2901 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING THE DEFINITION OF "SUBDIVISION" IN TWIN FALLS CITY CODE §10-2-1 TO INCLUDE THE DIVISION OF LAND INTO TWO OR MORE

PARTS; AND AMENDING TWIN FALLS CITY CODE BY THE ADDITION OF A NEW §10-12-2.5 PROVIDING FOR CONVEYANCE PLATS.

Motion:

Councilperson Craig made a motion to adopt Ordinance No. 2901 as presented. The motion was seconded by Councilperson Hall and roll call vote showed all members present voted in favor of the motion. The motion passed.

10. Consideration of a request to rename Illinois Street to Harrison Street South.

City Engineer Fields reviewed the request.

Presently, Harrison Street South begins at a point on Park Avenue and continues in a southerly direction. Residential property currently under development to the north of Park Avenue will provide for the extension of Harrison Street South. Harrison Street South will now continue in a northerly direction from Park Avenue and intersect the portion of Illinois Street that is currently platted, north of Highland Avenue.

Staff recommends that the Council approve the request to rename Illinois Street to Harrison Street South.

Discussion followed:

-Existing Impact of name change to current property owners.

Motion:

Vice Mayor Dwight made a motion to rename Illinois Street to Harrison Street South as presented. The motion was seconded by Councilperson Barigar. Mayor Clow, Vice Mayor Dwight, Councilpersons Barigar, Craig, Hall, and Lanting voted in favor of the motion. Councilperson Johnson voted against the motion. The motion passed.

11. Consideration of the request for approval of the final plat for Davis Subdivision c/o EHM Engineering-Trent McBride.

Zoning and Development Manager Carraway reviewed the request.

The Planning and Zoning Commission approved the preliminary plat on May 18, 2005. On March 27, 2007, the Commission granted an extension of approval of the preliminary plat until July 12, 2007, subject to the following conditions:

1. As per City Code §10-7-6(C), a 65' building setback will be allowed from the centerline of Falls Avenue East if lots do not directly access Falls Avenue East.
2. The storm water calculations must be rationally based on the driveways, parking areas, and building roof areas plus paved appurtenances such as entryways, patios, etc.
3. Skew the bike path curb cuts to improve flow.
4. Build an arterial approach to the subdivision.
5. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and Standards.
6. Subject to compliance with City Code 10-12-3.11 prior to final plat approval. (City Council granted an in-lieu request on October 11, 2005.)

Trent McBride, EHM Engineering, representing the applicant, explained the request.

Discussion followed:

-65' centerline building setback affecting the widening of Falls Avenue.

Zoning and Development Manager Carraway said there would be no affect on Falls Avenue.

Trent McBride stated that the infrastructure has been completed and that Falls Avenue East hasn't been widened at this section.

- Risks of infrastructure completed before final plat approval.
- Condition 5.

Zoning and Development Manager Carraway stated that it is policy to place, "Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and Standards" in conditions.

Councilperson Barigar made a motion to approve the final plat for Davis Subdivision as presented subject to the following conditions:

1. As per City Code §10-7-6(C), a 65' building setback will be allowed from the centerline of Falls Avenue East if lots do not directly access Falls Avenue East.
2. The storm water calculations must be rationally based on the driveways, parking areas, and building roof areas plus paved appurtenances such as entryways, patios, etc.
3. Skew the bike path curb cuts to improve flow.
4. Build an arterial approach to the subdivision.
5. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and Standards.
6. Subject to compliance with City Code 10-12-3.11 prior to final plat approval. (City Council granted an in-lieu request on October 11, 2005.)

The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

12. Consideration of the request for approval of the final plat for Eldridge Commercial Subdivision c/o Ken Edmunds.

Zoning and Development Manager Carraway reviewed the request.

The Planning and Zoning Commission approved the preliminary plat of Eldridge Commercial Subdivision on November 14, 2006, subject to the following conditions:

1. Perimeter streets are brought up to current City standards upon development
2. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Ken Edmunds, the applicant, explained the request. He stated that he has received complaints from the neighbors in regards to flooding issues. He stated that each of the lots is required to contain its own storm water and there would be a common retention site.

Discussion followed:

- Common retention site will be in place.
- Madrin Street.

Ken Edmunds stated that Madrin Street would be built to City standards.

Councilperson Johnson made a motion to approve the final plat for Eldridge Commercial Subdivision, subject to the following conditions:

1. Perimeter streets are brought up to current City standards upon development
2. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

The motion was seconded by Vice Mayor Dwight and roll call vote showed all members present voted in favor of the motion. The motion passed.

ADDITIONAL ITEM ADDED TO THE AGENDA

13. Consideration of the request to work with property owners to acquire 40 water shares of property, attached to land in the City; and to receive authorization from the City Council to acquire water shares when they become available.

City Manager Courtney reviewed the request. Staff is requesting from Council authorization to buy 40 water shares currently available for purchase and to acquire future water shares as they become available.

Discussion followed:

- Advertisement to purchase water shares.
- Diversion of water.
- Pressure irrigation water.

Motion:

Councilperson Barigar made a motion to authorize the City Manager and appropriate City staff to purchase water shares of Twin Falls Canal Co., as they become available, including the estimated 40 water shares at \$1,175.00 per share as presented. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion.

Discussion followed:

- Purchasing of Palisades water.
- Major expense in building a dedicated pipeline.
- Meetings with Twin Falls Canal Co.

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

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: 6:00 P.M. – None

V. ADJOURNMENT: The meeting adjourned at 6:39 P.M.

**Leila Sanchez
Deputy City Clerk**



Public Hearing: **MONDAY FEBRUARY 06, 2012**
 To: Honorable Mayor and City Council
 From: Rene'e V. Carraway, Community Development Department

ITEM I-4

Request: Consideration of the Final Plat of WS&V Subdivision – A PUD, 19.31 (+/-) acres consisting of 5 lots and on property located between the 1300-1450 blocks of Field Stream Way and Creekside Way, c/o Doug Vollmer on behalf of W. S. & V., LLC.

Time Estimate:

This is a consent item and shall not have a presentation unless the City Council has questions.

Background:

Applicant: W S & V, LLC c/o Doug Vollmer P.O. Box 31 Twin Falls, ID 83303 208-420-5650 Doug@areaidaho.com	Status: Owner/Developer Current Zoning: R-6 PRO PUD Comprehensive Plan: Urban Village/ Urban Infill Existing Land Use: agricultural	Size: 19.31 (+/-) acres Requested Zoning: Approval of a final plat Lot Count: 5 lots Proposed Land Use: Mixed use professional and residential Planned Unit Development project
Representative: EHM Engineers, Inc. c/o Tim Vawser 621 North College Road, St 100 Twin Falls, ID 83301 208-734-4888	Zoning Designations & Surrounding Land Use(s)	
	North: C-1 PUD; agricultural	East: R-2; Field Stream Way, residential
	South: R-2; Xavier Charter School and proposed LDS Church building	West: R-2; Creekside Way (extended), agricultural
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-4, 10-4-5, 10-4-6, 10-6-1 through 4, 10-7-6, 10-10-1 through 3, 10-11-1 through 9, 10-12-2.4	

Approval Process:

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

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

(D)Administrator Review:

1. Acceptance: Upon receipt of the final plat and compliance with all other requirements as provided for herein, the Administrator, after review by the City Engineering Department, shall certify the application as complete and shall affix the date of acceptance thereon.
3. Submission To The Council: Upon the determination that the final plat is in compliance with the preliminary plat and all conditional requirements have been met, the Administrator shall place the final plat on the Council agenda at the next regular meeting. (Ord. 2620, 8-2-1999)

(I)Approval Period: Final plat shall be filed with the county recorder within two (2) years after written approval by the council; otherwise such approval shall become null and void unless prior to said expiration date an extension of time is applied for by the subdivider and granted by the council. Only one extension may be granted by the council for a term of two (2) years. (Ord. 3006, 7-25-2011)

Budget Impact:

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

Regulatory Impact:

Approval of this request will allow the applicant to proceed to develop the property in conformance with the approved Preliminary Plat, Final Plat any conditions placed on the approval and an approved/recorded PUD Agreement.

History:

On November 6, 2006 the City Council approved annexation of 36.5 (+/-) acres, which included this property. The site was approved with an R-2 zoning designation, this property was already zoned R-2. Ordinance #2884 was adopted on November 13, 2006, and later recorded.

On July 8, 2008 the Church of Jesus Christ of Latter Day Saints was granted a Special Use Permit to construct a religious facility on a 5 (+/-) acre parcel located at the southeast corner of the property. The church has not been developed as of today's date.

The WS&V Conveyance Plat, consisting of 30 (+/-) acres and 2 lots, was approved on Feb 17, 2009 and later recorded on March 12, 2009. The Xavier Charter School was granted a Special Use Permit on December 16, 2008 to develop a public charter school on the southwest corner of this property. The Xavier Subdivision, consisting of 1 - 8.5(+/-) acre lot, was approved by the City Council on March 02, 2009 and recorded on August 19, 2009.

The Cottages, a 6 (+/-) acre residential PUD, was approved by the City Council on Feb 9, 2009, with a zoning designation of R-4 PUD. Ordinance #2964 was adopted on March 23, 2009 and later recorded. The project was located north of the LDS church site and on the west side of Field Stream Way. The project was not developed and was incorporated into the subsequent rezoning of the property. The property was rezoned to R-6 PRO PUD by the City Council on September 20, 2010. The PUD Agreement has not been approved by the City Council yet and will not be finalized until the plating process is approved.

The preliminary plat for the W S & V Subdivision- A PUD was approved by the Commission on January 10, 2012 subject to conditions.

Analysis:

This Final Plat for the W S & V Subdivision - A PUD includes 19.31 (+/-) acres and is zoned R-6 PRO PUD. The request is to plat five (5) lots for a mixed-use development. The site is located between Creekside Way and Field Stream Way, extended, south of Cheney Drive West, extended. The property is currently being used as agricultural farmland. The property to the north is also currently agricultural land but the zoning of the property is C-1 PUD, Commercial Highway District. To the west is agricultural land in the City's Area of Impact zoned R-2, a residential single-family and duplex district. Property to the east is currently zoned R-2 and is mostly developed as the Fieldstone residential subdivision. This property is in the public hearing process to change it to an R-4 PRO PUD. To the south is a school, Xavier Charter School, which serves grades K-12, and a vacant property that is proposed to be an LDS Church meeting house.

The W S & V Subdivision was a conveyance plat with two (2) lots. The southern-most lot was subdivided into a buildable lot by Xavier Charter School. This second lot is requesting a development subdivision so that it can be divided and lots sold. The PUD consists of allowing for a mix of residential uses, office uses, medical offices, religious facilities, schools, nursing homes, rest homes, medical resident halls and similar facilities. The Master Development Plan consists of dividing the property into five (5) areas which would average 3.9 acres in size. There would be two (2) main shared accesses to the area on Creekside Way and Field Stream Way and then internal circulation throughout the site.

It is not indicated what the specific use of the proposed lots will be. There is not a minimum lot square footage requirement in the PUD for professional office uses; the lot is required to be of "sufficient size to provide for the building, the required setbacks, off street parking and landscaping." Residential uses are regulated per the code for R-6 lot area. A full review of required improvements will be made by the Building, Planning, and Engineering Departments for full compliance with minimum development standards prior to issuance of any building permits.

The subdivision does include three (3) public right-of-ways on the east, north, and west perimeters of the property. The streets- Field Stream Way, Cheney Drive West, and Creekside Way- are each considered collector roadways. The roadways have been reviewed and right-of-way widths determined by the Engineering Department. Cheney Drive West is not at a full collector width and so the developer will be required to post no "No Parking" signs along the roadway. Any internal accesses between the lots will be privately constructed and maintained. As access to interior lots will be made through other lots then a cross-use or access agreement will be required between the lot owners to allow for travel throughout the subdivision. There are two (2) approaches on each roadway to the properties. Their use will also be part of a cross-use agreement.

There has been discussion with the developer regarding the type of sewer system that will be allowed. The sewer connection is in Pole Line Road and so services will have to be coordinated through the property to the north between the subject property and Pole Line Road. The Engineering Department is requiring that a gravity sewer line system be used on both properties - a pump station will not be allowed unless determined by the City Engineer. Staff is

suggestion a condition be placed upon approval of the final plat that states the City Engineer will not sign the final plat until all the construction issues are addressed which includes, sewer design and easements, possible PI & water upgrade requirements, along with alignment of Cheney at the intersection of Field Stream Way.

As this subdivision is proposed to be a mix of residential and professional uses and exact use and occupancy of the lots is not known at this time then it is not possible to determine a parks requirement. As the uses may not be known until development then the Planning and Zoning Department felt that a note on the final plat should be required stating that the owners of the lots will be subject to a Parks In-Lieu fee that will need to be accepted and paid before development occurs on the lots.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for mixed uses of a residential and professional nature.

On January 10, 2012 the Planning & Zoning Commission unanimously approved the Preliminary Plat of the WS&V Subdivision-A PUD, subject to the following conditions:

- 1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.**
- 2. Subject to recorded Cross-Use/Access Agreements being provided prior to recordation of final plat.**
- 3. Subject to compliance with a "recorded" PUD Agreement, concurrent with approval of the final plat or prior to recordation of the final plat.**
- 4. Subject to Cheney Drive West being allowed to be 38' from face-of-curb to face-of-curb with turn bays where necessary and posted "No Parking" by the developer.**
- 5. Subject to sewer lines being a gravity system unless determined by the City Engineer to be an unnecessary hardship.**
- 6. Subject to a note on the final plat stating that the owners of the lots will be subject to a Parks In-Lieu fee that will need to be accepted and paid before development occurs on the lots.**

Upon Conclusion:

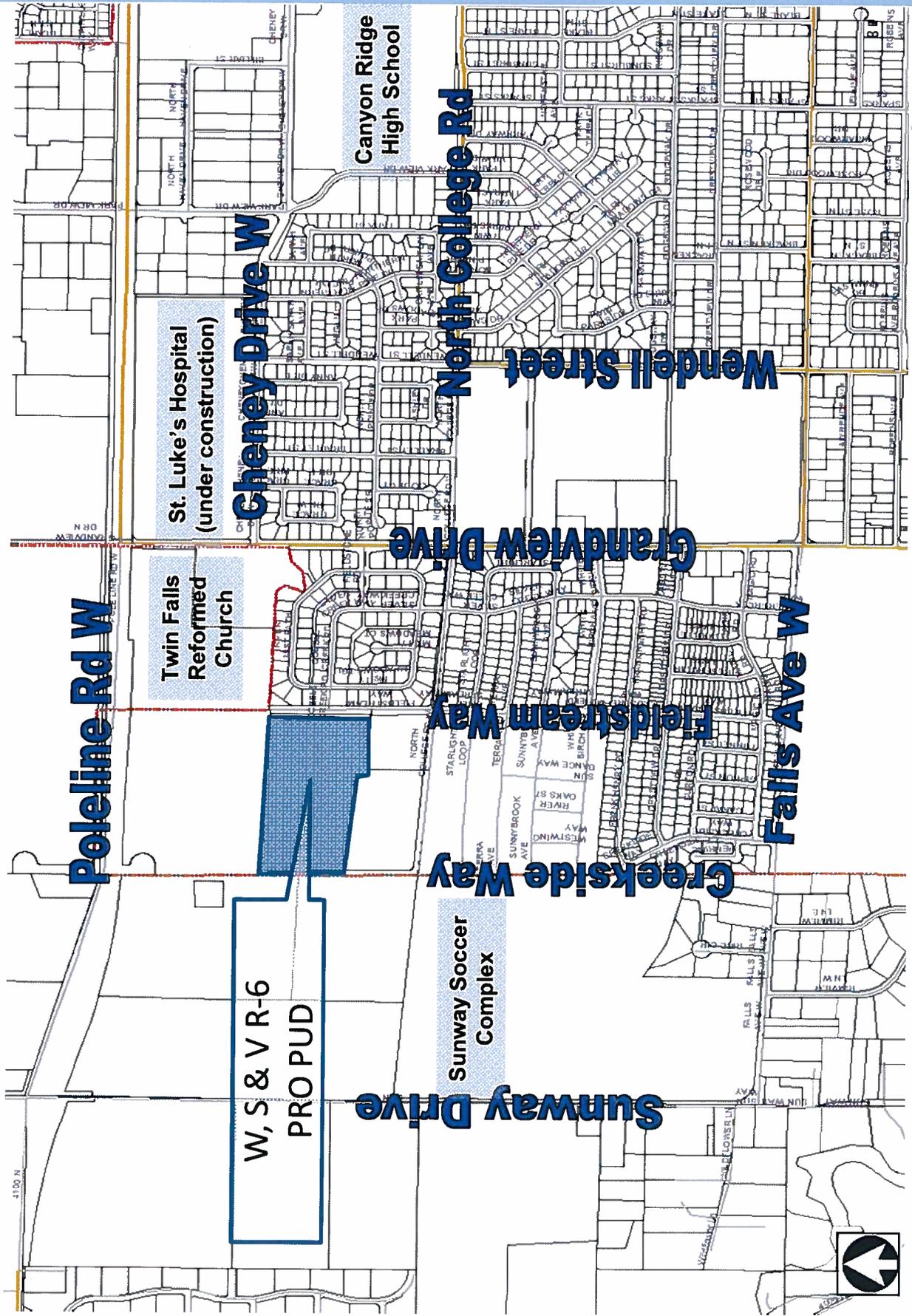
Should the City Council approve the Final Plat of the W S & V Subdivision - A PUD, as presented, staff recommends approval be subject to the six (6) conditions placed upon approval of the preliminary plat by the Commission and the addition of a 7th condition as follows:

- 7. Subject to all the construction issues being addressed which includes, sewer design and easements, possible PI & water upgrade requirements, along with alignment of Cheney at the intersection of Field Stream Way, as approved by the City Engineer.**

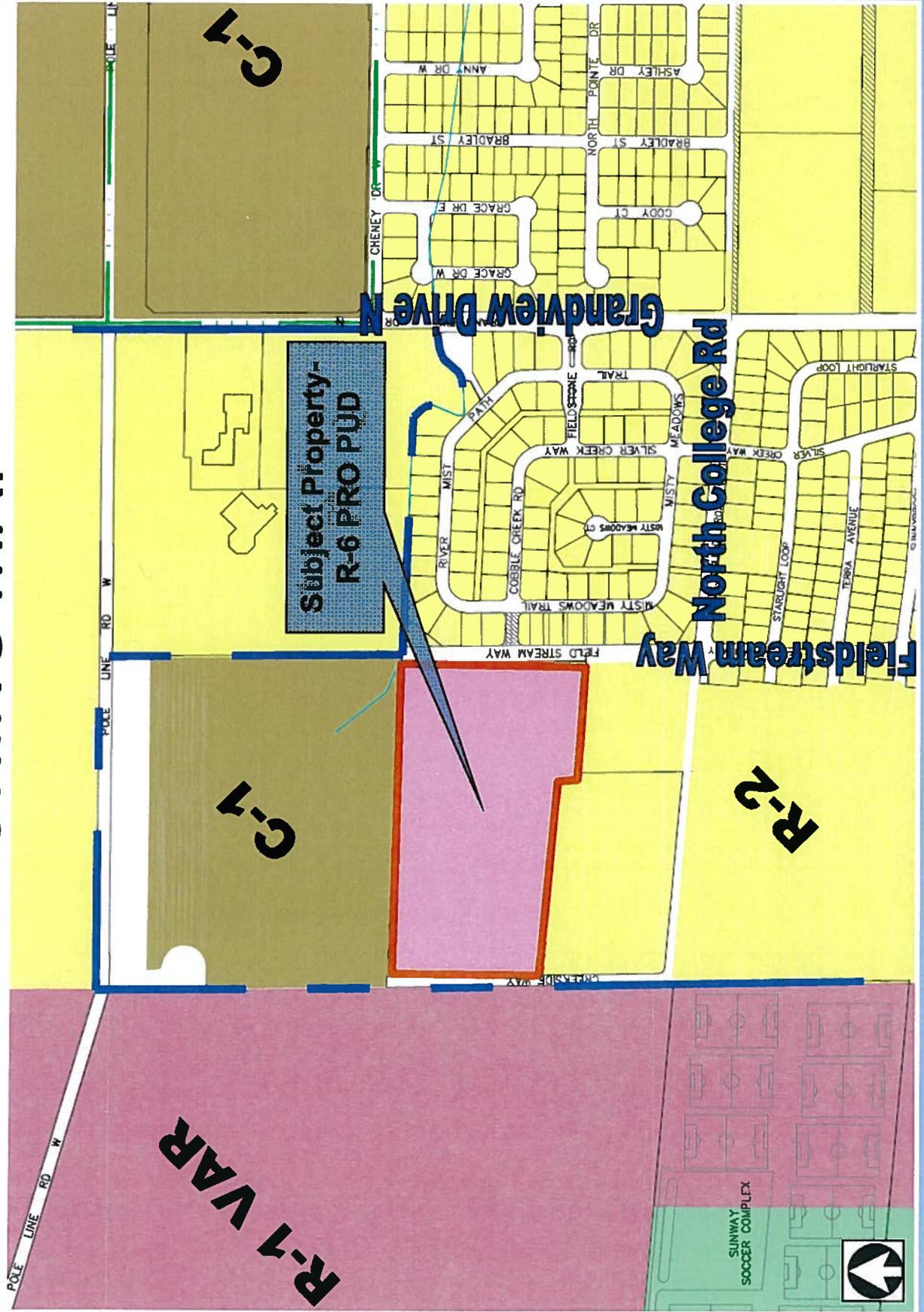
Attachments:

1. Vicinity Map
2. Area Zoning Map
3. Aerial of the Project Site
4. Comprehensive Plan Future Land Use Map
5. Preliminary Plat
6. Final Plat
7. Portion of January 10, 2012 P&Z minutes

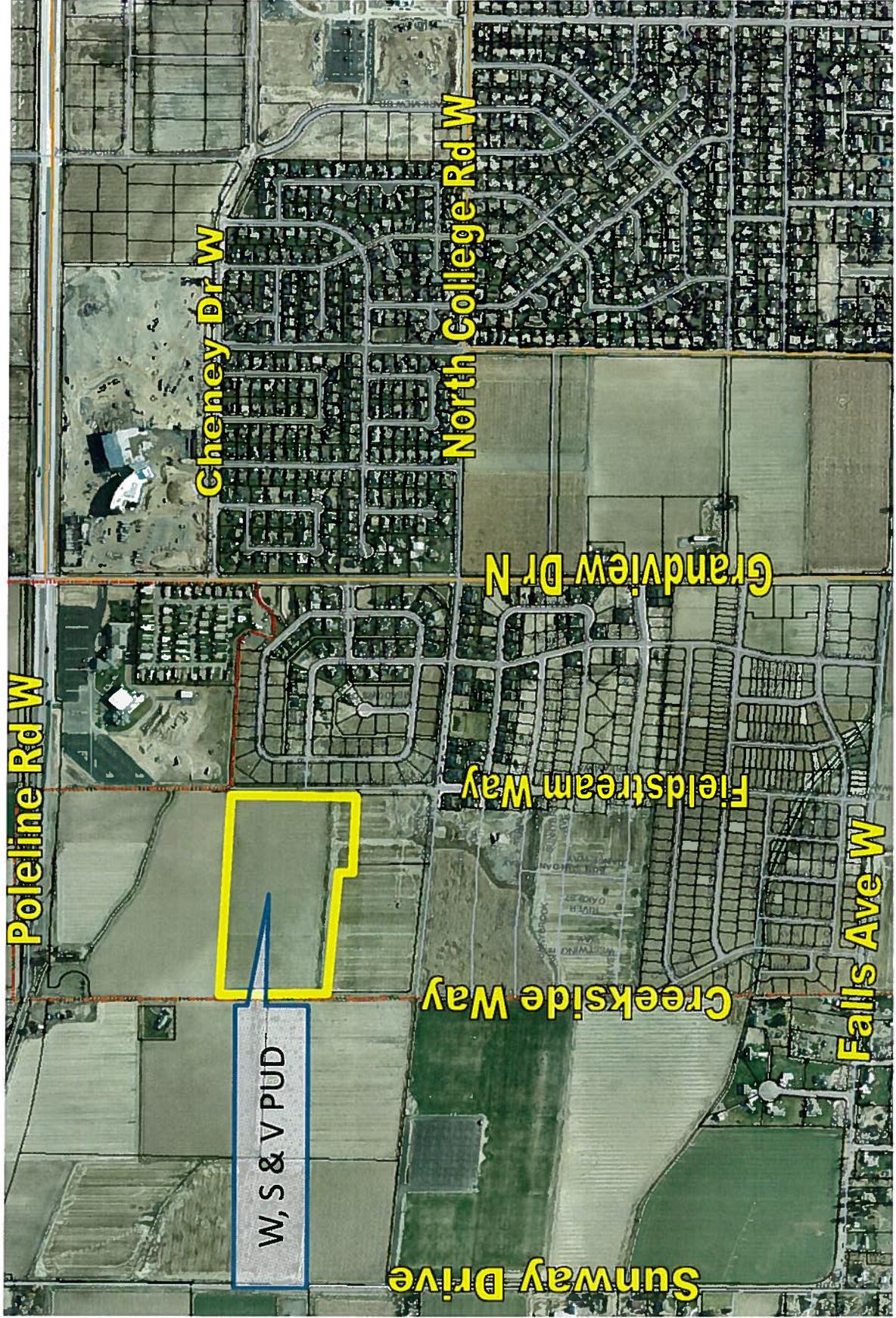
VICINITY MAP



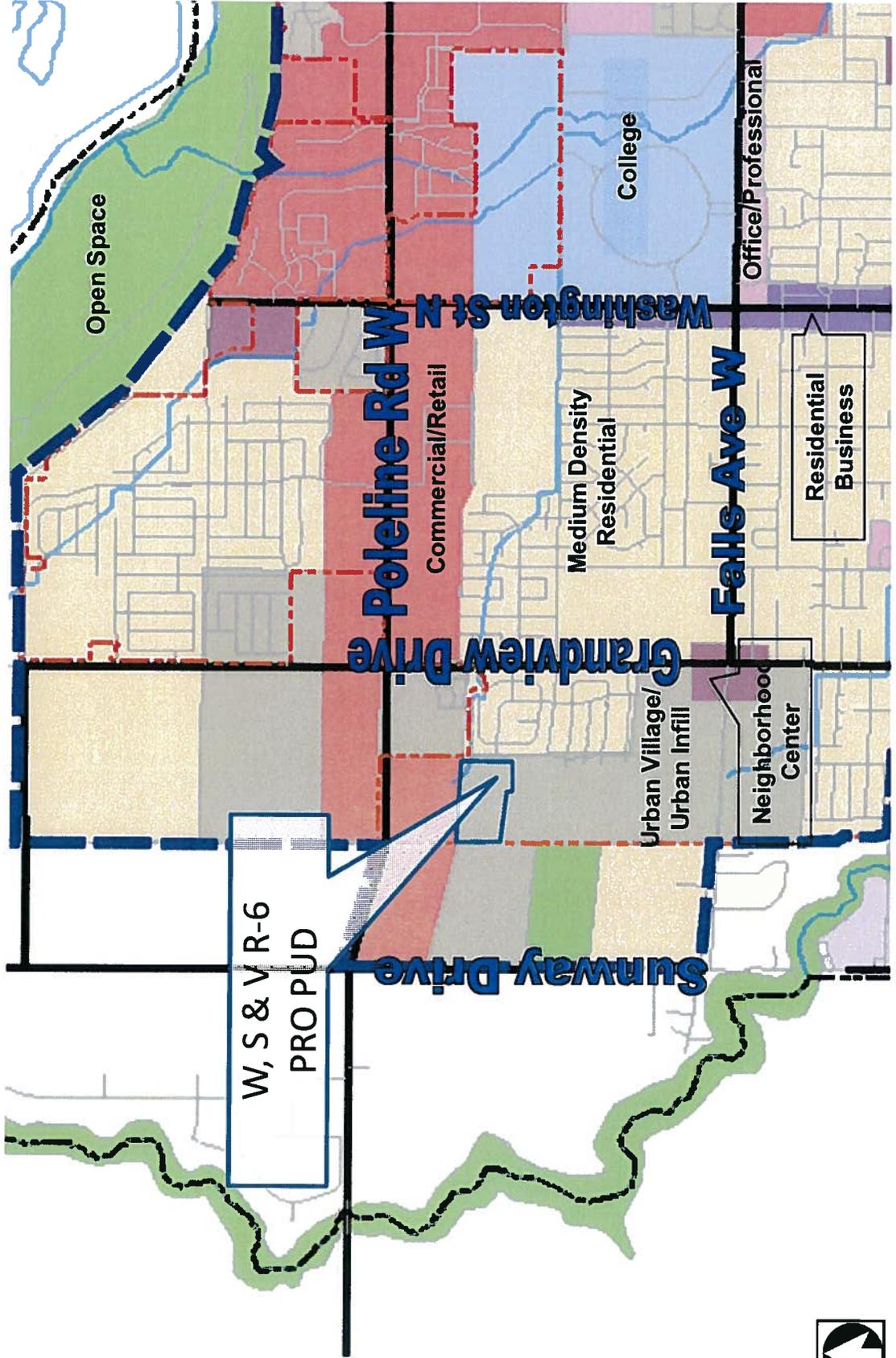
ZONING MAP

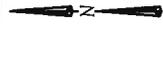


AERIAL VIEW



COMPREHENSIVE PLAN FUTURE LAND USE MAP





Scales 1" = 100'

**WSS&V Subdivision First Amended
A Rembubition & Renumbering Of
Lot 2, Block 1, WSS&V Subdivision**

In

SW4 NE4, Section 6
T. 10 S., R. 17 E., BM.
Twin Falls County, Idaho
2012

Legend

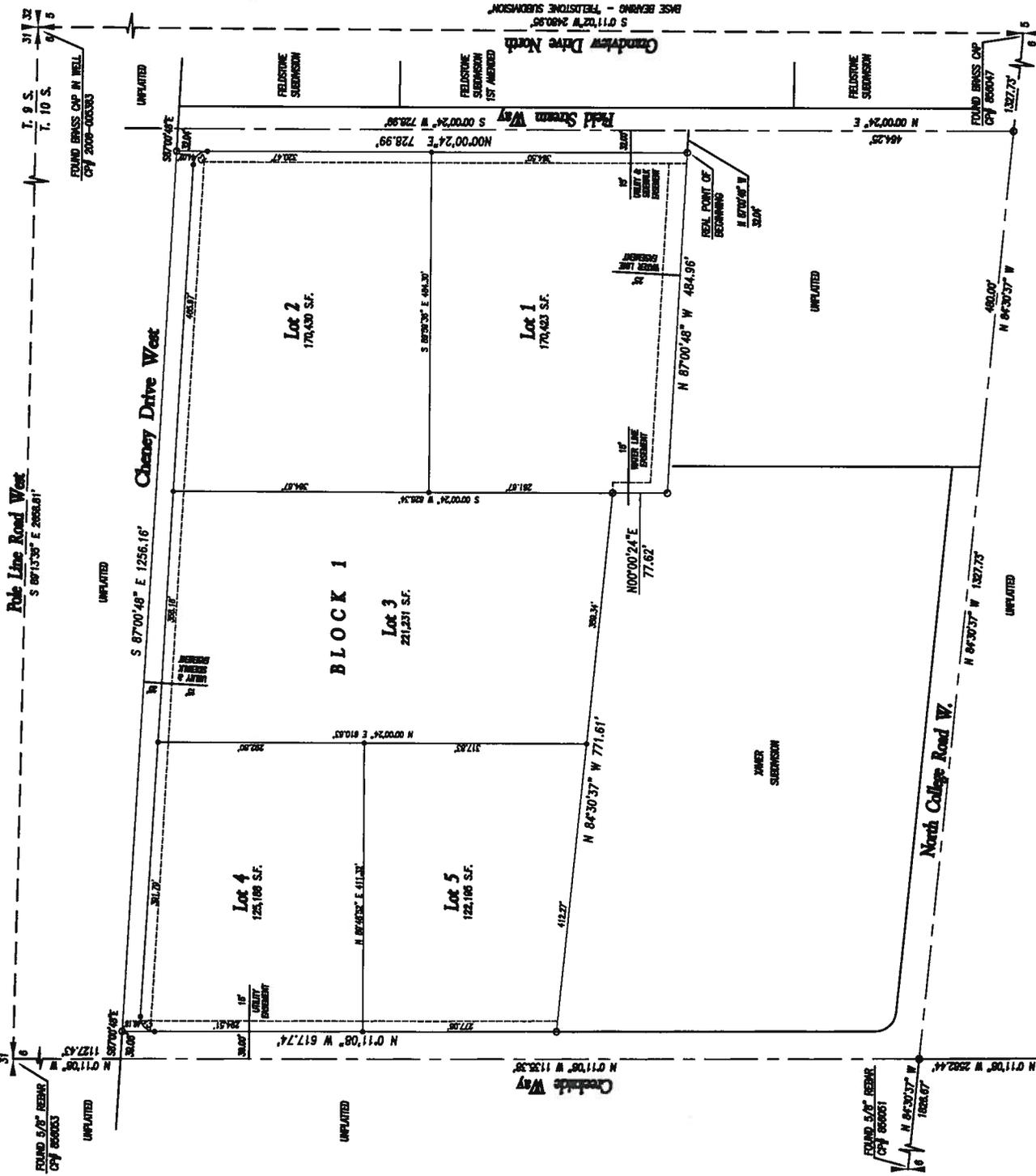
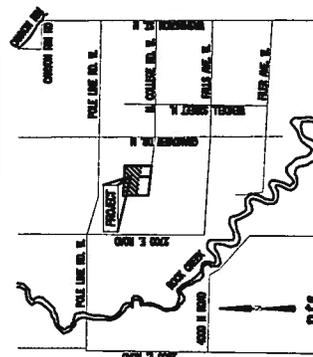
	SUBDIVISION BOUNDARY LINE
	LOT LINE
	PROPERTY AS NOTED
	SECTION LINE
	STREET CENTERLINE
	FOUND 5/8" REBAR & C/P (LS 1000)
	SET 1/2" x 24" REBAR & C/P (LS 1000)

Health Certificate

Sanitary restrictions as required by Idaho Code, Title 20, Chapter 15 have been established based on the State of Idaho, Department of Environmental Quality (DEQ) approval of the design plans and specifications and the conditions imposed on the developer for continued subdivision of the sanitary restrictions. Buyer is cautioned that at the time of this approval, no drinking water or sewerage facilities are shown on the subdivision. The developer shall construct appropriate building permits and drinking water and sewerage facilities. If constructed or if the developer is simultaneously constructing these facilities, the developer shall be responsible for the construction of the same. The sanitary restrictions may be withdrawn, in accordance with Section 20-132A, Idaho Code, by the issuance of a certificate of disapproval, and no construction of any building or other requiring drinking water or sewerage facilities shall be allowed.

REAR, South Central Public Health District Date: _____

Locality Sketch



Note
OWNERS OF LOTS ON THIS PLAT WILL BE SUBJECT TO DEVELOPMENT OF A PARK OR A PARKS IN LEU FEE THAT WILL NEED TO BE PAID AND ACCEPTED BEFORE DEVELOPMENT OCCURS IF DEVELOPMENT ON AN OWNER'S LOT IS RESIDENTIAL IN NATURE.

Curve Data
CURVE DATA RADII AND THINNESS CHORD CHORD BEG.
C1 87°00'37" 20.00' 21.14' 28.00' 140°24'00"
C2 87°00'37" 20.00' 21.14' 28.00' 140°24'00"



P.O. Box 1907 324 Hansen Street East Twin Falls, Idaho 83303-1907 Fax: (208) 736-2293
ENGINEERING (208) 735-7265

February 1, 2012

Doug Vollmer
P.O. Box 566
Twin Falls, ID 83303

RE: WS&V Subdivision PUD Final Plat Review #1

Dear Mr. Vollmer,

The Engineering and Planning and Zoning Departments have reviewed the Final plat for WS&V Subdivision PUD and have the following comments:

1. The Subdivision Guarantee is not current and is not specific to the boundary of this subdivision. Please provide a current copy. In addition, please provide documentation of any easements listed in Schedule B, Exceptions. If any easements listed under Exceptions fall within the boundary of the subdivision, please indicate them on the plat.
2. The Articles of Organization provided is two years old. Please provide current documentation for verification of signatures on the plat.
3. The approval letter submitted from the Twin Falls Canal Company is dated November 25, 2008. Please provide a new letter of approval from the Canal Company.
4. As conditions of the Planning and Zoning Commission meeting on January 10th, 2012, the recorded cross-use/access agreement will need to be provided prior to recordation of the plat and compliance with a "recorded" PUD agreement, concurrent with recordation of the final plat.
5. Water modeling needs to be complete and the fees paid prior to signing the final plat.
6. The subdivision name on the plat should include "PUD" and exclude "First Amended". Please update all references with regard to the name of the subdivision, including the accompanying Improvement Agreement, Trust Agreement and Quitclaim Deed.
7. Please revise the metes and bounds callout on sheet 1 of the plat along the east boundary of the subdivision to S 00°00'24" W 728.89' to match the written description on sheet 2.
8. Please dedicate an additional 7 feet of right-of-way along Field Stream Way for a total of 39 feet consistent with collector streets within the Transportation Master Plan. This will also match with the 39 feet of right-of-way that exists from the southern boundary of WS&V to North College Road West.
9. As a reminder, a water share certificate transferring water rights to the City will be necessary before recordation of the plat.
10. The easement at the North West corner of Lot 4 should be rounded at the corner along with the one at the North East corner of Lot 2.
11. The West easement of Lots 4 and 5 should include Irrigation in addition to Utility.
12. Include drainage easement somewhere in the vicinity of the east property line of Lot 3 to

- convey storm drain overflow for the Xavier retention ponds along its historic path.
13. Adjust Easement width on Cheney so Sidewalk does not lie directly over utilities. There needs to be 10' behind sidewalk for standard utilities.
 14. Retention Easements for street Storm Water drainage shall be shown on the Final Plat.
 15. The Trust Agreement will have to be presented and approved by council prior to allowing the lots to be placed in Trust. A financial Guarantee for the entire subdivision will be required or Lots placed in Trust prior to signing the Final Plat.
 16. Streets require Half the road plus 12' to be constructed with a minimum of 24'. Recorded Easements on adjacent parcels need to be included or the roadways need to be adjusted to fit the necessary widths.
 17. Include a recorded sewer and maintenance easement for offsite sewer required for this subdivision. The City will not sign the final plat until sanitary issues are addressed.
 18. The construction of the North East Corner of Field Stream Way and Cheney Drive shall be discussed with necessary easements or the Roadways shall jog onto WS&V to accommodate a full width roadway which will require adjusting the Final plat.
 19. In order to expedite the Final Plat process for the City Council upon developer request the Construction plan review has not been completed. Additional plat requirements may be necessary upon full review of the Construction plans and the City will not sign the final plat until construction plans are approved.

Please revise and resubmit your drawings for review so we can move the plat forward for approval. If you have questions, please contact Troy Vitek at 208-735-7256 or tvitek@tfid.org.

Sincerely,

Troy Vitek, P.E.

cc: Tim Vawser, EHM Engineering, Inc., 621 North College Rd, Ste 100, Twin Falls, ID
83301
Subdivision File

Note: It is the developer's responsibility to submit a complete set of plans by a registered engineer. During the plan review process, the City of Twin Falls Engineering Department will make every attempt to notify the developer of any code violations or design standard problems. If during any subsequent reviews, additional code violations or design standard problems are found, or items that were not addressed from the previous review, additional review fees will be required. (See City of Twin Falls Code §10-12-4-1: Responsibility for Plans.) In addition, approval will be contingent upon Fire, Water, and Wastewater Departments review.



MINUTES
Twin Falls City Planning & Zoning Commission
January 10, 2012-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

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

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

CITY COUNCIL LIAISON

Rebecca Mills Sojka Jim Munn

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Cope
Derricott
Ihler
Jacobson
Schouten
Sharp

ABSENT:

Bohrn

AREA OF IMPACT MEMBERS

PRESENT:

DeVore

ABSENT:

Mikesell

CITY COUNCIL MEMBERS PRESENT:

Mills Sojka

CITY STAFF PRESENT:

Carraway, Strickland, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Consideration of the Preliminary Plat of WS&V Subdivision First Amended PUD, 19.31 (+/-) acres consisting of 5 lots and on property located between the 1300-1450 blocks of Field Stream Way and Creekside Way, c/o Doug Vollmer on behalf of W. S. & V., LLC.

IV. PUBLIC HEARING ITEMS: NONE

I. CALL MEETING TO ORDER:

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

II. CONSENT CALENDAR:

III. ITEMS OF CONSIDERATION:

1. Consideration of the Preliminary Plat of WS&V Subdivision First Amended PUD, 19.31 (+/-) acres consisting of 5 lots and on property located between the 1300-1450 blocks of Field Stream Way and Creekside Way, c/o Doug Vollmer on behalf of W. S. & V., LLC.

APPLICANT PRESENTATION:

Tim Vawser representing the applicant reviewed the exhibits on the overheard 19 (+/-) acres. The applicant would like to subdivide the property into 5 lots. There is some interest in a portion of this property and the intent is to provide a transition to the residential areas on the east and commercial./professional uses to the north.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for a preliminary plat approval. The property has been zoned R-6 PRO PUD which recognizes a mixture of uses such as professional offices, medical offices, religious facilities, schools, nursing homes, rest homes, medical resident halls and similar facilities. It is designated in the Comprehensive Plan for the same type of uses, there is a commercial PUD directly to the north of this property however the property across the street on Cheney has been designated with similar use.

The applicant's master development plan consists of dividing the property into five (5) areas which would average 3.9 acres in size. There would be two (2) main shared accesses to the area on Creekside Way and Field Stream Way and then internal circulation throughout the site. It is not indicated what the specific use of the proposed lots will be. There is not a minimum lot square footage requirement in the PUD for professional office uses; the lot is required to be of "sufficient size to provide for the building, the required setbacks, off street parking and landscaping." Residential uses are regulated per the code for R-6 lot area. A full review of required improvements will be made by the Building, Planning, and Engineering Departments for full compliance with minimum development standards prior to issuance of any building permits. The subdivision does include three (3) public right-of-ways on the east, north, and west perimeters of the property. The streets Field Stream Way, Cheney Drive West, and Creekside Way are each considered collector roadways. The roadways have been reviewed and right-of-way widths determined by the Engineering Department.

Cheney Drive West is not at a full collector width and so the developer will be required to post no "no parking" signs along the roadway. Any internal accesses between the lots will be privately constructed and maintained. As access to interior lots will be made through other lots then a cross-use or access agreement will be required between the lot owners to allow for travel throughout the subdivision. There are two (2) approaches on each roadway to the properties. Their use will also be part of a cross-use agreement.

There has been discussion with the developer regarding the type of sewer system that will be allowed. The sewer connection is in Pole Line Road and so services will have to be coordinated through the property to the north between the subject property and Pole Line Road. The

Engineering Department is requiring that a gravity sewer line system be used on both properties a pump station will not be allowed unless determined by the City Engineer.

As this subdivision is proposed to be a mix of residential and professional uses and exact use and occupancy of the lots is not known at this time then it is not possible to determine a parks requirement. As the uses may not be known until development then the Planning and Zoning Department felt that a note on the final plat should be required stating that the owners of the lots will be subject to a parks in-lieu fee that will need to be accepted and paid before development occurs on the lots.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for mixed uses of a residential and professional nature.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the preliminary plat of the W S & V Subdivision a PUD, as presented, staff recommends the following approval be subject to the following conditions:

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recorded cross-use/access agreements being provided prior to recordation of final plat.
3. Subject to compliance with a "recorded" PUD agreement, concurrent with recordation of the final plat.
4. Subject to Cheney Drive West being allowed to be 38' from face-of-curb to face-of-curb with turn bays where necessary and posted "no parking" by the developer.
5. Subject to sewer lines being a gravity system unless determined by the City Engineer to be an unnecessary hardship.
6. Subject to a note on the final plat stating that the owners of the lots will be subject to a parks in-lieu fee that will need to be accepted and paid before development occurs on the lots.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

MOTION:

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

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recorded cross-use/access agreements being provided prior to recordation of final plat.
3. Subject to compliance with a "recorded" PUD agreement, concurrent with recordation of the final plat.
4. Subject to Cheney Drive West being allowed to be 38' from face-of-curb to face-of-curb with turn bays where necessary and posted "no parking" by the developer.
5. Subject to sewer lines being a gravity system unless determined by the City Engineer to be an unnecessary hardship.

6. Subject to a note on the final plat stating that the owners of the lots will be subject to a parks in-lieu fee that will need to be accepted and paid before development occurs on the lots.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **January 24, 2012**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 06:11 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department



Monday, February 6, 2016 City Council Meeting

To: Honorable Mayor and City Council

From: Dennis J. Bowyer, Parks & Recreation Director

Request:

Consideration of a request to award the bid on the Oregon Trail Youth Complex Restroom to Peterson Brothers Construction.

Time Estimate:

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

Background:

This restroom will be built in northern area of the parking lot directly south of the ball fields. The old restroom will not be demolished until the new restrooms are completed. This site was selected to allow this restroom to be on City's sewer and to reduce the amount of vandalism we have had with the location of the old restrooms.

To help save funds, City crews will be installing the water and sewer lines and install all the electrical work for this project. There will be some additional costs to complete this project: 1) materials for the sewer and water lines installation, no cost estimates at this time; 2) materials for the electrical work, no cost estimate at this time and; 3) hood exhaust and fire suppression equipment for the concession stand, estimated at \$8,500.

The City formally bid the Oregon Trail Youth Complex (OTYC) Restroom. Bids were due on Monday January 24, 2012. The City received three sealed bids. The bidders were: Peterson Brothers Construction, Don Anderson Construction, and Hemingway Construction. The Engineering Department reviewed the bids and determined that Peterson Brothers Construction submitted the low bid at \$130,519.00

City staff budgeted \$180,000 in this year's current budget for this project.

Budget Impact:

The City budgeted \$180,000 for this project. Staff believes the materials for the sewer and water lines, the materials for the electrical work, and the hood exhaust and the fire suppression equipment will be less then remaining \$49,481 remaining from the project.

Regulatory Impact:

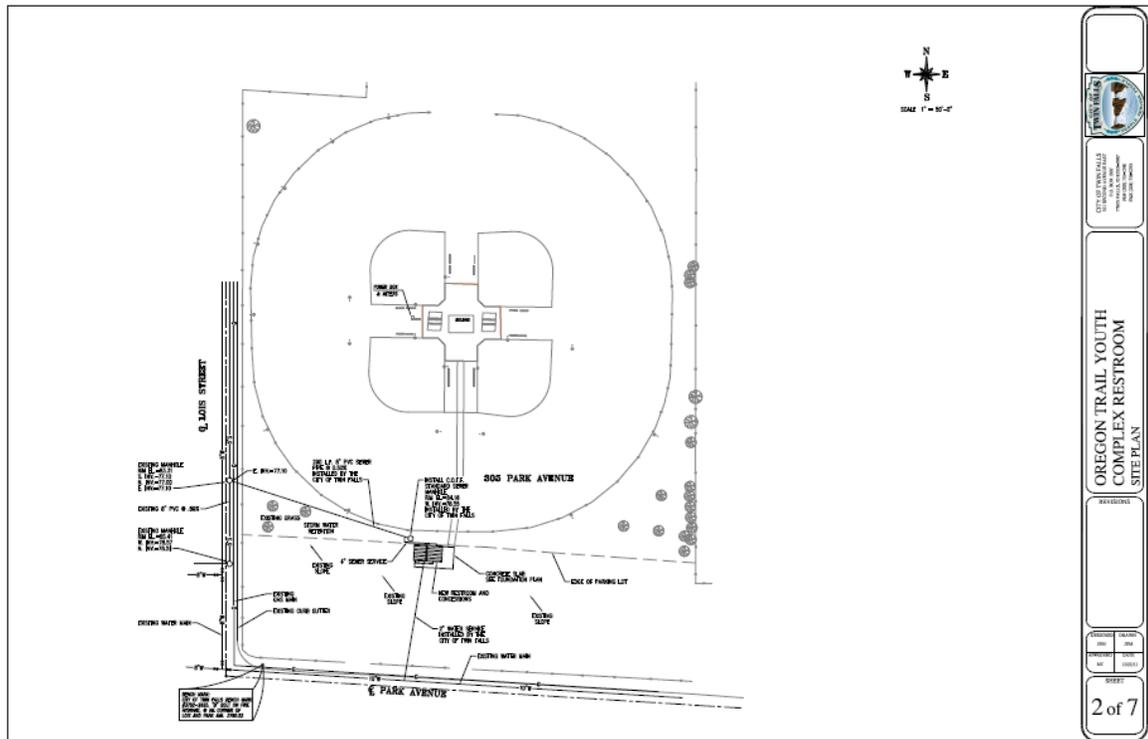
Approval of this request will allow the City to award the bid to Peterson Brothers Construction and begin construction of the restroom at the Oregon Trail Youth Complex.

Conclusion:

Staff recommends awarding the Oregon Trail Youth Complex Restroom project to Peterson Brothers Construction in the amount of \$130,519.00 and to authorized staff to proceed in acquiring the materials for the sewer and water lines, the materials for the electrical work, and the equipment for the concession stand.

Attachments:

1. Site Plan
2. Bids Tabulation



BID SUMMARY
CITY OF TWIN FALLS
ENGINEERING DEPARTMENT

PROJECT: 2012 Oregon Trail Youth Complex Restroom				Peterson Bros. Construction 1920 Highland Ave E Twin Falls, ID 83301	Don Anderson Construction PO Box 2293 Twin Falls, ID 83303	Hemmingway Construction 1140 Sunburst St Twin Falls, ID 83301
Bid Open Date: January 24, 2012						
Item No.	BID ITEM DESCRIPTION	QUANTITY	UNIT	Amount Bid	Amount Bid	Amount Bid
1	Restroom Building in place	1	Ea	\$126,238.00	\$142,338.00	\$165,000.00
2	Sewer Service Line	1	Ea	\$1,137.00	\$1,260.00	\$1,085.00
3	Concrete slab in place	1	Ea	\$3,144.00	\$5,978.00	\$5,001.23
				Total	Total	Total
				\$130,519.00	\$149,576.00	\$171,086.23

Budgeted Amount \$180,000.00



Date: MONDAY, FEBRUARY 6, 2012
To: Honorable Mayor and City Council
From: Mitch Humble, Community Development Director

Request:

Consideration of a request to approve a Zoning Title Amendment which would amend Twin Falls City Code 10-4-22.3(H) "Warehouse Historic District Design Guidelines" as they exist or as amended when reviewing for a Certificate of Appropriateness, c/o Historic Preservation Commission, Darrell Buffaloe, Chairman (app. 2492)

Time Estimate:

The public hearing for this item was held at the January 9, 2012 Council meeting, so no additional time is needed for a hearing regarding the City Code amendment. However, staff will take approximately five (5) minutes to review some of the content of the Warehouse Historic District Design Guidelines document with the Council.

Background:

Each year the HPC has submitted a Certified Local Government (CLG) grant application for historic preservation activities. For 2011 the awarded CLG grant was used to hire a consultant and develop Design Guidelines for the Twin Falls Historic Warehouse District to be codified by the Twin Falls, Idaho City Government. The HPC was awarded \$12,000.00. The proposed design guidelines were developed with the consulting firm of Winter & Company out of Boulder, Colorado.

The HPC developed Design Guidelines for the Twin Falls Historic Warehouse District in January 1997. These guidelines were developed with the assistance of Elizabeth Giraud, Consultant from Salt Lake City. The design guidelines were never approved by the Council and therefore not enforceable. Approved guidelines would better enable the HPC and City Staff to evaluate development and give guidance to developers in the Historic Warehouse District.

Currently, the HPC is charged by City Code with the responsibility of not allowing building alterations to be started "until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the Historic Preservation Commission" (Title 10, Chapter 4 of the Twin Falls, Idaho City Code). The HPC and property owners do not have a set of guidelines to follow and the HPC is forced to make decisions without a good set of standards. The guidelines contain detailed architectural standards with enough detail so the HPC can review and approve acceptable variances when necessary. The guidelines meet the Secretary of the Interior's Standards for Rehabilitation.

This is a request to amend City Code §10-4-22.3(H): "Design Guidelines" for WHO, Warehouse Historic Overlay District. The request is specifically to reference the "*Warehouse Historic District Design Guidelines*" when reviewing applications for Certificates of Appropriateness.

On November 21, 2011 the HPC recommended approval of the Design Guidelines and the amendment to City Code §10-4-22.3(H) to the Planning & Zoning Commission. The Planning & Zoning Commission recommended approval of the amendment to City Code §10-4-22.3(H) to the City Council on December 13, 2011.

The public hearing was held before Council on January 9, 2012. The Council directed Staff to revise the Ordinance to include verbiage regarding an appeal process. The Ordinance has been amended and includes the following statement: **A decision of the Historic Preservation Commission regarding an**

application for a Certificate of Appropriateness may be appealed by the applicant to the City Council.”

On the Council meeting, February 6, 2012, Staff will give a brief report on the contents of the “Warehouse Historic District Design Guidelines”.

Budget Impact:

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

Regulatory Impact:

Approval of this request will allow the HPC to reference the “*Warehouse Historic District Design Guidelines*” when reviewing applications for Certificates of Appropriateness.

Conclusion:

Staff recommends that the Council approve the attached ordinance change as presented.

Attachments:

1. Draft Ordinance
2. Proposed Zoning Title Amendment
3. Map of the Warehouse Historic Overlay District
4. November 21, 2011 Historic Preservation Commission Minutes
5. December 13, 2011 Planning & Zoning Commission Minutes
6. January 9, 2012 City Council Minutes

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, AMENDING TWIN FALLS CITY CODE §10-4-22.3(H) BY REFERENCING THE WAREHOUSE HISTORIC DISTRICT DESIGN GUIDELINES.

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

That Twin Falls City Code §10-4-22.3(H) be amended as follows:

“10-4-22.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the warehouse historic overlay district: ...

(H) Design Guidelines: No exterior portion of any building or other structure (including walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor aboveground utility structures nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within this district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the historic preservation commission. The Historic Preservation Commission shall review the “Warehouse Historic District Design Guidelines” as they exist or as amended for compliance before issuing a Certificate of Appropriateness. Such a certificate is to be issued by the historic preservation commission prior to the issuance of a building permit or other permit granted for purposes of construction or altering structures. A certificate of appropriateness shall be required whether or not a building permit is required. A decision of the Historic Preservation Commission regarding an application for a Certificate of Appropriateness may be appealed by the applicant to the City Council.”

PASSED BY THE CITY COUNCIL, _____, 2012.

SIGNED BY THE MAYOR _____, 2012.

MAYOR

ATTEST:

DEPUTY CITY CLERK

PROPOSED CHANGE

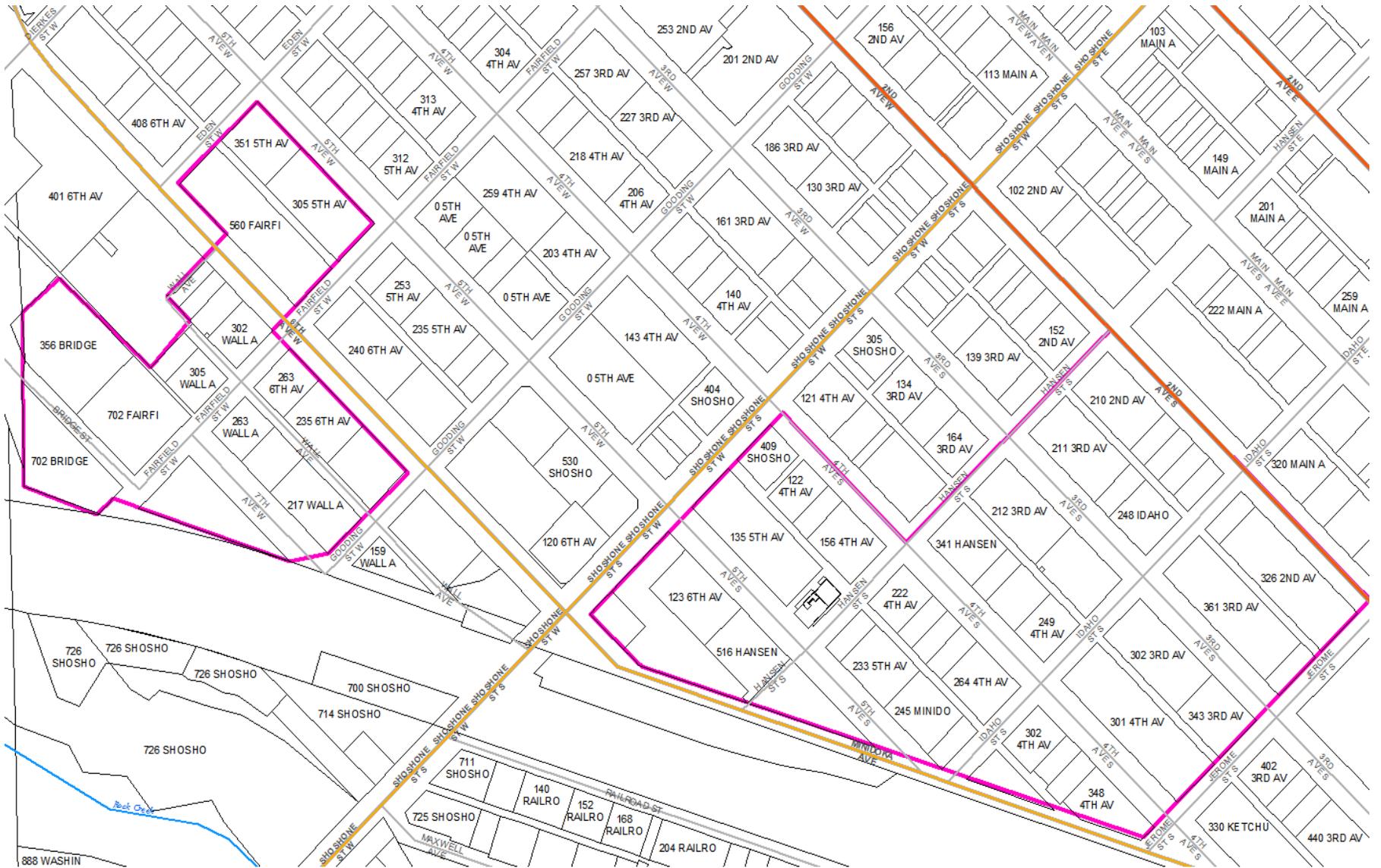
ZONING TITLE AMENDMENT – ADOPT THE “WAREHOUSE HISTORIC DISTRICT DESIGN GUIDELINES” BY REFERENCING THEM IN THE PROPERTY DEVELOPMENT STANDARDS, DESIGN GUIDELINES FOR THE WAREHOUSE HISTORIC OVERLAY DISTRICT

10-4-22.3: PROPERTY DEVELOPMENT STANDARDS:

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

(H) Design Guidelines: No exterior portion of any building or other structure (including walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor aboveground utility structures nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within this district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the historic preservation commission. Such a certificate is to be issued by the historic preservation commission prior to the issuance of a building permit or other permit granted for purposes of construction or altering structures. A certificate of appropriateness shall be required whether or not a building permit is required. (Ord. 2608, 5-3-1999)

1. The Historic Preservation Commission shall review the “*Warehouse Historic District Design Guidelines*” as they exist or as amended for compliance before issuing a Certificate of Appropriateness.



Historic Preservation Commission Minutes

November 21, 2011

Page 2 of 2

2. Recommendation of approval of the Warehouse Historic District Design Guidelines to the Planning & Zoning Commission – Kelly Weeks
3. Recommendation to approve a change to City Code 10-4-22.3(H) to include reference to the Warehouse Historic District Design Guidelines as they exist or future amendments to the Planning & Zoning Commission – Kelly Weeks

STAFF PRESENTATION:

A preliminary presentation of the Warehouse Historic District Design Guidelines will be made November 22, 2011, and the public hearing will be held December 13, 2011. The Planning & Zoning Commission will then make a recommendation to the City Council for a public hearing.

MOTION III-2

Commissioner Alexander made a motion to recommend approval of the Warehouse Historic District Design Guidelines to the Planning & Zoning Commission. Commissioner McClintock seconded the motion. All members present voted in favor.

MOTION III-3

Commissioner Geilman made a motion to recommend approve to the Planning & Zoning Commission for a Zoning Title Amendment to City Code 10-4-22.3(H) "Warehouse Historic District Design Guidelines". Commissioner Tilley seconded the motion. All members present voted in favor of the motion.

IV. PUBLIC HEARING ITEMS

2. Requests for a Zoning Title Amendment which would amend Twin Falls City Code 10-4-22.3(H) "Warehouse Historic District Design Guidelines" as they exist or as amended when reviewing for a Certificate of Appropriateness, c/o Historic Preservation Commission, Darrell Buffaloe, Chairman (app. 2492)

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for a to amend Twin Falls City Code Section 10-4-22.3(H): "Design Guidelines" for the WHO; Warehouse Historic Overlay District. The request is specifically to reference the "*Warehouse Historic District Design Guidelines*" when reviewing applications for Certificates of Appropriateness.

Sections 10-4-22.3(H) of the City Code identifies the design guidelines for property development standards in the Warehouse Historic Overlay District. Currently there are no design guidelines to reference for appropriateness. The Historic Preservation Commission developed design guidelines in 1997 but they were never adopted by the City Council.

The Twin Falls City Historic Preservation Commission received a \$12,000.00 grant during the fiscal year 2010 – 2011 for the purpose of developing design guidelines for the warehouse historic district. The design guidelines were developed with the consulting firm of Winter & Company out of Boulder, Colorado.

On November 21, 2011 The Historic Preservation Commission recommended the "*Warehouse Historic District Design Guidelines*" be approved as the official document to reference while reviewing applications for a Certificate of Appropriateness.

Zoning & Development Manager Carraway stated upon conclusion staff recommends that the Commission recommend approval of the proposed code amendment as presented to the City Council.

APPLICANT PRESENTATION:

Darrell Buffaloe, Historic Preservation Commission Chairman, stated the Historic Preservation Commission has been working on this project approximately 2 years. In 1997 the Historic Warehouse District of Twin Falls was approved the Department of Interior. At that time a set of design guidelines should have been implemented at that time so that owners and the Historic Preservation Commission would know what should be done to preserve the property. There was a draft completed years ago but it was never implemented and is not adequate. The State Historical Preservation Commission knows that there are quite a few City's with the same issues, they want to preserve the history but don't have guidelines to help achieve that goal. In 2010 the Historic Preservation Commission of Twin Falls applied for a grant through the state and was given \$12,000 to pursue this project which was double what was requested. They recommended that the City of Twin Falls partner with the City of Boise on this project and guidelines were developed for both cities.

With the guidelines referenced in the City Code it will give the Historic Preservation Commission something to base the Certificate of Appropriateness on for requests that applicants submit. Making sure that the exterior character of the buildings in this district are preserved. If someone wants to do something that the Historic Preservation Commission feels doesn't meet the guidelines this process allows them to appeal the decision to the City Council.

It is a good document and the Historic Preservation Commission recommends that the Planning & Zoning Commission make a positive recommendation to approve this change to the City Council.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Schouten made a motion to recommend approval of this request to the City Council. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, AS PRESENTED
CITY COUNCIL PUBLIC HEARING SCHEDULED FOR JANUARY 9, 2011

Council Meeting Minutes
January 9, 2012

IV. PUBLIC HEARINGS:

1. Consideration of a request to approve a Zoning Title Amendment which would amend Twin Falls City Code 10-4-22.3(H) "Warehouse Historic District Design Guidelines" as they exist or as amended when reviewing for a certificate of appropriateness, c/o Historic Preservation Commission, Darrel Buffaloe, Chairman. (app.2492) Proposed Ordinance No. 3024

Planner I Kelly Weeks explained the request.

Each year the HPC has submitted a Certified Local Government (CLG) grant application for historic preservation activities. For 2011 the awarded CLG grant was used to hire a consultant and develop Design Guidelines for the Twin Falls Historic Warehouse to be codified by the Twin Falls, Idaho City Government. The HPC was awarded \$12,000. The proposed design guidelines were developed with the consulting firm of Winter & Company.

The HPC is tasked with giving a certificate of appropriateness for anything that is done on the outside of the property in the historic district. In 1997, guidelines were put together but not officially adopted by the City Council. The Planning & Zoning Commission has recommended approval of the design guidelines and adopts the ordinance to the City Council.

Council discussion followed:

-Contributing and non-contributing buildings.

Planner I Weeks stated that the Real Deals building on Fairfield is a historical contributing building. They requested to redo their roof.

Darrell Buffaloe, Chairman of the Historic Preservation Committee, explained the need for the HPC guidelines. The guidelines will enable the Commission to know what to do to approve the certificate of appropriateness.

Councilperson Clow asked how much of the actual recommendations for historical design is a unique design to Twin Falls versus Boise.

Darrell Buffaloe stated that Twin Falls has only the warehouse district. The State recommended that Twin Falls and Boise use the same engineering firm to design the guidelines. He also gave a brief history of the Warehouse District.

Councilperson Clow asked the City Attorney that when the guidelines are adopted if the property owner has any grandfathered privileges on their properties.

City Attorney Wonderlich stated that the property owner has grandfather privileges but if they want to make changes those grandfather rights do not apply.

Opened up the public hearing:

Paul Smith, property owner, President of Preservation Twin Falls, and owner of the silos, gave a narrative of the area. He spoke in favor of the request. He stated that the original guidelines were presented to the Council but did not get into the City Code. He suggested that if the presented guidelines are approved he would encourage that an appeal process is in place.

Closed the public testimony of the hearing.

Council discussion followed:

-Appeal process.

City Attorney Wonderlich stated that the Planning & Zoning Commission has an appeal process. A building permit or certificate of occupancy is not issued unless the owner has a certificate of appropriateness. He stated that he believes that he needs to build the appeal process into the proposed ordinance. He asked Council if the appeal should go to Planning & Zoning Commission or the City Council.

Extensive Council discussion followed whether the process of appeal would be presented to the Planning & Zoning Commission or the City Council.

The Council stated that an appeal would be heard by the City Council.

Closed the public hearing.

No action taken.



MONDAY January 23, 2012
To: Honorable Mayor and City Council
From: Rene'e V. Carraway, Zoning & Development Manager

ITEM II-1

Request:

Consideration of an appeal of a decision by the Planning & Zoning Commission to grant a Special Use Permit to install and operate an aerial tour business on a southeast portion of the Canyon Springs Golf Course within the Snake River Canyon in the City's Area of Impact. Appellant: John T. Lezamiz.

Time Estimate:

The appellant may take up to 15 minutes. The staff presentation may take approximately 5 minutes.

Background/History:

Magic Valley Flight Simulation, LLC, requested a special use permit to establish an aerial tour business, more commonly known as a zip line, in the Snake River Canyon. A public hearing was heard by the Planning & Zoning Commission on December 28, 2011. By a vote of seven (7) for and one (1) against the special use permit was granted subject to the following conditions:

1. Subject to a review by the Building Department to determine if a Certificate of Occupancy is required for the use of the clubhouse facility for the zip-line staging area.
2. Subject to a review of parking requirements for the clubhouse and zip-line use to determine if additional parking is required.
3. Subject to the launch site having a security fence or suitable enclosure to provide security to the site.
4. Subject to signage on Canyon Springs Road being placed by operator indicating that no parking or stopping is allowed on the road way in the vicinity of the launch area at any time.
5. Subject to the zip-line(s) being operated by outfitters and guides licensed by the Idaho Outfitters and Guides Licensing Board. Documentation provided to City prior to operation.
6. Upon abandonment or discontinuation of use, the property owner/business owner shall physically remove all structures associated with the zip-line(s) facility within ninety (90) days of the date of abandonment and/or discontinuation of use, and restore the site to its original condition. The property owner/business owner shall provide to the City, prior to issuance of a permit, a performance bond in the amount of twenty thousand dollars (\$20,000.00) or a bond equal to a written estimate from a qualified contractor to guarantee that the facility will be removed when no longer in use & site restored. The City shall be named as an obligee in the bond and must approve the bonding company.
7. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

On January 11, 2012 John Lezamiz submitted a "Notice of Appeal" thereby appealing the decision of the P&Z Commission to the Twin Falls City Council. He stated the following three (3) reasons for the appeal:

1. Failing to provide notice to all affected property owners;
2. Conflict of interest by P&Z Commissioner; and
3. Failing to follow, adhere to and failing to implement provisions of Twin Falls City Code 10-13-2.2(D)(5).

The site is located within the Area of Impact. As per Twin Falls City Code 10-8-4 .." (E) Any person directly aggrieved and affected by a final decision of the planning and zoning commission regarding property located within the area of city impact may appeal to the board of county commissioners. The board of county commissioners shall not make a decision on the appeal until it has received a recommendation from the city council. All appeal hearings shall be based upon the record established by the city planning and zoning commission. (Ord. 2793, 7-19-2004)."

An appeal regarding property located within the area of city impact is based solely upon the record. No new information is considered and no public testimony is provided at the appeal meeting.

I have included with your packet the Notice of Appeal submitted by the appellant; John T. Lezamiz dated January 11, 2012, the staff report that was presented to the Planning & Zoning Commission on December 28, 2011, letters submitted as public comment, the exhibits presented by Jody Tatum, representing Magic Valley Flight Simulation, LLC at the December 28, 2011 P&Z public hearing and the minutes of the December 28, 2011 P&Z public meeting.

Budget Impact:

There is no budget impact associated with the Council's recommendation.

Regulatory Impact:

The Council's recommendation on this request will allow the appeal to be considered by the County Commissioners.

Conclusion:

As required by City Code 10-8-4(E), the City Council is being asked to make a recommendation to the County Commissioners on the appeal of the Planning & Zoning Commission's approval of this request.

The City Council may make any of the following recommendations:

- 1) that the County Commissioners uphold the P&Z's approval,
- 2) that the County Commissioners uphold the P&Z's approval, but with additional or different conditions,
- 3) that the County Commissioners overturn the P&Z's approval, or
- 4) that the County Commissioners remand the request back to the P&Z to be re-considered.

Attachments:

1. Notice of Appeal submitted by John T. Lezamiz. (2 pgs)
2. December 28, 2011 Planning & Zoning Commission's Staff Report. (35 pgs)
3. Public comment letters (12 letters)
4. Presentation exhibits presented by Jody Tatum, representing Magic Valley Flight Simulation, LLC. at the December 28, 2011 Planning & Zoning Commission public hearing (11 pgs)
5. Portion of the December 28, 2011 P&Z minutes. (7 pgs)
6. Testimony exhibits presented by John Lezamiz at December 28, 2011 P&Z public hearing. (3 pgs)

TO: Twin Falls City Council
ATTN: Renée Carraway
DATE: January 11, 2012
RE: Twin Falls City Planning and Zoning Commission Hearing dated 12/28/11 - A decision granting request for a Special Use Permit to install and operate an aerial tour business on a southeast portion of the Canyon Springs Golf Course within the Snake River Canyon, c/o Jody Tatum on behalf of Magic Valley Flight Simulation, LLC (App. #2496).

NOTICE OF APPEAL

Dear Twin Falls City Council,

On Wednesday, December 28, 2011, the Twin Falls City Planning and Zoning Commission (P&Z) conducted a public hearing concerning a request for a Special Use Permit to install and operate an aerial tour business (zip line) on a southeast portion of the Canyon Springs Golf Course within the Snake River Canyon, c/o Jodi Tatum on behalf of Magic Valley Flight Simulation, LLC (App. #2496). Following the public hearing, P&Z granted the request for a special use permit to operate the zip line subject to City Staff recommendations outlined in the City Staff Report (see attached Exhibit 1, ~~pp. 4-5~~).

p14

Appellant is hereby filing this appeal of the above-referenced decision of the P&Z Commission to the Twin Falls City Council. Appellant requests that the Twin Falls City Council set a hearing date as provided by City Code 10-1-13-2.2(J).

The reasons for this appeal include, but are not limited to:

1. Failing to provide notice to all affected property owners;
2. Conflict of interest by P&Z Commissioner; and
3. Failing to follow, adhere to and failing to implement provisions of Twin Falls City Code §10-13-2.2(D)(5).

Thank you.

Very truly yours,

JOHN T. LEZAMIZ

cc: Filing Fee

RECEIVED
JAN 12 2012
CITY OF TWIN FALLS
PLANNING & ZONING

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated in the worst case scenario there is not enough parking. They should provide parking. Mr. McCullum may own the property but it is up to us to watch this, issue and there is going to be concerns and accidents, we should not contribute to the safety along this road, because we want to allow this Special use permit.
- Commissioner Bohrn stated parking will be reviewed during the building process, the City of Twin Falls is going to add additional traffic with Augar Falls opening, these attractions are all over the world, they are used and valued. He is 100% behind this request.
- Commissioner Schouten stated they have gone through the necessary hoops, it is good for the business, and the road has been and will be an issue forever.
- Commission Ihler stated the road is not a zip-line issue. He is in support of this request.
- Commissioner Sharp they have done all that is requested and he is in support also.
- Commissioner Cope he is not willing to punish the applicant for the road issue. The zip-line is needed and wanted and he is behind the request.
- Commissioner DeVore stated traffic was a concern, the parking and ADA requirements will be reviewed through the permit process and therefore he is in support of the request as well.

MOTION:

Commissioner Derricott made a motion to approve the request, as presented. Commissioner Cope seconded the motion. Commissioners Bohrn, Cope, Derricott, Ihler, Schouten, Sharp & DeVore voted in favor of the motion. Commissioner Mikesell voted against the motion.

MOTION PASSED 7-1

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to a review by the Building Department to determine if a Certificate of Occupancy is required for the use of the clubhouse facility for the zip-line staging area.
2. Subject to a review of parking requirements for the clubhouse and zip-line use to determine if additional parking is required.
3. Subject to the launch site having a security fence or suitable enclosure to provide security to the site.
4. Subject to signage on Canyon Springs Road being placed by operator indicating that no parking or stopping is allowed on the road way in the vicinity of the launch area at any time.
5. Subject to the zip-line(s) being operated by outfitters and guides licensed by the Idaho Outfitters and Guides Licensing Board. Documentation provided to City prior to operation.
6. Upon abandonment or discontinuation of use, the property owner/business owner shall physically remove all structures associated with the zip-line(s) facility within ninety (90) days of the date of abandonment and/or discontinuation of use, and restore the site to its original condition. The property owner/business owner shall provide to the City, prior to issuance of a permit, a performance bond in the amount of twenty thousand dollars (\$20,000.00) or a bond equal to a written estimate from a qualified contractor to guarantee that the facility will be removed when no longer in use & site restored. The City shall be named as an obligee in the bond and must approve the bonding company.
7. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:



Public Hearing: **WEDNESDAY, DECEMBER 28, 2011**

To: Planning & Zoning Commission

From: Rene'e V. Carraway, Community Development Department

AGENDA ITEM IV-3

Request: Request for a Special Use Permit to install and operate an aerial tour business on a southeast portion of the Canyon Springs Golf Course within the Snake River Canyon, c/o Jody Tatum on behalf of Magic Valley Flight Simulation, LLC. (app. 2426)

Time Estimate:

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

Background:

Applicant:	Status: Commercial Lease Agreement	Size: The zip line area is about 10 acres and the trail length from the clubhouse to the site is about 2/3 mile
Magic Valley Flight Simulation, LLC c/o Jolinda (Jody) Tatum 452 Woodland Ct Twin Falls, ID 83301 208-329-4149 cell Jolinda_tatum@yahoo.com	Current Zoning: OS Area of Impact (Aol)	Requested Zoning: SUP
	Comprehensive Plan: Open Space	Lot Count: multiple lots
	Existing Land Use: golf course/country club	Proposed Land Use: addition of zip line aerial tours on a portion of the existing golf course property
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: OS Aol; Centennial Park	East: OS Aol; Centennial Park
	South: OS Aol; Canyon Springs Road	West: OS Aol; Canyon Springs Golf Course
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-11.2(B)8.i., 10-10-1 through 3, 10-11-1 through 9, 10-13-2.2	

Approval Process:

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

(F) Public Hearing: Prior to granting a special use permit, at least one public hearing before the Commission in which interested persons shall have the opportunity to be heard shall be held. **(G)** Within thirty (30) days after the public hearing, the Commission shall approve, conditionally approve or disapprove the application as presented. If the application is approved or approved with modifications, the Commission shall direct the Administrator to issue a special use permit listing the specific conditions specified by the Commission for approval. **(J) Appeal To The Council:** Upon receipt of an appeal from the action of the commission, the council shall set a hearing date, under the same provisions as the commission hearing, to consider all information, testimony and the commission's minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the decision of the commission. (Ord. 2124, 10-15-1984)

Budget Impact:

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

Regulatory Impact:

Approval of this request will allow the applicant to proceed with the building permit process for structures related to the zip line facility.

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

HISTORY:

The site is the location of the Canyon Springs Golf Course.

On December 13, 2010, the City Council approved a Zoning Title amendment with Ordinance 2997 which added a definition to §10-2-1 for a zip line and added that "Zip Lines operated by outfitters and guides licensed by the Idaho Outfitters and Guides Licensing Board" may be allowed by Special Use Permit in the Open Space (OS) zone. The definition of zip line was approved as follows:

ZIP LINE: An aerial trail system providing recreation and education activity that preserves and protects the natural environment and habitat by enabling people to transverse terrain by means of cable and trolley."

The Planning and Zoning Commission denied a request of the applicant for a Special Use Permit for a zipline on February 8, 2011, with a tied vote of three (3) for and three (3) against. The action was appealed to the City Council by the applicant and was scheduled for March 14, 2011. The application was withdrawn as the City worked with the Twin Falls County Commission on an amendment to the Area of Impact agreement regarding code changes. That matter was resolved as the County now accepts all zoning decisions made by the City in the Area of Impact.

ANALYSIS:

This property is located in the OS, Open Space District. The applicant would like to operate a zip line-based recreation and education program and facility from the site. A Special Use Permit is required for zip lines in this zone. The zip line area is about 10 acres and the trail length from the Canyon Springs clubhouse to the launch site is about 2/3 mile.

The applicant has included a description of the zip line operations. It is proposed to be a year-round business and the hours of operation would be during daylight hours as varies by the season. They anticipate that the operations would employ 8-12 people in the summer and in the off-peak season from October to March that they would employ 3-6 people. Tour guests would pre-register for a specific group time for 6-12 individuals and would be scheduled for 2 to 2.5 hours. If demand was high the maximum capacity the applicant is proposing is eight (8) groups in a day which would be a total of 96 people throughout the day.

Tour guests will meet and park at the Canyon Springs Golf Course Clubhouse and meet on the lower level for training on the zip line. They will have educational training on history of the area, the natural and geological features, and plants and wildlife. Guests will receive equipment and have training on a 250' long training line that is proposed behind the Clubhouse and golf cart storage area. Guests will be moved from the clubhouse to the three-course zip line area by golf cart or a similar-type vehicle on golf course paths.

The zip lines extend from a launch area between Canyon Springs Road and the road to Centennial Park over the wetlands where the Perrine Coulee drains to the Snake River with the landing area being on Canyon Springs Golf Course. The zip lines launching, landing, and aerial trail area is all contained on property owned by McCollum Enterprises who has granted permission to Magic Valley Flight Simulation to use this property. The project description indicates that pole anchors will be no more than 20' high at the ends of the lines and painted to blend into the surrounding landscape. There will be one large launch platform at the top of the double line and drawings have been included of its design and dimensions. At the smaller zip lines there will be five (5) smaller platforms. Dirt ramps will be used for landing areas. The course will include a total of four (4) ziplines and six (6) platform structures. Tour guest will ride the zipline and then walk to the next platform to continue the course. They will end up back where they started at the edge of the golf course and the transportation will take them back to the Clubhouse. The applicant indicated that the Clubhouse is ADA accessible. The Building Department will have to review if the Clubhouse occupancy is compliant with applicable codes. There are ADA restrooms accessible on the green and handicap-accessible parking spaces. There are a total of 89 parking spaces in the paved lot areas. If additional parking is required the applicant indicated that it can be accommodated in the area west of the Clubhouse.

Security of the launch platforms is a concern as unauthorized users may try to access the ziplines. The applicant has indicated that the platforms will be secured and that 24-hour security will be implemented. The Commission may wish to require a bond be in place to ensure if the business ceases to operate all structures shall be removed and the area impacted by this business will be returned to its natural state. The applicant has stated that a security bond for the cost of removing structures and any rehabilitation will be established with the property owner. Construction in the wetland area is reviewed by the Army Corps of Engineers. The applicant contacted the Corps and their response indicated that a Department of the Army (DA) review is not required for the project as proposed. Building permits through the City of Twin Falls and State would be required.

The additional traffic impact on Canyon Springs Road is anticipated to be an average of 30 vehicles a day. There were concerns about additional traffic affecting safety of the use Canyon Springs Road. The applicant has stated they do not feel that the zip line operation would have substantial effect on the surrounding properties. Adjacent neighbors are public entities that operate the land for public recreational access and use. The nearest private land owners may feel effects of additional traffic and noise from yells or screams as people are on the zip line. The applicant believes that the traffic impacts would not be noticeable, especially as the Auger Falls area has opened up to additional use and traffic. The noise is not anticipated to be overly noticeable above other music and noise in the area. The Twin Falls Traffic Safety Commission reviewed a traffic study on Canyon Springs road and it was determined that the additional traffic due to the zipline course would only be a 5% increase to the area. At the Safety Commission's February 10, 2011 meeting they unanimously voted that the introduction of the zipline course use would not affect safety on the roadway or pose a hazard to traffic in the area.

Travel safety for users of the Canyon Springs Road is a general concern and it was addressed with further discussion and recommendations from the Traffic Safety Commission. At the City Council meeting on December 19, 2011, the Council approved for traffic guideline signs to be put at the top and bottom of the Canyon Springs grade regarding pedestrian, bike, and vehicular traffic. Staff still has concerns over the possible distraction to drivers as the zip line launch area is near Canyon Springs Road. The zip line activity may cause drivers to stop or slow in the road. They may also attempt to park along the road to access the site or watch. The road width is not adequate to accommodate parking and as the site is just after a major curve in the road vehicles may not be able to see or plan for other vehicles to be parked along or stopped in the road. Staff still recommends that signage be put up at the applicant's expense along Canyon Springs Road indicating that parking and stopping is not permitted on the road in that area. There was also concern about people trying to access the launch area from Canyon Springs Road or the road to Centennial Park. Twin Falls County staff does not want the Centennial Park area to be used for parking for the zip line. Staff recommends that there be a security fence or similar structure that would keep people from accessing the zip line while it is not attended or after hours. The area should not be permitted for spectator viewing from the launch site.

As an outdoor recreation facility the outfitter and guides will need to be licensed by the Idaho Outfitters and Guides Licensing Board.

The Comprehensive Plan does indicate a desire in the community for additional recreational opportunities. The applicant believes that the Zip Lines project would provide this. Throughout 2010 the applicant gathered 3648 signatures from Twin Falls and Jerome County residents that indicated support of a zip line in the Snake River Canyon. Previous instances where this request was brought forward in public hearings there have been comments in opposition and support. It is not anticipated that there will be any additional odor, fumes, vibration, or glare to the area should this request be implemented.

The Planning and Zoning Commission has standards in the City Code in regards to the evaluation of a Special Use. City Code §10-13-2.2(D) states the following:

(D) Standards Applicable to Special Uses: The Commission shall review the particular facts and circumstances of each proposed special use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
2. Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
3. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Conclusion:

Should the Commission approve the request, as presented, staff recommends the following conditions be placed on this permit:

1. Subject to a review by the Building Department to determine if a Certificate of Occupancy is required for the use of the clubhouse facility for the zip line staging area.
2. Subject to a review of parking requirements for the clubhouse and zip line use to determine if additional parking is required.
3. Subject to the launch site having a security fence or suitable enclosure to provide security to the site.
4. Subject to signage on Canyon Springs Road being placed by operator indicating that no parking or stopping is allowed on the road way in the vicinity of the launch area.
5. Subject to the zip line(s) operated by outfitters and guides being licensed by the Idaho Outfitters and Guides Licensing Board. Prior to operation & to provide documentation.
6. Upon abandonment or discontinuation of use, the property owner/business owner shall physically remove all structures associated with the zip line(s) facility within ninety (90) days of the date of abandonment or discontinuation of use, and restore the site to its original condition. The property owner/business owner shall provide to the city, prior to issuance of a permit, a performance bond in the amount of twenty thousand dollars (\$20,000.00) or a bond equal to a written estimate from a qualified contractor to guarantee that the facility will be removed when no longer in use. The city shall be named as an obligee in the bond and must approve the bonding company.
7. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.

Attachments:

1. Project Development Plan
2. Project Narrative
3. Vicinity Map
4. Area Zoning Map
5. Aerial of the Project Site
6. Platform Elevations
7. Portion of February 8, 2011 Planning and Zoning Commission meeting minutes
8. Portion of the February 10, 2011 Twin Falls Traffic Safety Commission meeting minutes
9. Staff report from December 19, 2011 Traffic Safety Commission request to the City Council
10. Letter dated February 25, 2011, from the Army Corps of Engineers to the applicant



- Home base will be Canyon Springs Golf Course Clubhouse – lower level
- Dotted yellow line is route to zip line course start point – extended golf cart or similar conveyance vehicle.
- Bold yellow arrowed lines are the proposed 5-line course.
- Pole anchors will be no more than 20' high at ends of each line.
- Anticipate expanded metal decking for launch platforms & natural ground/dirt platform for landing. Metal decking for double line will be no more than 12' x 18'.



2) Reason for the request

Magic Valley Flight Simulation, LLC, proposes to offer an exciting educational and recreational adventure zip line tour in the Snake River Canyon. Per City of Twin Falls Code and Ordinance, this zip line activity requires a Special Use Permit to operate in the Open Space.

3) Explanation of the project

This tour is anticipated to take between 1.5 to 2.5 hours to complete. The tour staging will be at the Canyon Spring Golf Course Clubhouse, lower level. Guests will be pre-registered for a specific group departure time. The tour will include zip line training, educational components

of aqua and agriculture farming along the Snake River, geological formations and impact of the Bonneville Flood to the area, history of the canyon, the zip line adventure, and while zipping, between lines, the guides will talk about the natural habitat, plants and wildlife that populate the canyon.

This zip line tour will appeal to a split customer base of local residents and extended families, the Magic Valley Community, and tourists.



We expect the adventure and educational opportunity will encourage visitors to extend their planned stay in the area and to draw additional tourists to the area. This will add to the economy with increased nightly stay-overs, shopping, and increased patronage to surrounding outdoor activities, natural and adventure attractions.

A zip line educational and recreational activity is a perfect fit for the Twin Falls Snake River Canyon, Canyon Springs location due to the existing infrastructure and recent National recognition of being one of the top 10 Extreme Sport Destinations in the U.S. *"Twin Falls' diverse outdoor recreation opportunities range from BASE jumping into the Snake River Canyon, whitewater rafting, fishing, hiking, biking, and everything in between. ..."* (<http://livability.com/>).

By basing out of the lower Canyon Springs Golf Course Clubhouse, there is existing ADA accessible office facilities, parking and restrooms. There are 42 parking spaces in the lower level parking lot with room to create more spaces on the west side of the lot if needed.



There are several restrooms  available both within the clubhouse (both levels) and on the golf course that are accessible by paths. A portable toilet/hand washing station could be located along the zip line tour path as well if necessary.



a. Hours of operation

We anticipate operation during daylight hours only, between 7:00 a.m. – 8:30 p.m., depending on the season and the weather.

b. Number of employees

Summer operations should employ between 8-12 people, off-peak season (October – March) will employ between 3-6 people.

c. Traffic impact

Due to the nature of the zip line course activity and the duration of the tours, tour groups will be pre-registered and scheduled for specific departure times. Tour groups will range in number from 6 to 12 individuals, departing from the lower clubhouse every 2.5 hours, for a total of 4-6 tours per day, 48 people per day at normal capacity.

Anticipated increase of vehicle traffic on the Canyon Spring Road is estimated from 12 to 20 vehicles per day. If there is greater demand during the summer season, we can increase thru-put to a tour every 1.5 hours, 8 tours per day, maximum capacity of 96 people, approximately 40 vehicles, spread out over a 12-hour period.

The Twin Falls Traffic Safety Commission discussed the proposed traffic concern on Canyon Springs Road in their February 10, 2011 meeting. It was unanimously decided that the zip line traffic would not create a traffic safety concern (February 10, 2011, Minutes attached).

KMVT News reported on the Traffic Safety Commission meeting and that news clip is also attached.

Supportive data from the Department of Transportation traffic volume seven-day measurement from the week of June 22 – 28, 2009, is attached. This report reflects one of the busiest weekends for Canyon Springs Golf Course which is their *Friends and Family Tournament*, taking place June 26th & 27th. On these two days, traffic increased approximately 24%, from an average of 322 vehicles per day Monday through Friday and 425 Average per day Saturday and Sunday. Again, this is the Canyon Springs Golf Courses busiest weekend of the year.

At 322 vehicles per day, that is the equivalent of 13 vehicles per hour, or one every 4.6 minutes. Given that the zip line is pre-scheduled groups resulting in an additional 4-6 vehicles every 2 hours, the increase will be 15-17 vehicles per hour, or one every 4 minutes.

The zip line traffic is proposed to increase volume on the road at most, 4-5% during the busiest days. Less during the week and during the off-season.

On days when the canyon is particularly busy with vehicles due to tournaments or other events, there are alternative parking and group transport options available. Given that tour groups are scheduled in advance, pre-arranged meeting locations can be determined for the group and the group can then be transported in a van (one vehicle), from the parking location down to the Canyon Springs Golf Course Club House lower level. This would decrease the number of vehicles travelling the road that day as well as the number of parking spaces needed for zip line tour guests in the lower level parking.

4) Evaluation of the effects on adjoining properties

We anticipate little effect on adjoining properties. The closest property to the area of operations that is owned or managed by someone other than McCollum Enterprises is Centennial Park and BLM open land that already is open-access to the general public for recreation activity. Other property owners on adjacent property surrounding McCollum Enterprises private residential land holdings are significantly distant from the actual area of operation, ranging well over 1/2 mile distance with a height above the activity of over 400 feet.

Additionally, Auger Falls recently opened for recreation activity to the general public and access to the BASE jumpers trail, scenic points, Centennial Park, Canyon Springs Golf Course, Twin Falls Sewer Plant, etc., all these locations are by the Canyon Springs road.

For-profit private commercial businesses are already using the Canyon Open Space. Tandem BASE jumping is available, kayak and canoe rentals are available, river pontoon boat tours are available, charter fishing, golfing, and bike rentals all are using the Open Space in the Canyon for their commercial enterprises.

a. Noise

Property owners above the canyon rim may hear enthusiastic expressions of excitement by individuals riding the zip lines provided the wind current is moving southeast, but the volume will be negligible due to the distance. These additional voices should not noticeably stand out considering the water from the Perrine Coulee and falls, music from commercial enterprises on the Canyon rim, foot traffic from the walking path along the rim, the Gun Club's tournaments and practice range, boats on the river, traffic on both the Canyon Springs Road and the I.B. Perrine Bridge, BASE jumpers, hikers, sight-seers, etc.

b. Glare

There will be no glare and no lights, as operations will be during daylight hours. On October 26, 2009, a sample cable with 12" red, white, and blue banner flags was suspended in the canyon. This picture was taken 500 feet from the cable on Canyon Springs Road. At a distance of more than 2,000 feet from upper rim properties, the zip line cables will be difficult to discern with the naked eye.



c. Odor

There will be no odor. Golf carts or similar powered vehicles will be used. The zip line is an eco-friendly activity producing no pollutants.

d. Fumes and vibration

There will be no fumes or vibration.

e. General compatibility

This is an excellent location for this zip line activity and tour featuring the Snake River Canyon habitat and enterprises. The Canyon Springs Golf Course Clubhouse and river side location are in close proximity to the Visitors Center and easily accessible. Adjacent recreational activities are golfing, BASE jumping, the BASE jumping trail, scenic lookouts, recreational walking paths, Auger Falls recreational area, Centennial Park, fishing, boating, canoeing, kayaking, rock climbing, etc.

The zip line tour path along the perimeter of the golf course is on an existing historical road. The zip line aerial trail system crosses over the valley below at heights over 60-80 feet above the ground. The Department of the Army, Walla Walla District, Corps of Engineers, Idaho Falls Regulatory Office reviewed the zip line aerial trail system proposal in February, 2011. **It was determined that the zip line soaring over this area would pose no adverse affect on wetlands and/or Waters of the U.S.** Their letter dated February 25, 2011 is included.

All structures, including poles, anchors, and platforms will be painted to blend in with the natural habitat and where possible, will be landscaped into existing terrain. The launching platforms will be constructed in such a way so that they can be secured to prevent unauthorized access, thereby significantly diminishing the possibility of injury. All structure designs will be certified by a licensed engineer and approved by the City of Twin Falls Building Department as per requirements.

A security bond in the amount of the removal bid proposal will be entrusted to McCollum Enterprises, property owner, to ensure zip line cables and structures are removed in the event of abandonment or closure of the business.

5) Supportive documentation

a. Petitions

A petition was collected June 5-14, 2010 of Twin Falls County and Jerome County residents reflecting their support of a zip line in the Snake River Canyon in the Twin Falls/Jerome area of the Canyon. **3,018 signatures were collected within a 10 day period.**

A petition was collected the first week of November 2010 of Twin Falls County and some Jerome County residents reflecting their support of the Twin Falls City Code change to make *Zip Line* an allowed use in the Open Space areas with a Special Use Permit. **630 signatures were collected within a 7-day period.**

5) Supportive documentation

b. Research

The Twin Falls Comprehensive Plan as well as the County Comprehensive plan were reviewed and selected pages are included that support the communities request for more recreation activities.

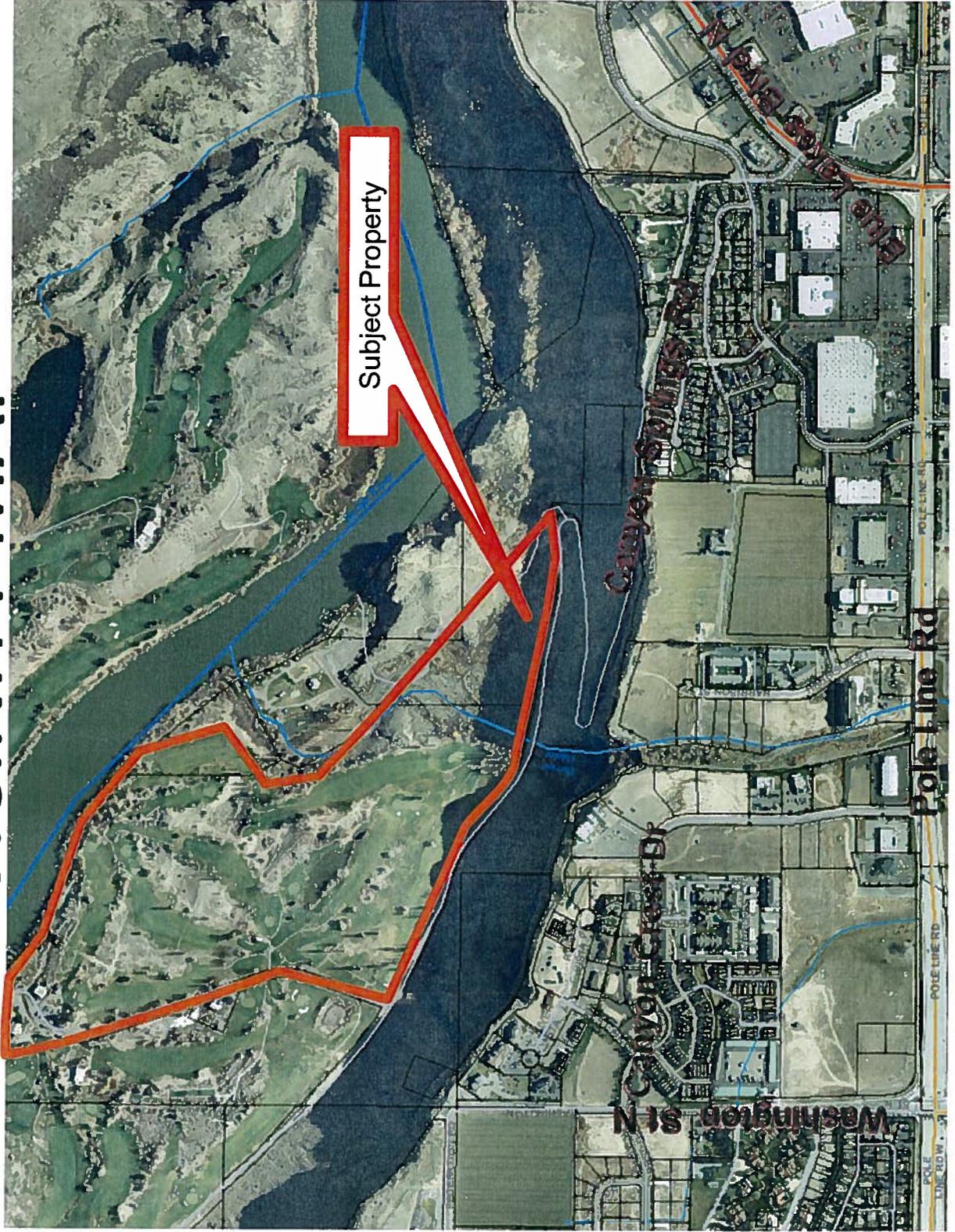
Research was completed in late 2009 & early 2010 for a fiscal feasibility study that included analysis of State and local tourism travel statistics from the State Department of Economics, Tourism, hotel and lodging statistics, traffic patterns in our region, etc. Some of that information is included.

Additional research was collected from areas similar to ours with personal contact made to each local zip line Planning & Zoning office as well as to the zip line owners to determine how those communities handled the process of approving zip lines.

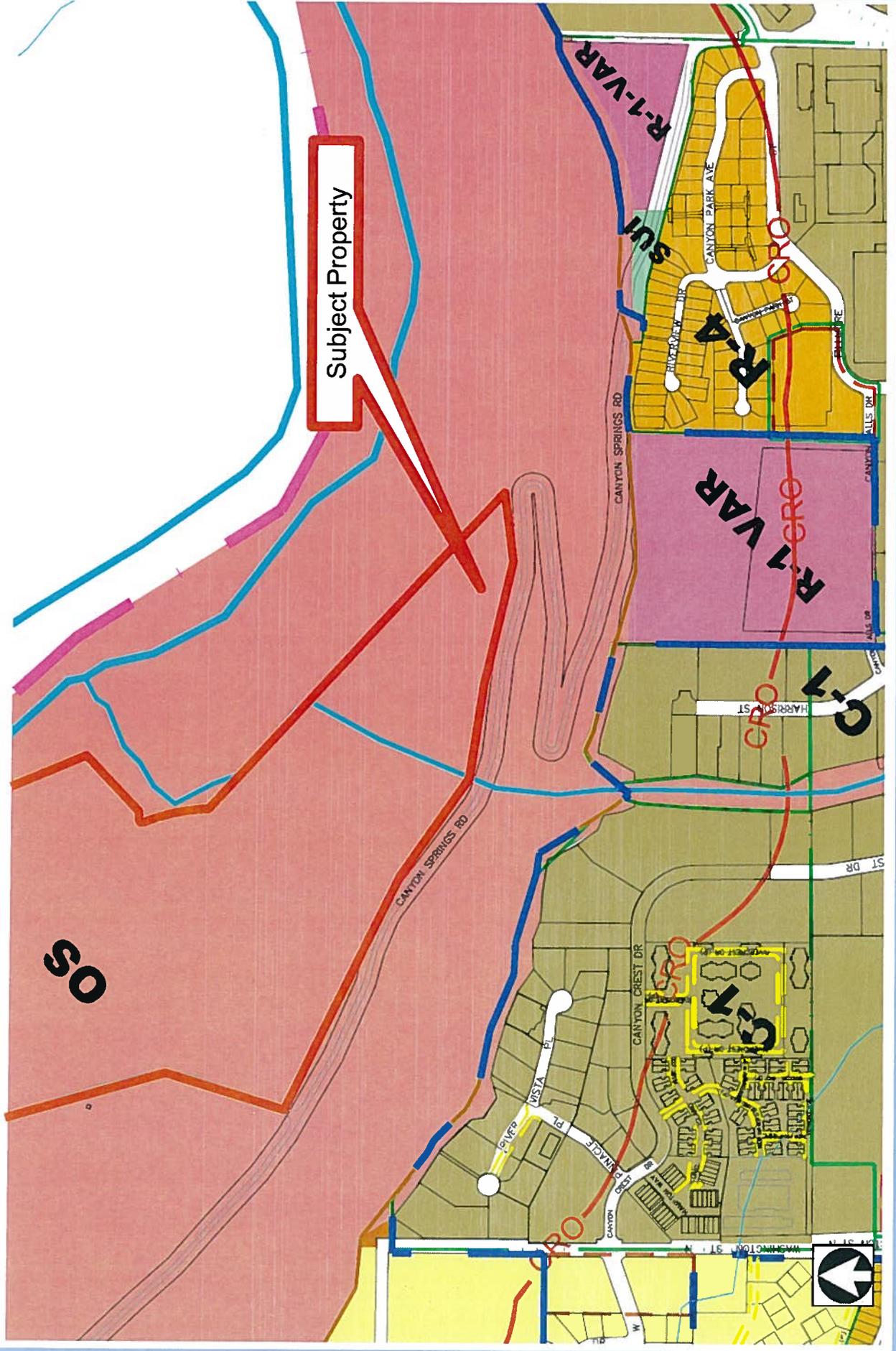
Two demonstration lines have been erected in the past for the purpose of allowing the general public to get an idea of what the zip line cables will look like in the Canyon. The most recent, in the actual triangle where the zip line aerial tour is proposed, was filmed by KMVT News. Included as part of our research is the KMVT News clip. The Engineers used this demonstration cable as a means to gauge tension versus velocity, height and sag as well as run-out.

In addition to the KMVT News clip, an individual had his personal video camera and interviewed some of the walkers along the Centennial Park Road. That home video clip is also included as it supports the fact that there will be very little noise and visual disturbance in the Canyon with this activity.

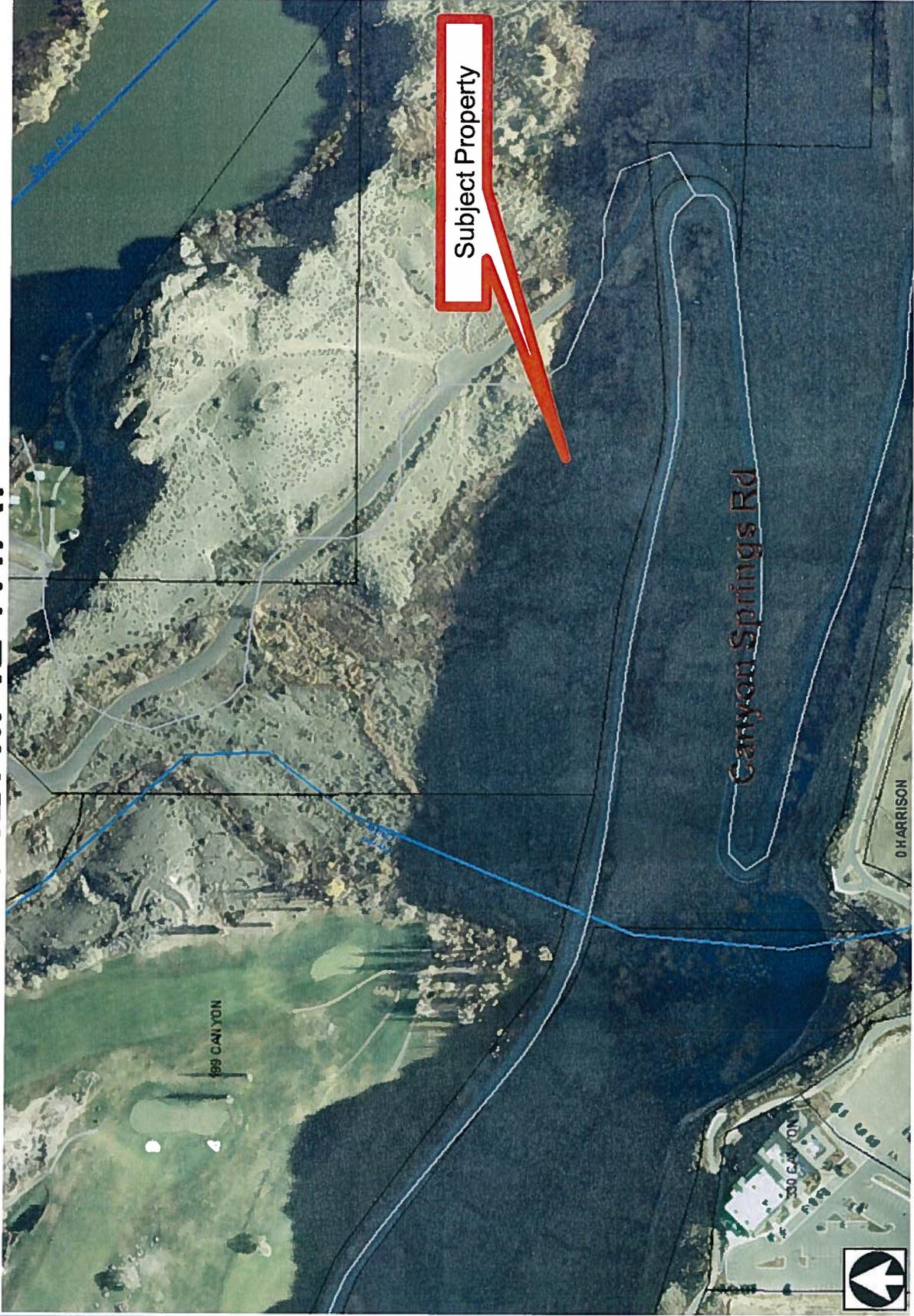
VICINITY MAP

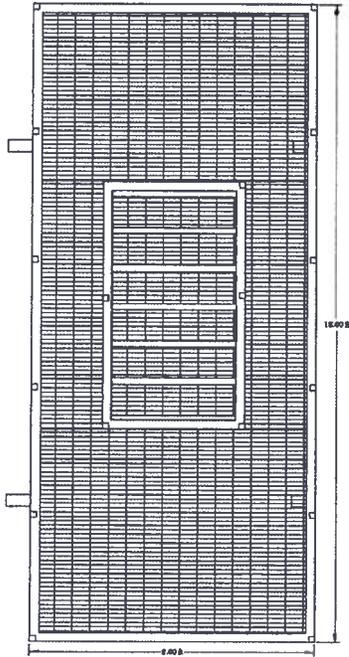


ZONING MAP

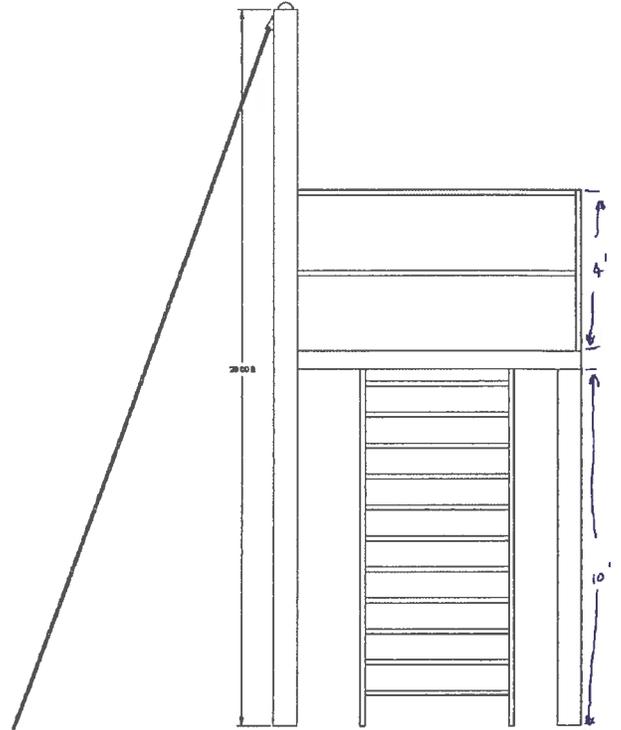


AERIAL MAP



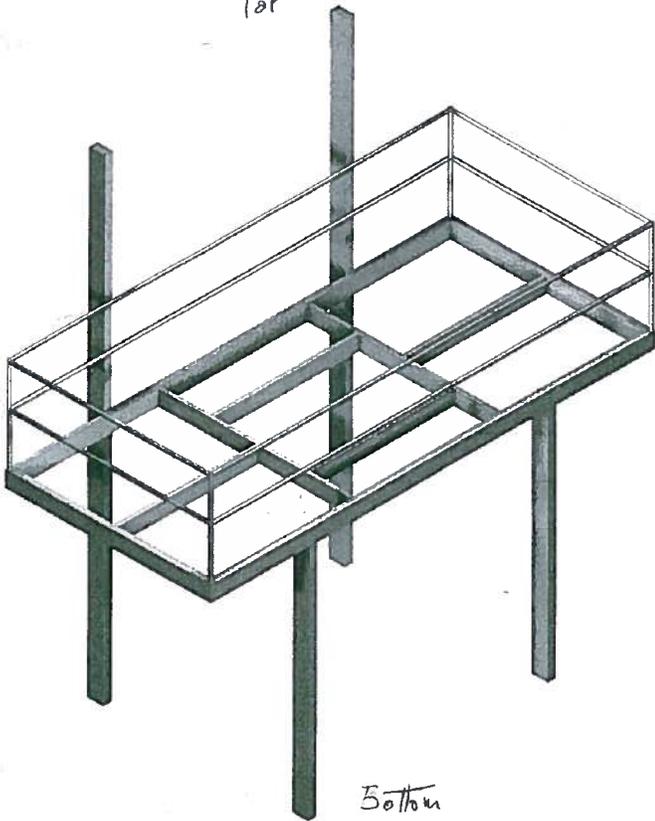


TOP VIEW

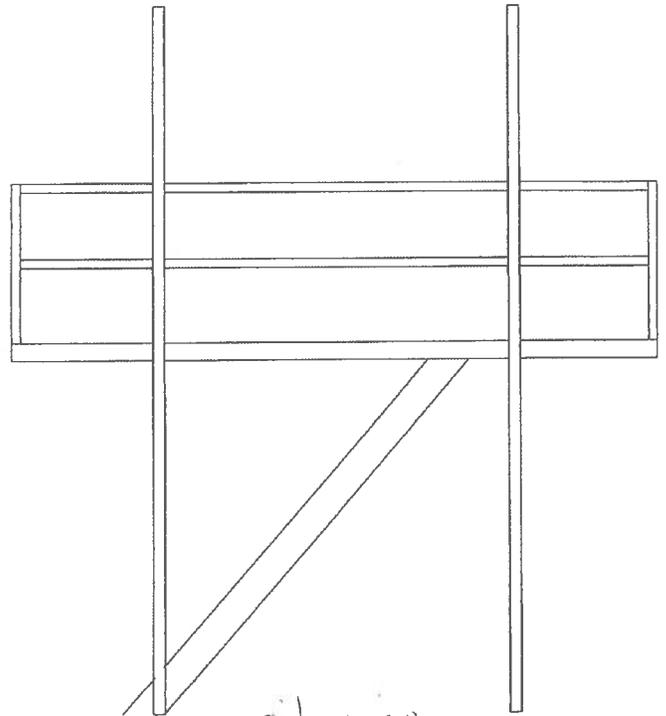


End VIEW

TOP



Bottom



side view



**NOTICE OF AGENDA
PUBLIC MEETING MINUTES
Twin Falls City Planning & Zoning Commission
FEBRUARY 08, 2010 - 6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301**

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Chairman	Kevin Cope Vice-Chairman	Jason Derricott	V. Lane Jacobson	Bonnie Lezamiz Lee DeVore	Gerardo Munoz R. Erick Mikesell	Jim Schouten
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ATTENDANCE

CITY LIMITS

PRESENT:

Cope
Derricott
Jacobson
Lezamiz
Munoz
Schouten

CITY COUNCIL LIAISON: Mills Sojka

CITY STAFF: Carraway, Strickland, Vitek, Wonderlich

ABSENT:

Bohrn

AREA OF IMPACT

PRESENT:

DeVore
Mikesell

ABSENT:

AGENDA ITEMS

- I. ITEMS OF CONSIDERATION:**
1. Request for the reactivation of Special Use Permit #1163, granted on October 27, 2009 to Clinton and Anna Dille' for the purpose of constructing and operating a medical facility on property located at 176 Falls Avenue, c/o Clinton & Anna Dille'. (app 2345)
 2. Request for the reactivation of Special Use Permit #1105, granted on July 8, 2008, to Gabriela Tovar for the purpose of operating an in-home daycare service on property located at 1312 7th Avenue East, c/o Gabriela Tovar. (app 2244)
 3. Consideration of the preliminary plat for the Zearth Subdivision First Amended consisting of three (3) single family residential lots on 4.3 (+/-) acres located at 3953 North 3300 East, c/o Tim Vawser/EHM Engineers, Inc.
 4. Preliminary PUD Amendment presentation for a Planned Unit Development Agreement Modification for the Perrine Point PUD Mixed Use Residential/Neighborhood Commercial Planned Unit Development Agreement located at the northwest corner of Grandview Drive North and Falls Avenue West to modify the architectural concept and to provide for an active adult residential community within the R-6 zoned area of the PUD. c/o Gerald Martens on behalf of Tres Gringos, LLC. (app 2428)
- II. PUBLIC HEARINGS:**
1. Request for a Special Use Permit to replace a legal non-conforming use by another non-conforming use on property located at 276 Eastland Drive North, c/o Marcella (Blass) Sligar & Amanda Dastrup. (app. 2422)
 2. Request for a Special Use Permit to include automobiles, sporting vehicles and equipment sales in conjunction with an existing equipment rental business at property located at 465 Addison Avenue West, c/o Andy Barry on behalf of Barry Rental, Inc. (app. 2423)
 3. Request for a Special Use Permit to operate an in-home day care business for property located at 260 Heyburn Avenue West, c/o Libra Bartlett. (app. 2424)
 4. Request for a Non-Conforming Building Expansion Permit to add a 42 sq ft expansion onto the front of their legal non-conforming building for property located at 111 South Park Avenue West, c/o Kenneth L. Schmidt on behalf of La Casita Mexican Restaurant. (app. 2425)
 5. Request for a Special Use Permit to install and operate an aerial tour business on a south east portion of the Canyon Springs Golf Course within the Snake River Canyon, c/o Jody Tatum on behalf of Magic Valley Flight Simulation, LLC. (app. 2426)

6. Subject to the fire hydrant located in front of 1312 7th Avenue East being moved from in front of the concrete area.

MOTION:

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

**APPROVED SPECIAL USE PERMIT #1105 REINSTATED, AS PRESENTED,
SUBJECT TO THE ORIGINAL CONDITIONS**

Commission Munoz returned to his seat.

5. Request for a Special Use Permit to install and operate an aerial tour business on a south east portion of the Canyon Springs Golf Course within the Snake River Canyon, c/o Jody Tatum on behalf of Magic Valley Flight Simulation, LLC. (app. 2426)

Commission Lezamiz and Jacobson stepped down.

APPLICANT PRESENTATION:

Jody Tatum, the applicant state she is here to review the plans and the request for a zip line. This has been a major learning process for them and they have really undergone some significant changes. They believe they have come up with a zip line tour that will showcase the Canyon and provide education and recreation for everyone enticing visitors to stay in this area longer. The points presented tonight will include information about the location, access, the tour route, the experience associated with the zip line tour, scheduling, the length of the tours, areas of impact, parking facilities, structures, the environment, the economy and a list of things they have to go through in order to be able to operate.

She reviewed on the overhead the location of Canyon Springs Road and Centennial Boat Docks, and showed where the zip line would be located within this area. The plan is to take the road from the Club House at the lower level transporting the tour group along the road that is adjacent to the golf course and the river itself. The road runs along the side of the old apple orchard and up along Fairway No. 7 on the east side; this is where the launch site will be located. People will transverse the first line take a small hike up to the second launch site transverse the second line back to the starting launch base area, transverse the first line again and do a short hike to the third line launch which is the longest of the three. All of these lines will be approximately 100 feet off of the ground, which allows for some really good elevation in this little pocket area. They anticipate the longest flight line being approximately 1000 to 2000 ft which will be determined by the engineers. The tour group will then re-board the transport and return back to the club house to remove all the gear.

The tours will be pre-scheduled and the industry standard at this time is to do this via internet or telephone. The tour time and date is then assigned for your arrival, they are booked anywhere from three days to three weeks in advance, the contact information is maintained so that any changes of events can be communicated to the customer. The guest arrives at the Canyon Springs Golf Course to the Club House where they will complete a 20 minute training session, everyone will then board the transport and head to the launch site. Education about the fish farm, apple orchard and other industries available in the Canyon. They will complete the series of three gravity lines, the licensed guides will be with the tour group during all stages of the tour. The group will then board the transport again and be taken back to the club house.

As for scheduling the group size will average between 6 and 12 people depending on the season and the demand. During the high peak season they estimate 12 people per tour and during the slower part of the day and slower season there will be approximately 6 people per tours. There will be approximately 4-8 vehicle per tour. There will be a tour every 2-3 hours depending on registrations. There will be 4-6 tours per day depending on the weather and daylight. They anticipate between 12-60 people per day season, daylight and weather permitting. They plan to operate year round again

dependent upon daylight hours and weather permitting. In the winter months they will schedule during the holidays and weekends depending on demand. The business plan is to take care of the community offering specials, discounted family days, group rates and incentives for kids to do well in school.

They plan to cater to the tours and visitors during the busy months to capitalize on the tourism dollars. They will be active in the community and are looking forward to working with everyone making this adventure a success. The business is going to have an impact and we plan to use the already existing Canyon Springs Golf Course Club House, their underutilized parking area at the bottom will be used for parking their vehicles. There will be visual impacts that the lines will be secured to but they should be no more than 20 feet tall painted and stained to blend into the surroundings. The launch sites will be minimal with minimal impact to the environment. The people will be flying over the tour area approximately 80-100 feet in the air and the only touch points will be at the end of the lines. The tours will operate during daylight hours only and the area will be open to the wildlife currently living in the area.

The impact to the local economy will be measurable, it should increase tourism, add to jobs, revenue and impact the hotel, restaurant and entertainment businesses in the area. This will be the only scheduled guided tour of the snake river canyon available to the visitors as they pass over the Perrine Bridge. By having the tour accessible to the public it will be very exciting and great for the area.

As a zip line tour business there are several steps they have to complete prior to being able to operate. They have to become an outfitter and be licensed through the state. Once approved they have to put in their application for joint agency approval to the State Department of Land, Army Corp of Engineers and the Department of Water Quality. They also have to become certified with the Engineers with both the Professional Ropes Course Association and Structural Engineers. They will need City and County building permits for the structures. They will have to meet with all first responders to train on emergency plans. They have to have certification and training completed for all of the guides with the State of Idaho Outfitters and they have to be CPR trained. These are things that have to be completed to move forward and to ensure they operate a safe business.

Zip lines are eco friendly, enjoyable and educational. They are accessible and can be enjoyed by fairly able bodied people. This activity will serve 60 people per day at maximum capacity and maximum daylight. Hiking boots/closed toed shoes will be required, people must be to walk up the hill to the next launch site. This is a trial venture, they don't know the impact because no one has done it before, this is an easy up and easy down thing, if it turns out to have a negative impact in the area it can easily be taken down. If it is a positive impact it will benefit everyone. A couple of final points, they will not be accessing the golf course itself, they are completely off of the golf course and will only be visible to the line of site at certain fairways. Mr. McCullum is very protective of his golf course and they will be working with him so that this doesn't negatively impact the golfers.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated on December 13, 2010, the City Council approved a Zoning Title Amendment which added a definition to the Twin Falls City Code §Title 10; Chapter 2; Section 1; for a zip line and added that "zip lines operated by outfitters and guides licensed by the Idaho Outfitters and guides licensing board" may be allowed by special use permit in the open space (OS) zone.

The definition of zip line was approved as follows:

Zip Line: an aerial trail system providing recreation and education activity that preserves and protects the natural environment and habitat by enabling people to transverse terrain by means of cable and trolley."

The request is to operate a zip line facility within the Canyon Springs Golf Course. This property is located in the OS, open space district within the area of impact. A special use permit is required for zip

lines in this zone. The zip line operation area is about 10 acres in size and the trail length from the Canyon Springs Clubhouse to the launch site is about 2/3 mile (3500 +/- feet). The zip lines are proposed to extend from a launch area between Canyon Springs Road and the road to Centennial Park over the wetlands where the Perrine Coulee drains to the Snake River with the landing area being on Canyon Springs Golf Course.

The zip lines launching, landing, and aerial trail area is all contained on property owned by McCollum Enterprises who has granted permission to Magic Valley Flight Simulation, LLC. to use this property. The project description indicates that pole anchors for the launch and landing sites will be no more than 20' high at the ends of the lines. The launch and landing areas are anticipated to utilize natural ground or a dirt platform. If an elevated platform is found to be necessary it will be no more than 5' high and no larger than 10' x 12' in size.

A "monster line" is tentatively shown as part of a Phase II. That is not part of this request. Should this request be approved the "monster line" shall not be included in the approval.

The Commission may wish to require a bond be in place prior to operation to ensure if the business ceases to operate all structures shall be removed and the area impacted by this business will be returned to its natural state.

The submitted narrative indicates additional traffic impact on Canyon Springs Road is anticipated to be about 20 vehicles a day in general and 40 vehicles during peak operating times. The nearest private land owners may feel effects of additional traffic and noise from people who are on the zip line. However, the greatest traffic impacts would be from the recreational users who utilize the many facilities on Canyon Springs Road and within the canyon itself.

Staff has received public comment regarding opposition to the request due to public safety concerns on Canyon Springs Road. Staff does have concerns over the possible distraction to drivers that will be created as the zip line launch area is near Canyon Springs Road. The zip line activity may cause drivers to slow down or even stop in the road. They may also attempt to park along the road to access the site or watch. The road width is not adequate to accommodate parking and as the site is just after a major curve in the road vehicles may not be able to see or plan for other vehicles that may be parked along or stopped in the road. Staff would recommend that signage be put up at the applicant's expense along Canyon Springs Road indicating that parking and stopping is not permitted on the road in that area.

Staff is also concerned with people trying to access the launch area from Canyon Springs Road or the road to Centennial Park. Twin Falls County staff has indicated to city staff they do not want the Centennial Park Area to be used for parking for the zip line nor should the area be permitted for spectator viewing from the launch site. Staff recommends that there be a security fence or similar type structure that would keep people from accessing the zip line site while it is not attended or after hours.

The city also has concerns about the additional use at the clubhouse and if there is adequate parking for the additional use at the facility. Staff would recommend a condition that a parking review be required to determine if additional parking area should be provided. The use may also affect the occupancy status of the building and so staff would also recommend a condition that the applicants meet with the building department to determine if any "change of use" processes are required. The structures associated with the zip line anchors and possible platforms will need building permits and may need special inspections performed by licensed engineers.

As per City Code to operate a zip line facility requires the outfitter and guides to be licensed by the Idaho Outfitters and Guides Licensing Board. Documentation shall be provided prior to operation of the facility.

The Comprehensive Plan describes open space and the canyon rim in several areas. Based upon the community survey there is a strong desire to preserve and protect our canyons and open space. There is also verbiage within the Comprehensive Plan that identifies the need for more and varied recreational opportunities. The applicant states in their narrative they feel that the Comprehensive Plan supports zip lines in that they are aerial trails and that as part of the zip line experience they will provide educational components about the history of the Snake River Canyon and the natural habitat, plant and wildlife that populate the canyon area.

The Planning and Zoning Commission has standards in the city code in regards to the evaluation of a special use. city code §10-13-2.2(D) "standards applicable to special uses":states...the Commission shall review the particular facts and circumstances of each proposed special use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
2. Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
3. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Zoning & Development Management Carraway stated upon conclusion should the Commission approve the request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to permit being for three-line course only, as presented. This permit does not include the "monster line" Phase II.
2. Subject to platform development and structures being no more than 5' high and no more than 10' x 12' in size.
3. Subject to a review by the building department to determine if a certificate of occupancy is required for the use of the clubhouse facility for the zip line staging area.
4. Subject to a review of parking requirements for the clubhouse and zip line use to determine if additional parking is required.
5. Subject to the launch site having a security fence or suitable enclosure to provide security to the site.
6. Subject to signage on Canyon Springs Road being placed by applicant indicating that no parking or stopping is allowed on the road way in the vicinity of the launch area.
7. Subject to the zip line(s) operated by outfitters and guides being licensed by the Idaho Outfitters and Guides Licensing Board. Documentation to be provided prior to operation.
8. Upon abandonment or discontinuation of use, the property owner/business owner shall physically remove all structures associated with the zip line(s) facility within ninety (90) days of the date of abandonment or discontinuation of use, and restore the site to its original condition. the property owner/business owner shall provide to the city, prior to issuance of a permit, a

performance bond in the amount of twenty thousand dollars (\$20,000.00) or a bond equal to a written estimate from a qualified contractor to guarantee that the facility will be removed when no longer in use. the city shall be named as an obligee in the bond and must approve the bonding company.

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

P&Z QUESTIONS/COMMENTS:

- Commissioner Munoz asked about the scheduling of tours and are there plans to have staff available for the unscheduled tourist, asked about other events in the canyon and signage for locating the site.
- Ms. Tatum stated if there is room on the tour for additional walk-ins they will add them. She stated they have a verbal agreement to work around the large events that occur in the area. They can also close down on specific dates.

PUBLIC HEARING: OPENED

- John Lezamiz, 847 Canyon Springs Road, state he is here to discuss the location and safety of this zip line. The road into the canyon has two 180 degree turns and the maximum grade allows for 7 % grade and this road is much more then this in several places and doesn't comply with standards. In addition to the roadway there is considerable amount of traffic on this road and people have been known to travel up to 60 mph through this area until they hit the first hair pin turn. There are other large vehicles that travel this road as well. There is also a large number of pedestrians that use this roadway as well, for conditioning and exercise. It is not unusual to see people walking on this road starting around 5am and until it is dark. The road travels in an east west direction so you look into the sun when it is setting and rising making it even more difficult to see the road. He reviewed on the overhead photos of the road way and pedestrians walking along the roadway and traveling up and down the road. The concern is that you are mixing a large number of vehicles and pedestrians creating conditions that are not favorable. The situation that is already there is going to get worse. A petition has been circulated to establish a walking trail for pedestrians, and if this road is already at and over capacity this is going to make things worse. The numbers have gotten higher since their first presentation because they want to be open year round now. This calculates to 14400 people during off season months. In the summer it could be 28800 people and an average of 21600 people will be using the zip line. The problem is that the road will be traveled up and down the same way doubling the travel and impact to the road. There are 200 members and the golf course services an average 31,000 annually, they have 26 spaces in upper parking and 59 in lower having a max of 85 spaces and at busy times cars are backed up on this road because there is not adequate parking for the golf club now and increasing the uses 38% to 98% without adding parking. Parking is an issue all the time. Restroom facilities and accessibility are also a concern, they are planning to use the restrooms at the golf club in the lower level. This building is not ADA compliant and they don't plan to address these thing either. This is an additional use that needs to be considered. This area is a wetland and before you can do anything in a wet land you must do an environmental study and have the Army Corp of Engineers approval. The second worst impact will be to Centennial Park. If someone wants to see a friend on the zip line or see what this is about the people are going to use the Centennial Park. 13 boat spaces and 39 parking spaces with portable facilities that cost 900.00 every time they are serviced with this in mind we are going to be paying for these additional costs. In closing as the Planning & Zoning Commission you need to be able to make an informed decision. The code says this Commission may request studies concerning environment, social impact and safe capacity, to make an informed decision. If the

information presented to you is unclear you have to deny the request or at the very least is request a study be done and table until the information is submitted and can be reviewed. Before you vote ask yourself would more information be helpful, second ask is this a good use for the canyon. If the answer is I don't know or no then it should be denied. Additional information should be requested before a decisions is made.

- **Bill Napp, 3452 E 4000 N Kimberly** he stated he moved her from Michigan and worked in the Hotel and Resort Industry. He is in favor of the request and feels the concerns that have been raised can be addressed.
- **Phyllis Perrine 3549 N 3100 Twin Falls**, stated her family owns property in this area of the canyon and they are not in agreement with the zip line.
- **Rick Novacek** stated he is the director of Twin Falls Parks and Water Ways states that the board refrains from making a negative or positive recommendation because they don't have enough information. The lack of information relates to an incomplete business plan, issues related to the wetland area, engineered plans, and restroom facilities. Until these issue can be addressed he would ask a decision not to be made.
- **Bear Bangs 1904 Pahsimeroi Circle**, stated he is for this request and feels it is the City's responsibility to promote local business and things that will generate growth.
- **Jean Meyer, 281 Caswell Avenue West**, stated at 70 she jumped out of an airplane and would like to be one of the first to do the zip line.
- **Chris Satterwhite, 452 Woodland Court**, in favor of the zip line and stated signage should be required, this has job potential, can generate tax revenue and shows people that there are multiple activities to do in this area.
- **Lori Schut** stated she is opposed to the zip line.
- **David Mead 2045 Hillcrest Drive**, is all for new business but this is not the place for this, the roads don't meet standards, canyon wall slippage is a danger, restrooms are limited, the opening of Augar Falls to the public has increased traffic, this may have positives but this is not the place. He is opposed to this request.
- **Terry Reinke, 736 Canyon Park Avenue**, is against the request, he uses the canyon road every morning and has witnessed how treacherous the activity can be. The walkers use both sides to walk turning it into a one way highway and the impact is already bad and the accidents are going to increase. As you review this request the canyon is what we hold sacred, and he requests that this be denied.
- **John Beuker 711 Riverview Drive**, stated he is opposed and would hate to lose his privilege to walk in this area because of the increased danger generated by the increased traffic.
- **Bill Gehrke, 711 Canyon Springs Road**, opposed to the zip line in the canyon there is a need for more information. Limit times of operation and maybe there are ways to cohabitate but without specifics it's difficult to know what can be done.
- **Gerald Beck, 699 Riverview Drive**, he stated the infrastructure is not in place for this. He stated he has done economic development for this area for 35 years. Is this company worth the cost of what it will cost the canyon. He is concerned that the point that was raised by the applicant is that there are walk ways that have been developed for people and they don't understand why the people have to walk the grade. The grade is not the issue people have been walking her for a long time.

- Barbara Beck 699 Riverview Drive she is for economic development in Magic Valley not against a zip line but is against a zip line in the canyon. They have hair pin turns, walkers and traffic. We can't build a new canyon if we screw this one up. Please protect the canyon.
- Jeanette Fishel 1005 W Clearcreek Drive Buhl. She is for this request, it will generate tourist. She is from Juno and the tram was objected and now the amount of tourism it has brought is beneficial.
- Boyd Setterwhite, 452 Woodland Court, he has been listening to the pros and cons. He is for the zip line there are issues we have to face but that is true for all projects.
- Lamar Orton, 867 Filer Ave W, he is not against the zip line he is not against economic development for him it is about the location. This zip line is not in a good location, the education is positive, it is the lines and traffic that bothers him. The wildlife is a concern, they don't seem to know what the impact will be to the birds. The number of cars seems to be highly underestimated, and doesn't appear to account for employee traffic, spectators, and other types of vehicles. The impact to Centennial Park and events in the area are going to be impacted. He says he thinks it will be hazardous to surrounding area and venues.
- Dave McCullum stated he is very familiar with the road, the problem on the road is not traffic it is the pedestrians. He doesn't know how people can comment on the bathrooms and if we deem this usage appropriate he doesn't see why its other people's business what we want to do as private property owner.
- Lucina Tapia, 1740 El Dorado Street, stated learn by doing, zipping is about your body, motion, and is a great learning experience. This could be great for people to learn and provide a great way to get fresh air and exercise.
- Kalay Cuellar she is for the request and is very appreciative of the canyon rim and was disappointed when Home Depot came in and the Dell building was built. It would be exciting for the kids and but road issue will need to be addressed. She suggested maybe a time limit placed on the special use permit would allow people to see how it impacts the canyon.
- Gary Evans, 732 Riverview Drive, stated he is for economic development, jobs, and all of these things. The project as presented currently will have an impact on infrastructure that is already a concern. The eco friendly uses that are already in place along this road such as walking will impact the safety of the lives of people that use this road already.
- Andy Borchardt, 305 Locust Street North, stated 40 mph on this road is probably the most he has seen, the road has a shelf life and there are probably plans to repair the road and make trails. He would like to say he is for the zip line. The poles will be painted green and the lines will not be visible it will look like the trees and be a great thing.
- Nikki Randell, 354 Madrona Stree stated this would be one great way for the teens to stay out of drugs and out of trouble. She is for the zip line.
- Ralph Klinsky, 2451 Cedar Creek, stated they have been denied a permit which has prevented them from being able to provide information. These people live on the canyon; they don't own it, all the people in this area own the canyon. Free enterprise and tyranny should not be allowed, he is for the request.
- Any Barry , for the zip line it is on private property and it would not be as unsightly as the sewer plant.

- Barry Knoblich, 1174 Skyline Drive, stated he is in favor of the staff reports recommendations, and the concerns raise were addressed. More details are difficult, Canyon Springs Road has been improved and it could be that the traffic could justify improvements. The staff did a great job with their recommendations. Let it move forward.
- Ashley Bangs, 1904 Sunrise Circle, stated she thinks this would be great, it will provide a way to see the beautiful canyon, it will bring more people to the area and help with jobs. The golf course and the sewer plant takes up more room then the zip line will.
- Lamar Sylten, 203 Canyon Springs Road, lived in the canyon for about 13 years and lives at the fish hatchery. The problem with the road is pedestrian traffic with no way for the people to get out of the way. There is an observation turn out for spectators, the property is recreational property. The area they are proposing to use is about 10 acres with a spring but the anchor points will be outside of the wetland area. The pelicans hit the wires already and knock out the power at night. They should charge fees to get down to this area it would assist in repairing the road and help with the cost of maintain the park and restrooms. He is for the request.
- Scott Record is in favor of the zip line and one of the things that is beneficial is the revenue that it will generate. The synergy of the base jumping and the zip line will change things for Twin Falls, the road should be taken care of and the shuttle would assist with the issues. The public safety concerns are contrived and the good out ways the bad.
- Mr. McCullum stated he does have permission from the Army Corp of Engineers to pipe the wetlands.
- Bonnie Lezamiz stated she appreciates living on the canyon rim and not everyone is a property owner on the canyon rim that is against this request. When considering this request the impact to the already existing uses should be taken into account. More detailed information has been provided for other requests and this request should not be any different.
- Bill Small, Canyon Spring President of The Golf Association, stated he has talked to the golfers and some of the concerns raised tonight were raised by them. Some were for and some were against the zip line. The issues with the road need to be addressed with or without the zip line.
- Katie Breckenridge, grew up on the Canyon Rim and own the land above the road and the rock fall is of major concern. She stated there is an engineering studying in the process regarding the wall because of rocks falling. The safety of the road is a concern and she encourages the Commission to consider this when making a decision.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

Jody Tatum, stated she is comfortable with staff recommendations. She would like to know what a performance bond is and if a cash deposit is the same thing. With regards to the fencing around the launch sites, she has a security company that will monitor the zip line 24 hours making it secure. As for the Department of Parks and Waterways with regards to their decision to have no opinion, she stated they are still meeting with people that this business may impact, to discuss issues. They have not moved forward because of the costs and they want to make sure they are legally allowed to do this prior to investing more into the project.

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated this is an experiment and they want to see if it is worth the investment. They are using someone else's property to try it out without investing much. It is everyone's rights to have access to the canyon including the pedestrians that walk the road.

- Commissioner Munoz stated he is in agreement with Commissioner Mikesell. There were several comments about things lacking and there was a lot of misinformation. He would like to know more, there are issues with the road and pedestrians and is this harmonious with the surroundings and will it impact public facilities. The public would be impacted, the infrastructure is faulty and this will only make it worse. Do we need to improve the road or wait for income to improve the road. It is not feasible for the city or public to pay for the improvements so that someone else can have a business that is going to create more problems. He visits this area and feels these questions are not answered, he would like to be more informed. At this point he can't vote in favor. He understand the private property issue however this area belongs to the entire community.
- Commissioner DeVore stated he likes zip lines and there are solutions for all of these things but the he needs more information and some suggested solutions from the applicant to address the concerns.
- Commissioner Schouten stated he is in favor of the zip line, the City has done a study of this wall and we haven't seen any results yet. Possibly, parks should have considered this road and made improvements. It would be a start and the location seems to be a good spot his only concern is the wetlands.
- Commissioner Derricott stated as long as it meets the requirement and that the City staff can determine the requirements that need to be met he would vote in favor of the request.
- Commissioner Mikesell stated there are too many people walking the road, and because there are no sidewalks they are allowed to walk on the road. The safety issue is a concern and there don't seem to be any plans implemented by the applicant to address these issues. He stated we don't require fully engineered plans but we do require drawings that illustrate what the structures would look like when completed. There is just not enough information for a decision to be made. As for the wetlands if the Army Corp of Engineers has not been notified they will stop the project until things have been reviewed. As for bathrooms they need to have them at the top. We have to consider safety of the public. There are too many people walking that road because there are no sidewalks and the public's safety is an issue.
- Commissioner Munoz stated there are several things to consider when approving a special use permit a couple that come to play for him are the design and is it appropriate and there is no design for him to review. He wants to know that the structure fits appropriately in the area. The other part to consider is if this will be harmful or not to the environment or surrounding area. He isn't sure, if there is an ability to service the road and if it is safe. There are too many questions and not enough answers.
- Commissioner Derricott stated a rendering of the site would be helpful.
- Commissioner Mikesell stated we require a drawing of some kind when reviewing for other special use permits and they have presented a map with lines drawn on it, this is not enough.
- Commissioner Munoz stated he doesn't have anything to use to establish whether or not it would be harmonious to the surroundings. He wants to see how the ramp looks and what this will look like.
- Commissioner Mikesell stated in their previous request they had some visual aids showing ramps and with this request that is different from the original request we have not seen anything. There are too may maybe's.
- Commissioner Derricott stated he can sympathize with the applicants in that they can't nail down specifics until they know exactly where they are going to be allowed to operate. Because of the amount of engineering he can understand why they don't have engineered drawings.
- Commissioner Mikesell explained there are always costs associated with doing business and part of that is design and engineering. The engineer can tell us exactly where things are going to go and what they are going to look like.
- Commission DeVore asked if an engineering study being done for this area regarding the canyon wall.
- Assistant City Engineer Vitek stated the study is in the process but has not been completed. They are working on their recommendations on how to retain the wall.
- Commissioner DeVore asked if the staff review following approval would involve not only parking but restrooms.
- Zoning & Development Manager Carraway stated if the Building Department actually determines that this is a change of use to this property they would review all of the facilities. Parking is based on

the square footage of the building per use , and currently there are no records on the Club House building, it goes back farther than the building files. There would be a review for Certificate of Occupancy and the facilities would be included in this review.

- Commissioner DeVore asked if signs along the road down into the canyon would have to be approved by City Council.
- Zoning & Development Manager Carraway explained that these conditions would be implemented according to code and City Council's approval is required for the signage then it would be sent forward to City Council.

MOTION:

Commissioner Schouten made a motion to approve the request as presented with staff recommendations. Commissioner DeVore seconded the motion. Commissioner Cope, Schouten & Derricott voted for the request and Commissioners Mikesell, Munoz & DeVore voted against the request. Motion tied.

MOTION DENIED

Zoning & Development Manager Carraway explained there is a 15 day appeal period from the date of this decision. Because this property is located in the County the appeal will be heard by the City Council and sent forward as a recommendation to the Twin Falls Board of County Commissioners for a decision.

**SCHEDULED TO BE HEARD AT THE MARCH 14, 2011
CITY COUNCIL PUBLIC MEETING**

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

Zoning & Development Manager Carraway stated there are a three items on the next agenda and the meeting is scheduled on a Wednesday due to a holiday. This will be the last meeting for Commissioner Lezamiz and Commissioner Munoz.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **(Wed.) FEBRUARY 23, 2011**

VII. ADJOURN MEETING:

Vice Chairmen Cope adjourned the meeting at 9:32 pm

COMMISSION MEMBERS:

DAVE	MARY	KIRK	REBECCA	PAIGE	ROD	ROB
SNELSON	BRAND	BROWER	DUKE	GESKE	MATHIS	STORM

Chairman

Co-Chairman



Minutes
Meeting of the Twin Falls Traffic Safety Commission
February 10, 2011
City Council Chambers
305 3rd Avenue East Twin Falls, Idaho

CONFIRMATION OF QUOROM		
CALL MEETING TO ORDER:	9:00 A.M.	
CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:		
AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u>		
1. Consideration of the Minutes for January 13, 2011.		
II. <u>ITEMS FOR CONSIDERATION:</u> None		
1. Update on Application Process for New Members	Discussion	SSgt. Dennis Pullin
2. Nominations for Jim Mildon Award	Discussion	SSgt. Dennis Pullin
3. Discussion of "No right turn on red light" signs East on Filer at Locust	Discussion	Dave Snelson
4. Zip line for the Canyon Springs Grade	Discussion	Jackie Fields
5. Discussion of City Ordinance on U-turns	Discussion	SSgt. Dennis Pullin
III. <u>PUBLIC HEARINGS</u> None		
IV. <u>ADJOURNMENT</u> 9:58 A.M.		
		Dave Snelson

MINUTES

January 13, 2011

Page 3 of 3

- 4. Discussion of Traffic Safety on the road going down the canyon, if the Zip line becomes approved for the Canyon Springs Grade. Jackie Field gave some background on where the Zip line is to be placed if approved, and where the vehicles would have to park.

MOTION:

A motion was made by Rob Storm not to oppose the project on grounds of traffic safety. Rod Mathis 2nd the motion. Everyone in attendance was in favor.

- 5. Discussion of the City Ordinance on U-Turns. The city ordinance states that u-turns are not allowed at a lighted controlled intersection, and the city has a couple controlled intersections with signs stating that we do allow U-turns on lighted intersections.

MOTION:

A motion was made by Rob Storm to eliminate the Twin Falls City U-turn code and adopt the state code and if wanting to amend that due to it being out of date you could. Rod Mathis 2nd the motion. Everyone in attendance was in favor.

OLD BUSINESS: None.

NEW BUSINESS: None.

III. **PUBLIC HEARINGS:** None.

IV. **ADJOURNMENT:**

The meeting was adjourned at 9:58 a.m. by Chairman Dave Snelson.

Tina Kelley
Recording Secretary



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:

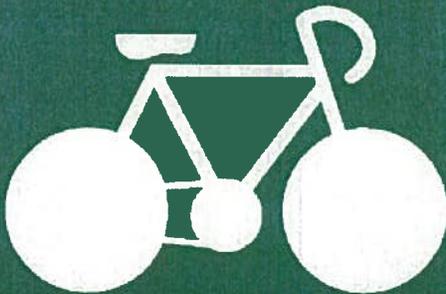
Copy of the proposed sign

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.**

Idaho Code, Sections 49-708, 49-717, 49-718, 49-615



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
IDAHO FALLS REGULATORY OFFICE
900 N SKYLINE DRIVE, SUITE A
IDAHO FALLS, IDAHO 83402

February 25, 2011

Regulatory Division

SUBJECT: NWW-2011-88-102

Ms. Jody Tatum
Magic Valley Flight Simulations, LLC
452 Woodland Ct.
Twin Falls, Idaho 83301

Dear Ms. Tatum:

We have received your request dated February 15, 2011 for Department of the Army (DA) review and comments on Magic Valley Flight Simulations, LLC's proposed construction of an aerial zip line trail over wetlands adjacent to the Snake River. The project would be located, within Section(s) 33 of Township 9 South, Range 17 East, near latitude 42.5990° N and longitude -114.1939° W, in Twin Falls County, near the City of Twin Falls, Idaho. Your request has been assigned File Number NWW-2011-88-102, which should be referred to in all future correspondence with our office regarding this project.

The DA exerts regulatory jurisdiction over waters of the United States (U.S.), including wetlands, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Section 404 of the Clean Water Act requires a DA permit be obtained prior to discharging dredged or fill material into Waters of the U.S., which includes most perennial and intermittent rivers and streams, natural and man-made lakes and ponds, irrigation and drainage canals and ditches that are tributaries to other waters, and wetlands.

Based on our review of the information provided and our review of other information available to our office, we have determined that although the subject property contains Waters of the U.S., including wetlands, the proposed work, which involves installation of aerial cables for a recreational zip line course, would not involve a discharge of dredged or fill material into wetlands and/or Waters of the U.S. **Therefore, a DA permit is not required for your project as proposed.**

If the method or scope of work or project location changes, it is recommended you contact this office for a verification of this determination. Please be advised that activities regulated under Section 404 would include excavation and land clearing operations involving vegetation removal with mechanized equipment such as front-end loaders, backhoes, or bulldozers with sheer blades, rakes, or discs; windrowing of vegetation; land leveling; or other soil disturbance in areas subject to Corps jurisdiction that result in a discharge of dredged or fill material into wetlands or Waters of the U.S.

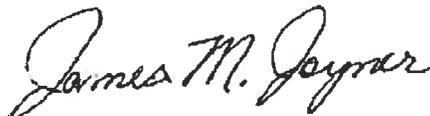
This determination applies only to DA permits administered by the Corps of Engineers, identifying the limits of the Corps' Clean Water Act jurisdiction for the particular site referenced in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U. S. Department of Agriculture (USDA) program participants, or anticipate participation in the USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

The statements contained herein do not convey any property rights or exclusive privileges, and do not authorize any injury to property or excuse you from compliance with other Federal, State, or local statutes, ordinances, or regulations that may affect the proposed work. Your project may require permits from other Federal, state, and local agencies including your local city or county zoning office. You should contact these agencies to obtain any necessary permits prior to starting construction.

We are interested in your thoughts and opinions concerning the quality of service you received from the Walla Walla District, Corps of Engineers Regulatory Division. If you have Internet access, please visit our web site at www.nww.usace.army.mil/html/offices/op/rf/survey.asp and complete an electronic version of our Customer Service Survey form, which will be automatically submitted to us. Alternatively, you may call and request a paper copy of the survey, which you may complete and return to us by mail or by fax at (208) 522-2994. Your responses are appreciated and will allow us to improve our services. Also, for additional information about the Walla Walla District Regulatory program, please visit our website at www.nww.usace.army.mil/html/offices/op/rf/rfhome.asp.

Please contact me by telephone at (208) 522-1676, by mail at the address in the above letterhead, or via e-mail at james.m.joyner@usace.army.mil if you have any questions regarding the information contained in this letter.

Sincerely,



James M. Joyner
Regulatory Project Manager

December 18, 2011

Renee V. Carraway
Zoning & Development Manager
Twin Falls Community Development
321 Second Ave. East
Twin Falls, ID 83303

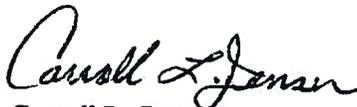
Re: Magic Valley Flight Simulation, LLC

Dear Ms. Carraway:

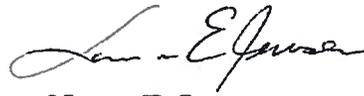
We are unable to attend the Dec. 28th scheduled meeting regarding the Special Use Permit requested by the above referenced Company. We request you consider this letter and attachment in lieu of a personal presentation at the meeting.

We are enclosing a copy of the letter we submitted for the Feb. 8th, 2011 meeting on a similar subject. Without knowledge of any specifics on the current application, we are unable to comment in any detail, however, we believe the objections covered in our letter of February 1, 2011 would still apply. Any significant increase in traffic on Canyon Springs Road, as it is currently configured, should create a major safety concern for the City.

We remain strongly opposed to any significant commercial development in the Canyon which requires access via Canyon Springs Road.



Carroll L. Jensen
713 Canyon Springs Road
Twin Falls, Idaho



Norma E. Jensen
713 Canyon Springs Road
Twin Falls, Idaho

RECEIVED

DEC 22 2011

CITY OF TWIN FALLS
BUILDING DEPT.

February 1, 2011

Renee V. Carraway
Zoning & Development Manager
Twin Falls Community Development
321 Second Ave. East
Twin Falls, ID 83303

Dear Ms. Carraway:

We are writing to you regarding the public hearing scheduled for Feb. 8th relating to the request for a Special Use Permit to install and operate an aerial tour business near Canyon Springs golf course in the Snake River Canyon. Regrettably, we are unable to attend this meeting and request that you consider the following letter in lieu of our making a presentation at the meeting.

We reside at 713 Canyon Springs Road in Twin Falls. As you know, this road runs along the Canyon Rim to carry traffic to Canyon Springs Golf Course and Centennial Park. We have lived at this location for over 24 years, and have watched traffic grow from a very small number of vehicles per day to a regular flow of traffic from morning to late evening every day. Posted speed limits are regularly ignored. Approximately 2 years ago we requested the Traffic Division of TFPD to consider a reduction of the speed limit on this road and, after a review, they agreed that the speed limit should be reduced to 25 MPH. We regret to say, that this seems to have had little effect on the number of people who travel the road at excessive and dangerously unsafe speeds.

As you may know, the subject road is used by many, many people for daily exercise. We regularly observe Mothers and small children, high school and college athletes in training, tourists out for a walk with a view of the canyon, cyclists, etc., using this road from early morning till late evening. This is a very steep, unlined and generally uncurbed roadway, which is considerably less width than city code requires. The TFPD Traffic Division observed that there are serious safety concerns with this road, and the manner in which it is used, which resulted in their agreement to reduce the speed limit.

The proposed Special Use Permit for the "Aerial Tour Business", according to their business plan, will create a significant increase in traffic flow on Canyon Springs Road, with as many as 12,000 to 20,000 vehicles per year. A trip down and back would double any count. Such an increase in traffic can only increase the potential for a serious accident on this roadway.

Before considering approval of this permit, we believe the City should conduct a thorough study of the conditions and usage of this roadway, and the projected impact of additional traffic that would result from the proposed new business to be located in the canyon. Without such a study, we would be strongly opposed to approval of the permit.

RECEIVED

DEC 22 2011

CITY OF TWIN FALLS
BUILDING DEPT.

Carroll L. Jensen

Norma E. Jensen

December 25, 2011

Members of Planning and Zoning:

I had the opportunity to drive down into the canyon on Christmas morning to enjoy the beautiful weather and look at the proposed zip line. The beauty of the ice formations that have formed on the canyon walls were stunning. The absence of human activity (golfers, boaters, Kayakers, bikers, hikers, walkers, and sludge trucks) at this time of year is much unlike the summer months when this same road becomes the only access for all who use the canyon for the variety of activities that are currently approved. It was easy to see the problems with the road condition as well as the potential for accidents when you can take the time such as that morning and look at the various widths, grade, obstacles, hairpin turns, sun and shade, all within a very short length of roadway.

It is clear that approval of any additional traffic to this roadway puts the city and its residents at extreme risk during the summer season. Unless new vendors or businesses are prepared to help with the infrastructural cost for this roadway, there should be a moratorium on new activities until the city can make improvements using it's own budget, if it chooses to do so. Placing any additional activity on this roadway is a significant liability that should not be over-looked, as the city has been notified repeatedly of the conditions that exist during peak hours.

As new vendors or businesses apply for approval or Special Use Permit, they should be prepared with a complete business plan and capital that will provide for the infrastructure that is not present or is inadequate at the site requested. The City has been quick to look out for the community's interest by requiring infrastructure improvements that will allow for safe and efficient business practices. **Why would you change now?**

Sincerely



Jerry Beck

cc: City Council

Travis Rothweiler, City Manager

Fritz Wonderlich, City Attorney

Jackie Fields, City Engineer

Rick Ferguson, ICRIMP

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DEC 27 2011
CITY OF TWIN FALLS
BUILDING DEPT.

December 28, 2011

Attn: **Planning & Zoning Commission**

Ref: **Proposal by Magic Valley Flight Simulation for zip line in Snake River Canyon**

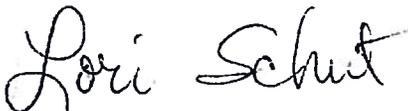
I **oppose** the proposal by Magic Valley Flight Simulation for the following reasons:

- (1) I live by the canyon and walk the trails. I think there is already a huge problem with the amount of **people trying to walk the canyon** and the amount of cars, trucks, sewage trucks, etc. that travel that road already. What they are proposing would add almost 100 trips along the canyon road (40-50 cars going down and those same 40-50 cars going back up. This includes their proposed zip line riders and people who would work at it). The risks for accidents are going to go up dramatically. I don't know if that would cause a higher insurance risk premium, if so, would the city be the one that would have to pay additional insurance for a commercial venture?
- (2) The proposal does not address the **parking** that would be needed to accommodate the increased traffic. If they plan on using the golf course, I go down there and can't find a parking place in the golf course two lots already and have to park on the side of the road going toward clubhouse. Is it legal for a new company to "stack" on to existing parking?
- (3) Do they plan on paying for and maintaining **restrooms** for all additional people and what additional burden would that be on the sewer system in the area. I don't think I have seen this issue addressed by them. Are they planning to use restrooms in Centennial Park? If that is a city park, would the city be paying for this expense when a private company is making money off the process?
- (4) Who would **pay to dismantle** this equipment if this venture did not succeed? Would it be the people at the golf course, who are encouraging this by proposing the use of their facility? I think the golf course wants to see more profits, not only in what they charge the company for use of their facilities, but also in their restaurant and are looking at this as a financial gain instead of impact of the canyon.
- (5) **Adverse environmental impact upon the Snake River Canyon.** Also, if they plan on putting a zip line over any portion of the river, is that legal? Have these kinds of uses been approved by all agencies (federal, state and local) that protect these areas? How could this development affect the natural wildlife in the area?

I don't know about restrooms at Centennial Park or increased liability by overtaxing the road with additional cars, but we expect our Planning and Zoning members to look out for the citizens of Twin Falls and the rest of Magic Valley. If any of these items would be paid for, in any form, by citizens, this project should not be approved. Also, we expect the members to make sure all legal approvals from federal/state/local laws that protect this area are being followed to protect this land from a commercial venture

A lot of us would like the canyon to stay away from these kinds of commercial enterprises. I have noticed such an increase in walkers, joggers, and bikers in the last few years. This is the way I would like to see the canyon used. I think Auger Falls is a wonderful example of use of the canyon. People enjoy the natural beauty of the area. We need to look at the long term impact on the canyon and hope you will make decisions that will protect it from this proposal.

Lori Schut
882 Canyon Park Ave.
Twin Falls, ID 83301



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DEC 27 2011

CITY OF TWIN FALLS
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RED LION HOTEL®
CANYON SPRINGS • TWIN FALLS

March 7, 2011

Dear City Council Members,

I would like to express my support for the proposed zip line in the canyon that comes before you. I believe it to be a great opportunity to expand our reach in attracting visitors to our community. Concepts such as this tie in nicely to the B.A.S.E. jumpers who have already proven to be successful in bringing people from around the world to our fine city.

Tourism is a very important part of our local economy. Given the economic climate, and the need to stand out in order to attract the tourism dollars, the unique opportunity to utilize our canyon as a draw gives us something that few have.

I encourage our City Council to approve the plan allowing for the zip line.

Sincerely,

Dave Malone

General Manager

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CITY OF TWIN FALLS
BUILDING DEPT.

ROBERT D. FISHEL
1005 Clear Creek Drive
Buhl, Idaho 83316
(208) 543-8111

December 26, 2011

To: Twin Falls Planning & Zoning

Re: Proposed Zip Line

I am in favor of this project for the following reasons: It is a win, win for City of Twin Falls who will have zero liability and thousands of dollars generated in increased tourism revenue. The City of Twin Falls has a precedent set in allowing base jumpers to leap off the Perrine Bridge. I'm sure you have done studies that demonstrate the revenue that this activity generates. Anything that increases the flow of tourists going through Twin Falls and entices them to stay even for a brief interval is tourist dollars spent.

I was the Assistant Zoning Administrator for the City and Borough of Juneau, Alaska, when the Juneau Tram was proposed, consisting of Gondola cars from a tour ship terminal to the top of a mountain above Juneau. There were many in opposition to that project but their voices were silenced after it came into operation. It is now a major tourist attraction for those visiting southeast Alaska.

Sincerely,



Robert D. Fishel

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DEC 27 2011
CITY OF TWIN FALLS
BUILDING DEPT.

JEANETTE M. FISHEL
1005 Clear Creek Drive
Buhl, Idaho 83316
(208) 543-8111

December 26, 2011

To: Twin Falls Planning & Zoning

Re: Proposed Zip Line

I am in favor of this project because it will be a recreational activity that not only attracts local people, it will also attract people from other areas of the country. The zip line will generate money and jobs not only for the people who own the zip line, but also for many others in the community with its ripple-down affect.

Sincerely,

A handwritten signature in blue ink that reads "Jeanette M. Fishel". The signature is written in a cursive style with a large initial "J" and "F".

Jeanette M. Fishel

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DEC 27 2011
CITY OF TWIN FALLS
BUILDING DEPT.



Twin Falls City Council
Attn: Leila Sanchez
P.O. Box 1907
Twin Falls, ID 83303

City Council Members,

We are supportive of the zip line project in our Snake River Canyon.

As long-time members of this community, we want the zip line in the Snake River Canyon. The zip line tour will include a guided tour providing education of the river, the canyon, its geological history, animals, and habitat. This combination of recreation and education is an optimum tourist and family activity.

We believe it will lengthen a visitors stay in our area, thereby increasing spending and participation in other revenue-generating activities. Additionally, it will provide our families and friends something fun to do when they come to visit us.

Please approve the zip line.

Thank you.

A handwritten signature in black ink, appearing to read "Heather Smith", with a long horizontal flourish extending to the right.

Heather Smith and Staff
Motel 6
1472 Blue Lakes Blvd N
Twin Falls, ID 83301

RECEIVED
DEC 27 2011
CITY OF TWIN FALLS
BUILDING DEPT.

Gayle & Ruth Fixsen
668 Canyon Park Avenue
Twin Falls, Idaho 83301
208.734.9429

Twin Falls City Council,
321 Second Ave. E
Twin Falls, ID 83301

Dear Council Members:

This is a request for you to **deny the zip line proposal**. It's not that we are against having a zip line, but we object to having it on the south side of the canyon where it is being proposed. We live within a block of the canyon, and we don't need outsiders using the road. Besides, the road would be dangerous for lots more traffic.

Why don't you consider letting them put it on the east side of the bridge where there is parking available and lookout places for viewing? Seems to us that it would draw more customers to have it there along with the BASE jumpers. Consider making that area a recreational area. It would also benefit the merchants along that side of the bridge.

Yours truly,


Ruth & Gayle Fixsen
668 Canyon Park Ave.
Twin Falls, ID 83301
734-9429

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CITY OF TWIN FALLS
BUILDING DEPT.

Dec. 26 - 2011

To whom this may concern!

Any one in their right mind knows that we do not need a carnival on the banks of our "beautiful Snake" river!

I so happen to live on the rim of the river that over looks the sight and the road that is proposed for that "Carnival ^{Zip line} ride".

there is no public facilities and no parking space. the road is not adequate.

Please don't let this happen!

E. Jean Leydet

RECEIVED

DEC 27 2011

CITY OF TWIN FALLS
BUILDING DEPT.

Twin Falls Planning and Zoning

To Whom It May Concern

I am writing to express my opinion about the proposed zip line in the Snake River Canyon .

I think the placement in the canyon by the park and the Canyon Springs Golf Course is the wrong place for the zip line. Canyon Springs road is a fragile roadway and the additional traffic is not a good thing. The restrooms and parking are public facilities and are not adequate nor should they be used by private enterprise.

There could be a safety issue with people using the walking path on the canyon rim. People might leave the path and walk to the edge to get a better view of the zip line . There are very few areas where there are barriers and someone could easily fall. I would think this would be a big concern for the city and their insurance carrier.

I am concerned about all the birds that live and nest in the canyon and the effect the zip line would have on their habitat.

Please vote against the proposed zip line.

Thank you,

Donna Clark

643 River View Drive

Twin Falls, Idaho 833

Donna Clark
12-27-2011

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CITY OF TWIN FALLS
BUILDING DEPT.

December 26, 2011

Twin Falls Planning & Zoning,

The 37 years I've lived in Twin Falls hasn't changed the feeling I get when I gaze down into the canyon. It's beauty still takes my breath away, whether I'm standing on the scenic over-look by the Visitor's Center or if I'm on the canyon floor. The Birds of Prey command my attention overhead as they shriek, looking for their next meal. The deer frequent the area, along with porcupine, raccoon, fox, coyotes, rabbits and various "critters" of the dessert. Sometimes, as I look around, I've tried to imagine how the Indians possibly used certain locations to run the wild game off the canyon wall for an "easy" kill or wonder how I.B. Perrine and the early settlers made it in and out of the canyon before the road was there, or how the original Canyon Springs Road that went behind the Perrine Coulee waterfall was constructed!

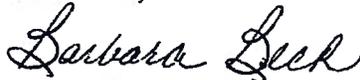
It's easy to let my imagination run wild, as the peacefulness, for the most part, still exists. Sure, there's boating, golfing and kayaking, but they actually blend in well with the natural resources that are already there.

Yes, it gets crazy during the height of the tourist season. There have been many instances where there hasn't been enough parking for vehicles, including those needing to park their boat trailer after they've just put their boat in the river. The one road to access these activities is stressed to the max, with sludge trucks, vehicles pulling boats or golf carts, RV's and caterers, mixed in with tourists and locals just wanting to enjoy the beauty. Add to this mix, the walkers, hikers, bikers (remember Auger Falls) that are sharing the road with the motorized vehicles.

The zip line doesn't fit with the simple, natural beauty of the canyon. If people want to go on a carnival-like ride, we have a wonderful County Fair every Aug/Sept. A zip line can be constructed literally anyplace. I've seen several and they've all "zipped" through the trees for a considerable distance. When you're down in the canyon, you can stand still, turn around in a circle and see for miles in each direction without even taking a step.

So, as you're reading this letter and trying to make a very difficult decision on what the right thing is to do for the Magic Valley, please remember that it took millions of years to produce this majestic natural wonder. It doesn't need the additional of carnival rides to make it more special.

Thank You,



Barbara Beck

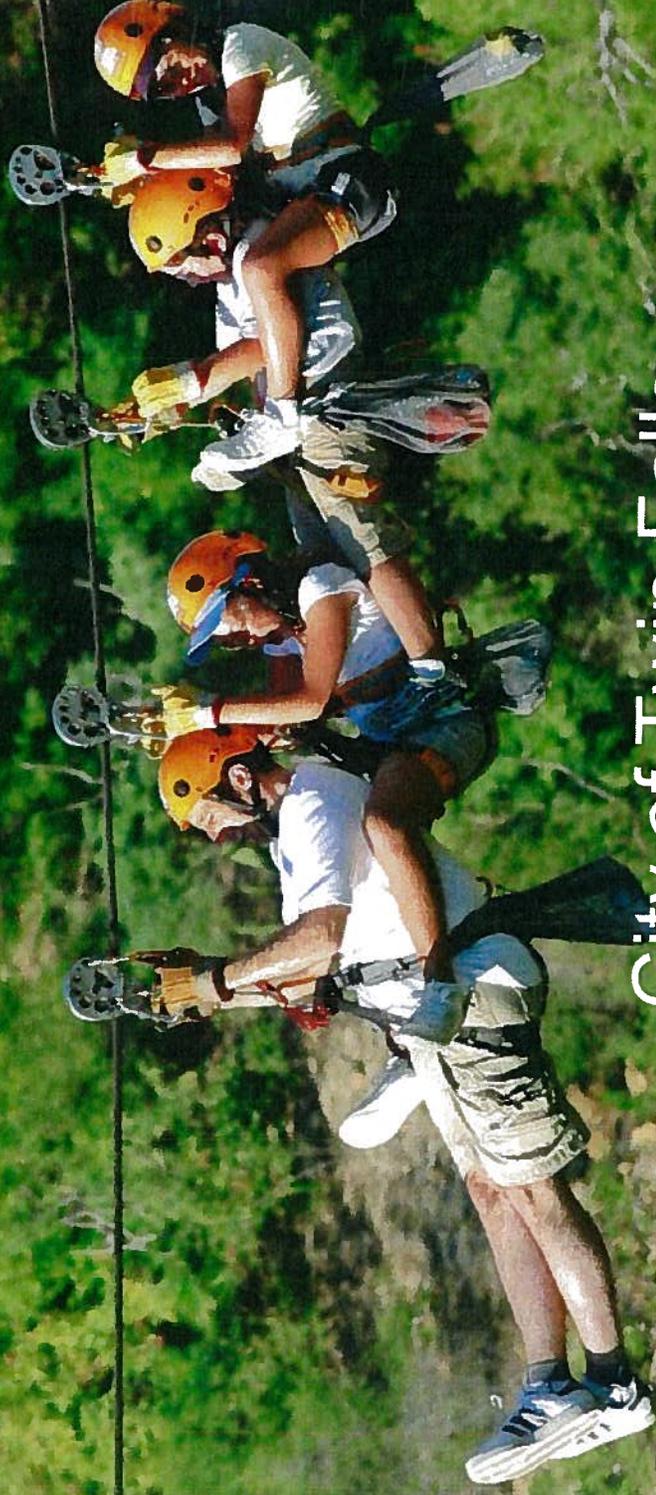
cc: Twin Falls City Council
Travis Rothweiler, City Manager
Don Hall, Mayor
Jackie Fields, City Engineer

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CITY OF TWIN FALLS
BUILDING DEPT.

Special Use Permit Zip Line

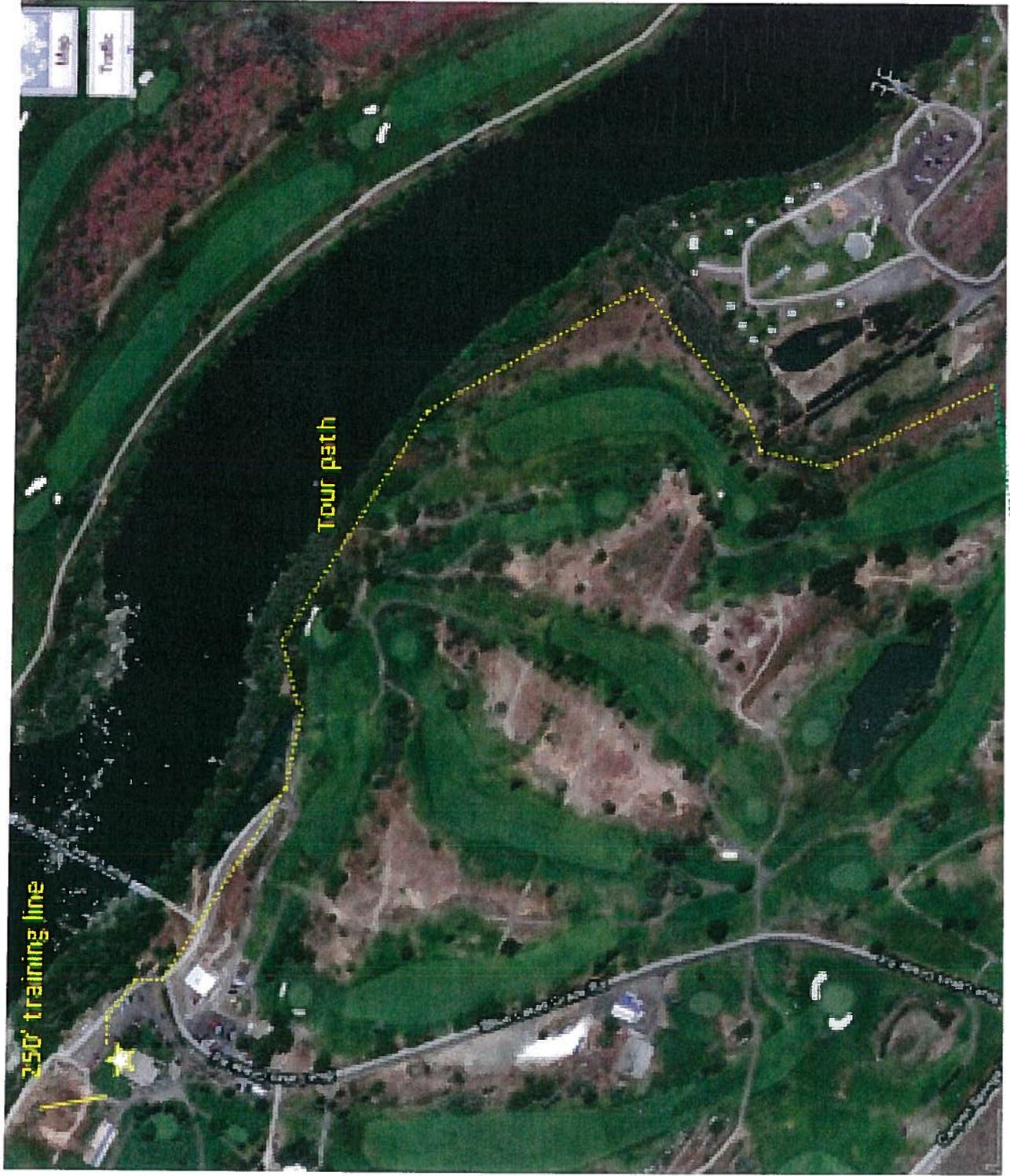


City of Twin Falls
Planning & Zoning Commission
December 28, 2011

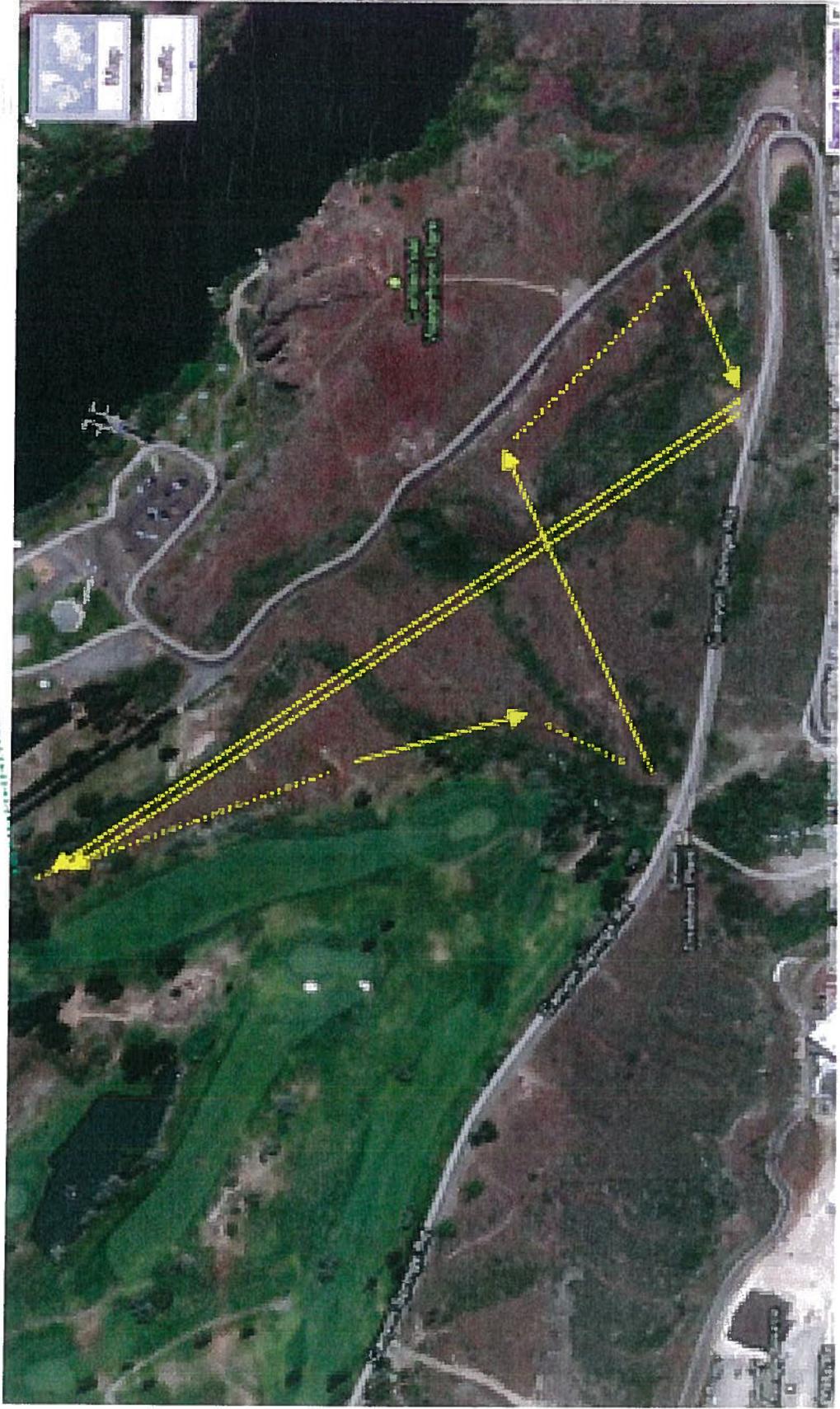
Outline

- Zip line aerial tour plan
 - Location
 - Access & tour/trail route
 - Tour & trail experience
 - Scheduling, length of tour & cycle time
- Areas of impact
 - Parking & facilities
 - Structures
 - Environment
 - Economy
- Areas of impact
 - Parking & facilities
 - Structures

Aerial Tour Plan-Location



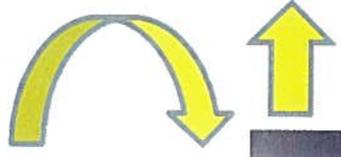
Aerial Tour Plan-Location



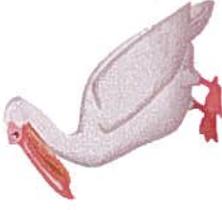
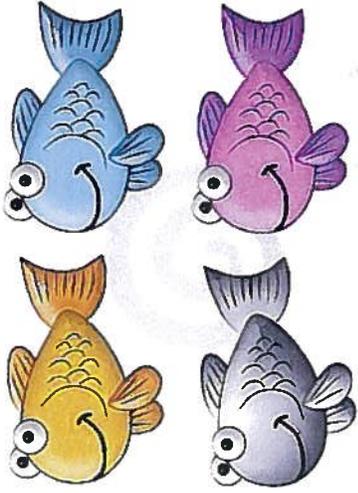
Aerial Tour Plan - Experience

- Pre-scheduled (groups of 6-12 people)
- Arrive (Canyon Springs Golf Course Clubhouse lower level)
- Complete 20 minute training session
- Board conveyance vehicle to begin tour
- Learn about fish, snails, frogs & pelicans, the river, and history of agriculture in the canyon (apple orchard)
- Arrive at aerial tour launch site
- Complete series of 3 gravity lines with two licensed guides and learn about habitat, geological features & history of the canyon
- Re-board conveyance vehicle to return to base (Canyon Springs Golf Course Clubhouse lower level)

Aerial Tour Plan - Experience



Aerial Tour Plan - Experience

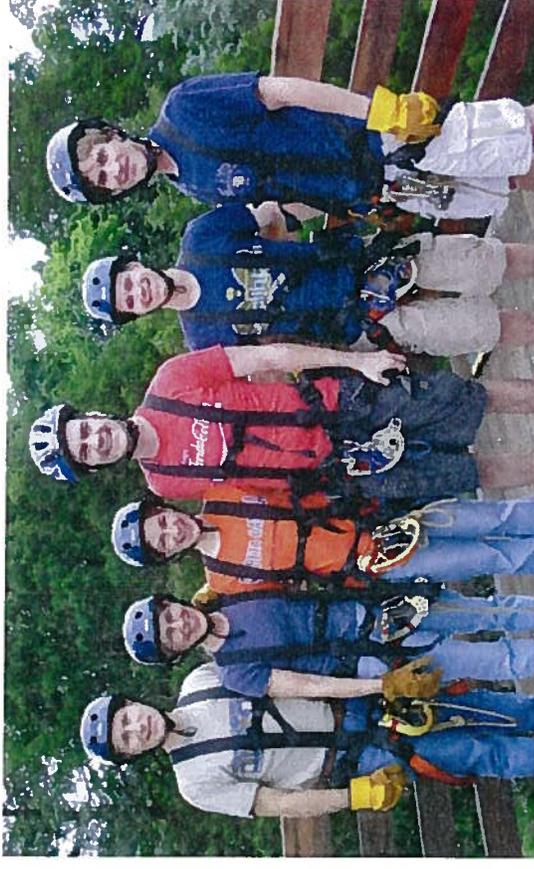


©dreamstime.com



Aerial Tour Plan – Scheduling, Length of Tour & Cycle Time

- Groups of 6-12 people
 - Between 4 to 8 vehicles per tour
- Tour every 2 - 3 hours
 - 4 to 6 tours per day dependent on demand
- **Between 12 – 60
people per day
weather
permitting**



Aerial Tour Plan – Impact

- **Parking and Facilities - Existing**
 - Under-utilized lower parking lot and lower level of Canyon Springs Golf Course Club House
- **Structures**
 - Use existing terrain with minimal platforms & anchor poles
- **Environment**
 - Eco-friendly
 - Minimal ground contact
 - Operate during daylight hours only
- **Economy**
 - Increase local tourism adding jobs and revenues to the hotel, food, retail, recreation and entertainment sectors



Business Plan-Community Focus



- Discounted tickets for kids raising their grades
- Partnerships with youth & therapeutic organizations
- Agreements with schools & home school enterprises to provide educational field trips
- Free tickets donated to groups for raffles and drawings

Closing thoughts

- 100% Private property
- Traffic – 3-6 vehicles every 3 hours, daylight only, weather permitting
- 28,000 Rounds of Golf
- 3600 Signatures in 15 days
- Community Integrated



MINUTES
Twin Falls City Planning & Zoning
Commission
December 28, 2012-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

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

Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Cope
Derricott
Ihler
Jacobson
Schouten
Sharp

ABSENT:

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Mikesell

ABSENT:

CITY COUNCIL MEMBERS PRESENT:

Mills Sojka

CITY STAFF PRESENT:

Carraway, Strickland, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to expand by more than 25% an existing used automobile dealership to include display pad sites for property located at 284 Washington Street North. c/o Allen Nagel on behalf of All State Auto, Inc. (app. 2494)
2. Requests for a Special Use Permit to operate an indoor recreation facility specific to a private fitness center for property located at 1411 Falls Avenue East, Suite 401 c/o Bryan Wright on behalf of Classics Guided Fitness (app. 2495)
3. Request for a Special Use Permit to install and operate an aerial tour business on a southeast portion of the Canyon Springs Golf Course within the Snake River Canyon c/o Jody Tatum on behalf of Magic Valley Flight Simulation, LLC (app. 2496)

IV. PUBLIC HEARING ITEMS

Commissioner Jacobson stepped down

3. Request for a Special Use Permit to install and operate an aerial tour business on a southeast portion of the Canyon Springs Golf Course within the Snake River Canyon c/o Jody Tatum on behalf of Magic Valley Flight Simulation, LLC (app. 2496)

APPLICANT PRESENTATION:

Jody Tatum, representing Magic Valley Flight Simulation, stated she is here to request approval of a special use permit to operate a zip-line to be located at the Canyon Springs Golf Course. She discuss the plan for the operation of the business and provided the following information. The estimated group size will be between 6-12 people with 4-8 vehicles per tour and the tours will be scheduled 2-3 hours with 4-6 tours per day depending on demand, with the approximate number being between 12-60 people per day weather permitting. She stated that the Canyon Springs Golf Course Club House has an underutilized lower parking lot that would be use for the zip-line. The zip-line would use existing terrain with minimal platforms and anchor poles, eco-friendly, and will operate during daylight hours only. The business should increase local tourism adding jobs and revenue to the hotel, food, retail, recreation and entertainment sectors. As for a business plan it will be community focused and they will offer discounted tickets for kids with good grade and youth /therapeutic organization. The plan to provide educational field trips, and donate tickets to raffles and drawings. The project will be developed on 100% private property, operated during daylight hours only, weather permitting and will be community integrated.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the request is to operate a zip-line facility within the Canyon Springs Golf Course. This property is located in the OS: Open Space District within the Area of Impact.

A Special Use Permit is required for zip-lines in this zone. The zip-line operation area is about 10 acres in size and the trail length from the Canyon Springs Clubhouse to the launch site is about 2/3 mile (3500 +/- feet). A description of the proposed zip-line and operation was presented by the applicant.

It is proposed to be a year-round business and the hours of operation would be during daylight hours as varies by the season. They anticipate that the operations would employ 8-12 people in the summer and in the off-peak season from October to March that they would employ 3-6 people. Tour guests would pre-register for a specific group time for 6-12 individuals and would be scheduled for 2 to 2.5 hours. If demand was high the maximum capacity the applicant is proposing is eight (8) groups in a day which would be a total of 96 people throughout the day. Tour guests will meet and park at the Canyon Springs Golf Course Clubhouse and meet on the lower level for training on the zip-line. They will have educational training on history of the area, the natural and geological features, and plants and wildlife. Guests will receive equipment and have training on a 250' long training line that is proposed behind the clubhouse and golf cart storage area. Guests will be moved from the clubhouse to the three-course zip-line area by golf cart or a similar-type vehicle on golf course paths.

The zip-lines extend from a launch area between Canyon Springs Road and the road to Centennial Park over the wetlands where the Perrine Coulee drains to the Snake River with the

- landing area being on Canyon Springs Golf Course. The zip-lines launching, landing, and aerial trail area is all contained on property owned by McCollum Enterprises who has granted permission To Magic Valley Flight Simulation to use this property.

The project description indicates that pole anchors will be approx 20' high at the ends of the lines and painted to blend into the surrounding landscape. There will be one large launch platform at the top of the double line and drawings have been included of its design and dimensions. At the smaller zip-lines there will be (5) smaller platforms. Dirt ramps will be used for landing areas.

The course will include a total of (4) zip-lines and (6) platform structures. Tour guests will ride the zip-line and then walk to the next platform to continue the course. They will end up back where they started at the edge of the golf course and then scheduled transportation will take them back to the clubhouse. The applicant indicated that the clubhouse is ADA accessible. The building department will review to determine if the clubhouse occupancy is compliant with applicable codes. There are ADA restrooms accessible on the green and handicap-accessible parking spaces. There are a total of 89 parking spaces in the paved lot areas. If determined additional parking is required the applicant indicated that it can be accommodated in the area west of the clubhouse.

Security of the launch platforms is a concern as unauthorized users may try to access the zip-lines. The applicant has indicated that the platforms will be secured and that 24-hour security will be implemented. Staff recommends a condition that a bond be in place to ensure if the business ceases to operate all structures shall be removed and the area impacted by this business will be returned to its natural state.

The applicant has stated that a security bond for the cost of removing structures and any rehabilitation will be established with the property owner. Construction in the wetland area is reviewed by the Army Corps of Engineers. The applicant contacted the Army Corps of Engineers and their response indicated that a review is not required for the project as proposed. Building permits through the City of Twin Falls and State may be required.

Staff has expressed concerns about additional traffic affecting safety of the use on Canyon Springs Road. The Twin Falls Traffic Safety Commission requested the City conduct a speed study as there were concerns the posted 35 mph speed limit may be too fast due to the number of pedestrians using the road as a walking path. In review of the collision history on Canyon Springs Road and Centennial Park Road from 1997 to 2009 it was found that there was a total of 11 accidents with only 1 in the past (5) years none of the 11 accidents involved pedestrians or cyclists. At the time of this speed study Canyon Springs Road had a posted 35 mph speed zone and Centennial Park Road had a 15 mph posted speed zone.

Upon conclusion of the study the City recommended the posted speed limit(s) remain the same the City also recommended due to high volumes of pedestrians and cyclists that "pedestrian warning signs" be installed at the top & bottom of the grade and at the beginning & end of Centennial Park Road.

At the February 10, 2011, Twin Falls Traffic Safety Commission meeting they unanimously voted that the introduction of the zip-line course use would not affect safety on the roadway or pose a

hazard to traffic in the area; and on December 19, 2011 the City Council approved a request by the Traffic Safety Commission to install the proposed pedestrian signs.

Staff also has concerns over the possible distraction to the drivers of vehicles as the zip-line launch area is near Canyon Springs Road. The zip-line activity may cause drivers to stop or slow in the road to watch the activity. They may also attempt to park along the road to access the site or watch. The road width is not adequate to accommodate parking and as the site is just after a major curve in the road vehicles may not be able to see or plan for other vehicles to be parked along or stopped in the road.

Staff recommends that signage be put up at the applicant's expense along Canyon Springs Road indicating that parking and stopping is not permitted on the road in that area at any time. There is also concern about people trying to access the launch area from Canyon Springs Road or Centennial Park Road. Twin Falls County staff does not want the Centennial Park area to be used for parking, observing of the zip-line activity. Staff recommends that there be a security fence or similar structure that would keep people from accessing the zip-line while it is not attended or after hours. The area should not be permitted for spectator viewing from the launch site at any time.

As per code to operate an aerial outdoor recreation facility the outfitter company and/or guides will need to be licensed by the Idaho Outfitters and Guides Licensing Board.

The Comprehensive Plan does indicate a desire in the community for additional recreational opportunities. The applicant believes that their aerial tour zip-lines facility would provide this opportunity.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the request, as presented, staff recommends the following conditions be placed on this permit:

1. Subject to a review by the Building Department to determine if a Certificate of Occupancy is required for the use of the clubhouse facility for the zip-line staging area.
2. Subject to a review of parking requirements for the clubhouse and zip-line use to determine if additional parking is required.
3. Subject to the launch site having a security fence or suitable enclosure to provide security to the site.
4. Subject to signage on Canyon Springs Road being placed by operator indicating that no parking or stopping is allowed on the road way in the vicinity of the launch area at any time.
5. Subject to the zip-line(s) being operated by outfitters and guides licensed by the Idaho Outfitters and Guides Licensing Board. Documentation provided to City prior to operation.
6. Upon abandonment or discontinuation of use, the property owner/business owner shall physically remove all structures associated with the zip-line(s) facility within ninety (90) days of the date of abandonment and/or discontinuation of use, and restore the site to its original condition. The property owner/business owner shall provide to the City, prior to issuance of a permit, a performance bond in the amount of twenty thousand dollars (\$20,000.00) or a bond equal to a written estimate from a qualified contractor to guarantee that the facility will be removed when no longer in use & site restored. The City shall be named as an obligee in the bond and must approve the bonding company.
7. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

PUBLIC HEARING: OPENED

- John Lezamiz, 847 Canyon Springs Road stated he is here to speak against the request. He stated he has several concerns regarding parking/building requirements, expansion to an existing business, and safety concerns. Based on the data provided in the applicants application he has determined that adding this business to the Golf Club will expand the business by 53%. The existing golf club already had issues with parking, and the lack of ADA restrooms, the additional traffic and customers to the site will only increase the problems.

His major concern is traffic and safety on Canyon Springs Road. The current road condition is below standard for the amount of traffic that travels along this path. The road is substandard, is approximately 20 feet wide and is twice as steep as it should be for the type of traffic that uses the road. He stated there are always pedestrians, bicyclists, large trucks, and regular vehicles traveling this road and he is concerned that with this business the additional traffic is going to create more hazardous conditions. City Code 10-13-2.2 D (5) states that when the Commission reviews a special use permit request it should consider whether or not approval of the request will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services. If the Commission considers this one standard, it should find that this location is not the best place because the public roadway is not adequate to serve the needs, and therefore the request should be denied.

- Terry Tracey, 867 Canyon Park Ave, wrote a letter to the Council expressing her concerns with the proposed request. Her back yard extends to the bike and walking path on Canyon Springs Road with an uninterrupted view of the dangers on this road stating the curve as you come onto Canyon Springs Road is an accident waiting to happen. There are places better suited and of less risk to the area. She asked that the Commission deny this request.
- Tracy Wooleen, Kimberly Road, the road is inadequate for anything with or without the zip-line. The other question is this meets the requirements and code then why can't they have a zip-line.
- Chris Schut, 882 Canyon Park Avenue, is in opposition to the request because of the impact to the residential area. He has already spoken to the Parks and Recreation Department about limiting the use and late hours that people are allowed on the trail. Approving this request is going to increase the traffic and impact the residence in this area.
- Mike McBride 675 Riverview Drive, speaking in opposition to the request stated the roadway is substandard and there are expanding uses already and looking at additional traffic to the area is going to cause more problems.
- Bill Gerhke, 711 Canyon Springs Road, stated he has a few questions. It seems that the residence familiar with the road are in objection to the request and additional traffic. He asked if the speed of 35 mph is too fast, slow people down. He stated he doesn't have a problem with the zip-line but he does have concerns about the event area needing site improvements, security and fencing.
- Scott Record, resident of Twin Falls, stated he has been to this meeting several times but can't see any reason for denying this request.

- Dave Fairbanks, 633 2nd Avenue East, if the road is an issue the City can revoke the permit. If there are building and parking issues these will be handled through the building review process.
- Jeanne Meyer, 281 Caswell Avenue West, stated she is in favor of the zip-line to bring in more jobs and this would be a great place and should be open to everyone. The community is growing and Twin Falls is a hot spot and this is an opportunity for growth.
- Katie Breckenridge, stated her only concern was noticing property owners for the public hearing. She asked who is responsible for mailing the notices and explained that the notice allows the public to prepare questions and raise concerns if there are any.
- Attorney Wonderlich stated that for whatever reason the applicant didn't have Katie's name on the list. The applicant is responsible for providing notice. If people are not provided notice but are present then that concern is waived. He stated he was notified by Katie prior to the meeting that she didn't receive notice and should have. If however the person that was not notified was unable to attend the meeting or unable to respond in time for the meeting, rescheduling of the item would be required.
- Barry Knoblic, 1174 Skyline Drive, stated all he wants is to not have to come and testify on the same issue. The road is not the back breaking issue, maybe there needs to be foot traffic control along this road, because it has been a concern for a long time. He would hope this request is approved.
- Brian Davis, 2536 Kimberly Road, requested BLM information related to the impact to Centennials Park and the centerline survey, because he is unable to determine from the exhibits if the area is entirely private property.
- Chris Satterwhite, 452 Woodland Court, she was here before and stated that the road is an issue but shouldn't be an issue on deciding the zip-line.
- Ryker Fairbanks 862 4th Avenue North, there are ways around these issues and would ask that this request be approved.
- Boyd Satterwhite, 452 Woodland Court, stated that issue seems to be the access to the zip-line, when we do highway work there is one way traffic. There are ways to control the traffic and slow the speed down. He thinks it would be a good way for the families to enjoy the area, it is already a place for recreation.
- Rob Struthers, has a question regarding notice, and asked how would the City know if the notice was inadequate.
- Wayne Tously, 226 Southwood Avenue, stated he feels the issues can be handled as the process goes along. If the solution is inadequate the special use permit can be revoked.

Letters were submitted prior to the meeting and are part of the record.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

Jodi Tatum stated the numbers presented for the traffic study were on the day of the family golfing event are extremely high. She also apologized to Katie Breckenridge stated she had no idea that she would have to question the accuracy of the address list of property owners she requested from the County Accusers Office.

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated in the worst case scenario there is not enough parking. They should provide parking. Mr. McCullum may own the property but it is up to us to watch this, issue and there is going to be concerns and accidents, we should not contribute to the safety along this road, because we want to allow this Special use permit.
- Commissioner Bohrn stated parking will be reviewed during the building process, the City of Twin Falls is going to add additional traffic with Augar Falls opening, these attractions are all over the world, they are used and valued. He is 100% behind this request.
- Commissioner Schouten stated they have gone through the necessary hoops, it is good for the business, and the road has been and will be an issue forever.
- Commission Ihler stated the road is not a zip-line issue. He is in support of this request.
- Commissioner Sharp they have done all that is requested and he is in support also.
- Commissioner Cope he is not willing to punish the applicant for the road issue. The zip-line is needed and wanted and he is behind the request.
- Commissioner DeVore stated traffic was a concern, the parking and ADA requirements will be reviewed through the permit process and therefore he is in support of the request as well.

MOTION:

Commissioner Derricott made a motion to approve the request, as presented. Commissioner Cope seconded the motion. Commissioners Bohrn, Cope, Derricott, Ihler, Schouten, Sharp & DeVore voted in favor of the motion. Commissioner Mikesell voted against the motion.

MOTION PASSED 7-1
APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to a review by the Building Department to determine if a Certificate of Occupancy is required for the use of the clubhouse facility for the zip-line staging area.
2. Subject to a review of parking requirements for the clubhouse and zip-line use to determine if additional parking is required.
3. Subject to the launch site having a security fence or suitable enclosure to provide security to the site.
4. Subject to signage on Canyon Springs Road being placed by operator indicating that no parking or stopping is allowed on the road way in the vicinity of the launch area at any time.
5. Subject to the zip-line(s) being operated by outfitters and guides licensed by the Idaho Outfitters and Guides Licensing Board. Documentation provided to City prior to operation.
6. Upon abandonment or discontinuation of use, the property owner/business owner shall physically remove all structures associated with the zip-line(s) facility within ninety (90) days of the date of abandonment and/or discontinuation of use, and restore the site to its original condition. The property owner/business owner shall provide to the City, prior to issuance of a permit, a performance bond in the amount of twenty thousand dollars (\$20,000.00) or a bond equal to a written estimate from a qualified contractor to guarantee that the facility will be removed when no longer in use & site restored. The City shall be named as an obligee in the bond and must approve the bonding company.
7. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

12-28-2011 Pdz PH.

John Laramiz
Exhibits from his testimony
(3)

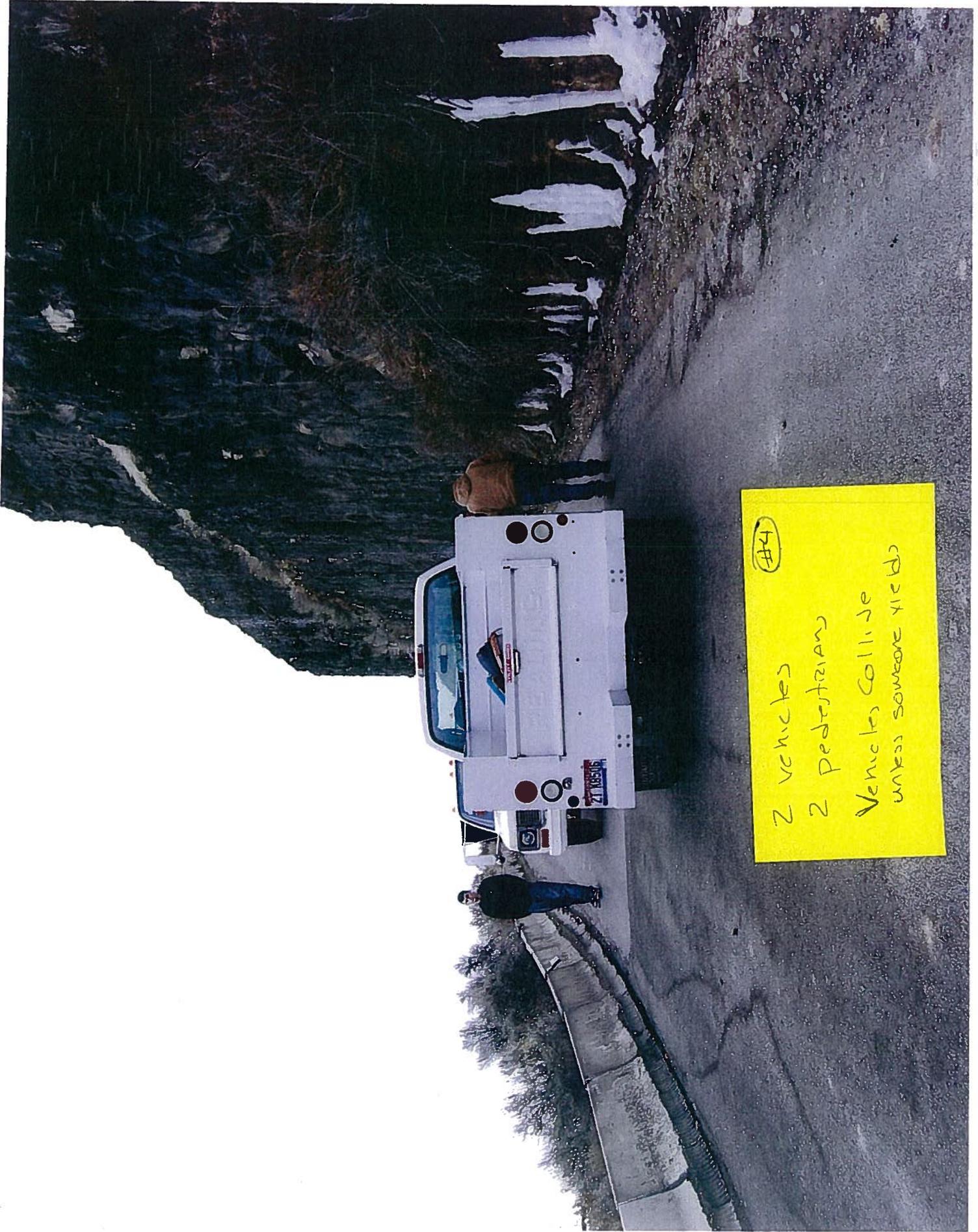


#3

2 vehicles Passing

1 pedestrian

MIRRORS COLLIDE



#4

2 vehicles

2 pedestrians

Vehicles collide
unless someone yields

Counter #: #2
 Location: On the Grade
 Counts Taken: From Mon, 6-22 to Mon, 6-29

Site: CANYON SP.

Seven Day Volume

Interval Begin	Mon 6/22/2009		Tue 6/23/2009		Wed 6/24/2009		Thu 6/25/2009		Fri 6/26/2009		Sat 6/27/2009		Sun 6/28/2009		Mon - Fri Average		Week Average		
	Uphill	Downhill	Uphill	Downhill	Uphill	Downhill													
12:00 AM	-	-	0	0	1	0	3	2	1	3	1	1	1	1	1.3	1.5	1.2	1.5	
1:00 AM	-	-	0	0	2	0	0	1	2	1	1	1	0	0	1.0	0.3	0.8	0.7	
2:00 AM	-	-	1	1	1	1	3	1	0	0	3	1	0	0	1.3	0.8	1.3	0.7	
3:00 AM	-	-	2	1	1	0	2	1	1	0	0	0	2	1	1.5	1.0	1.3	0.8	
4:00 AM	-	-	0	3	0	3	0	3	2	3	0	0	2	3	0.5	3.0	0.7	2.5	
5:00 AM	-	-	3	14	1	16	1	16	1	9	3	9	2	5	1.5	13.8	1.8	11.5	
6:00 AM	-	-	8	27	12	29	8	28	6	6	2	15	1	11	8.5	26.3	6.2	21.8	
7:00 AM	-	-	11	41	10	34	11	72	7	23	6	30	5	26	9.8	42.5	8.3	37.7	
8:00 AM	-	-	18	30	12	38	21	36	16	28	17	43	7	35	16.8	33.0	15.2	35.0	
9:00 AM	-	-	13	35	25	38	21	25	27	43	31	40	22	20	31.3	35.3	29.7	38.8	
10:00 AM	-	-	21	40	39	45	32	41	38	34	26	29	19	44	32.5	40.0	29.2	38.8	
11:00 AM	16	24	50	32	48	37	41	39	44	78	30	45	26	38	39.8	42.0	36.4	41.9	
12:00 PM	44	52	43	59	63	39	41	44	26	84	44	47	54	53	44.6	55.6	45.9	54.0	
1:00 PM	59	40	77	42	30	41	44	47	35	34	43	57	56	64	49.0	40.8	49.1	46.4	
2:00 PM	31	40	48	34	37	36	43	47	41	34	42	40	54	51	40.0	40.0	42.3	41.6	
3:00 PM	40	44	44	34	37	38	34	38	46	38	46	63	72	61	40.2	38.4	45.6	45.1	
4:00 PM	55	30	49	59	53	41	54	60	44	31	57	55	54	50	51.0	44.2	52.3	46.6	
5:00 PM	51	56	46	99	40	43	43	59	45	41	59	57	58	54	45.0	59.6	48.9	58.4	
6:00 PM	55	69	61	57	41	48	36	75	113	46	53	42	65	40	61.2	59.0	60.6	53.9	
7:00 PM	64	70	43	30	32	40	41	41	69	30	58	52	64	48	56.6	42.2	57.9	44.4	
8:00 PM	65	46	91	25	50	25	75	15	34	20	70	34	40	34	65.4	26.2	62.4	28.4	
9:00 PM	73	14	55	20	67	17	87	10	28	19	71	19	48	17	55.8	16.0	56.9	16.6	
10:00 PM	27	4	9	3	10	6	9	4	18	10	31	7	19	2	14.6	5.4	17.6	5.1	
11:00 PM	0	0	2	2	3	1	0	0	4	3	3	4	3	6	1.8	1.2	2.1	2.3	
Totals	580	489	695	688	615	617	710	705	648	643	697	691	674	667	670.8	667.9	673.5	669.2	
Combined Split (%)	1069	45.7	1383	49.7	1232	49.9	1415	49.8	1291	49.8	1398	49.8	1341	49.7	1338.6	49.9	1342.7	49.8	
Peak Hours	11:00 AM	11:00 AM	11:00 AM	6:30 AM	11:00 AM	10:15 AM	9:30 AM	6:45 AM	10:45 AM	11:00 AM	8:45 AM	8:45 AM	10:30 AM	10:00 AM	9:30 AM	6:45 AM	11:00 AM	11:00 AM	11:00 AM
12:00 AM - 12:00 PM	16	24	50	42	48	46	76	73	46	78	33	47	30	44	40.0	43.0	36.4	41.9	
Volume Factor	0.67	0.67	0.74	0.62	0.75	0.82	0.66	0.87	0.72	0.70	0.75	0.73	0.68	0.73	0.85	0.88	0.90	0.78	
12:00 PM - 12:00 AM	76	94	94	102	74	49	103	77	113	84	92	72	76	64	68.4	60.8	67.7	58.4	
Volume Factor	0.79	0.78	0.67	0.82	0.77	0.77	0.76	0.92	0.78	0.55	0.74	0.67	0.86	0.73	0.88	0.90	0.88	0.88	

COMMISSION MEMBERS:

DAVE	MARY	KIRK	REBECCA	PAIGE	ROD	ROB
SNELSON	BRAND	BROWER	DUKE	GESKE	MATHIS	STORM

Chairman

Co-Chairman



Minutes
Meeting of the Twin Falls Traffic Safety Commission
February 10, 2011
City Council Chambers
305 3rd Avenue East Twin Falls, Idaho

CONFIRMATION OF QUOROM		
CALL MEETING TO ORDER: 9:00 A.M.		
CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:		
AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of the Minutes for January 13, 2011.		
II. <u>ITEMS FOR CONSIDERATION:</u> None 1. Update on Application Process for New Members 2. Nominations for Jim Mildon Award 3. Discussion of "No right turn on red light" signs East on Filer at Locust 4. Zip line for the Canyon Springs Grade 5. Discussion of City Ordinance on U-turns	Discussion Discussion Discussion Discussion Discussion	SSgt. Dennis Pullin SSgt. Dennis Pullin Dave Snelson Jackie Fields SSgt. Dennis Pullin
III. <u>PUBLIC HEARINGS</u> None		
IV. <u>ADJOURNMENT</u> 9:58 A.M.		Dave Snelson

COMMITTEE MEMBERS PRESENT: Kirk Brower, Rob Storm, Dave Snelson, Rebecca Duke, Rod Mathis, Paige Geske

COMMITTEE MEMBERS ABSENT: Mary Brand

STAFF PRESENT: Staff Sergeant Dennis Pullin, Traffic Technician Mike Sullivan, Recording Secretary Tina Kelley
City Council Liaison Greg Lanting

Chairman Dave Snelson called the meeting to order at 9:00 a.m. A quorum was present.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.

I. CONSENT CALENDAR:

1. Consideration of the Minutes for January 13, 2011.

MOTION:

Rob Storm made the motion to approve the Minutes for December 9, 2011. The motion was seconded by Rod Mathis and roll call vote showed all members present voted in favor of the motion. It was approved 6 to 0.

II. ITEMS FOR CONSIDERATION:

1. Update on the application process for new members. Sgt. Pullin advised the application was closed on February 9, 2011. There have been several applicants that have applied and a small board will be in place to interview the applicants.
2. Nominations for Jim Mildon Award. All nominations should be in by the next meeting so the Award can be finalized.
3. Discussion of "No Right Turn on Red Light" signs East on Filer at Locust. Jackie Fields and Mike Sullivan will look into different possibility for the sign. A couple suggestions for that intersection, was to move the sign on the light post another was to change it to a figurative sign.

MINUTES

January 13, 2011

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4. Discussion of Traffic Safety on the road going down the canyon, if the Zip line becomes approved for the Canyon Springs Grade. Jackie Field gave some background on where the Zip line is to be placed if approved, and where the vehicles would have to park.

MOTION:

A motion was made by Rob Storm not to oppose the project on grounds of traffic safety. Rod Mathis 2nd the motion. Everyone in attendance was in favor.

5. Discussion of the City Ordinance on U-Turns. The city ordinance states that u-turns are not allowed at a lighted controlled intersection, and the city has a couple controlled intersections with signs stating that we do allow U-turns on lighted intersections.

MOTION:

A motion was made by Rob Storm to eliminate the Twin Falls City U-turn code and adopt the state code and if wanting to amend that due to it being out of date you could. Rod Mathis 2nd the motion. Everyone in attendance was in favor.

OLD BUSINESS: None.

NEW BUSINESS: None.

III. **PUBLIC HEARINGS:** None.

IV. **ADJOURNMENT:**

The meeting was adjourned at 9:58 a.m. by Chairman Dave Snelson.

Tina Kelley
Recording Secretary

Memorandum

July 10, 2009

TO: Jackie Fields, P.E.
City Engineer

FROM: Mike Sullivan
Traffic Engineering Tech.

SUBJECT: Traffic Study for Canyon Springs Rd.

The City Engineering Department had a request from the Twin Falls Traffic Safety Commission to conduct a speed study in this area. They are concerned that the posted 35 MPH speed limit is too fast due to the number of pedestrians using the road as a walking path. They would like to have the following changes made:

- Post Canyon Springs Rd. as a 25 MPH speed zone from the top of the grade to Centennial Park Rd. For westbound traffic at the top of the grade, post a large 25 MPH sign in a more conspicuous location than where the current 35 MPH sign is posted.
- At the bottom of the grade for eastbound traffic, post a large 25 MPH sign to the west of the curve before the Centennial Park entrance.
- Retain the current 35 MPH speed zone west of Centennial Park Rd.
- Post a new 15 MPH speed limit sign on Centennial Park Rd.
- Post a warning sign for "high pedestrian traffic area" at the top of the grade or other appropriate signing.

The Engineering Department agreed to do a Traffic Speed Study on this section of Canyon Springs Rd. and on Centennial Park Rd. to determine if a change in speed is warranted.

Traffic Engineering Speed Studies include gathering the following information to be used in evaluating the need to modify traffic control measures such as posted speed limits, stop signs, etc.

1. Review the traffic collision history for the section of street under study.
2. Do a speed survey to determine the 85th percentile speed the motorists are driving at.
3. Review the character of the area.
4. Determine the road surface condition, road width, traffic lane width, and configuration.
5. To field review the street section under study for the presence of existing speed limit signs.

6. Consider the pedestrian activity in the area.
7. Review existing traffic control for the side streets entering the through street.

In reviewing the collision history on Canyon Springs Rd. and Centennial Park Rd. from 1997 to 2009, there were a total of 11 accidents. There has been only one accident in the past five years. None involved pedestrians or cyclists.

To determine the 85th percentile speed, three traffic counters were set out to record motorist speeds. One was placed on the grade itself, one on Centennial Park Rd. and one near the golf course. Counts were obtained from June, 22nd thru June, 28th, 2009. The 85th percentile speed on the grade was 35 MPH for downhill vehicles and 32 MPH for uphill vehicles. The 85th percentile speed near the golf course was 38 MPH. The 85th percentile speed on Centennial Park Rd. was 33 MPH for downhill vehicles and 25 MPH for uphill vehicles. The results of a speed study done in 2006 had almost identical 85th percentile speeds on the grade and at the golf course.

Both roads are narrow, winding two-lane roads. The grade coming down the canyon is quite steep. Centennial Park Rd. has a significant downgrade going to the park. Centennial Park Rd. is stop controlled where it intersects with Canyon Spring Rd. There is considerable pedestrian traffic on both roads at all times of the day. There are numerous cyclists also.

Centennial Park Rd., as well as Canyon Springs Rd., are Twin Falls Highway District roads but the City of Twin Falls is responsible for maintenance. Therefore, signing changes are the City's responsibility.

Currently Canyon Springs Rd. is posted as a 35 mph speed zone. Centennial Park Rd. is posted as a 15 MPH speed zone.

Conclusion and Recommendation:

Setting speed limits based upon the 85th percentile speed is a widely accepted practice among traffic engineering professionals. The 85th percentile speed is the speed at or below which 85 percent of the vehicles are moving. The majority of motorists drive at a speed they consider reasonable, convenient, and safe for existing conditions. Posted limits which are set higher or lower than dictated by roadway and traffic conditions are ignored by the majority of motorists. A speed limit should be set so that the majority of motorists observe it voluntarily and enforcement can be directed to the minority. That speed is considered the 85th percentile speed.

The 2006 speed study was done based on complaints from walkers and runners that vehicles were speeding in this area. The 2006 study recommendation, based on the 85th percentile speeds recorded in that study, was to keep the existing 35 MPH zone on Canyon Springs Rd. The 2009 speed study shows that there is little change from the findings of the 2006 study.

It is recommended that the speed limit on Canyon Springs Rd. remain at 35 MPH.

Based on the 85th percentile speed from the current speed study and considering the pedestrian traffic a posted speed of 25 MPH would be appropriate for Centennial Park Rd.

Due to high volumes of pedestrians and cyclists in this area it is recommended that "Pedestrian" warning signs be installed at the top and bottom of the grade and at the beginning and end of Centennial Park Rd.

COUNCIL MEMBERS:

SHAWN	LANCE	DON	GREGORY	JIM	REBECCA	CHRIS
BARIGAR	CLOW	HALL	LANTING	MUNN, JR.	MILLS SOJKA	TALKINGTON
		<i>Vice Mayor</i>	<i>Mayor</i>			



MINUTES

Meeting of the Twin Falls City Council
Monday, January 23, 2012
 City Council Chambers
 305 3rd Avenue East - Twin Falls, Idaho

5:00 P.M.

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

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of accounts payable for January 18 – 23, 2012. 2. Consideration of the January 17, 2012, City Council Minutes.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez
II. <u>ITEMS FOR CONSIDERATION:</u> 1. A presentation by the Recreation Center Committee reporting the Committee's project status and seeking additional project direction from the City Council. 2. Consider contract Amendment No. 11 from CH2M HILL for the operation and maintenance of the Waste Treatment Plant, industrial pre-treatment program and associated sewer lift stations. 3. Consideration of a request to award the 2012 Northeast Sewer Stage 2 Project to Stutzman, Inc., of Twin Falls, Idaho, in the amount of \$848,248.62. 4. Consideration of an appeal of a decision by the Planning & Zoning Commission to grant a Special Use Permit to install and operate an aerial tour business on a southeast portion of the Canyon Springs Golf Course within the Snake River Canyon in the City's Area of Impact. Appellant: John T. Lezamiz.	Presentation Action Action Presentation	Dennis Bowyer Jon Caton/ Shawn Moffitt Lee Glaesemann Renée Carraway
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> 6:00 1. A public hearing to consider a request for a Zoning District Change and Zoning Map Amendment for 12.5± acres located on a portion of the Fieldstone Subdivision, south of 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way, from R-2 to R-4 PRO PUD, to develop a mixed use project consisting of residential single-family and/or duplex dwellings and professional/medical uses. (app.2475)	Public Hearing	Renée Carraway
V. <u>ADJOURNMENT</u>		

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

MINUTES

January 23, 2012

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Present: Shawn Barigar, Lance Clow, Don Hall, Gregory Lanting, Jim Munn, Jr., Rebecca Mills Sojka, Chris Talkington.

Absent: None.

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Community Development Director Mitch Humble, Zoning & Development Manager Renée Carraway, Parks & Recreation Director Dennis Bowyer, Public Works Director Jon Caton, Project Engineer Lee Glaesemann, City Engineer Jackie Fields, Deputy City Clerk/Recording Secretary Leila A. Sanchez

Mayor Lanting called the meeting to order at 5:00 P.M. He then invited all present, who wished to, to recite the Pledge of Allegiance to the Flag.

A quorum was present. Mayor Lanting introduced staff.

AMENDMENTS TO THE AGENDA:

City Manager Rothweiler requested that Consent Calendar Item 2. Consideration of the January 17, 2012, City Council Minutes. be removed from the agenda.

MOTION:

Vice Mayor Hall made the motion to approve the amended agenda. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Consideration of accounts payable for January 17 – 23, 2012, total: \$435,985.52.
Payroll total: \$106,790.92
Library total: \$150,000.00
2. Consideration of the January 17, 2012, City Council Minutes.

MOTION:

Councilperson Talkington made the motion to approve the Consent Calendar with the exception of the January 17, 2012, City Council Minutes. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. A presentation by the Recreation Center Committee reporting the Committee's project status and seeking additional project direction from the City Council.

Chris Scholes gave the presentation using overhead projection explaining the conceptual plan of the recreation center and site plan.

Chris Clark gave the presentation using a PowerPoint presentation, explaining the conceptual design.

The Recreation Committee is seeking direction from the City Council on a size of a recreation center to guide them to a final recommendation in the near future.

Council discussion followed.

-Chris Scholes clarified the following:

The 50,000 square foot building facility site would allow future expansion.

The Committee discussed incorporating a multi-propose room and showers in the locker rooms.

Councilperson Mills Sojka asked for the estimated yearly cost for maintenance, how many additional employees will be needed, the cost of running an indoor pool running year round. Parks & Recreation Director Bowyer stated at this time rough estimates have not been developed, additional seasonal employees would be needed, and the cost of managing a pool would cost the same as running the City pool. The Committee chose to leave out any aquatic amenities.

Councilperson Barigar asked if the Committee researched the anticipated operating costs. Chris Scholes stated that until the Committee receives direction from Council as to the size of the facility and other factors it is difficult to give a meaningful answer to the cost.

Vice Mayor Hall asked if discussion had been made to contact other non-profit entities to assist in raising funds. Chris Scholes stated that the YMCA, Salvation Army and Boys and Girls Club have been involved with the Committee.
-Funding for the Recreation Center.

Chris Scholes stated that a recreation district may be useful in the initial cost and in the day to day costs. This would be a significant funding source for the smaller project as compared to the larger project.

City Manager Rothweiler stated that the ability to fund a recreation center would come out of the ability to raise revenue. The recreation component is a general government function, therefore the City uses revenues from predominantly property tax dollars to a citizen operational type funds. The Jerome Recreation District total operational cost for the 2011 fiscal year was \$216,000. The recreation district is an independent entity in Jerome. Idaho Code specifically states out the purposes and ways to create a recreational district.

Chris Scholes discussed the larger center. The committee is not recommending an aquatic center. He stated that due to the financial climate the Committee believes that they are better served by devoting their energies to the smaller project, unless told otherwise by Council.

Councilperson Talkington asked for clarification that a 50,000 square foot smaller complex would cost \$100 to \$110 a square foot and the 130,000 square foot complex would double. Chris Clark stated that the 2011 means and cost data shows that the \$100 to \$110 is accurate for the smaller facility.

Councilperson Clow stated that the schematic for the smaller facility does not compete against other facilities in the area. He asked if the Committee believes that coaches will pay for gym time and if fees would be increased. Chris Scholes stated that currently coaches who coach competitive traveling teams already pay for gym time.

Councilperson Munn asked that during the course of the 5-year long term strategic planning process was a recreation center discussed and in order to build a facility would the City need to acquire a bond. Parks & Recreation Director Bowyer stated that since he was not part of the 5-year long term planning committee, he did not know if a recreation center was discussed. City Manager Rothweiler said it was not discussed at the 5-year long term planning committee. City Manager Rothweiler stated that the facility may be paid by using cash reserves or acquiring a bond or a combination of both.

Councilperson Clow stated that the Urban Renewal Agency may be a potential partnership. He stated his concerns of competing with private enterprise and/or other organization, and burdening the property taxpayer. He would support a facility downtown.

Councilperson Barigar stated that he would like a quantification assessment of the demand and the cost to build and run the facility.

Parks & Recreation Director Bowyer explained the cross use agreement with the School District.

Council gave the following directives to the Recreation Center Committee:

1. The Council preferred the 50,000 square feet to 55,000 square feet with an expandable building and facility site.
 2. The Council requested a five year operations and maintenance schedule and to have the Committee report back to the Council within 120 days.
 3. The Committee shall seek uses within the facility that are in minimum conflict with public or private entities.
 4. The Council recommended the Committee to provide multiple funding options.
2. Consider contract Amendment No. 11 from CH2M HILL for the operation and maintenance of the Waste Treatment Plant, industrial pre-treatment program and associated sewer lift stations.

Public Works Director Caton explained the request.

Staff recommends that Council approve the amendment as presented.

Council discussion followed.

Councilperson Talkington asked that with the addition of Agro Farma would the contract need to be amended. Shawn Moffitt, CH2M Hill, stated that adjustments would need to be made when Agro Farma does come online depending on the ending cost.

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Public Works Director Caton stated Section 1 (2.2) of the contract increases the alteration written approval amount from \$2,000 to \$5,000. Section 2 (2.12) increases the repair budget from \$53,870 to \$70,000.

MOTION:

Councilperson Talkington made the motion to approve the CH2M Hill Contract Amendment No. 11, and authorize the Mayor to sign. The motion was seconded by Councilperson Mills Sojka and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

3. Consideration of a request to award the 2012 Northeast Sewer Stage 2 Project to Stutzman, Inc., of Twin Falls, Idaho, in the amount of \$848,248.62.

Project Engineer Glaseamann explained the request.

Staff recommends that the City Council award the 2012 Northeast Sewer Stage 2 Project to Stuzman, Inc., in the amount of \$848,248.62.

MOTION:

Councilperson Barigar made the motion to award the 2012 Northeast Sewer Stage 2 Project to Stutzman, Inc., of Twin Falls, Idaho, in the amount of \$848,248.62. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

4. Consideration of an appeal of a decision by the Planning & Zoning Commission to grant a Special Use Permit to install and operate an aerial tour business on a southeast portion of the Canyon Springs Golf Course within the Snake River Canyon in the City's Area of Impact. Appellant: John T. Lezamiz.

Councilperson Barigar recused himself from the item for consideration. He disclosed that he testified on behalf of his employer.

City Attorney Wonderlich stated that the site is located within the area of impact. Per Twin Falls City Code 10-8-4 (E), Any person directly aggrieved and affected by a final decision of the planning and zoning commission regarding property located within the area of city impact may appeal to the board of county commissioners. The board of county commissioners shall not make a decision on the appeal until it has received a recommendation from the city council. All appeal hearings shall be based upon the record established by the city planning and zoning commission. This is not a public hearing. Two appellants are involved, John Lezamiz and Jody Tatum, representing Magic Valley Flight Simulation. He requested that the Council grant each side 15 minutes. John Lezamiz should be given time to rebuttal, the rebuttal should count as part of his 15 minutes. The appeal is limited to the following three issues filed in the complaint by John Lezamiz:

1. Failing to provide notice to all affected property owners.
2. Conflict of interest by Planning & Zoning Commissioner
3. Failing to follow, adhere to and failing to implement provisions of Twin Falls §10-13-2.2(D)(5). (This relates to the adequacy of canyon rim road to provide proper access to the road.)

Zoning & Development Manager Carraway gave a brief history on the project.

John Lezamiz, appellant, explained his request. He stated that he would like to discuss the lack of notification to the property owners. On overhead projection he placed affidavits from Marion J. Clar, 843 Canyon Park Avenue, and Kelly Howa, 827 Canyon Park Avenue, indicating that they did not receive written notice required by City Code. Mr. Lezamiz estimated 30% of property owners did not receive written notification required by code. He further stated that notice is mandatory and without notice the request has to go back to the Planning & Zoning Commission.

Safety problems exist on Canyon Springs Road. The road is substandard. It is twice as steep and one-half as wide as it is supposed to be. Safety standards require that the road be 38' to 40', and Canyon Springs Road is only 24' wide in spots. Safety standards require that the maximum allowable grade is 6% to 7%; Canyon Springs Road is 10% to 12%.

A traffic study was done in June of 2009; showing on average in one week 1,343 vehicles approximately a day using Canyon Springs Road. There are a large number of vehicles, large variety of vehicles, a wide variety of speed of vehicles, and significant pedestrian traffic. The City Council reduced the speed from 35 mph to 25 mph and two weeks ago signs were placed indicating that pedestrians should walk on the left side and should walk in a single line when approaching traffic. Problems exist when a pedestrian is walking downhill and one is walking uphill and there are two vehicles on the road.

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The zip line proponents state in their application that they anticipate a maximum of 96 people daily and claim they can transport the 96 people in 40 vehicles. There will be an increase of 96 vehicles plus additional vehicles for spectators. The Planning & Zoning Commission agreed that the road is substandard and is at or over capacity; but instead of following the code when essential facilities aren't adequate to serve that use at that location, what the Commission did was ignore the code. The Planning & Zoning Commission said that it was a City problem, this is not a problem that the zip line created, the sole function of the Commission is to see if the applicant jumped through the appropriate hoops, and the Commission does not have the authority to look at the traffic safety issue. Auger Falls is several years in the making before Canyon Springs Road feels the impact of the traffic which may double, triple, or quadruple the traffic that is existing.

If the request is sent back to the Commission, John Lezamiz requested that the Commission take into consideration Code Section 10-13-2-2(d)(5).

Jody Tatum, representing Magic Valley Flight Simulation, stated that she received a list from the County Assessor with the names and addresses of property owners within 300'. All listed owners were notified and two letters were returned to her with no forwarding address. On overhead projection she showed a vicinity map showing the property owners notified. She stated that she did comply with the policy and procedure within the zoning and application and has done her due diligence. On overhead projection she showed the property owners notified in the original rim to rim motorized trolley application submitted two and one-half years ago. The current request does not require the applicant to notify property owners in the original request.

A traffic report by City Engineer Jackie Fields that was submitted to the Traffic Safety Commission on January 13, 2011, gave background of where the zip line would be placed and where the vehicles would be required to park. It was estimated that with the numbers presented there would be an increase of only 4% to 5% traffic. Rob Storm of the Traffic Safety Commission on February 10, 2011, made the motion not to oppose the project on grounds of traffic safety. Rod Mathis seconded the motion and everyone in attendance was in favor of the motion. She also referred to the latest traffic report on the property which showed that on the two busiest days of the year the traffic increased 24% from an average of 22 vehicles per day, Monday through Friday, to an average of 425 per day Saturday and Sunday. She is anticipating one vehicle for four to six people, depending on the size of the family, and one vehicle for a couple. Families will be coming down at a scheduled departure time throughout the day. The tours are for ten to twelve people which are set every two and one-half hours. They are not expected to receive 50,000 people a day or forty cars at a time. Expected are ten to twelve vehicles during peak activity days. This is not a spectator sport but a participation sport.

Rebuttal:

John Lezamiz stated that everyone that lives in the Breckenridge Subdivision shows up at every one of the hearings. He stated that notice was given to 21 people out of 100. The notice was defective. In regards to traffic, Canyon Springs Road can't handle the current traffic. The road is not adequate to handle additional vehicles until it is widened.

City Attorney Wonderlich stated the Council can recommend approval or recommend denial of the Special Use Permit. In understanding the issues of appeal, he explained that the night prior to the public hearing Katie Breckenridge stated that she had not been notified. He explained to her that if she had not shown up there would have been a fatal flaw in the procedure because she had not been notified.

Referring to Jody Tatum's overhead projection, it was presumed that Dave McCollum owned a number of parcels as a single parcel of land, which would encompass basically the entire rim. He believes what Jody Tatum is saying is that the triangular piece is a separate parcel of land. The notice required is to notify record property owners within 300' of the external boundaries of the land being considered. It is unclear where the 300' of the external boundaries are located. He recommended that the Council table the request.

Council discussion followed.

MOTION:

Councilperson Talkington made a motion to table the appeal. The motion was seconded by Councilperson Munn. Roll call vote showed Councilpersons Hall, Lanting, Munn, and Talkington voted in favor of the motion. Councilpersons Clow and Mills Sojka voted against the motion. Approved 4 to 2.

City Attorney Wonderlich stated that the appeal would be heard on February 6, 2012.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Recess 7:02 p.m.
Reconvened 7:14

IV. PUBLIC HEARINGS: 6:00

1. A public hearing to consider a request for a Zoning District Change and Zoning Map Amendment for 12.5± acres located on a portion of the Fieldstone Subdivision, south of 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way, from R-2 to R-4 PRO PUD, to develop a mixed use project consisting of residential single-family and/or duplex dwellings and professional/medical uses. (app.2475)

Brad Wills, 222 Shoshone Street West, applicant, explained the request using overhead projection. The subdivision started in 2004, and at that time there were no residential areas west of Grandview and north of Falls. There are 36 remaining lots in Fieldstone. Density is about three lots per acre. Review has been made of the best use of the remaining properties. On overhead projection he showed the transportation plan and stated that the development complies with the comprehensive plan.

Zoning & Development Manager Carraway reviewed the request using overhead projections.

The Planning & Zoning Commission held a hearing on this request at their December 13, 2011, meeting. The Commission does not recommend approval of this request, by a vote of 3 for and 4 against. However, should the City Council approve the request, staff recommends that the approval be subject to the following conditions:

1. Subject to the designation of the property as an R-4 and R-4 PRO PUD with the single-family and duplex areas being R-4 and the professional use area being R-4 PRO PUD. Assure Uses comply with the R-4 and Professional Overlay zones.
2. Subject to the property being replatted and recorded prior to any building permits being issued.
3. Subject to development of Cheney Drive West prior to issuing a building permit.
4. Subject to compliance in the cottage-style residential area with the following recommendations of the Fire Marshall:
 - a. addresses need to be posted in the alleys.
 - b. access roads (alleys) with hydrants shall be a minimum of 26 feet total width. (IFC, D103.1)
 - c. no on-street parking in alleys and alley marked with approved "no parking" signs.
 - d. rear, unobstructed access into the dwellings is maintained (not through the garage or through fences or gates), or as approved by the Fire Marshall.
 - e. no overhead utilities in the alley (power lines, phone lines, etc.).
 - f. hydrants are installed on the ends of each alley.
5. Subject to final approval and recordation of the PUD Agreement.
6. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Council discussion followed.

Zoning & Development Manager Carraway clarified that the proposal is for a 15' setback and 35' height restriction, explained the ingress and egress parking, and block wall fencing will be in the perimeter of the interior of the Field Subdivision.

The public input portion of the hearing was opened.

Megan Humble, 931 Misty Meadows Subdivision, speaking on behalf of neighbors, spoke against the request. She requested that the Council uphold the Planning & Zoning Commission's recommendation to not approve the request. However, if the City Council decides to approve the request, to place the following conditions:

1. Permitted Uses – The proposed PUD language includes several uses that are requested to be permitted that differ from those permitted in the R-4 with PRO overlay. The permitted uses in the proposed development should be the same as the City Code already regulates for R-4 with a PRO overlay. Most of the uses mentioned are permitted by Special Use Permit in the City Code and should stay that way. They are concerned that the proposed permitted uses would allow title loan kind of office to be developed, which is a very different next door neighbor than a doctor's office. Any non residential uses should require a Special Use Permit so that neighbors get notice and a chance to participate in the approval process.
2. Block Wall – The subdivision has been developed with a 6' block around its east and south boundaries. They request that the developer be required to install a continuation of that block wall along the new dividing line between the current subdivision and proposed future non-Fieldstone development. That wall should be installed as part of the proposed subdivision's development, before any building permits in the new development are issued.

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3. Rear Building Setbacks – The proposed rear building setback in the new development is requested to be 15'. That is a reduction from the Code required 20'. For adjacent residential uses, the reduced setback is not a big concern. However, adjacent non-residential uses would have the same reduced setback. If anything, non-residential uses should have an increased rear building setback to push these less compatible uses further from the existing homes in the subdivision. The setback should be changed to at least 20', preferably greater, for non-residential uses in the new development.
4. Cheney Drive – They understand that part of this request includes the dedication and future construction of Cheney Drive west of Grandview Dr. along the north edge of this property. Cheney Drive should be constructed as part of the subdivision and in place prior to any building permits being issued in the new development so that the additional traffic generated by the uses in the new development will be able to access Cheney Drive. Without Cheney Drive, all that additional traffic would have nowhere to go but on North College Drive, which is very busy during its peak usage times.
5. Vehicle Access – Properties within the proposed development should not be allowed to have vehicle access to the existing street within Fieldstone, with the exception of the four single family lots located at the end of Cobble Creek Drive.
6. Common Tracts – There are some common area tracts owned by the Fieldstone HOA that will be located within the proposed new development. As they would no longer be located within the boundaries of Fieldstone, they should be maintained by the new development, not our HOA.

Dave Thibault, EHM Engineers, stated that he prepared the plan. With regard to the 15' setback, immediately adjacent is a common area tract with a 10', 20', 25' green belt area. Buildings will not be any closer than the 20' setback that is identified in the code, however, it is a PUD, and it is allowable to specify those type of restrictions and agreements within the PUD agreement. The common area tracts will not be included in the rezone PUD. The traffic will be greatly alleviated with the improvement of Cheney Drive, however, Fieldstone is a phase subdivision, and the developer would like to continue constructing in phases. He requested that no restriction be placed on the development phasing, but should be up to the developer's discretion. The developer will comply with the fencing requirement but a masonry type wall should not be imposed upon the developer.

Christina Hill, 932 Starlight Loop, stated that if the cottages are developed first prior to Cheney being developed, increased traffic will develop on North College Road.

The public input portion of the hearing was closed.

Rebuttal:

Brad Wills stated that he will meet the requirements of a screening fence. The cul de sacs will not be accessed by Cheney Drive, Fieldstream Way, or North College Road. The retention/detention areas will stay and were deeded to the homeowner's association. The project does not include the areas.

Council discussion followed.

-Walking path.

Brad Wills, on overhead projection, showed the proposed location of the walking path and cottages. The cottages face in, the property does go to the center which is a common area, homes are 7' apart, and 2 story. The alleyway will have full driveways. He requested that City funding will be needed to put in part of the roadway, which may be several years down the road. Discussion has been made with staff.

Councilperson Barigar stated there is a discrepancy on the uses in the PUD and asked for clarification. Brad Wills stated that he is requesting approval within the R-4 specification.

Councilperson Mills Sojka asked how enforcement will take place in regards to the no parking in alleyways where the cottages are located. Brad Wills stated that vehicles will be towed. David Thibault stated that the streets will be posted and signed with red curbs to indicate a fire lane and will be policed.

City Manager Rothweiler stated that the alleyways will not be policed by city police officers.

Vice Mayor Hall asked the City Manager to explain Brad Wills' comment that Cheney Drive will be built with City funds.

City Manager Rothweiler stated that over the course of two years, discussion has been made in regards to the alignment of Cheney Drive. A conversation has taken place that the City indicated that resources will be dedicated to assist in the realignment of Cheney Drive. In philosophy, agreement has been made to the approach and the concept, but the City does not have any money allocated toward the section of the roadway discussed in this coming year or a subsequent year, and no dollars have been planned in moving forward. The City funds roadways upon strategic priorities and importance and the list is developed by the Engineering Department. The roadway does not appear on the list as of yet.

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Mayor Lanting asked how many feet of the project would be the City's responsibility. Brad Wills stated there is 1,320' from Grandview to Field Stream Way. He believes the City's part is 300' to 330' at a cost of \$100,000, with full width participation.

City Engineer Fields stated she has not scaled the length and is unclear on how many feet would be City's responsibility. She explained that collector streets are nice facilities when they extend to arterials. Traffic can be reduced on any given collectors.

The public hearing was closed.

Deliberations:

City Attorney Wonderlich stated that an ordinance will come back to the Council for adoption.

Brad Wills requested that staff's recommendation 3. Subject to development of Cheney Drive West prior to issuing a building permit, be removed.

MOTION:

Councilperson Clow made a motion to consider a request for a Zoning District Change and Zoning Map Amendment for 12.5± acres located on a portion of the Fieldstone Subdivision, south of 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way, from R-2 to R-4 PRO PUD, to develop a mixed use project consisting of residential single-family and/or duplex dwellings and professional/medical uses. (app.2475), as presented, with the following conditions:

1. Subject to the designation of the property as an R-4 and R-4 PRO PUD with the single-family and duplex areas being R-4 and the professional use area being R-4 PRO PUD. Assure Uses comply with the R-4 and Professional Overlay zones.
2. Subject to the property being replatted and recorded prior to any building permits being issued.
3. Subject to development of Cheney Drive West prior to issuing a building permit.
4. Subject to compliance in the cottage-style residential area with the following recommendations of the Fire Marshall:
 - a. addresses need to be posted in the alleys.
 - b. access roads (alleys) with hydrants shall be a minimum of 26 feet total width. (IFC, D103.1)
 - c. no on-street parking in alleys and alley marked with approved "no parking" signs.
 - d. rear, unobstructed access into the dwellings is maintained (not through the garage or through fences or gates), or as approved by the Fire Marshall.
 - e. no overhead utilities in the alley (power lines, phone lines, etc.).
 - f. hydrants are installed on the ends of each alley.
5. Subject to final approval and recordation of the PUD Agreement.
6. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

The motion was seconded by Councilperson Mills Sojka.

MOTION:

Councilperson Barigar made the motion to exclude 3. Subject to development of Cheney Drive West prior to issuing a building permit. The motion was seconded by Vice Mayor Hall. Roll call vote showed Councilpersons Barigar, Clow, Hall, Lanting, Munn, and Talkington voted in favor of the motion. Councilperson Mills Sojka voted against the motion. Approved 6 to 1.

ROLL CALL VOTE ON THE MAIN MOTION:

Councilpersons Barigar, Clow, Hall, Lanting, Munn, and Talkington voted in favor of the motion. Councilperson Mills Sojka voted against the motion. Approved 6 to 1.

V. ADJOURNMENT: The meeting adjourned at 8:36 P.M.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary



Monday February 6, 2012 City Council Meeting

To: Honorable Mayor and City Council

From: Dennis J. Bowyer, Parks & Recreation Director
Stacy McClintock, Recreation Supervisor

Request:

Consideration of a request to set new Recreation Fees for the Twin Falls Parks & Recreation Department.

Background:

Staff was directed to generate additional revenue to help cover the cost of increasing recreation costs. Therefore, a review process of the City's recreation fees was initiated that included input from Parks & Recreation staff, and the Parks & Recreation Commission.

This increase was included in the 2012 fiscal year budget that was approved by the Council this past September. City staff is simply asking for the Council to implement this fee increase as it is a part of the budget that was approved by Council last year.

Participation fees were last increased by \$3 in 2008 for city residents and \$10 for non city residents. Currently the City's youth sport programs, which include soccer, basketball, baseball and softball; they all have a fee of \$15 for City residents and \$25 for non-residents.

The Parks and Recreation Commission appointed members to form a fee subcommittee. This subcommittee discussed in depth various philosophies and options for program fees, including the following:

- A fee to cover a percentage of expenses vs. a flat rate fee;
- Youth programs sponsored by the City compared to youth programs sponsored by private organizations;
- City residents' fees compared to non-residents fees.

The following breakdown is based on all participants paying the in City limits fee. Current numbers show on the average that 10% of our participants pay the out of City limits fees.

Our average cost for the City, per participant for all our youth sport programs is \$37.06 and the average subsidy is 59.5%. Below are the cost of each individual sport program and the percentages they are subsidized.

<u>Program</u>	<u>City Cost per participant</u>	<u>Subsidy Percentage</u>
Basketball	\$73.29	79.5%
Soccer	\$24.57	38.9%
Baseball/Softball	\$44.04	65.9%

If this proposed fee increase is implemented, the average cost for the City, per participant for all our youth sport programs would remain the same at \$37.06, but the average subsidy is reduced to 46.0%. Below are the same cost of each individual sport program and the percentages they are subsidized if the proposed fee increase is implemented.

<u>Program</u>	<u>City Cost per participant</u>	<u>Subsidy Percentage</u>
Basketball	\$73.29	72.7%
Soccer	\$24.57	18.6%
Baseball/Softball	\$44.04	54.6%

The Twin Falls Parks & Recreation Department does not turn anyone away in our youth sport programs for their inability to pay. A new formal fee waiver policy was implemented over a year ago. In 2011, only 1.6% of the participants had their fees waived for their inability to pay.

Over the past four and one-half years, the Federal minimum wage increase from \$5.15 per hour to \$7.25 per hour, an increase of almost 41%. The backbone of our youth sport programs are our seasonal employees that officiate, supervise, and prepare fields for our games. These seasonal employees were the benefactor of the new Federal minimum wage increases and our department's budget took the blunt of those increases as our part-time salaries had to be significantly increased.

Other costs for our programs have increased. One example is the price of pumice. We use pumice on all 14 of our infields. In those same four year. The price of pumice has gone up 37.5%.

In addition to the minimum wage increase and the pumice increase there has been a 10.1% increase in the Municipal Cost Index (MCI) from 2008.

This past year, we have reduced the number of games played in our youth leagues to reduce our costs. Here are some examples: 1) the basketball season was reduced from 8 games to 7 games and, 2) both the spring and fall soccer seasons were reduced from 8 to 6 games. If the proposed fee increases are approved, it will allow these programs to go back to their historic number of games they played.

The subcommittee also reviewed fees from other communities and the history of fees that the City has charged in an effort to determine what is reasonable and what participants would be willing to pay. In the end, the subcommittee felt that youth fees should be kept low so that any and all kids could afford to play, and the adults should pay the total costs associated with running their programs. Attached are the fees from other communities the subcommittee reviewed.

At their December 13, 2011 meeting, the Parks & Recreation Commission voted to approve the following recommendation on fees:

1) Youth sports programs administered by the City (baseball, softball, basketball, and soccer) should increase the City resident fees from \$15 to \$20 and non-resident fees from \$25 to \$35.

Based on the last three years, the participants in our programs have averaged 2500 participants that reside inside the city, and have averaged 260 participants that are not city residents.

These proposed increases would generate approximately \$15,000 in additional revenue. Staff is recommending that the fee increase has an effective date of April 2nd to coincide with the start of registration for our youth baseball/softball program.

Budget Impact:

According to the 2011 number of participants and teams, these recommendations by the Commission would have a net increase of approximately \$15,000.

Regulatory Impact:

A resolution would set the fees for the increases in these programs.

Conclusion:

The Parks & Recreation Commission recommends:

1) Youth sports programs administered by the City (baseball, softball, basketball, and soccer) should increase the City resident fees from \$15 to \$20 and non-resident fees from \$25 to \$35.

Staff concurs with this recommendation.

Attachments:

1. Notice of Public Hearing
2. Resolution #
3. Fee Comparison

**CITY OF TWIN FALLS
 NOTICE OF PUBLIC HEARING
 MONDAY, February 6, 2012, 6:00 P.M.
 CITY HALL COUNCIL CHAMBERS
 321 SECOND AVENUE EAST, TWIN FALLS, IDAHO**

For the Purpose of Hearing Public Comments Regarding the Increase in

FEES CHARGED FOR YOUTH RECREATION FEES

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

The Proposed Fees Exceed 105% of the Fees Last Collected

Notice is hereby given that the City Council of the City of Twin Falls, Idaho, will hold a public hearing for consideration of proposed fee increases, said hearing to be held at 305 3rd Ave E, City Hall, Twin Falls, Idaho at 6:00 p.m., on February 6, 2012.

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

FEE	CURRENT RATE	PROPOSED RATE	% INCREASE
Youth Sports-In Twin Falls City Limits (basketball, baseball, softball, soccer)	\$15.00	\$20.00	33.3%
Youth Sports-Out of Twin Falls City Limits (basketball, baseball, softball, soccer)	\$25.00	\$35.00	40%

¹ Any change in fees greater than five percent (5%) will require prior approval of the Twin Falls City Council and follow the public hearing process as required by Idaho Code.

The increased revenue from the other recreation programs and jerseys is necessary to defray the costs of providing those programs and uniforms.

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

Dated this 17th of January 2012
 Publish January 24th & 31st, 2012.

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS,
IDAHO, ESTABLISHING RECREATION PROGRAM FEES.

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

Section 1: That Recreation Program fees shall be established as follows:

Youth Sports-In Twin Falls City Limits (basketball, baseball, softball, soccer)	25.00
Youth Sports-Out of Twin Falls City Limits (basketball, baseball, softball, soccer)	35.00

Effective Date - April 2, 2012

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

PASSED BY THE CITY COUNCIL	, 2012.
SIGNED BY THE MAYOR	, 2012.

MAYOR

ATTEST:

DEPUTY CITY CLERK

**Recreation Fee Comparison
Youth Programs**

	Twin Falls	Coeur d'Alene	Idaho Falls	Pocatello	Jerome	Filer
Youth Basketball	CITY	CITY	CITY	CITY	Rec District	Rec District
Age Group	K-6th grade	1st-10th grade	1st- 9th	4-7 Grade	1st-6th/ K-Clinic	3&4th Grade 5th&6th Grade
Player Fees	\$15/\$25	\$20/\$25*	\$40	\$27	\$17	\$35
Sales tax incl. in fee	yes	no	yes	NO	yes	yes
# of games	6 with a single elimination tournament	10	8	7	6	6
Fee Includes (shirts, etc.)	Ribbon/Medal	Shirts	Jerseys	none	none	Shirts
Youth Soccer	CITY	CITY	CITY	PRIVATE	JRD	FRD
Age Group	K-7th grade	K-7 Grade			P-6th	K-6th Grade
Player Fees	\$15/\$25	\$11/\$22	\$40		\$17	\$35
Sales tax incl. in fee	yes	no	yes		yes	
# of games	6	10	12		Fall 6/Spring 4	5
Fee Includes (shirts, etc.)	Ribbon/Medal	Shirts	Jerseys		none	Shirts
Youth Softball	CITY	CITY	CITY	CITY	Red District	Rec District
Age Group	K-6th grade	K-7th grade	3 gr-14u	U10-U18	K-8 yrs.	5-14yrs
Player Fees	\$15/\$25	\$11/\$22	\$40	\$40	\$17	\$40-\$50
Sales tax incl. in fee	yes	no	yes	no	yes	
# of games	10	10	12	10	6	12
Fee Includes (shirts, etc.)	Ribbon/Medal	shirts	Jerseys	none	no	T-Ball Only Shirts
Youth Baseball	CITY	CITY	CITY	CITY	JRD	FRD
Age Group	K-6th grade	K-7th grade	k-4 grade	K-6	K-8 yrs.	5-12yrs
Player Fees	\$15/\$25	\$11/\$22	\$40	\$60/\$85/\$90	\$17	\$35-\$40
Sales tax incl. in fee	yes	no	yes	NO	yes	yes
# of games	10	10	12	14-Oct	6	12
Fee Includes (shirts, etc.)	Ribbon/Medal	shirts	Jerseys	shirt/jersey/hat/socks	no	T-Ball Only Shirts



MONDAY FEBRUARY 06, 2012

To: Honorable Mayor and City Council

From: Rene'e V. Carraway, Community Development Department

ITEM IV-

Request: Consideration of an appeal by Jeffrey E. Rolig on behalf of Allen Nagel/All State Auto Sales, Inc. regarding the Planning and Zoning Commission's decision on December 28, 2011, specific to three (3) conditions of approval of a Special Use Permit to allow an expansion by more than 25% of an existing automobile dealership and including up to four (4) display pad sites on property located at 284 Washington Street North. (app 2494)

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. Staff presentation will be approximately five (5) minutes. Time will be needed for the public hearing and for questions.

Background:

Appellant/Applicant:	Status: Tennant of 284 Wash St N and owner of 4 adjacent lots.	Size: existing 1800 +/- sq ft bldg on .37 acre lot, expansion area is 4 lots w/ .51 acres +/- (39,080 sq ft)
Jeffrey E. Rolig, P.C. 733-0075 On behalf of All State Autos, Inc. c/o Allen Nagel 284 Washington St N Twin Falls, ID 83301 208-421-1648	Current Zoning: C-1	Requested Zoning: SUP
	Comprehensive Plan: Commercial/Retail	Lot Count: 5 lots – 4 lots combined into 1 warranty deed
	Existing Land Use: automobile sales and undeveloped residential property	Proposed Land Use: expansion of an automobile sales business
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: C-1; Heyburn Ave, residence	East: R-4; alley, residences
	South: C-1; residences	West: C-1; Washington St N, commercial
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8.1, 10-4-8.2(B)10c, 10-4-8.3, 10-7-12, 10-10-1 through 3, 10-11-1 through 9, 10-13-2.2	

Approval Process:

As per TF City Code: 10-13-2.2: (J)

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

Budget Impact:

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

Regulatory Impact:

Approval of this request will allow the applicant to expand the automobile sales business on this commercial property, subject to any conditions of approval.

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

History/analysis:

The property at 284 Washington Street North operated as a gas station and service station in the 1960's and has been used for automotive sales for over twenty-five (25) years. This corridor on the east side of Washington Street North, from Addison to Heyburn, is zoned C-1; commercial, however, many of the properties have existing residences and are classified as residential property. Mr. Nagel leases this property and operates a used vehicles sales business. In September 2011 Mr. Nagel purchased the 4 adjacent residential properties to the south – the development on Washington Street North was completed. Mr. Nagel contacted city staff last Fall to find out what he needed to do to add his 4 new properties to his existing car lot at 284 Washington North. Staff informed him a special use permit was required to operate a car lot and he would need a special use permit/change of use to add the 4 lots to his used car business at 284 Wash St N. Staff reviewed the required site improvements that were to be completed prior to expansion of his business onto these properties. He was again informed the undeveloped property could not be utilized in the business until the property was in compliance. He demo'd the properties and displayed vehicles for sale on the undeveloped lots. City staff contacted Mr. Nagel in November and informed him in order to utilize the vacant lots he needed a special use permit and he needed to comply with required site/development improvements prior to expanding his used car business. Required Site/Development improvements include: paving all parking & maneuvering areas (for a car lot that is the entire site), landscaping (10% of site of expansion-2280 sf) – and in addition a minimum 10' gateway arterial landscaping strip along Washington St N, storm water retention, lighting, screening, access. For the public hearing Mr. Nagel also included on his site plan a proposed new building for the car dealership. His future proposal would be to demo the existing building and replace with a new building. This would require a building permit be issued prior to development and a certificate of occupancy be issued prior to operation.

On December 28, 2011 The Planning & Zoning Commission approved as presented a request for a Special Use Permit to expand by more than 25% an existing used automobile dealership to include up to four (4) display pad sites for property located at 284 Washington Street North. This request was unanimously approved subject to the following 12 conditions:

1. Subject To Site Plan Amendments As Required By Building, Engineering, Fire, And Zoning Officials To Ensure Compliance With All Applicable City Code Requirements And Standards.
2. Subject To Four (4) Pad Sites Being Allowed In The Landscaped Area, At Least Ten (10') Feet Back From The Back Of Curb On Washington Street North, Minimum Of 9' X 20' And Hard Surfaced To Meet Code.
3. Subject To Compliance With C-1 Zone Landscaping Requirements And Including A Minimum Ten Feet (10') Of Landscaped Area Along The Frontage To Meet The Gateway Arterial Landscaping Requirements.
4. Subject To Compliance With City Code §10-11-3 By Implementing Screening On The Southern Boundary Of The Property.
5. ***Subject To All Parking And Maneuvering Areas Being Hard-Surfaced Per City Code §10-11-4. There Shall Be No Vehicles On Undeveloped Surface At Any Time.***
6. ***Subject To Compliance With Paving And Landscaping Requirements By May 31, 2012.***

7. Subject To Limiting The Existing Accesses On Washington Street North To One (1) Access For Ingress/Egress.
8. Subject To Signage Being Approved By Staff Prior To Operation Of The Business.
9. Subject To Approval And Implementation Of A Storm Water Retention Plan For The Property Prior to Operation of the Business.
10. Subject To Review By The Twin Falls Canal Company Of The Coulee On The Property And Compliance With Any Requirements That They May Have For Development. A Copy Of The Approved Plan To Be Provided Prior To Operation Of The Business.
11. Subject To Compliance With All DMV Dealership Requirements. A Copy Of The Approved Dealership License To Be Provided Prior To Operation Of The Business.
- 12. *Subject To Hours Of Operation No Later Than 6:00 Pm, As Presented, And No Earlier Than 7:00 Am Per City Code §10-4-8.2.***

Two (2) Letters of Appeal were received from Jeffrey E. Rolig, P.C. on behalf of Allen Nagel – they are dated January 11, 2012 & January 23, 2012. The letter dated January 11, 2012 states Mr. Nagel wishes to appeal three (3) conditions of approval:

1. ***Condition #6- Subject To Compliance With Paving And Landscaping Requirements By May 31, 2012.***

Mr. Rolig is asking to move this date to June 28, 2012, which is 6 months from the date of approval.

City Code 10-13-2.2 (K) states failure to comply with conditions of approval within 6 months shall null and void the approval of a special use permit. **Therefore the code supports a 6 month time frame to complete the conditions of approval.**

2. ***Condition #12- Subject To Hours Of Operation No Later Than 6:00 Pm, As Presented, And No Earlier Than 7:00 Am Per City Code §10-4-8.2.***

Mr. Rolig is asking for his client to be permitted to stay open until 8:00 pm.

The permitted retail hours of operation in the C-1 zone is 7am to 10pm. However, as this land use requires a special use permit it is not unusual for an applicant to reduce the hours of operation- generally this is to be better neighbors with adjacent property owners - this site is adjacent to existing residences to the north, east and south. The 6:00 pm time was placed upon the permit as it was specifically stated as the hours of operation by the applicant.

3. ***Condition #5- Subject To All Parking And Maneuvering Areas Being Hard-Surfaced Per City Code §10-11-4. There Shall Be No Vehicles On Undeveloped Surface At Any Time.***

Mr. Rolig is asking that his client be allowed to park their inventory on the undeveloped property prior to compliance with site improvements-paving.

This is not standard policy to allow a business to operate on an undeveloped site. There are specifically two other recently developed sites on Washington Street North that had a change of use and/or an expansion that were required to comply with this code requirement of hard surfacing, landscaping and storm water retention prior to operation of the business. It may be setting a precedence to allow such action and staff would oppose this action.

On January 23, 2012 Mr. Rolig submitted a revised Letter of Appeal asking on his client's behalf to have the City Council consider a 3-yr staged deferral on the parking & maneuvering areas as provided in City Code 10-11-1:

10-11-1: IMPROVEMENTS REQUIRED:

The improvements required herein shall be provided whenever a building or structure is constructed, placed, erected or enlarged or when there is a change of use of a building, structure or parcel of land. Unless otherwise provided, all required improvements shall be a condition of any building permit and they shall be completed prior to final inspection and occupancy of the building. If cost of improvements required by sections [10-11-2](#) through [10-11-5](#) of this chapter exceeds twenty five percent (25%) of the cost of the proposed private improvements, an agreement may be negotiated to allow the required improvements to be staged over a period of time not to exceed three (3) years. Whenever a building is constructed, placed, erected or enlarged and that building is in an isolated or undeveloped area, or in cases of exceptional hardship, improvements may be deferred by the council in cases where a deferral would otherwise be unavailable. Any improvements required by sections [10-11-2](#) through [10-11-5](#) of this chapter are not required for minor modifications or additions to existing buildings or structures when the modifications and improvements do not constitute more than a twenty five percent (25%) increase over the square footage of the existing buildings or a total increase in square footage over ten thousand (10,000) square feet, whichever is less, within any three (3) year period from date of completion of other expansion.

City Code 10-11-2 through 10-11-5 include minimum site improvements regarding landscaping, screening, hard surfacing of all parking & maneuvering areas and streets/adequate access to the property.

A standard 3-year deferral would require an agreement be approved with a detailed plan to complete a portion of the improvements in each of the 3 years with completion of the improvements within the 3rd year. As 100% of the undeveloped property is being proposed for the expansion this request qualifies for consideration of a staged 3-year deferral.

THE FOLLOWING IS THE ANALYSIS REPORT GIVEN TO THE PLANNING & ZONING COMMISSION on DECEMBER 28, 2011:

This property is located in the C-1, Highway Commercial District. A Special Use Permit is required for an automobile sales lot in this zone or to expand an existing car lot by more than 25% and to request vehicle display pads in a gateway arterial landscaped area.

The applicant's narrative states that he currently operates the sales lot Monday through Saturday from 10:00 am to 6:00 pm and he further states the hours would remain the same with the expansion. It is estimated that there have been about 15 visitors to the site daily. The expansion will more than double the size of the used car lot and will include up to four (4) additional employees and so there will be an increase in traffic to the site. The property is adjacent to Washington Street North, a high-volume arterial roadway, and so even with a slight increase the effect on traffic in the area would likely be negligible. Approximately three (3) employees would be on site at any one time.

The site is adjacent to Heyburn Avenue to the north and residential property to the south. There is an alley along the eastern edge of the property with residences on the other side. As there has been a car sales lot for many years at the current location the impacts should be minimal with little anticipated change to possible nuisances from noise, glare, odor, fumes, or vibrations on the property and the expansion is compatible with existing uses along this gateway arterial corridor. There is noise from vehicles and traffic to the site but the proposed hours of operation only go to 6:00 pm which reduces the impact to the adjacent residences in the evening hours. The Commission may consider limiting the hours of operation on the permit as the zoning would allow a business at this location to operate until 10:00 pm. Another way to limit impact on the adjacent residential property is screening. Screening is required between commercial and residential or residentially-zoned properties and must be completed in accordance with code requirements for a screening fence (§10-11-3) prior to operation of the business to the expansion.

As part of the Special Use Permit process there is a review of required site improvements, including: landscaping, screening, required parking areas, street access, and storm water retention. Washington Street North is a gateway arterial and this portion requires a minimum ten feet (10') width of landscaping along the frontage in addition to the required landscaping of 10% of the required parking area or 3% of the total site, whichever is larger. Three percent of the total site is approximately 1,150 sq ft WHEREAS 10% of the expansion is 2280 sq ft in addition there is the ten feet (10') of gateway arterial landscaping along Washington Street North. There is to be at least one (1) tree per 500 square feet of landscaping and one bush or shrub per 100 square feet. The applicant is requesting three (3) to four (4) pad sites be permitted along the frontage. There is 350' of frontage including the current location and four (4) pad sites are consistent with the spacing of pad sites on other car lots. For safety and visibility along the Washington Street North corridor all pad sites shall be at least ten feet (10') back from the edge of the curb and shall be hard surfaced & sized to meet minimum standards.

The C-1 commercial zone requires that all parking and maneuvering areas are hard surfaced with Portland concrete or an asphaltic surface. The current building on-site would require eight (8) parking spaces. Any new construction would have to provide customer and employee parking at one (1) space per 250 square feet of building space. As the proposed land use is for an automobile sales business the entire area designated to be used to park vehicles, whether for sale, customers or employees, would also require compliance with the hard surfacing requirement. The required number of parking spaces for the business would be required to remain open and not used for display of vehicles for sale. The applicant is requesting that they be allowed to use the new property in its undeveloped state until it can be asphalted in the spring when the asphalt plant opens again. There is not precedence for allowing for such deferral for this type of use. Staff would not recommend that the applicant be allowed to operate from on any portion of the site that does not meet City Codes for development. Staff would recommend that the applicant be given a timeframe to complete landscaping and paving requirements by May 31, 2012.

When a change of use to the property takes place such as converting residential property to commercial use then right of way improvements are also triggered. Washington Street North and Heyburn Avenue were completed and right-of-way acquired within the last two (2) years. The site plan shows parking off the alley. If the alley is used for access to the site it will have to be paved. If the applicant does not want to use and pave the alley then alley access from the site will have to be blocked so cars cannot travel through such as placing a landscaped area or fence along the eastern border.

The Engineering Department recommends that accesses onto Washington Street North be consolidated and only one (1) curb-cut allowed as the roadway carries such a high amount of traffic. Any change to a surface, from being undeveloped to being paved, will require that storm water be retained on site for the additional runoff created. A paving and storm water retention plan will have to be provided and approved by the Planning and Zoning Department prior to asphaltting of the site.

There is a Twin Falls Canal Company (TFCC) coulee piped through a portion of the expansion property. The applicant needs to contact the Canal Company to determine if any measures need to be taken to protect or maintain the coulee pipe.

In addition to the City's requirements, the State Department of Motor Vehicles has a licensing process for dealers and dealerships with which the applicant would need to be in compliance.

The Comprehensive Plan shows this property as Residential/Business. This request is consistent with the Comprehensive Plan.

Attachments:

1. Letter(s) of Appeal (2)
2. Staff notes & correspondence w/photos
3. Vicinity Map
4. Area Zoning Map
5. Aerial of the Project Site
6. Site Plan
7. Portion of minutes from the Dec 28, 2011 P&Z Public meeting

RECEIVED

JAN 11 2012

JEFFREY E. ROLIG, P.C.

CITY OF TWIN FALLS
PLANNING & ZONING

Attorney at Law

195 River Vista Place, Ste 306
P.O. Box 5455
Twin Falls, ID 83303-5455

Telephone: 208-733-0075
Facsimile: 208-733-0717
E-Mail: jrolig@roliglawn.com

January 11, 2012

Twin Falls City Council
c/o Renee Carraway
305 Third Ave E
Twin Falls, ID 83301

Re: Appeal of Planning and Zoning decision

Dear Council Members:

I represent Allen Nagel and All State Auto Sales, Inc. On December 28, 2011 the City Planning and Zoning Commission considered the Special Use Permit application of my clients regarding property at 284 Washington Street North in Twin Falls. My clients are seeking to expand their existing car lot to include two adjacent vacant lots. The expansion will expand the existing lot by more than 25%.

The Commission approved the application, but included conditions that impose a huge burden on my clients. It is from some of those conditions that my clients are now appealing to this body.

1. Certain paving and landscaping requirements were imposed, which were required to be completed by May 31, 2012. The City Code requires that such improvements must be done within six months following approval of the Permit application. My clients desire to complete the improvements as quickly as possible. However, the spring weather may not cooperate with installation of concrete and asphalt to permit the work to be done by the end of May. We would like the improvement period extended to June 28, 2012, as provided by the City Code.

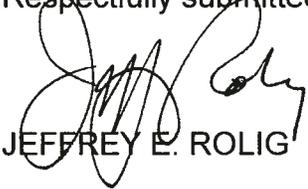
2. The Commission imposed a condition that hours of operation may not extend past 6:00 p.m. Although that has been the typical hours of operation of this business, a set requirement to that effect is too narrow. The business should be allowed to remain open until 8:00 p.m. This is a reasonable time to allow the business to cater to customers who are shopping for a vehicle after getting off work. An 8:00 p.m. closing time also is consistent with other business activities within a block of this property.

3. My clients request that they be allowed to park their inventory on the two adjacent vacant lots, which are graveled but not paved at this time. This accommodation would last only until the required improvements, including paving, are installed. At this time (January) it is not possible to obtain the necessary asphalt or concrete

to pave the lot. The present covering is not an eyesore or a health hazard. This accommodation would help to offset some of the losses caused by the excessively long road construction process on Washington Street North and Heyburn Avenue, as well as the loss of parking area resulting from the road expansion.

The required \$50.00 fee for this appeal is enclosed.

Respectfully submitted,



JEFFREY E. ROLIG

JER/khr

cc: Allen Nagel

rec 01-23-2012
LS

JEFFREY E. ROLIG, P.C.

Attorney at Law

195 River Vista Place, Ste 306
P.O. Box 5455
Twin Falls, ID 83303-5455

Telephone: 208-733-0075
Facsimile: 208-733-0717
E-Mail: jrolig@roliglaw.com

January 23, 2012

Renée Carraway
305 Third Ave E
Twin Falls, ID 83301

Re: Appeal of Planning and Zoning decision
All State Auto Sales, Inc.

Dear Renée:

As you know, I have appealed a portion of the Planning and Zoning decision on the All State Auto Sales special use permit application. The biggest concern is the paving requirement prior to use of the expanded parking lot. In addition to my earlier narrative, I want to submit the following language of the City Code pertaining to improvements.

Section 10-11-1: Improvements Required: States in part:

...Unless otherwise provided, all required improvements shall be a condition of any building permit and they shall be completed prior to final inspection and occupancy of the building. If cost of improvements required by section 10-11-2 through 10-11-5 of this chapter exceeds twenty five percent (25%) of the cost of the proposed private improvements, an agreement may be negotiated to allow the required improvements to be staged over a period of time not to exceed three (3) years.

In this case, the improvements required by the Code are going to be close to 100% of the entire cost of the expansion project. We are not looking for a long-term expansion of the time to construct the improvement. We would just like to have the use of the property until the time the improvements are installed.

Sincerely,


JEFFREY E. ROLIG

JER/khr

Zoning & Sanitation Violation Tracking Sheet

Property Location:

284 Washington St N

Caller's Name:

Initial Inspection:

11/25/2011

Caller's No.:

Compliance Issue

Zoning Issue

Sanitation Issue

- Operating a Business in a Residential Zone
- Outside Storage & Display 10-17-14
- Sign Violation 10-9
- SUP Required
- Use of Undeveloped Property 10-11
- Vehicle Displayed in Landscaping 10-11-1
- Other:

- Animal Permit Needed 6-3-4
- Animal Not Allowed
- Conditions of Animal Premises 6-3-7
- Sight Obstruction 9-9-16
- Vegetation Encroachment 8-1-5
- RV Occupied On-site 10-7-16
- Other:

Action Taken

Inspection Date Re-inspection Date

Verbal Warning

11/28/2011

Hand-Delivered Letter

1/3/2012

1/10/2012

Courtesy Letter Sent

Warning Letter Sent

Extension Given

On-Site Visit Made

Resolved Date

Sent to Attorney

Contact Information

Property Owner:

Allen Nagel - All State

Mailing Address:

City:

State:

Zip:

Tenant:

City:

State:

Mailing Address:

Zip:

Owner Contact No.

Comments

This picture was taken the day after Thanksgiving

11/28/2011

Sean went to site and informed them that the cars needed to be removed from the undeveloped property and dropped off a Special Use Permit application.

11/29/2011

Sean sent an email asking if anyone had heard from Mr. Nagel and Kelly and Amber replied that they had not.

11/30/11

Allen Nagel dropped off SUP application

11/30/11

Also, Lisa can you please put on the same tracking sheet that I met Mr. Nagel on site @ 284 Washington St North and explained EXACTLY the same information to him on 11/30/2011 @ 10:30 am. Thank You! Sean

12/1/11

I met with Alan this morning. I explained the code.... told him I could not provide him with a "temporary" permit to allow the vehicles to remain on the undeveloped property. I told him I would schedule his SUP request for the Dec 28th P&Z PH. He will be also requesting to place "some?" display pad sites along Wash. I told him I would not tow his vehicles away as it would be a huge cost to the taxpayers HOWEVER the Commission will be made aware of the situation and status of the property prior to their decision. Please update the "tracking sheet" to reflect our conversation today. Thank you Rene'e

12/1/11

I have taken an Off Site Vehicle Sales Brochure along with an application from the State to Mr. Nagel, he was very appreciative and will consider this solution to be in compliance with our City Codes. Lisa, will you please document this on our tracking sheet? Thank You! Sean

12/1/11

Allen Nagel dropped off a site plan and an explanation of his request.

SUP hearing is scheduled for 12/28/11. Vehicles were parked on the undeveloped areas throughout December.

12/29/2012 The Special Use Permit request was granted last night with the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to four (4) pad sites being allowed in the landscaped area, at least ten (10') feet back from the back of curb on Washington Street North, minimum of 9' x 20' and hard surfaced to meet code.
3. Subject to compliance with C-1 zone landscaping requirements and including a minimum ten feet (10') of landscaped area along the frontage to meet the gateway arterial landscaping requirements.
4. Subject to compliance with City Code §10-11-3 by implementing screening on the southern boundary of the property.
5. Subject to all parking and maneuvering areas being hard-surfaced per City Code §10-11-4. There shall be no vehicles on undeveloped surface at any time.
6. Subject to compliance with paving and landscaping requirements by May 31, 2012.
7. Subject to limiting the existing accesses on Washington Street North to one (1) access for ingress/egress.
8. Subject to signage being approved by staff prior to operation of the business.
9. Subject to approval and implementation of a storm water retention plan for the property prior to operation of the business.
10. Subject to review by the Twin Falls Canal Company of the coulee on the property and compliance with any requirements that they may have for development. A copy of the approved plan to be provided prior to operation of the business.
11. Subject to compliance with all DMV dealership requirements. A copy of the approved dealership license to be provided prior to operation of the business.
12. Subject to hours of operation no later than 6:00 pm, as presented, and no earlier than 7:00 am per City Code §10-4-8.2.

01/03/2012 A letter was prepared for Sean to hand-deliver to Mr. Nagel (Allen Nagel 01-03-2012 letter- hand deliver). It stated that conditions of approval and required that the vehicles on the undeveloped lots be removed by January 10, 2012.

Rene'e sent an email to Sean- "Attached is the letter for Mr. Nagel. Please print a copy in color



CITY OF TWIN FALLS
Community Development Department
324 Hansen Street E
P.O. Box 1907
Twin Falls, ID 83303-1907

Phone: 208-735-7267
Fax: 208-736-2641
www.tfid.org

January 3, 2012

All State Autos Inc.
c/o Allen Nagel
284 Washington Street North
Twin Falls, Idaho 83301

Re: Zoning Request compliance
Compliance Deadline: January 10, 2012

Dear Mr. Nagel;

At its December 28, 2011, public meeting the Twin Falls Planning & Zoning Commission approved, as presented, a Special Use Permit for the purpose of expanding an existing automobile sales business by more than 25% and to include display pad sites on property located at 284 Washington Street North, subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to four (4) pad sites being allowed in the landscaped area, at least ten (10') feet back from the back of curb on Washington Street North, minimum of 9' x 20' and hard surfaced to meet code.
3. Subject to compliance with C-1 zone landscaping requirements and including a minimum ten feet (10') of landscaped area along the frontage to meet the gateway arterial landscaping requirements.
4. Subject to compliance with City Code §10-11-3 by implementing screening on the southern boundary of the property.
5. Subject to all parking and maneuvering areas being hard-surfaced per City Code §10-11-4. There shall be no vehicles on undeveloped surface at any time.
6. Subject to compliance with paving and landscaping requirements by May 31, 2012.
7. Subject to limiting the existing accesses on Washington Street North to one (1) access for ingress/egress.
8. Subject to signage being approved by staff prior to operation of the business.
9. Subject to approval and implementation of a storm water retention plan for the property prior to operation of the business.

10. Subject to review by the Twin Falls Canal Company of the coulee on the property and compliance with all and any requirements that they may have for development. A copy of the approved plan to be provided prior to operation of the business.
11. Subject to compliance with all DMV dealership requirements. A copy of the approved dealership license to be provided prior to operation of the business.
12. Subject to hours of operation no later than 6:00 pm, as presented, and no earlier than 7:00 am as per City Code §10-4-8.2.

City Code 10-13-2.2 (K) states..." when a Special Use Permit is approved on the condition that certain improvements be made to the subject property, no permit shall be issued until the applicant has provided proof that the conditions have been complied with; if the applicant fails to provide proof of compliance within six (6) months of approval, the Special Use Permit shall be void."

The property is currently in violation of City Code and the Special Use Permit conditions as there are vehicles parked on the undeveloped lots at 246, 252, 258, and 268 Washington Street North. **The City of Twin Falls is requesting your cooperation in removing any vehicles and/or any commercial materials from the properties by 5:00 pm on Tuesday, January 10, 2012.** Failure to bring the undeveloped property into compliance by this time will result in the matter being turned over the City Attorney and a criminal complaint being filed against you. If you have any questions or concerns, please feel free to contact me at 208-735-7276.

Sincerely,



Amber Reeder, AICP
Planner I

Cc: Fritz Wonderlich, City Attorney
Rene'e V. Carraway, Zoning & Development Manager





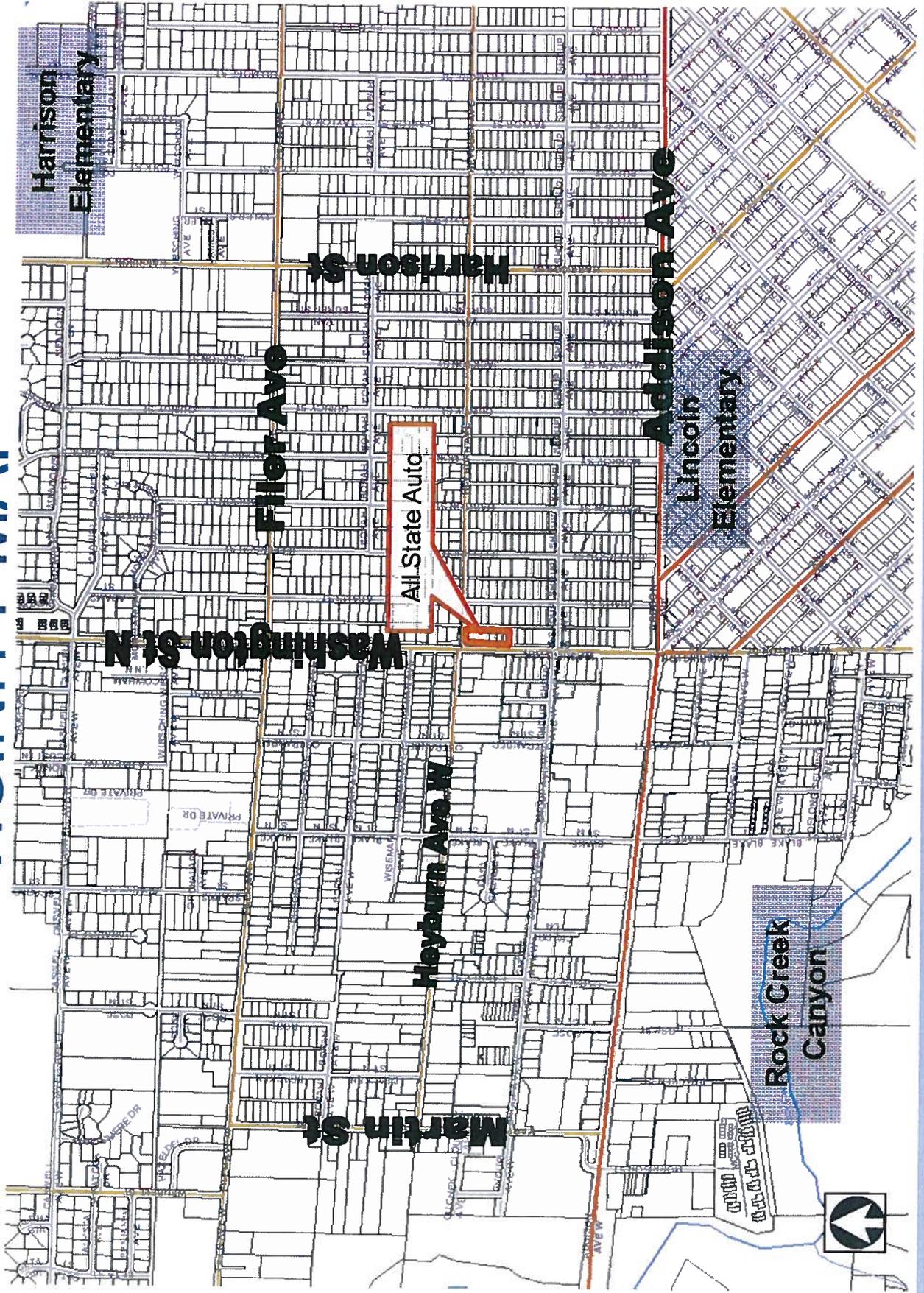
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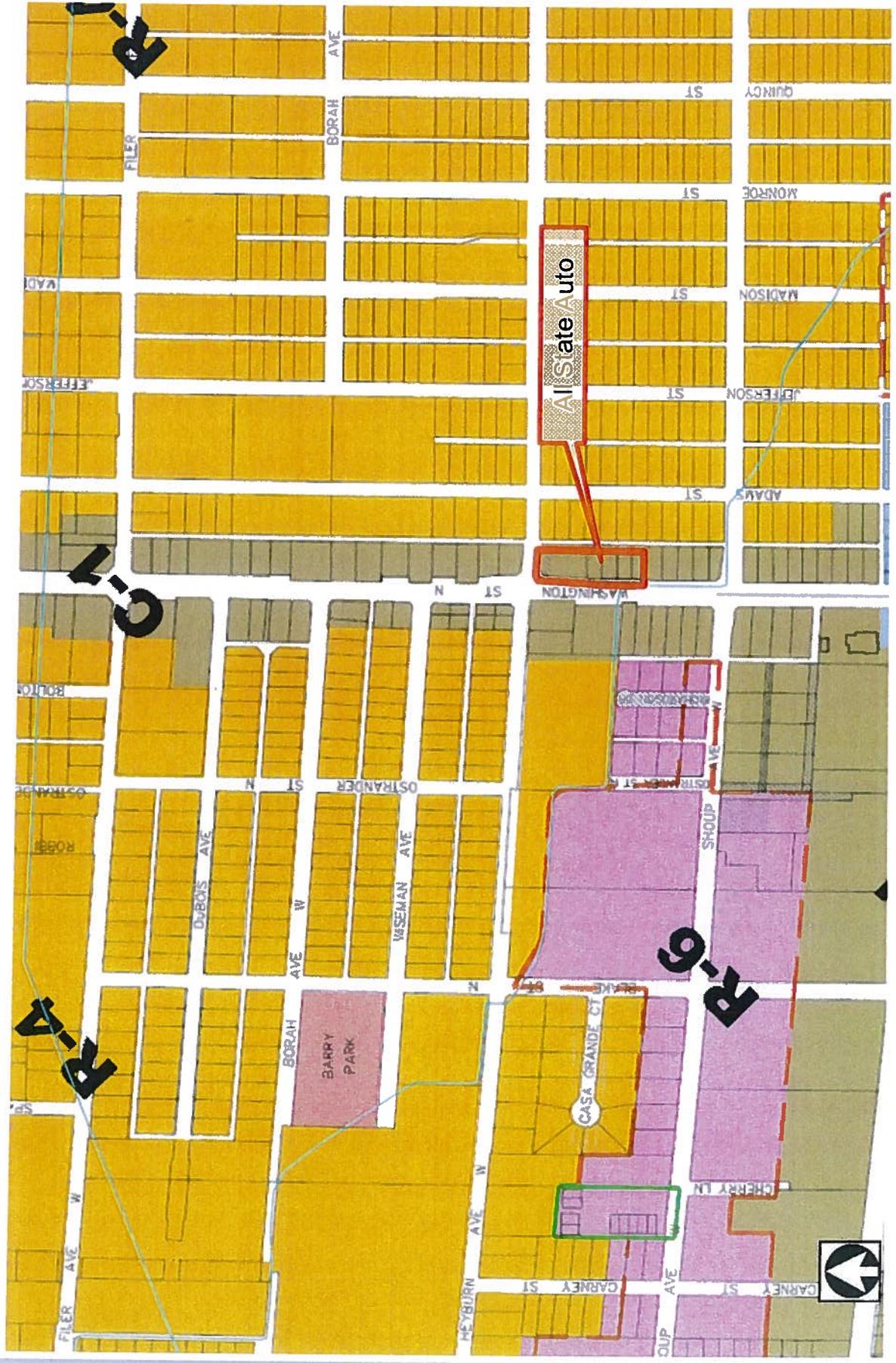
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VICINITY MAP



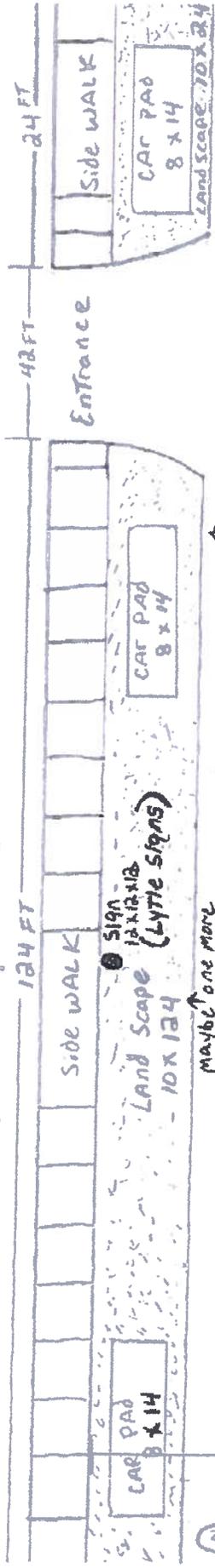
ZONING MAP



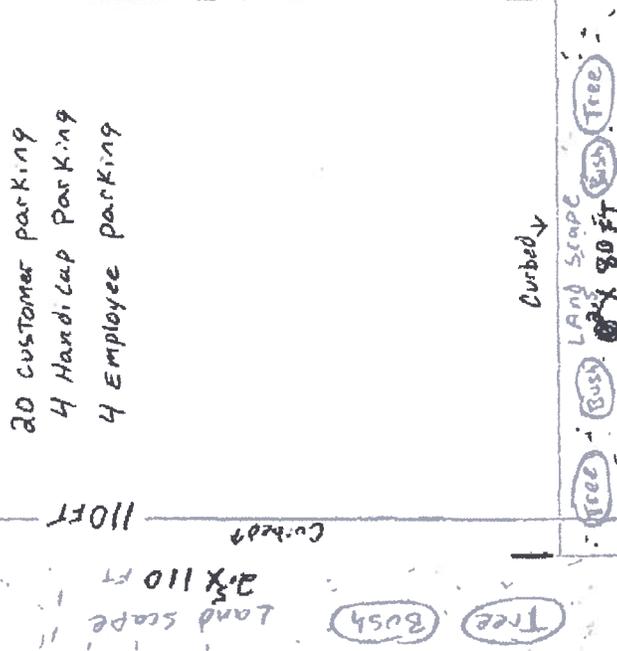
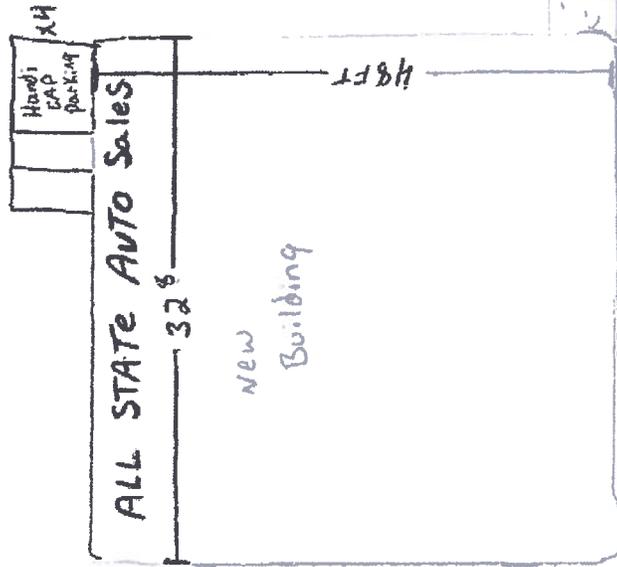
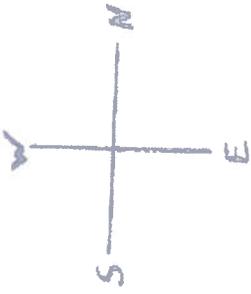
AERIAL MAP



WASHINGTON STREET NORTH



20,900 sq. FT LOT
 2115
 2000 sq. FT OF Land Scope
 6 Trees
 6 Bushes
 20 customer parking
 4 Handicap parking
 4 Employee parking



RECEIVED
 DEC 1 2011
 CITY OF TWIN FALLS
 BUILDING DEPT.

All State Autos Current Lot



MINUTES
Twin Falls City Planning & Zoning
Commission
December 28, 2012-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

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

Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Cope
Derricott
Ihler
Jacobson
Schouten
Sharp

ABSENT:

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Mikesell

ABSENT:

CITY COUNCIL MEMBERS PRESENT:

Mills Sojka

CITY STAFF PRESENT: Carraway, Strickland, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to expand by more than 25% an existing used automobile dealership to include display pad sites for property located at 284 Washington Street North. c/o Allen Nagel on behalf of All State Auto, Inc. (app. 2494)
2. Requests for a Special Use Permit to operate an indoor recreation facility specific to a private fitness center for property located at 1411 Falls Avenue East, Suite 401 c/o Bryan Wright on behalf of Classics Guided Fitness (app. 2495)
3. Request for a Special Use Permit to install and operate an aerial tour business on a southeast portion of the Canyon Springs Golf Course within the Snake River Canyon c/o Jody Tatum on behalf of Magic Valley Flight Simulation, LLC (app. 2496)

I. CALL MEETING TO ORDER:

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

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): December 13, 2011
2. Approval of Findings of Fact and Conclusions of Law:
 - Riverhawk Commercial (pre-plat extension 12-13-11)

MOTION:

Commissioner Schouten made a motion to approve the consent calendar, as presented. Commissioner Sharp seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to expand by more than 25% an existing used automobile dealership to include display pad sites for property located at 284 Washington Street North. c/o Allen Nagel on behalf of All State Auto, Inc. (app. 2494)

APPLICANT PRESENTATION:

Mike Gomez, representing the applicant and stated the applicant wants to expand their automobile dealership and add lighting. The expansion should not have any impact to the surrounding properties and asked that the Commission approve the request.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this property is located in the C-1; highway commercial district. The request is to expand an existing automobile dealership by more than 25% & to add up to (4) vehicle display pad sites along the Washington Street North frontage.

The property at 284 Washington Street North has been used for automotive sales for over twenty-five (25) years. The other properties have been used for residential uses. A Special Use Permit is required to operate an automobile sales lot in this zone or to expand an existing automobile sales lot by more than 25%. A Special Use Permit is also required to install vehicle display pad sites in a gateway arterial landscaped area.

The applicant currently operates the sales lot Monday - Saturday 10:00 am to 6:00 pm and the expanded business would operate the same days and hours. It is estimated that there are an average of 15 visitors to the site daily. The expansion will more than double the size of the lot and include up to four (4) additional employees and so there will be an increase in traffic to the site. Approximately three (3) employees would be on site at any one time.

The site is adjacent to Heyburn Avenue to the north and residential property to the south. There is an alley along the eastern edge of the property with residences on the other side. As there has been a used car sales lot for many years at the current location the impacts should be minimal with little anticipated change to possible nuisances from noise, glare, odor, fumes, or vibrations on the property. The expansion is compatible with existing uses along this gateway arterial corridor.

There is noise from vehicles and traffic to the site but the proposed hours of operation only go to 6:00 pm which reduces the impact to the adjacent residences in the evening hours. The Commission may consider limiting the hours of operation on the permit as the zoning would allow a business at this location to operate until 10:00 pm. another way to limit impact on the adjacent residential property is screening. Screening is required between commercial and residential or residentially zoned properties and must be completed in accordance with code requirements for a screening fence (§10-11-3) prior to operation of the expanded business.

As part of the Special Use Permit process there is a review of required site improvements, including: landscaping, screening, required parking areas, street access, and storm water retention. Washington Street North is a gateway arterial and this portion requires a minimum ten feet (10') width of landscaping along the frontage in addition to the required landscaping of 10% of the required parking area or 3% of the total site, whichever is larger minimum of 1 tree per 500 sq ft and 1 bush per 100 sq ft of required landscaping. The required landscaping will be evaluated with an approved plan prior to issuing a Special Use Permit or Certificate of Occupancy.

The applicant is requesting a maximum of (4) vehicle pad sites be permitted along the Washington Street North frontage. There is 350' of frontage including the current location and four (4) pad sites are consistent with the spacing of pad sites on other car lots. For safety and visibility along the Washington Street North corridor all pad sites shall be at least ten feet (10') back from the edge of the curb and shall be hard surfaced with a minimum size of 9' x 20' to meet minimum standards.

The C-1 commercial zone requires that all parking and maneuvering areas are hard surfaced with Portland concrete or an asphaltic surface. The current building on-site would require eight (8) parking spaces. Any new construction would have to provide customer and employee parking at one (1) space per 250 sq ft of building space. As the proposed land use is for an automobile sales business the entire area designated to be used to park vehicles, whether for sale, customers or employees, would require compliance with the hard surfacing requirement.

The applicant is requesting that they be allowed to use the new property in its undeveloped state until it can be asphalted in the spring when the asphalt plant opens again. There is not precedence for allowing for a deferral for this type of use. Staff would not recommend that the applicant be allowed to operate from any portion of the site that does not meet minimum City Codes for development. Staff would recommend that the applicant be given a timeframe to complete the site, landscaping and paving requirements by May 31, 2012.

When a change of use to the property takes place such as converting residential property to commercial use then right of way improvements are also triggered. Washington Street North and Heyburn Avenue were completed and right-of-way acquired in the last two (2) years. The site plan shows parking off the alley, if the alley is used for access to the site it will have to be paved. If the applicant does not want to use and pave the alley then alley access from the site will have to be blocked so cars cannot travel through such as placing a landscaped area or fence along the eastern border.

The Engineering Department recommends that accesses onto Washington Street North be consolidated and only one (1) curb-cut be allowed as the roadway carries such a high amount of traffic.

Any change to a surface, from being undeveloped to being paved, will require that storm water be retained on site for the additional runoff created. a paving and storm water retention plan will have to be provided and approved by the Planning and Zoning Department prior to asphaltting of the site.

There is a Twin Falls Canal Company coulee piped through a portion of the expansion property. The applicant needs to contact the canal company to determine if any measures need to be taken to protect or maintain the coulee pipe.

In addition to the City's requirements, the State Department Of Motor Vehicles has a licensing process for dealers and dealerships with which the applicant would need to be in compliance. The Comprehensive Plan shows this property as residential/business. This request is consistent with the Comprehensive Plan.

Zoning & Development Manager Carraway stated should the Commission grant this request, as presented, staff recommends approval be subject to the following condition(s):

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to four (4) pad sites being allowed in the landscaped area, at least ten (10') feet back from the back of curb on Washington Street North, minimum of 9' x 20' and hard surfaced to meet code.
3. Subject to compliance with C-1 zone landscaping requirements and including a minimum ten feet (10') of landscaped area along the frontage to meet the gateway arterial landscaping requirements.
4. Subject to compliance with City Code §10-11-3 by implementing screening on the southern boundary of the property.
5. Subject to all parking and maneuvering areas being hard-surfaced per City Code §10-11-4. There shall be no vehicles on undeveloped surface at any time.
6. Subject to compliance with paving and landscaping requirements by May 31, 2012.
7. Subject to limiting the existing accesses on Washington Street North to one (1) access for ingress/egress.
8. Subject to signage being approved by staff prior to operation of the business.
9. Subject to approval and implementation of a storm water retention plan for the property prior to operation of the business.
10. Subject to review by the Twin Falls Canal Company of the coulee on the property and compliance with any requirements that they may have for development. A copy of the approved plan to be provided prior to operation of the business.
11. Subject to compliance with all DMV dealership requirements. A copy of the approved dealership license to be provided prior to operation of the business.
12. Subject to hours of operation no later than 6:00 pm, as presented, and no earlier than 7:00 am per City Code §10-4-8.2.

PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERNS

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

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

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to four (4) pad sites being allowed in the landscaped area, at least ten (10') feet back from the back of curb on Washington Street North, minimum of 9' x 20' and hard surfaced to meet code.
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